

ANNO UNDECIMO

## VICTORIÆ REGINÆ.

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UNION BANK OF  
AUSTRALIA.

An Act to amend “ *An Act for facilitating Pro-  
ceedings by and against a certain Banking  
Company called ‘The Union Bank of Aus-  
tralia’ and for other purposes therein men-  
tioned.*” [16th August, 1847.]

Preamble.

3 Vict.

Union Bank of  
Australia Act.Inspectors autho-  
rized to receive all  
moneys on behalf of  
the company.

WHEREAS an Act was passed in the third year of the reign of Her present Majesty Queen Victoria intituled “ *An Act for facilitating Proceedings by and against a certain Banking Company called ‘The Union Bank of Australia’ and for other purposes therein mentioned*” And whereas it is expedient to amend the said recited Act Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That the Inspector for the time being of the said banking company shall be and is hereby fully authorized to receive and retain on behalf of the said company all money belonging or debts due to the said company whensoever howsoever and in whosoever’s name the same may be secured and that the receipt in writing of such Inspector for any money received by him shall exonerate the person or persons paying the same to him from all liability in respect of the same or the application thereof.

Bonds &c. how to be  
sued upon.

2. And be it enacted That all bonds mortgages warrants of attorney and other securities whether assignable in law or not and all contracts and agreements whether parol or under seal which have heretofore been or shall or may at any time hereafter be taken in the name of any person as Inspector of the said banking company or in the name of such Inspector and any other person or persons for or on account of the said company shall and may be put in suit and enforced sued and prosecuted upon at law or in equity in the name of the Inspector for the time being of the said company in whose name the same may have been or shall be taken or entered into or in the name of any person who shall or may succeed or be appointed to that office and be the Inspector for the time being of the said company at the time such proceeding or proceedings shall be instituted carried on or continued notwithstanding the name of any such succeeding Inspector be not inserted in any such bond mortgage warrant of attorney or other such security or in any such contract or agreement as an obligee mortgagee assignee payee of the sum or sums of money therein respectively mentioned or secured and the death resignation removal or other act of any Inspector for the time being of the said company in whose name any such bond mortgage warrant of attorney or other such security as aforesaid or any such contract or agreement shall be so put in suit shall not abate any action suit or other proceeding had thereon but the same may be continued and carried on in the name of any person who may be or become the Inspector for the time being of the

*Union Bank of Australia.*

the said banking company and it shall not be necessary to enter any suggestion or file any supplemental bill or in any other way to notice such change on the face of the proceedings in any such suit or action.

3. And be it enacted That the bringing any action suit or other proceeding in the name of such Inspector as such Inspector shall be *prima facie* evidence that a memorial of the name of such Inspector conformable to the provisions of the said recited Act has been recorded as by the said Act is required. Actions brought in name of Inspector.

4. And be it enacted That neither the death resignation nor removal of any such Inspector for the time being shall abate or prejudice any such action suit indictment information prosecution or proceeding but the same may be continued by or against the said company in the name of the next or other succeeding Inspector for the time being of the said company or in the name of any director of the said company Provided always that no second suit action or other proceeding shall be at any time commenced by or against any such Inspector or director for the same cause of action where the merits shall have been tried and decided in the first suit or action. Actions and other legal proceedings not to abate or be prejudiced by the death resignation or removal of the nominal plaintiff or defendant.

5. And be it enacted That all terms of years lands tenements and hereditaments which are now or which at any time or times hereafter shall be vested in the Inspector of the said bank or in the said Inspector and any other person or persons whomsoever for or on behalf of the said company shall be and are hereby vested in the person who is now the Inspector and his successors in office in the nature of a body corporate for and on behalf of the said company and all terms of years lands tenements and hereditaments in which any right title or interest shall after this Act shall come into operation be acquired or taken by or on behalf of the said company shall and may be conveyed to and vested in the Inspector for the time being and his successors in office in the nature of a body corporate for and on behalf of the said company. All hereditaments to vest in Inspector for the time being and his successor in office.

6. Provided always and be it enacted That nothing herein contained shall extend or be deemed taken or construed to extend to incorporate the members or proprietors of the said company or to relieve or discharge them or any of them from any responsibilities duties contracts or obligations whatsoever to which by law they or any of them now are or at any time hereafter shall be subject or liable either between the said company and others or between the individual members of the said company or any of them and others or among themselves or in any other manner whatsoever except so far as the same is in terms affected by the provisions of this Act and the true intent and meaning of the same. Company not incorporated by this Act.

7. And be it enacted That all contracts agreements conveyances leases releases mortgages assignments surrenders covenants receipts and other documents made or to be made given or granted by to or on behalf of the said company shall and may be made and executed and enforced by or to or against the Inspector for the time being of the said bank and the same shall be binding upon the said company and the capital stock thereof. Company may make contracts and conveyances in the name of the Inspector.

8. And be it enacted That this Act and the powers and provisions herein contained shall at all times extend to all persons now members of the said company or who shall hereafter become so. Act to extend to all future proprietors.

9. Provided always and be it enacted That nothing in this Act contained shall be deemed to affect or apply to any right title or interest of Her Majesty Her Heirs or Successors or of any body or bodies politic or corporate or of any other person or persons excepting such bodies politic or corporate and other person or persons as are mentioned in this Act or of those claiming from or under him her or them. Act not to affect the right of Her Majesty.

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*Redfern Estate Trust.*

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Notarial copy of deed of copartnership to be received as legal evidence in any Court of Law or Equity.

10. And be it enacted That a copy of the deed of copartnership and settlement of the said company certified and attested under the hand and seal of some notary public to be a true transcript of the original deed of copartnership and settlement of the said company shall be received as legal evidence of the contents of such deed of copartnership and settlement in all Courts of Law Equity Admiralty Vice-Admiralty Bankruptcy or Insolvency and in all Courts of inferior jurisdiction in the Colony of New South Wales without any further proof thereof.

Repeals 4th section of 3 Victoria herein recited.

11. And whereas by the fourth section of the said Act it is enacted That the inspector for the time being shall within fifteen days from the first day of July in each year cause a true list of all the then existing members of the said company with their respective places of abode (as far as the same may be known to him) and descriptions to be recorded in the Supreme Court of New South Wales And whereas it is expedient to repeal the said fourth section of the said recited Act Be it therefore enacted That the fourth section of the said Act shall be and the same is hereby repealed.

Act when to take effect.

12. And be it enacted That this Act shall come into operation so soon as and not until the same shall have received the Royal approbation and the notification of such approbation shall have been made by order of His Excellency the Governor in the *New South Wales Government Gazette*.

Act to be deemed a public Act.

13. And be it enacted That this Act 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.

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