

No. XIV.

An Act for rendering a Notarial Copy of an Exemplification of the Charter of “The Bank of Australasia” Evidence in all Courts of Law Equity Admiralty and Vice Admiralty and in all Courts of Inferior Jurisdiction in the Colony of New South Wales. [14th December, 1841.]

BANK OF
AUSTRALASIA.
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WHEREAS a Royal Charter issued under the Sign Manual tested Preamble.
at Westminster the twenty-first day of May in the fifth year of the reign of His late Majesty King William the Fourth under the Privy Seal whereby the several persons named in the said charter together with so many other person or persons as had already become or at any time or times thereafter should or might in the manner provided

Bank of Australasia.

provided in a certain deed of settlement bearing date the second day of June then last past and recited in the said charter become a proprietor or proprietors of any share or shares of or in the capital for the time being of the society or copartnership were constituted one body politic and corporate in name and in deed by the name of "The Bank of Australasia" and were by that name empowered to sue and be sued implead and be impleaded in all Courts whether of Law or Equity and were granted perpetual succession with a common seal which might by them be altered varied or changed at their pleasure and whereas it was declared by such charter that the said corporation was established for the purpose of carrying on the business of banking in any such British Settlements as had then been or might thereafter be formed in any part of the Territories commonly called New Holland and Van Diemen's Land and the Islands adjacent thereto situate between the one hundred and tenth and the one hundred and fifty-fifth degrees of longitude East of Greenwich and between the tenth and forty-fifth degrees of South latitude or in any Dependencies on the respective Governments thereof but subject nevertheless to the conditions restrictions regulations and provisions thereafter contained and whereas by the said charter it was also provided that the said letters patent or the enrolment thereof should be in and by all things valid and effectual in the law according to the true intent and meaning of the same and should be recognised as valid and effectual by all Courts and Judges in England and by the respective Governors for the time being of the several Colonies or Settlements of New South Wales and Van Diemen's Land and of the other Colonies or Settlements in Australasia and by all other officers persons and bodies politic or corporate whom it did should or might concern and whereas the Governors for the time being of the several Colonies and Settlements in the said charter mentioned were respectively enjoined to give full force and effect to the said charter and to be in all things aiding and assisting to the said Corporation and their successors and whereas a branch establishment of the said Bank of Australasia was formed at Sydney in the Colony of New South Wales in or about the month of December one thousand eight hundred and thirty-five and a copy of an exemplification of the said charter was shortly afterwards enrolled in the Supreme Court of the said Colony and whereas by an Act of the Governor of New South Wales with the advice of the Legislative Council thereof passed in the fourth year of the reign of Her present Majesty Queen Victoria intituled "*An Act to provide for the periodical publication of the Liabilities and Assets of Banks in New South Wales and its Dependencies and the registration of the names of the Proprietors thereof*" provision is made for the registration of a copy of the charter or deed of copartnership of every banking company or firm engaged in banking business in the Colony of New South Wales or its Dependencies in the office of the Registrar of the Supreme Court of the said Colony and by the sixth section of the said Act it is provided that as often as any new charter of any such banking company or firm may issue a copy thereof shall be registered in the said Supreme Court and whereas branch establishments of the said Bank of Australasia have also been formed at Melbourne Bathurst and Maitland in the said Colony of New South Wales and the business of the said corporation is now conducted and carried on at the four places hereinbefore respectively named and whereas until lately there was in the Colony of New South Wales but one Supreme Court for the trial of causes and the general administration of justice which was usually holden at Sydney aforesaid and whereas there have recently been established a Supreme Court at Melbourne aforesaid and Circuit Courts for certain districts of the said Colony and whereas the said Bank of Australasia have in the Colony of New South

Postage.

South Wales but one exemplification of the said charter which was sufficient before the establishment of the said Supreme Court at Melbourne aforesaid and the institution of such Circuit Courts in the districts aforesaid and whereas the said exemplification might be lost or evidence of its contents might be required in two or more places within the said Colony at the same time and it is expedient to provide against the public and private detriment which might occur either from the loss of the said exemplification or the impracticability of affording evidence of the said charter by the production of an exemplification thereof on occasions on which the production of the same might be required Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That a copy of an exemplification of the said charter of incorporation of the said Bank of Australasia or of any new charter which may have issued or which may hereafter issue relating to or affecting the corporation of the said bank certified by a notary public under his hand and sealed with his seal of office to be a true copy shall be received as legal evidence of the contents of any such charter as is hereinbefore mentioned or referred to respectively and be recognised as valid in all Courts of Law Equity Admiralty and Vice Admiralty and in all Courts of inferior jurisdiction in the said Colony of New South Wales and by all Judges Justices and others in such Courts respectively.

A notarial copy of an exemplification of the charter to be evidence of its contents.

2. Provided always and be it enacted That nothing in this Act contained shall be construed or taken to affect or apply to any right title privilege immunity or interest of Her Majesty Her Heirs and Successors or of any body or bodies politic or corporate or of any person or persons other than such as are mentioned or referred to herein or of those claiming by or under her him or them.

Nothing herein contained to affect rights &c. of the Crown &c.

3. And be it enacted That this Act shall commence and take effect from and after the passing and publication thereof in the *New South Wales Government Gazette*.

Commencement of Act.

4. And be it enacted That when and so soon as this Act shall have been published as aforesaid the same shall be deemed and taken to be a Public Act and shall be judicially taken notice of as such by the Judges of the Supreme Court of New South Wales and by all other Judges Justices and others within the Colony of New South Wales and its Dependencies without being specially pleaded.

Act to be a Public Act.