

Australian Marine Assurance Company.

An Act to enable the Proprietors of a certain Joint Stock Company carried on in the Town of Sydney in the Colony of New South Wales under the name style or firm of "The Australian Marine Assurance Company" to sue and be sued in the name of the Chairman of the said Company for the time being and for other purposes therein mentioned. [27th September, 1832.]

AUSTRALIAN MARINE
ASSURANCE COMPANY.

WHEREAS some short time since a certain joint stock company under the name style or firm of "The Australian Marine Assurance Company" for the purpose of effecting marine insurances of discounting promissory notes or bills and of lending moneys on other securities was established in Sydney in the Colony of New South Wales And whereas the said company consists of about seventy different proprietors or shareholders some of whom reside within the said Colony of New South Wales and others of whom are absent in parts beyond the seas And whereas the said company is under the management and control of eleven Directors one of whom is the Chairman of the said Directors And whereas difficulties may arise in recovering debts due to the said company and in maintaining actions or proceedings for damages done to their property and it would also be convenient and just that persons having demands against the said company should be entitled to sue some member thereof in the place and stead of the whole And whereas these purposes cannot be effected without the aid and authority of the Legislature Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That all actions and suits against any person or persons indebted to the said company whether a member or members thereof or otherwise and all other proceedings at law or in equity to be instituted and prosecuted by or on behalf of the said company or wherein the said company is or shall be in any way concerned against any person or persons body or bodies politic or corporate shall and may be lawfully instituted and prosecuted in the name of the person who shall be the Chairman of the said company at the time any such action suit or other proceeding shall be instituted as the nominal plaintiff complainant or petitioner for and on behalf of the said company and that all actions suits and other proceedings at law or in equity to be commenced instituted and prosecuted or carried on against the said company shall be instituted and prosecuted against the Chairman for the time being of the said company as the nominal defendant for and on behalf of the said company and the death removal resignation or other act of such Chairman whose name shall be so made use of in any such action suit or other proceeding shall not abate any such action suit or other proceeding but the same may be continued prosecuted and carried on in the name of any person who may be or become the Chairman of the said company for the time being.

Preamble.
All actions for or against the company to be in the name of the Chairman for the time being.

2. And be it further enacted That a memorial of the names of the Chairman and Directors of the said company in the form and to the effect for that purpose set forth in the schedule hereunto annexed

Names of the Chairman and Directors to be recorded in the Supreme Court.

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annexed signed by the Chairman and by the several Directors of the said company shall be recorded in the Supreme Court upon the oath of one or more credible witness or witnesses within thirty-one days after the passing of this Act or Ordinance and when any Director shall be newly elected Chairman of the said company his name shall be recorded in the Supreme Court in like manner within thirty-one days then next following Provided always that until such memorial as hereinbefore mentioned be recorded in manner herein directed no action suit or other proceeding shall be brought by the said company as aforesaid under the authority of this Act or Ordinance.

Till then no action may be brought by the company.

Chairman to be competent as a witness although plaintiff or defendant in the action.

3. And be it further enacted That the Chairman for the time being being the plaintiff complainant petitioner or defendant in any such action suit petition or other proceeding as aforesaid on behalf of the said company shall not affect the competency of any such Chairman so as to prevent him from being a witness in any such action suit petition or other proceeding in the same manner as he might have been if his name had not been made use of as such plaintiff complainant petitioner or defendant in any such action suit petition or other proceeding.

Each member to be primarily liable.

4. And be it further enacted That execution upon any decree or judgment in any such action suit petition or other proceeding obtained against the Chairman for the time being of the said company whether he be plaintiff or defendant therein may be issued against and levied upon the goods and chattels lands and tenements of any proprietor or proprietors whomsoever of the said company for the time being in like manner as if such decree or judgment had been obtained against him her or them personally but not otherwise and that every such Chairman in whose name any such action suit petition or other proceeding shall be commenced prosecuted carried on or defended and every such proprietor or proprietors against whose goods and chattels lands and tenements execution upon any judgment or decree shall be issued or levied as aforesaid shall always be reimbursed and paid out of the funds of the said company all such damages dues expenses costs and charges as by the event of any such proceedings he she or they may be put unto or become chargeable with and all such remedies shall be allowed as between the several proprietors of the said company for the time being as if this Act or Ordinance had not been passed.

Act not to be affected by change of proprietors.

5. And be it further enacted That the provisions in this Act contained shall extend and be construed deemed and taken to extend to the said company at all times during the continuance of the same whether the said company be now or hereafter composed of some all or any of the persons who were the original or are the present proprietors thereof or be composed altogether of persons who were not original nor are proprietors of the same.

Not to incorporate the proprietors or relieve them from individual responsibility.

6. Provided always and be it further enacted That nothing herein contained shall extend or be deemed taken or construed to extend to incorporate the proprietors of the said company or to relieve or discharge them or any of them from any responsibility duties contracts or obligations whatsoever which by law they now are or at any time hereafter shall be subject or liable to either between the said company or others or between the individual proprietors of the said company and any of them and others or amongst themselves or in any other manner whatsoever except so far as the same may be affected by the provisions of this present Act or Ordinance and the true intent and meaning of the same.

All actions to be brought in the name of the Chairman for the time being although the name of his predecessor

7. And be it further enacted That all bonds mortgages warrants of attorney and other securities not being assignable in law which have been or which shall or may at any time hereafter be taken in the name of the Chairman of the said company for and on account of the

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the said company shall and may be put in suit and be sued and prosecuted upon at law or in equity either in the name of the Chairman in whose name the same may have been taken or in the name of any other person who shall or may succeed to that office and be the Chairman of the said company at the time any such proceedings shall or may be instituted notwithstanding the name of any such succeeding Chairman be not inserted in such bond mortgage warrant of attorney or other security as an obligee mortgagee assignee or payee of the sum or sums of money mentioned therein and the death removal resignation or other act of any such Chairman of the said company for the time being shall not abate any action suit or other proceeding had therein but the same may be continued prosecuted and carried on in the name of any person who may succeed to that office or become the Chairman of the said company for the time being and the legal estate in all lands and tenements belonging or mortgaged to the said company and all legal rights and capacities in respect of the said company shall become vested in such new Chairman as aforesaid to all intents and purposes immediately upon delivery of the said memorial to the said Supreme Court of New South Wales and so *toties quoties* whensoever any new appointment or election of a Chairman for the time being of the said company shall take place and such memorial thereof be duly delivered as aforesaid.

be inserted in the obligatory instrument upon which such action is founded.

8. Provided always and be it further enacted That nothing in this Ordinance contained shall be deemed to affect or apply to any right title or interest of His Majesty his Heirs and Successors or of any body corporate or politic or of any other person or persons excepting such as are mentioned herein or of those claiming by from or under him or them.

Not to affect the rights of His Majesty or of others not mentioned herein.

9. And be it further enacted That this Ordinance shall not commence or take effect until the same shall have received the Royal approbation and the notification of such approbation shall have been made by His Excellency the Governor in the *New South Wales Government Gazette*.

Act not to take effect until it shall have received the Royal approbation.

MEMORIAL REFERRED TO.

MEMORIAL of the names of the Chairman and Directors of "The Australian Marine Assurance Company" to be recorded in the Supreme Court of New South Wales in pursuance of an Act of the Governor and Council passed in the third year of the reign of His Majesty King William the Fourth intituled "*An Act to enable the Proprietors of a certain Joint Stock Company carried on in the Town of Sydney in the Colony of New South Wales under the name style or firm of 'The Australian Marine Assurance Company' to sue and be sued in the name of the Chairman of the said Company for the time being and for other purposes therein mentioned.*"

A. B. Chairman.

A. B.	}	Directors.	{	E. F.
C. D.	}		{	G. H. &c.

O. P. of Sydney Gentleman
of the Australian Marine Assurance Company maketh oath and saith that he was present and did see the foregoing memorial signed by the respective parties whose names appear thereto.