

New South Wales.



ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. XVI.

An Act to amend the Act 24 Vict. No. 21 intituled "*An Act to limit the Liability of Mining Partnerships.*" [Assented to, 28th April, 1871.]

BE it 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 Act twenty-fourth Victoria number twenty-one herein-after designated the principal Act shall in addition to the Companies described in section one thereof apply and extend to Companies to be formed for the purpose of working coal cannel coal bituminous shales or shales from which petroleum or naphtha can be extracted or of quarrying granite marble or limestones for building or other purposes or of obtaining any precious stones or gems by any mode or method mentioned in the said section. Extension of Mining Partnerships Act.

2. And whereas doubts have arisen as to the true construction of the second eleventh fourteenth and twenty-fourth sections of the principal Act and it has been deemed advisable to repeal the same Be it therefore enacted that the second eleventh fourteenth and twenty-fourth sections of the principal Act be and the same are hereby repealed. Repeal of sections 2 11 14 & 24 of principal Act.

3.

Liability of Mining Partnerships Limitation Act Amendment.

Limitation of liability
of shareholders.

3. In the event of a Company already formed or to be formed under the principal Act for the purposes therein or herein mentioned being wound up every shareholder shall be liable to contribute to the assets of the Company to an amount sufficient for payment of the debts and liabilities of the Company and the cost charges and the expenses of the winding up and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves with the qualification following (that is to say) no contribution shall be required from any shareholder exceeding the amount (if any) unpaid on the shares in respect of which he is liable as a shareholder.

Actions against
members for calls or
other moneys due.

4. In any action or suit brought in the Supreme or in any District Court by any Company formed or to be formed under the principal Act for the purposes therein or herein mentioned against any of its shareholders to recover any call or other moneys due from such shareholders in his character of shareholder such action shall be brought in the name of the official manager and it shall not be necessary to set forth the special matter but it shall be sufficient to allege that the defendant is a shareholder in the Company and is indebted to the Company in respect of a call made or other moneys due whereby an action or suit hath accrued to the Company. Provided always that such call or other moneys shall be deemed to be a debt due from such shareholder to the Company and payment thereof may be enforced by and in the name of the manager before any two Justices of the Peace.

Company to have a
registered office.

5. Every Company already formed or to be formed under the principal Act for the purposes therein or herein mentioned shall have a registered office situate in this Colony to which all communications and notices may be addressed and service of any notice or of any writ declaration plaint Judge's order or other proceeding or process whatsoever in any action suit or proceeding at such office shall be deemed to be service upon the Company or upon the registered manager thereof and any Company which shall carry on business without having such an office shall be liable to a penalty not exceeding five pounds for every day during which business shall be so carried on.

Construction.

6. This Act shall be construed with and form part of the principal Act.