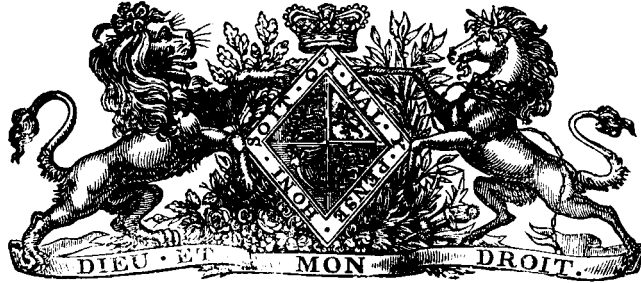


New South Wales.



ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

An Act to enable the “Liverpool and London Fire and Life Insurance Company” to sue and be sued in the name of such Company.
[22nd August, 1862.]

LIVERPOOL AND
LONDON FIRE AND
LIFE INSURANCE
COMPANY.

WHEREAS a Joint Stock Company has been for some time established in England by the name of “The Liverpool and London Fire and Life Insurance Company” with power to appoint Local Boards of Directors in any District City Town or place in any Colony or Possession of the United Kingdom And whereas a Local Board of the said Company has been duly appointed in the City of Sydney in this Colony for carrying on and managing in this Colony for and on behalf of the said Company the business of Fire and Life Assurance and all matters connected therewith and for other purposes in connection with the affairs and business of the said Company And whereas it is expedient that provision should be made for enabling the said Company to sue and be sued in this Colony in the name of the said Company but without incorporating the same Be it therefore enacted by the Queen’s Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Preamble.

1. All actions suits and proceedings at Law or in Equity or in Bankruptcy or Insolvency to be commenced instituted or carried on in this Colony by or on behalf of the said Company or wherein the Company is or shall be concerned or interested against any person whether such person shall be a member or proprietor of or in the said Company or not shall be commenced instituted presented and prosecuted or carried on in the name of the said Company in the same manner as if the same had been incorporated by such name And all

Actions suits and
prosecutions to be in
the name of the
Company.

Liverpool and London Fire and Life Insurance Company.

actions suits and proceedings at Law or in Equity to be commenced or instituted in this Colony against the said Company by any person whether such person is or shall then be a member or proprietor of or in the said Company or not shall be commenced instituted and prosecuted or carried on against the said Company by its name in the same manner as if the same had been so incorporated And all prosecutions to be brought instituted or carried on for fraud upon or against the said Company or for embezzlement robbery or stealing any money notes bills effects securities goods chattels or property of the said Company or for any other offences against the said Company shall be so brought or instituted and carried on in the name of the Company as if the same were incorporated and in all indictments and informations it shall be lawful to state the property of the said Company to be the property of the said Company by its name as if incorporated And any offences committed with intent to defraud or injure the said Company shall and lawfully may in such prosecution be laid to have been committed with intent to defraud or injure the said Company by its name as if incorporated And any offender may thereupon be lawfully convicted of any such offence and in all other allegations and indictments informations and other proceedings whatsoever in which in the absence of Legislative provision as herein it would have been necessary to state the names of the persons composing the said Company it shall be lawful and sufficient to state the name of the Company and no change in the persons composing the Company shall abate any such action suit proceeding or prosecution.

No action against the Company to be affected in consequence of the plaintiff being a proprietor.

2. No action or suit against the said Company shall be in anywise affected or defeated by or by reason of the plaintiff therein or of any other person in whom any interest may be averred or who may be in anywise interested or connected in such action or suit being or having been a proprietor or a partner in the said Company or of such action or suit arising out of the partnership relation of the plaintiff or other person as aforesaid and the Company but any proprietor or partner or late proprietor or partner in the said Company shall and may have the same right of action or suit and remedy to be proceeded in and enforced in the same manner against the said Company which he or they might have had if he or they had been a stranger and not a proprietor or partner in the said Company.

No action commenced by the Company to be affected in consequence of the defendant being a proprietor.

3. No action or suit commenced by the said Company shall be in anywise affected or defeated by or by reason of the defendant therein or of any other person in whom any interest may be averred or who may be in anywise interested or concerned in such action or suit being or having been a proprietor or partner in the said Company or of such action or suit arising out of the partnership relation of the Company and the defendant or such other person but the said Company shall and may have the same right of action or suit and remedy to be proceeded in and enforced in the same manner against any proprietor thereof or partner or late proprietor or partner therein either alone or jointly with any other person or persons which the said Company might have had if such cause of action or suit had arisen with a stranger and not a proprietor or partner in the said Company.

Decrees against the Company to have effect against the Company.

4. All and every judgment decree or order made or pronounced in any action suit or proceeding in any Court of Law or Equity against the said Company shall have the like effect and operation upon and against the property and funds of the said Company and upon and against the persons and property of every proprietor thereof as if all the proprietors of such Company were parties before the Court to and in such action suit or proceeding and it shall be lawful for any Court in which such judgment order or decree shall have been made to cause such judgment order or decree to be enforced against all
and

Bulli Coal Mining Company's Railway.

and every or any proprietor of such Company in like manner as if all the proprietors of such Company were parties before such Court to and in such action suit or proceeding.

5. Provided always that nothing herein contained shall extend or be deemed construed or taken to extend to incorporate the said Company or to relieve or discharge the said Company or any of the proprietors thereof or subscribers thereto from any responsibility duties contracts or obligations whatsoever which by law they now are or at any time hereafter may be subject or liable to either between the said Company and others or between the individual proprietors of the said Company or any of them and others or amongst themselves or in any manner whatsoever except so far as the same is effected by the provisions of this Act and the true interest and meaning thereof.

Company not incorporated by this Act.
