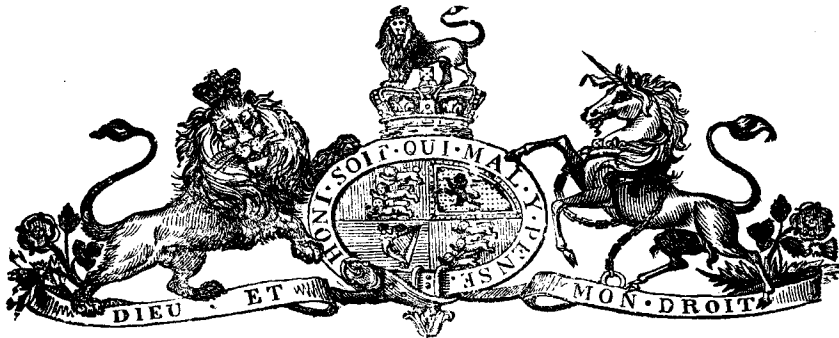


TASMANIA.



1880.

ANNO QUADRAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 19.



AN ACT to enable certain Mining Companies A.D. 1880.
to sue and be sued in *Tasmania*.

[1 November, 1880.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 In this Act, unless the context otherwise determines : Interpretation.
“Company” includes any association, partnership, or co-adventure.

2 Every Company formed or incorporated in any country or place beyond this Colony and carrying on mining operations in this Colony, such Company not being registered under “The Mining Companies Limited Liability Act, 1869,” may sue and be sued in its corporate name in *Tasmania*; and the liability of and proceedings against such Company shall, subject to the provisions of this Act, be the same as if such Company had been duly registered in *Tasmania* under the said Act. Company formed out of this Colony for mining in this Colony may sue and be sued in *Tasmania*.

3 Every such Company before commencing mining operations, or if such Company shall have commenced mining operations before the commencement of this Act then within One month after the commencement hereof, shall register the names and place of abode or business of the person appointed by such Company to carry on the business of such Company in *Tasmania*, and also the situation of the office of such Company to register name of Agent and situation of office.

Mining Companies.

A.D. 1880.

Company in this Colony ; and the person so registered shall be deemed to be the Agent of such Company, and such office shall be the Registered Office of such Company for the purposes of this Act and the said Act.

Every Company which fails to comply with this provision shall be liable to a penalty not exceeding Five Pounds for every day during which mining operations shall be carried on.

Mode of registration.

4 The Registration of such Agent and Office shall be effected in the following manner:—The duly appointed attorney of such Company shall make and sign a Declaration in the form in the Schedule, or to the like effect, before a Commissioner of Gold Fields resident nearest to the place where the mining operations of such Company are intended to be carried on, and such Declaration when so made and signed shall be published in the *Gazette* and in one newspaper published at or nearest to the place where such mining operations are intended to be carried on, and copies of such *Gazette* and newspaper shall be forwarded to and be retained by such Commissioner, and in all legal proceedings the production of a copy of the *Gazette* containing any such Declaration shall be conclusive evidence that such Declaration has been duly made, and that the person therein named as the Agent of such Company and the office therein described are respectively the Agent and Office of such Company in this Colony :

Every person who wilfully makes any such Declaration falsely in any particular shall be deemed to be guilty of perjury, and shall be liable to be punished accordingly.

Notice of removal of office or substitution of Agent to be given.

5 When and so often as any such Registered Office shall be removed, or any other person shall be substituted for the registered Agent of such Company, the like Declaration and notice shall be made and given as is hereinbefore required with reference to the registration of a Company, and the production of a copy of the *Gazette* containing any such notice shall be conclusive evidence of such removal or substitution ; and if the requirements of this section shall not be complied with such Company shall be liable to a penalty of Five Pounds.

Service of notices, &c.

6 All communications and notices may be addressed to the Registered Office of such Company, and service of any notice or legal process at such office shall be deemed to be service upon the Company ; and any Company which carries on business without having a Registered Office shall be liable to a penalty not exceeding Five Pounds for every day during which business is so carried on.

Contracts made by the Agent to be binding on the Company.

7 Every contract made by the Agent for the time being of any such Company for the purchase of goods or the performance of work, and the supply of the materials for the same for the purposes of such Company, shall be binding upon such Company and upon the assets thereof as herein provided, and such assets may be seized and sold in execution in any action against such Company upon any such contract.

Contracts how made, varied, or discharged.

8 Contracts on behalf of any such Company may be made, varied, or discharged as follows ; (that is to say),

1. Any contract which, if made between private persons, would be by law required to be in writing under seal, may be made, varied, or discharged in the name and on behalf of the Company in writing under the hand of the Agent of such Company :

Mining Companies.

2. Any contract which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith, may be made, varied, or discharged in the name and on behalf of the Company in writing signed by the Agent of such Company: A.D. 1880.
3. Any contract which, if made between private persons, would by law be valid although made by parol only and not reduced into writing, may be made, varied, or discharged by parol in the name and on behalf of the Company by the Agent of such Company:

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors, or administrators (as the case may be).

9 The Agent of every such Company shall make and publish in the *Gazette* in the months of *January* and *July* respectively in each year a full and correct account of the assets and liabilities of such Company, and if such account is not published as herein required such Agent shall be liable to a penalty not exceeding Fifty Pounds. Accounts to be periodically published.

10 All penalties imposed by this Act may be recovered before any two Justices in the mode prescribed by *The Magistrates' Summary Procedure Act*. Recovery of penalties.

SCHEDULE.

I the undersigned being the duly appointed Attorney of [*here state the name of the Company*] do hereby solemnly and sincerely declare that the said Company is carrying on or proposes carrying on (*as the case may be*) mining operations in *Tasmania*.

The name of the Agent of the said Company is [*here state full Christian name and surname, and place of abode or business.*]

The office of the said Company is at [*here state the City, Town, or place where situate, and the name of the street and number of house, (if any), and place where Company was formed or incorporated, and the situation of its head office.*]

All which matters I conscientiously believe to be true; and I make this declaration under the provisions of the Act of this Island, intituled "An Act for the Abolition of extra-judicial and unnecessary Oaths."

[*Signature.*]

Taken before me this day of 18

A Commissioner of Gold Fields.

