

ANNO DECIMO

VICTORIÆ REGINÆ.

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COMMERCIAL BANKING COMPANY.

An Act to amend an Act to enable "The Commercial Banking Company of Sydney" to sue and be sued in the name of the Managing Director for the time being of the said Company and for other purposes therein mentioned. [30th October, 1846.]

Preamble. 6 Will. IV. Commercial Banking Company of Sydney Act.

WHEREAS an Act was passed in the sixth year of the reign of his late Majesty King William the Fourth intituled "An Act to enable the Proprietors of a certain Banking Establishment or Company carried on in the Town of Sydney in the Colony of New South Wales under the name style and firm of 'The Commercial Banking Company of Sydney' to sue and be sued in the name of the Managing Director of the said Bank or Company for the time being 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 Managing Director for the time being of the said 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 whosever's name the same may be secured and that the receipt in writing of such Managing Director 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.

Managing Director authorized to receive all moneys on behalf of the company and his receipt to exonerate persons paying the same from all liability.

Bonds mortgages &c. to be sued upon in name of Managing Director for the time being and actions not to abate by change of Managing Director.

2. And be it enacted That every bond mortgage warrant of attorney or other security whether assignable in law or not taken either previously or subsequently to the day on which this Act shall come into operation in the name of any person as Managing Director of the said banking company for and on account of the said company shall and may be put in suit and be sued and prosecuted upon at law or in equity in the name of the Managing Director for the time being and no suit shall abate by reason of any change of the Managing Director pending such suit nor shall it 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 such suit or action.

Actions brought in name of Managing Director prima facie evidence of his name having been recorded.

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

All hereditaments to vest in Managing Director for the time being and his successors in office.

4. And be it enacted That all terms of years lands tenements and hereditaments which are now or which at any time before this Act shall come into operation shall be vested in the Managing Director of the said bank for and on behalf of the said company shall be and hereby

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hereby are vested in the person who shall at such time be Managing Director 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 Managing Director for the time being and his successors in office in the nature of a body corporate for and on behalf of the said company.

5. 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 effected by the provisions of this Act and the true intent and meaning of the same.

Company not incorporated by this Act.

6. 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 and Successors or of any body or bodies politic or corporate or of any other person or persons except such bodies politic or corporate and other persons as are mentioned in this Act and those claiming by from or under them.

Reservation of rights of the Crown and of all persons not mentioned herein.

7. 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 not to take effect until the Royal approbation shall have been notified in the *Government Gazette*.

8. 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.

Act to be deemed a public Act.