

This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber, }
Sydney, 19 April, 1861. }*

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.



ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

An Act to Incorporate the Proprietors of a certain Company called the "Clarence and Richmond Rivers Steam Navigation Company" and for other purposes therein mentioned.

WHEREAS a Joint Stock Company called the "Clarence and Richmond Rivers Steam Navigation Company" has been lately established at Sydney in the Colony of New South Wales under the provisions contained in a certain Indenture dated the first day of January one thousand eight hundred and sixty purporting to be a deed of settlement of the said Company And whereas by the said deed of settlement the several parties thereto have respectively and mutually covenanted to be and continue (until dissolved under the provisions in that behalf therein contained) a Joint Stock Company under the name of the "Clarence and Richmond Rivers Steam Navigation Company" for the purpose of trading with steam and other vessels between Sydney and the Clarence and Richmond Rivers and such other places as the Directors shall from time to time determine on with full power for the Directors for the time being of the Company to hire build or purchase suitable premises for the carrying on the business of the Company and to let sell exchange or otherwise dispose of such premises and from time to time to appoint and remove the necessary officers agents and solicitors and to fix the remuneration of such officers and agents And whereas it was by the said deed of settlement further agreed that the capital of the Company should consist of fifty thousand pounds to be contributed in five thousand shares of ten pounds each and of such additional shares as a majority of the proprietors at a general meeting at which the proprietors actually present in person or by proxy

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proxy should be actually possessed of not less than three-fourths of the paid-up capital might determine to be raised by the creation of and allotment or sale of new shares And whereas by the said deed of settlement provision has been made for the payment of dividends and for the disposal
5 and application of the profits and for the formation of a reserve fund for repairs and generally for the due management of the affairs of the said Company And whereas the said Company is desirous of being incorporated but subject to the provisions hereinafter contained Be it therefore enacted
10 of 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. Such persons as have already become or at any time hereafter shall become proprietors of shares in the capital for the time being of the said Company shall for the purpose aforesaid but subject nevertheless to
15 the provisions hereinafter contained be one body corporate by the name of the "Clarence and Richmond Rivers Steam Navigation Company" and by that name shall and may sue any person or body corporate whether members of the said Corporation or not And may be sued implead and be impleaded in all Courts whatsoever of law and equity And may prefer
20 lay and prosecute any indictment information and prosecution against any person whomsoever for any crime or offence And in all indictments informations and prosecutions it shall be lawful to state the money goods bills notes securities or other property of the said Company to be the money goods bills notes securities or other property of the said Corporation
25 and to designate the said Company by its corporate name whenever for the purpose of any allegation of an intent to defraud or otherwise such designation shall be necessary And the said Corporation shall have perpetual succession with a common seal which may be changed from time to time at the pleasure of the said Corporation.

2. The several provisions and regulations contained in the said deed of settlement or to be made in pursuance thereof are and shall be the
30 by-laws for the time being of the said Corporation except in so far as any of them are or shall or may be altered or repealed by or are or shall or may be inconsistent with or repugnant to any of the provisions of this Act or
35 of any of the laws or statutes now or hereafter to be in force in the said Colony subject nevertheless to be and the same may be amended altered or repealed either wholly or in part in the manner provided by the said deed of settlement But no rule or by-law shall be made by the said Corporation either under the said deed of settlement or by this Act in
40 opposition to the general scope or true intent and meaning of the said deed of settlement or of this Act or of any of the laws or statutes in force for the time being in the said Colony.

3. It shall be lawful for the said Corporation from time to time to increase their capital for the time being by the creation allotment and
45 disposal of new shares in the manner specified and subject to the provisions contained in the hereinbefore in part recited deed of settlement but so nevertheless that the total amount of all the new shares to be so from time to time created shall not together with the original capital exceed one hundred and fifty thousand pounds.

4. The capital for the time being and all the funds and property of the said Corporation and the several shares therein and the profits to be
50 derived therefrom shall be and be deemed personal estate and shall be transmissible accordingly subject to the regulations of the said deed of settlement.

5. The Corporation shall not be bound by any trusts or equitable interests affecting any share or shares in the capital but the person in whose name such share shall stand in the books of the Corporation shall
55 be taken to be the absolute owner thereof to all intents and purposes Provided always that nothing herein contained shall be deemed or taken to

Company incorporated.

Provisions of deed of settlement to be by-laws.

Increase of capital.

Capital and shares to be personal estate.

Corporation not to be bound by trusts or equitable interests.

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to interfere with or abridge the power of a Court of Equity to restrain the payment of any such dividend or other money payable thereafter by the Corporation in respect of any shares or the transfer thereafter of any such shares or to direct the payment of such dividends or other money by the Corporation or the transfer of such shares by the person in whose name they may stand to such other person as such Court may think fit.

6. It shall be lawful for the said Corporation notwithstanding any law to the contrary to purchase in fee simple or for any less estate or take upon lease any suitable premises for the transaction of the business of the Company or to purchase land and erect thereon such buildings as may be necessary for such business and to let sell or exchange or otherwise dispose of any land houses and premises and to cause the same to be assured accordingly.

Power to take and hold lands &c.

7. No dividend or bonus shall in any case be declared or paid out of the subscribed capital for the time being of the said Corporation or otherwise than out of the net profits of the business.

No dividend or bonus to be paid except from profits.

8. In any action or suit to be brought by the said Corporation against any proprietor of any share in the capital of the said Corporation to recover any sum of money payable to the said Corporation for or on account of any instalment or call made by virtue of this Act or of the said deed of settlement it shall be sufficient for the said Corporation to allege that the defendant being a proprietor of such share in the capital of the said Corporation is indebted to the said Corporation in such sum of money as the instalment or call in arrear shall amount to for such instalment or call of such sum of money upon such share or shares belonging to the said defendant whereby an action hath accrued to the said Corporation without setting forth any special matter. And on the trial of such action or suit it shall not be necessary to prove how or in what manner such instalment or call became payable or any other matter except that the defendant was a proprietor of one or more share or shares in the capital of the said Corporation and that such instalment or call was in fact due and that the time fixed for the payment thereof was given as is directed by the said deed of settlement and the said Corporation shall thereupon be entitled to recover what shall appear due.

Provisions as to actions and suits for calls and instalments.

9. Nothing herein contained shall prejudice any instalment due contract or other act deed matter or thing entered into made or done by the said Company under or by virtue of the said deed of settlement before this Act shall come into operation but such instalment contract act deed matter or thing shall be as valid and effectual to all intents and purposes as if this Act had not been passed and may be enforced in like manner as if the said Company had been incorporated before such instalment became due or such contract act deed matter or thing had been made entered into or done.

Ratification of acts done by Company.

10. In the event of the assets of the said Corporation being at any time insufficient to meet its engagements then and in that case the shareholders respectively shall be responsible to the amount of their subscribed shares only in addition to such subscribed shares.

Limitation of Liabilities.

11. It shall not be necessary to use the corporate seal in respect of any of the ordinary business of the Company or for the appointment of an attorney or solicitor for the prosecution or defence of any action suit or proceeding or otherwise. And any person duly authorized and empowered under the corporate seal may without such seal execute any deed and do all such other acts matters and things as may be required to be executed and done on behalf of the said Corporation and in conformity with the provisions of the deed of settlement and of this Act.

When corporate seal not required to be used.

12. This Act shall be deemed to be a public Act and shall be judicially taken notice of as such by the Judges of the Supreme Court and all other Judges and Justices of the Peace within the Colony of New South Wales without being specially pleaded and the same whenever cited shall be sufficiently described as the "Clarence and Richmond Rivers Steam Navigation Company's Act."

Act to be deemed a public Act.

Short Title.

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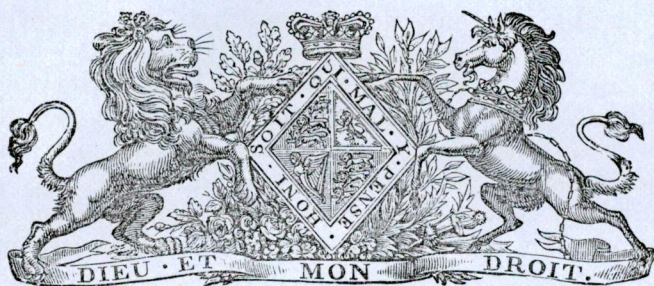
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New South Wales.



ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

An Act to Incorporate the Proprietors of a certain Company called the "Clarence and Richmond Rivers Steam Navigation Company" and for other purposes therein mentioned. [Assented to, 9th May, 1861.]

WHEREAS a Joint Stock Company called the "Clarence and Richmond Rivers Steam Navigation Company" has been lately established at Sydney in the Colony of New South Wales under the provisions contained in a certain Indenture dated the first day of January one thousand eight hundred and sixty purporting to be a deed of settlement of the said Company And whereas by the said deed of settlement the several parties thereto have respectively and mutually covenanted to be and continue (until dissolved under the provisions in that behalf therein contained) a Joint Stock Company under the name of the "Clarence and Richmond Rivers Steam Navigation Company" for the purpose of trading with steam and other vessels between Sydney and the Clarence and Richmond Rivers and such other places as the Directors shall from time to time determine on with full power for the Directors for the time being of the Company to hire build or purchase suitable premises for the carrying on the business of the Company and to let sell exchange or otherwise dispose of such premises and from time to time to appoint and remove the necessary officers agents and solicitors and to fix the remuneration of such officers and agents And whereas it was by the said deed of settlement further agreed that the capital of the Company should consist of fifty thousand pounds to be contributed in five thousand shares of ten pounds each and of such additional shares as a majority of the proprietors at a general meeting at which the proprietors actually present in person or by proxy should be actually possessed of not less than three-fourths of the paid-up capital might determine to be raised by the creation of and allotment or sale of new shares And whereas by the said deed of settlement provision has been made for the payment of dividends and for the disposal and application of the profits and for the formation of a reserve fund for repairs and generally for the due management of the affairs of the said Company

Preamble.

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Company And whereas the said Company is desirous of being incorporated but subject to the provisions hereinafter contained 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 :—

Company incor-
porated.

1. Such persons as have already become or at any time hereafter shall become proprietors of shares in the capital for the time being of the said Company shall for the purpose aforesaid but subject nevertheless to the provisions hereinafter contained be one body corporate by the name of the "Clarence and Richmond Rivers Steam Navigation Company" and by that name shall and may sue any person or body corporate whether members of the said Corporation or not And may be sued implead and be impleaded in all Courts whatsoever of law and equity And may prefer lay and prosecute any indictment information and prosecution against any person whomsoever for any crime or offence And in all indictments informations and prosecutions it shall be lawful to state the money goods bills notes securities or other property of the said Company to be the money goods bills notes securities or other property of the said Corporation and to designate the said Company by its corporate name whenever for the purpose of any allegation of an intent to defraud or otherwise such designation shall be necessary And the said Corporation shall have perpetual succession with a common seal which may be changed from time to time at the pleasure of the said Corporation.

Provisions of deed of
settlement to be
by-laws.

2. The several provisions and regulations contained in the said deed of settlement or to be made in pursuance thereof are and shall be the by-laws for the time being of the said Corporation except in so far as any of them are or shall or may be altered or repealed by or are or shall or may be inconsistent with or repugnant to any of the provisions of this Act or of any of the laws or statutes now or hereafter to be in force in the said Colony subject nevertheless to be and the same may be amended altered or repealed either wholly or in part in the manner provided by the said deed of settlement But no rule or by-law shall be made by the said Corporation either under the said deed of settlement or by this Act in opposition to the general scope or true intent and meaning of the said deed of settlement or of this Act or of any of the laws or statutes in force for the time being in the said Colony.

Increase of capital.

3. It shall be lawful for the said Corporation from time to time to increase their capital for the time being by the creation allotment and disposal of new shares in the manner specified and subject to the provisions contained in the hereinbefore in part recited deed of settlement but so nevertheless that the total amount of all the new shares to be so from time to time created shall not together with the original capital exceed one hundred and fifty thousand pounds.

Capital and shares to
be personal estate.

4. The capital for the time being and all the funds and property of the said Corporation and the several shares therein and the profits to be derived therefrom shall be and be deemed personal estate and shall be transmissible accordingly subject to the regulations of the said deed of settlement.

Corporation not to
be bound by trusts
or equitable interests.

5. The Corporation shall not be bound by any trusts or equitable interests affecting any share or shares in the capital but the person in whose name such share or shares shall stand in the books of the Corporation shall be taken to be the absolute owner thereof to all intents and purposes. Provided always that nothing herein contained shall be deemed or taken to interfere with or abridge the power of a Court of Equity to restrain the payment of any such dividend or other money payable thereafter by the Corporation in respect of any shares or the transfer thereafter of any such shares or to direct the payment of such dividends or other money by the Corporation or the transfer of such shares by the person in whose name they may stand to such other person as such Court may think fit.

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6. It shall be lawful for the said Corporation notwithstanding any law to the contrary to purchase in fee simple or for any less estate or take upon lease any suitable premises for the transaction of the business of the Company or to purchase land and erect thereon such buildings as may be necessary for such business and to let sell or exchange or otherwise dispose of any land houses and premises and to cause the same to be assured accordingly.

Power to take and hold lands &c.

7. No dividend or bonus shall in any case be declared or paid out of the subscribed capital for the time being of the said Corporation or otherwise than out of the net profits of the business.

No dividend or bonus to be paid except from profits.

8. In any action or suit to be brought by the said Corporation against any proprietor of any share in the capital of the said Corporation to recover any sum of money payable to the said Corporation for or on account of any instalment or call made by virtue of this Act or of the said deed of settlement it shall be sufficient for the said Corporation to allege that the defendant being a proprietor of such share in the capital of the said Corporation is indebted to the said Corporation in such sum of money as the instalment or call in arrear shall amount to for such instalment or call of such sum of money upon such share or shares belonging to the said defendant whereby an action hath accrued to the said Corporation without setting forth any special matter And on the trial of such action or suit it shall not be necessary to prove how or in what manner such instalment or call became payable or any other matter except that the defendant was a proprietor of one or more share or shares in the capital of the said Corporation and that such instalment or call was in fact due and that the time fixed for the payment thereof was given as is directed by the said deed of settlement and the said Corporation shall thereupon be entitled to recover what shall appear due.

Provisions as to actions and suits for calls and instalments.

9. Nothing herein contained shall prejudice any instalment due contract or other act deed matter or thing entered into made or done by the said Company under or by virtue of the said deed of settlement before this Act shall come into operation but such instalment contract act deed matter or thing shall be as valid and effectual to all intents and purposes as if this Act had not been passed and may be enforced in like manner as if the said Company had been incorporated before such instalment became due or such contract act deed matter or thing had been made entered into or done.

Ratification of acts done by Company.

10. In the event of the assets of the said Corporation being at any time insufficient to meet its engagements then and in that case the shareholders respectively shall be responsible to the amount of their subscribed shares only in addition to such subscribed shares.

Limitation of Liabilities.

11. It shall not be necessary to use the corporate seal in respect of any of the ordinary business of the Company or for the appointment of an attorney or solicitor for the prosecution or defence of any action suit or proceeding or otherwise And any person duly authorized and empowered under the corporate seal may without such seal execute any deed and do all such other acts matters and things as may be required to be executed and done on behalf of the said Corporation and in conformity with the provisions of the deed of settlement and of this Act.

When corporate seal not required to be used.

12. This Act shall be deemed to be a public Act and shall be judicially taken notice of as such by the Judges of the Supreme Court and all other Judges and Justices of the Peace within the Colony of New South Wales without being specially pleaded and the same whenever cited shall be sufficiently described as the "Clarence and Richmond Rivers Steam Navigation Company's Act."

Act to be deemed a public Act.

Short Title.

