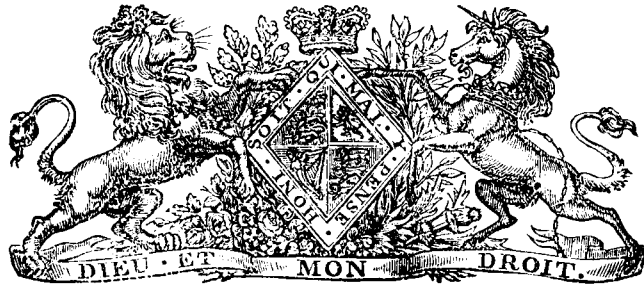


New South Wales.



ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

An Act to enable the “European Assurance Society” to sue and be sued in the name of such Society. [22nd September, 1863.]

EUROPEAN
ASSURANCE SOCIETY.

WHEREAS a joint stock company has been for some time established in England by the name of “The European Assurance Society” 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 Society has been duly appointed in the City of Sydney in the Colony of New South Wales for carrying on and managing for and on behalf of the said society the business of Life Assurance and Fidelity Guarantee and all matters connected therewith and for other purposes in connection with the affairs and business of the said society And whereas it is expedient that provision should be made for enabling the said society to sue and be sued in this Colony in the name of the said society 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 the Colony of New South Wales by or on behalf of the said society or wherein the society is or shall be concerned or interested against any person whether such person shall be a member or proprietor of or in the said society or not shall be commenced instituted presented and prosecuted or carried on in the name of the said society in the same manner

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

European Assurance Society.

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

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

2. No action or suit against the said society 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 society or of such action or suit arising out of the partnership relation of the plaintiff or other person as aforesaid and the society but any proprietor or partner or late proprietor or partner in the said society 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 society which he or they might have had if he or they had been a stranger and not a proprietor or partner in the said society.

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

3. No action or suit commenced by the said society 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 society or of such action or suit arising out of the partnership relation of the society and the defendant or such other person but the said society 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 late proprietor or partner therein either alone or jointly with any other person or persons which the said society might have had if such cause of action or suit had arisen with a stranger and not a proprietor or partner in the said society.

Judgments and decrees against the society to have effect against the society.

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 society shall have the like effect and operation upon and against the property and funds of the said society and upon and against the persons and property of every proprietor thereof as if all the proprietors of such society 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

Waratah Coal Company's Incorporation.

such judgment order or decree to be enforced against all and every or any proprietor of such society in like manner as if all the proprietors of such society 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 society or to relieve or discharge the said society 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 may be subject or liable to either between the said society and others or between the individual proprietors of the said society or any of them and others or amongst themselves or in any manner whatsoever except so far as the same is affected by the provisions of this Act and the time intent and meaning thereof.

Society not incorporated by this Act.
