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# A B I L L

To enable "THE AUSTRALIAN AGRICULTURAL COMPANY" to sue  
and be sued in the Colony by their Corporate name.

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**W**HEREAS by an Act of the Imperial Parliament made Preamble.  
and passed in the Fifth year of the reign of His late  
Majesty King George the Fourth intituled "An Act for granting Imperial Act 5  
Geo. IV c. 86  
21 June 1824  
"certain powers and authorities to a Company to be incorporated  
5 "by Charter to be called 'The Australian Agricultural Company'  
"for the cultivation and improvement of waste lands in the Colony  
"of New South Wales and for other purposes relating thereto"  
It was among other things enacted that in case His said Majesty Sec 1  
should within three years after the passing of the said Act be  
10 pleased by Charter under the Great Seal of Great Britain to  
declare and grant that such and so many persons as should be  
named therein and all and every such other person or persons as  
from time to time should be duly admitted members into their Cor-  
poration should be a body politic and corporate by the name of  
5 the "Australian Agricultural Company" for the purposes therein  
expressed; then and in that case the said Company should have  
and enjoy the powers rights and privileges and be subject to the  
regulations restrictions and conditions of the said Act mentioned  
and contained.  
20 And whereas by the second section of the said Act, it was Sec 2  
further enacted that it should and might be lawful for the said  
Company from time to time to appoint any person or persons to  
act as and be the Agent or Agents Attorney or Attorneys of the  
said Company in the said Colony and its dependencies and such  
appointment



appointment from time to time to revoke and recall as occasion might require and that the said Company should be and they were thereby authorized to sue and be sued plead and be impleaded at Bar or in Equity within the said Colony by and in the name of such Agent or Agents Attorney or Attorneys as aforesaid provided 5 always that every such appointment should be recorded and enrolled in manner therein mentioned.

Charter of In-  
corporation  
1 November  
1824

And whereas in pursuance of the said Act His said Majesty was pleased by his Letters Patent or Charter under the Great Seal of Great Britain dated at Westminster the First day of November 10 in the year of our Lord One thousand eight hundred and twenty-four and Fifth year of his reign to grant and declare that certain persons therein named and all and every such other person or persons as from time to time should be duly admitted as members into their Corporation should be a body politic and corporate by 15 the name of the "Australian Agricultural Company" and by that name should have perpetual succession and a Common Seal And Whereas the mode of legal procedure in this Colony directed by the said Second Section of the said recited Act has been found most inconvenient and it is desirable that provision should be made for 20 enabling the said Company to sue and be sued by their corporate name 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 25

1. The said Corporation of the said Australian Agricultural Company and all and every grant article and other thing contained and specified in the said Letters Patent or Charter is and is hereby declared to be approved granted ratified and confirmed.

5 Geo IV c. 86  
sec. 2 repealed

2. The Second Section of the said recited Act is hereby re- 30 pealed so far as the same relates to the Colony of New South

Wales



Wales Provided always that nothing herein contained shall prejudice invalidate or affect any proceedings had commenced or taken under the said Section before the passing of this Act.

3. From and after the passing of this Act, the said Company Company to sue and be sued by Corporate name.  
 5 shall in the Colony of New South Wales sue and be sued plead  
 and be impleaded in all Courts of Law Equity or other Judicature within the said Colony by and in their Corporate name of the Australian Agricultural Company and in all proceedings informations indictments or prosecutions whatsoever it shall be lawful to  
 10 state the lands tenements moneys goods effects bills notes securities or other property of whatsoever nature real or personal of the said Company to belong to the said Company by their corporate name and to designate the said Company by their corporate name whenever for the purpose of any allegation in any proceeding  
 15 whatsoever such designation shall be necessary and it shall not be necessary in any action suit or proceeding civil criminal or otherwise to prove the Incorporation of the said Company or the appointment of any Agent or Attorney at law or in fact for or by the said Company in respect thereof. Incorporation or appointment of Agents or Attorneys need not be proved.

20 4. The production of any deed or document purporting to be under the Common Seal of the said Company shall be prima facie Production of Deed under Common Seal prima facie evidence of due execution. evidence of the due execution by the said Company of such deed or document and of every act or thing necessary for the verification or establishment thereof having been done and performed.

25 5. The fact that any person assumes to act as the Agent Attorneys and Officers to be considered to be duly appointed. Attorney or other Officer of the said Company shall be taken to *be* prima facie evidence that such person has been duly appointed by the said Company to act as such Agent Attorney or other officer.

6. This Act shall be styled and may be cited as "The Australian Agricultural Company's Act 1864."







Legislative Council.

29<sup>o</sup> VICTORIÆ, 1865.

# A BILL

To enable the "Australian Agricultural Company" to sue and be sued in the Colony by their corporate name.

(As agreed to in Select Committee.)

**W**HEREAS by an Act of the Imperial Parliament made and passed in the fifth year of the reign of His late Majesty King George the Fourth intituled "*An Act for granting certain powers and authorities to a Company to be incorporated by Charter to be called the 'Australian Agricultural Company' for the cultivation and improvement of waste lands in the Colony of New South Wales and for other purposes relating thereto*" it was among other things enacted that in case His said Majesty should within three years after the passing of the said Act be pleased by Charter under the Great Seal of Great Britain to declare and grant that such and so many persons as should be named therein and all and every such other person or persons as from time to time should be duly admitted members into their corporation should be a body politic and corporate by the name of the "Australian Agricultural Company" for the purposes therein expressed then and in that case the said Company should have and enjoy the powers rights and privileges and be subject to the regulations restrictions and conditions of the said Act mentioned and contained And whereas by the second section of the said Act it was further enacted that it should and might be lawful for the said Company from time to time to appoint any person or persons to act as and be the agent or agents attorney or attorneys of the said Company in the said Colony and its dependencies and such appointment from time to time to revoke and recall as occasion might require and that the said Company should

Preamble.

Imperial Act 5  
Geo. IV c. 86  
21 June 1824.

Sec. 1.

Sec. 2.



Charter of Incorporation 1 November 1824.

be and they were thereby authorized to sue and be sued plead and be impleaded at bar or in Equity within the said Colony by and in the name of such agent or agents attorney or attorneys as aforesaid Provided always that every such appointment should be recorded and enrolled in manner therein mentioned And whereas in pursuance of the said Act His said Majesty was pleased by His Letters Patent or Charter under the Great Seal of Great Britain dated at Westminster the first day of November in the year of our Lord one thousand eight hundred and twenty-four and fifth year of His reign to grant and declare that certain persons therein named and all and every such other person or persons as from time to time should be duly admitted as members into their corporation should be a body politic and corporate by the name of the "Australian Agricultural Company" and by that name should have perpetual succession and a Common Seal And whereas the mode of legal procedure in this Colony directed by the said second section of the said recited Act has been found most inconvenient and it is desirable that provision should be made for enabling the said Company to sue and be sued by their corporate name 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:—

1. The said corporation of the said Australian Agricultural Company and all and every grant article and other thing contained and specified in the said Letters Patent or Charter is and is hereby declared to be approved granted ratified and confirmed.

5 Geo. IV c. 86  
sec. 2 repealed.

2. The second section of the said recited Act is hereby repealed so far as the same relates to the Colony of New South Wales Provided always that nothing herein contained shall prejudice invalidate or affect any proceedings had commenced or taken under the said section before the passing of this Act.

Company to sue and  
be sued by corporate  
name.

3. From and after the passing of this Act the said Company shall in the Colony of New South Wales sue and be sued plead and be impleaded in all Courts of Law Equity or other judicature within the said Colony by and in their corporate name of the Australian Agricultural Company and in all proceedings informations indictments or prosecutions whatsoever it shall be lawful to state the lands tenements moneys goods effects bills notes securities or other property of whatsoever nature real or personal of the said Company to belong to the said Company by their corporate name and to designate the said Company by their corporate name whenever for the purpose of any allegation in any proceeding whatsoever such designation shall be necessary And it shall not be necessary in any action suit or proceeding civil criminal or otherwise to prove the incorporation of the said Company or the appointment of any agent or attorney at law or in fact for or by the said Company in respect thereof.

Incorporation or  
appointment of  
agents or attorneys  
need not be proved.

Production of deed  
under common seal  
*prima facie* evidence  
of due execution.

4. The production of any deed or document purporting to be under the common seal of the said Company shall be *prima facie* evidence of the due execution by the said Company of such deed or document and of every act or thing necessary for the verification or establishment thereof having been done and performed.

Attorneys and  
officers to be con-  
sidered to be duly  
appointed.

5. The fact that any person assumes to act as the agent attorney or other officer of the said Company shall be taken to be *prima facie* evidence that such person has been duly appointed by the said Company to act as such agent attorney or other officer.

6. This Act shall be styled and may be cited as the "Australian Agricultural Company's Act 1865."



Legislative Council.

29<sup>o</sup> VICTORIAE, 1865.

# A BILL

(As amended in Committee of the Whole Council.)

To enable the "Australian Agricultural Company" to sue and be sued in the Colony by their corporate name.

**W**HEREAS by an Act of the Imperial Parliament made and passed in the fifth year of the reign of His late Majesty King George the Fourth intituled "*An Act for granting certain powers and authorities to a Company to be incorporated by Charter to be called the 'Australian Agricultural Company' for the cultivation and improvement of waste lands in the Colony of New South Wales and for other purposes relating thereto*" it was among other things enacted that in case His said Majesty should within three years after the passing of the said Act be pleased by Charter under the Great Seal of Great Britain to declare and grant that such and so many persons as should be named therein and all and every such other person or persons as from time to time should be duly admitted members into their corporation should be a body politic and corporate by the name of the "Australian Agricultural Company" for the purposes therein expressed then and in that case the said Company should have and enjoy the powers rights and privileges and be subject to the regulations restrictions and conditions of the said Act mentioned and contained And whereas by the second section of the said Act it was further enacted that it should and might be lawful for the said Company from time to time to appoint any person or persons to act as and be the agent or agents attorney or attorneys of the said Company in the said Colony and its dependencies and such appointment from time to time to revoke and recall as occasion might require and that the said Company should

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1. The second section of the said recited Act is hereby repealed so far as the same relates to the Colony of New South Wales Provided always that nothing herein contained shall prejudice invalidate or affect any proceedings had commenced or taken under the said section before the passing of this Act.

Company to sue and  
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name.

2. From and after the passing of this Act the said Company shall in the Colony of New South Wales sue and be sued plead and be impleaded in all Courts of Law Equity or other judicature within the said Colony by and in their corporate name of the Australian Agricultural Company and in all proceedings informations indictments or prosecutions whatsoever it shall be lawful to state the lands tenements moneys goods effects bills notes securities or other property of whatsoever nature real or personal of the said Company to belong to the said Company by their corporate name and to designate the said Company by their corporate name whenever for the purpose of any allegation in any proceeding whatsoever such designation shall be necessary And it shall not be necessary in any action suit or proceeding civil criminal or otherwise to prove the incorporation of the said Company or the appointment of any agent or attorney at law or in fact for or by the said Company in respect thereof.

Incorporation or  
appointment of  
agents or attorneys  
need not be proved.

Service of process.

3. The said Company shall always have an officer or agent and a place of business in the said Colony the name of which agent or officer and a description of which place of business shall be registered in the office of the Registrar General and all process notices and proceedings against the Company if served on such agent or officer or upon any other principal officer of the Company in his absence or at such place of business shall be deemed good service upon the said Corporation.