

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

*Legislative Council,
23rd August, 1869.*

Unincorporated Boards Suits.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Certain actions to be in name of Chairman or Member of Board. 3. Words to be added designating character of plaintiff or defendant.</p>	<p>4. Action not to abate on charge. 5. Chairman or Member not liable to execution. 6. Supreme Court may substitute Chairman or Member as plaintiff or defendant in existing actions. 7. Action to revive on such amendment.</p>
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A BILL INTITULED

AN ACT to provide for the mode of conducting Legal Proceedings in certain cases by and against Unincorporated Public Boards. Title.

WHEREAS there now exist and may hereafter be created divers unincorporated Boards for the purpose of carrying on works of a public nature; and whereas such Boards are liable to change in the persons comprising the same, by reason whereof expense and delay are occasioned in the carrying on of actions by and against such Boards, and it is expedient to remedy the inconvenience occasioned thereby: Preamble.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
10 **1.** The Short Title of this Act shall be “The Unincorporated Boards Suits Act, 1870.” Short Title.

2. Whenever any Board has been or hereafter shall be created by any Act of the General Assembly, or by any Act or Ordinance of any Provincial Council, for the purpose of carrying on works or services of a public nature, and such Board shall not be incorporated, such Board, whether designated by a collective name or title or not in the Act or Ordinance creating the same, may sue and be sued in all actions for money founded upon contract, and in all actions for money in respect of any tort founded upon contract, and in all actions for specific relief, in the name of the Chairman thereof if there be a Chairman, and if not, in the name of any of the Members thereof. Certain actions to be in name of Chairman or Member of Board.

3. In any action to be commenced by or against any such Board under the provisions of this Act, in addition to the name of the Chair- Words to be added designating character of plaintiff or defendant.

man or of the Member of the said Board who shall be the plaintiff or defendant, as the case may be, in such action, there shall be added in the writ of summons or other first process in such action, words to designate that such Chairman or Member is suing or is sued, as the case may be, on behalf of such Board.

4. No action shall abate or be discontinued by reason of the Chairman or other Member of the Board ceasing to be Chairman or Member; nor shall such Chairman or other Member discontinue any action brought in his name, or suffer judgment by default, or confess any judgment, or consent to any decree in any action brought against him without the consent of the Board.

5. No Chairman or Member of any Board, suing or being sued as aforesaid, shall be liable to execution, either against his person or estate, for any moneys or costs recovered against him, either as plaintiff or defendant, in any such action, or decreed to be paid in such action, unless by some instrument in writing he shall have expressly made himself or his estate liable thereto.

6. In any such action as is mentioned in section two of this Act, commenced in the Supreme Court, before the passing of this Act, by or against any such Board, it shall be lawful for the said Court, or any Judge thereof, whether such action shall have been abated by reason of any change in the members of the said Board or not, to order that the title of the said action shall be amended by substituting the name of the Chairman or some Member of the said Board as the plaintiff or defendant, as the case may be, in the said action, and adding thereto such words as are mentioned in section three of this Act; and all further proceedings in the said action shall thenceforth be conducted as if the same had been commenced under the provisions of this Act.

7. In case any action so amended shall previously have abated by reason of change in the members comprising such Board, such amendment shall, without any further proceedings, be deemed to have duly revived the said action.

Action not to abate on charge.

Chairman or Member not liable to execution.

Supreme Court may substitute Chairman or Member as plaintiff or defendant in existing actions.

Action to revive on such amendment.

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