



THE
Hobart Town Gazette.

PUBLISHED BY AUTHORITY.

HIS Excellency The LIEUTENANT GOVERNOR directs, that all Public Notifications which may appear in this Paper with any Official Signature thereunto affixed, shall be considered as Official Communications made to those Persons to whom they may relate.

By Command of His Excellency,

JOHN BURNETT, Colonial Secretary

VOLUME XV.)

SATURDAY, MARCH 27, 1830.

(NUMBER 722.

ANNO UNDECIMO,
Georgii IV Regis.

No. 1.

AN ACT to simplify Proceedings at Law or in Equity by or against the Directors and Company of the Cornwall Bank.

Whereas a Banking Company carrying on Business under the style and firm of the Directors and Company of the Cornwall Bank is established in this Island and it is expedient to simplify proceedings at Law or in Equity commenced by or against the said Company.

PREAMBLE.

Be it therefore enacted By His Excellency Colonel GEORGE ARTHUR Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council, that after the passing of this Act every action suit or proceeding at Law or in Equity to be commenced by or on behalf of the said Company against any person or persons (whether a Member or Members of such Company or otherwise) for recovering any debt due to or enforcing any claim or demands of the said Company or relating to any matter connected with the concerns of the said Company shall be commenced and prosecuted in the name of the Cashier for the time being of the said Company as the nominal plaintiff complainant or petitioner on behalf of the said Company. And that every action suit or proceeding at Law or in Equity to be commenced against the

Actions to be in the name of the Cashier.

said Company by any person or persons (whether a Member or Members of such Company or otherwise) may be commenced and prosecuted against the Cashier for the time being of the said Company as the nominal defendant on behalf of the said Company. And generally throughout all cases wherein but for the passing of this Act it would have been necessary to mention the names of the Members composing the said Company, it shall be sufficient to mention the name of the Cashier for the time being of the said Company, and that neither the death resignation removal nor suspension of the Cashier for the time being shall abate or prejudice any such action suit or proceeding, but the same may be continued in the name of the next or any succeeding Cashier for the time being of the said Company. Provided always that no second suit or action shall be at any time commenced by or against any Cashier of the said Company for the same cause of action where the merits shall have been tried and decided in the first suit or action.

II. AND be it enacted that within twenty one days after the publication of this Act and in the Month of January in every year and from time to time upon or within twenty-one days next after the death resignation removal or suspension of any Cashier or Director or the appointment of any new Director a memorial in writing shall be delivered to the Registrar of the Supreme Court of Van Diemen's Land wherein shall be set forth in words at length the style and firm of the said Company and the Christian and surnames additions and places of abode of the Cashier and every Director of the said Company for the time being in the form as near as may be of the Schedule to this Act annexed and that every such memorial shall be signed by the Cashier of the said Company and two of the Directors therein named and verified upon the oath of the said Cashier (made either before the said Registrar or any Commissioner of the Supreme Court appointed for taking affidavits at Launceston and its neighbourhood) that the same contains a true account of the several particulars therein set forth to the best of the knowledge and belief of the deponent and upon delivery of such memorial so verified as aforesaid the said Registrar shall immediately indorse on such memorial a memorandum of the day when the same was so delivered and shall affix to such memorandum his signature which indorsement upon proof of the Registrar's hand writing shall be conclusive evidence of the time of such delivery and every such memorial so verified shall be safely preserved by the said Registrar and shall thereafter in all cases be conclusive evidence of the truth of the several matters therein set forth and shall render every person therein named as a Director of the said Company liable as a Director of the said Company until a subsequent memorial verified as aforesaid shall be delivered in which his name shall be omitted. Provided always and be it enacted that until such memorial so verified shall be so delivered as aforesaid whenever the same is so required by this Act to be made no action suit or other proceedings at Law or in Equity shall be commenced or if commenced shall be continued for or on behalf of the said Company under the provisions of this Act.

III. AND be it enacted that every judgment decree or order in any action suit or proceeding at Law or in Equity against any such Cashier shall

Proceedings not to abate by death of Cashier.

No second action to be brought if the merits were tried in the first.

Memorial of the name of Cashier and Directors to be delivered to the Registrar.

No proceedings under this Act until memorial so delivered.

have the same effect and operation upon the joint stock and property of the said Company and the persons and separate property of every Director and Member of the said Company as if every such Director and Member had been party to such action suit or proceeding and such judgment decree or order had been obtained against him her or them jointly and severally and may be enforced accordingly against either such joint stock and property or against the persons and separate property respectively either of the Cashier for the time being or any Director or Directors or Member or Members for the time being of the said Company. Provided always that every such Cashier Director or Member shall be reimbursed all such damages costs and charges as by any such event of such action suit or proceeding he shall sustain or be made liable to out of the joint stock and funds of the said Company or in failure thereof out of the separate funds and property of the other Members of the Company in due proportion as in an ordinary case of co-partnership.

Judgments &c against Cashier to have the same effect as if against the company or Members.

Cashier and Members to be reimbursed &c.

IV. AND be it enacted that this Act and the powers and provisions herein contained shall at all times extend to the said Company and every person who shall be Member thereof for the time being at whatever time he may have become a Member of the said Company and whether originally a Member thereof or not.

Act to extend to all future Members of the Company.

V. AND be it enacted that the Cashier shall not by being the plaintiff complainant petitioner or defendant in any such action suit or proceeding be prevented from being a witness in such action suit or proceeding in the same manner as he might have been if his name had not been so made use of in the same action suit or proceeding.

Use of Cashier's name not to prevent him from giving evidence.

VI. AND be it enacted that if any such Cashier shall knowingly depose to any statement or thing by this Act required to be contained in any such memorial otherwise than according to the truth he shall be deemed guilty of Perjury and shall for such offence be liable to the pains and penalties to which persons are liable for wilful and corrupt Perjury.

Cashier swear ing falsely.

VII. AND be it enacted that this Act shall be and be deemed and taken to be a Public Act and shall be judicially taken of as such in all cases without being specially pleaded.

GEORGE ARTHUR.

*Passed the Legislative Council
this 2nd day of March 1830.*

W. T. PARRAMORE,
Clerk of the Council.

