ANNO DECIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. xxi.

An Act for incorporating the Colonization Assurance Company, and conferring certain Privileges on the said Company. [10th *June* 1850.]

Deed of Settlement, dated 22d March 1850.

WHEREAS by a certain Deed of Settlement bearing Date the Thirty-first Day of *December* One thousand eight hundred and forty-nine, and since cancelled, and a certain other Deed of Settlement bearing Date the Twenty-second Day of *March* One thousand eight hundred and fifty, a Company has been established under the Name and Style of the Colonization Assurance Company, the Business or Purpose whereof is to purchase, to exchange, to surrender, and, either for Cash or for annual or other periodical Payments either determinable or not determinable with Life, or for other Considerations, to sell Lands, Tenements, and Hereditaments in the Colonies and Dependencies of the *British* Empire, or any or either of them, and by Lease or Licence for any such Consideration as aforesaid to confer the Rights of mining, quarrying, brickmaking, limemaking, building, farming, depasturing, and cutting Timber, or any or either of them, or any other Right or Privilege in or upon any such Lands, Tenements, and Hereditaments, and also to carry forward Emigration to the Colonies and Dependencies aforesaid, or

any or either of them, to convey or procure to be conveyed thither Emigrants, and to obtain the Premiums or Bounties, whether in Money, Land, or Land Scrip, which shall become due, and such other Profit or Remuneration, if any, from any Source whatsoever as can be obtained for or by reason or means of the Introduction or Conveyance of such Emigrants as aforesaid, with a Capital of One hundred thousand Pounds divided into Ten thousand Shares of Ten Pounds each, and generally for the Purposes, and subject to the Provisions, and with the Powers vested in the Proprietors of the said Company by such Deed and therein particularly mentioned: And whereas on the Twenty-third Day of *March* One thousand eight hundred and fifty the said Company obtained a Certificate of complete Registration, under an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies*, and an Act passed in the Session holden in the Tenth and Eleventh Years of the said Reign, intituled *An Act to amend an Act for the Registration, Incorporation, and Regulation of Joint Stock Companies*: And whereas the Operations of the said Company are likely to be productive of great Benefit to the various Colonies and Dependencies of the *British* Empire, and such Operations would be greatly facilitated by conferring on the said Company a more complete Incorporation, and a more ample Right of taking and holding Lands in a corporate Capacity, than can respectively be obtained under the said Acts or either of them, and by removing and modifying in favour of the said Company certain of the Obligations and Penalties which are by the said Acts or one of them imposed, and it would further facilitate and greatly encourage the Operations of the said Company if certain Exceptions in favour of the said Company bearing some Proportion to the Progress of such Operations were made in the Provisions of a certain Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Sale of Waste Land belonging to the Crown in the* Australian *Colonies*, and of a certain Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the same Reign, intituled *An Act to amend an Act for regulating the Sale of Waste Land belonging to the Crown in the* Australian *Colonies, and to make further Provision for the Management thereof*, and it is expedient that such Facilities and Encouragement as aforesaid should be afforded to the said Company; but these Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Company is and shall henceforward, till dissolved, be a Body Corporate

7 & 8 Vict. c. 110.

10 & 11 Vict. c. 78.

5 & 6 Vict. c. 36.

9 & 10 Vict. c. 104.

Company incorporated.

rate under the Name of the Colonization Assurance Corporation, with perpetual Succession, and be acknowledged as such in *Great Britain* and *Ireland* and in all the Colonies and Dependencies of the *British* Empire, and shall have a Common Seal, and the Estates and Effects of the said Corporation shall be the Fund out of which the Contracts, Engagements, and Liabilities of the said Corporation shall from Time to Time be respectively provided for and satisfied; and none of the Proprietors of or Subscribers to the said Corporation in his or her individual Capacity shall be subject or liable to any Action or Suit whatsoever for the Breach or for the Performance or Satisfaction of any such Contract, Engagement, or Liability.

Power to Corporation to purchase and hold Lands.

II. And be it enacted, That it shall be lawful for the said Corporation from Time to Time and at all Times hereafter to purchase and hold Lands, Tenements, and Hereditaments in *Great Britain* and *Ireland*, but, except by way of Mortgage, not exceeding Twenty Acres, and in the Colonies and Dependencies of the *British* Empire respectively to any Extent, without any Licence from the Committee of Privy Council for Trade, or any other Licence or Authority whatsoever than is herein-after provided.

Enrolment and Registration of Deeds, &c. in certain Cases may be dispensed with.

III. And be it enacted, That for the Purpose of giving Validity in the said Colonies and Dependencies, or any or either of them, to any Act or Deed of the said Corporation, or any Trustees or Trustee for the Time being thereof, it shall not be necessary either that the last-mentioned Deed of Settlement, or any Deed supplementary or ancillary thereto, or any Deed of Appointment of any such Trustees or Trustee, should be enrolled or registered in any Court or Office in any such Colony or Dependency, or that in any Case where the said Corporation shall have directed the Execution in any such Colony or Dependency of any Deed or Instrument, such Deed or Instrument should be impressed with any other Seal on the Part of the said Corporation than the Seal or Seals of the Attorney or Attorneys directed to execute such Deed or Instrument by such Corporation.

Nothing herein to extend to discharge the Corporation from any Liabilities among themselves, &c.

IV. Provided always, and be it enacted, That nothing herein contained shall extend to relieve or discharge the Proprietors of or Subscribers to the said Corporation respectively from any Responsibility, Contracts, Duties, or Obligations which they may now or at any Time hereafter be subject or liable to among themselves respectively, or, save as aforesaid, to interfere with the Constitution, Operations, and internal Government of the said Corporation under the last-mentioned Deed of Settlement and the Acts under which the said Corporation is registered, or to alter the Provisions of such Deed further or otherwise than the same may be inconsistent with the Provisions of this Act; but, nevertheless, from and after the passing hereof it shall not be necessary for the said Corporation to return

Not necessary to make certain Returns.

return to the Office for the Registration of Joint Stock Companies any of the Particulars by the said last-mentioned Acts or either of them required to be returned, save and except the Copy of the annual Balance Sheet and of the Report of the Auditors thereon as hereinafter mentioned.

Power to Registrar of Joint Stock Companies to re-audit Accounts, and require the Production of Books, &c.

V. Provided further, and be it enacted, That the Registrar or Assistant Registrar for the Time being of Joint Stock Companies is hereby required annually to re-audit the Accounts brought to a Balance in such Balance Sheet, and in his Discretion to call for and require the Directors of the said Corporation to produce to him for Examination all or any of the Books of Account, Papers, and Writings belonging to the said Corporation that he may deem necessary to enable him effectually to re-audit the said Accounts, and he is hereby authorized to charge for each such Re-audit as a Remuneration for his Trouble therein a Sum not exceeding Ten Pounds, and if the same be not paid, to recover the same against the said Corporation in an Action of Debt; but nothing herein contained shall affect the Provisions in the last-mentioned Deed of Settlement contained as to the Accounts thereby directed to be kept, and the Conclusiveness of such Accounts upon the Proprietors of or Subscribers to the said Corporation.

Capital not to be increased without Consent of Treasury.

VI. Provided also, and be it enacted, That no Increase shall be made in the Capital of the said Corporation above the said Sum of One hundred thousand Pounds, except with the Consent of the Commissioners of the Treasury.

Copy of annual Report to be sent to the Board of Trade.

VII. Provided also, and be it enacted, That a Copy of the annual Report of the Proceedings of the said Corporation shall in each Year be returned to the Committee of Privy Council for Trade; but nothing herein contained shall affect the Provisions in the last-mentioned Deed of Settlement contained respecting the Reports thereby directed to be made, and the Conclusiveness of such Reports on the Proprietors of or Subscribers to the said Corporation.

Power to Governor of Western Australia to issue Land Scrip to the Corporation in respect of Emigrants.

VIII. And whereas the said Corporation have commenced their Operations in the Colony of *Western Australia:* Be it enacted, That it shall be lawful for the Governor of the said Colony and he is hereby required for every Emigrant of any Class, and whether Male or Female, above the Age of Fourteen Years, and for every Two Emigrants of any Class, and whether Male or Female, between the Age of One and Fourteen Years, who shall respectively have been approved by Her Majesty's Land and Emigration Commissioners, and have been conveyed or procured to be conveyed from *Great Britain* or *Ireland* to the said Colony by the said Corporation, to issue to the said Corporation or their Manager in the said Colony Land Scrip to the Amount

of Twenty Pounds for the Purchase of Crown Lands in the said Colony; and the Governor of the said Colony shall not be obliged to require any further Evidence of the Fact of any such Emigrant or Emigrants having been conveyed or caused to be conveyed by the said Corporation than the Production by the Master or other commanding Officer for the Time being of the Vessel in which such Emigrant or Emigrants shall have arrived of a Copy of the Charter Party under which such Vessel shall have arrived, certified by the Emigration Officer at the Port of Clearance, nor any further Evidence of the Age of any Emigrant or Emigrants than shall be contained in the List of the Names and Ages of Emigrants approved and transmitted by Her Majesty's Commissioners of Land and Emigration to the Governor or Colonial Secretary of the said Colony.

Power to Governor, on Application from the Corporation, to put up Crown Lands for Sale, and Land Scrip to be taken in Payment.

IX. And be it enacted, That the Governor of the said Colony shall, on Application made by the said Corporation or their Manager in the said Colony in the ordinary Form, from Time to Time cause to be put up for Sale in the usual Manner such Blocks of Country Land in the said Colony as shall from Time to Time be indicated in any such Application, unless it shall appear to the said Governor that such Land is required for public Purposes; and at every Sale of such Lands in the said Colony such Land Scrip as aforesaid shall be available to the Amount thereof as Money, and be received accordingly; provided that if any Blocks of Land which shall be so put up for Sale as aforesaid shall be less than Five thousand Acres in Extent, and not within surveyed Districts, the Expense of Survey shall be defrayed by the Corporation, unless the Land be purchased by any Party other than the Corporation, and the Form of each Block so put up for Sale shall be as nearly as Circumstances will admit in conformity with the Regulations for the Time being in force in the said Colony for the Sale of Crown Lands.

Proviso as to Blocks of Land less than 5,000 Acres in Extent.

Lands may be put up for Sale, but without Prejudice to any Right of Pre-emption, &c.

X. Provided always, and be it enacted, That Lands may be put up for Sale, on Application by the Corporation or their Manager in the said Colony as aforesaid, notwithstanding, but without Prejudice to any Right of Pre-emption, or conditional or limited Estate, or partial Interest or Easement in the Lands so purchased, or any Part or Parts thereof, which shall for the Time being be existing under any conditional or limited Grant of the said Lands, or any Part thereof respectively, or any Lease or Licence which shall have been previously executed.

Lands vested in the Corporation may be surrendered, and Land Scrip

XI. And be it enacted, That as to all or any Part or Parts of the Lands in the said Colony which have already been absolutely sold or disposed of by the Crown, and which now are or hereafter shall be absolutely vested in the said Corporation, it shall from Time to Time be

issued for the same.

be lawful for the Governor of the said Colony, subject to the Regulations and Instructions, if any, of Her Majesty's Principal Secretary of State for the Colonies then in force, to accept any absolute Surrender or Surrenders thereof by the said Corporation or their Manager in the said Colony, and in consideration thereof to issue to the said Corporation or their Manager in the said Colony Land Scrip for the Purchase of Crown Lands in the said Colony to such Amount as the said Governor shall, subject as aforesaid, think fit, and such Land Scrip as last aforesaid, when issued, shall in all Sales of Crown Lands in the said Colony be received as Money in manner aforesaid.

Act not to repeal existing Law, nor Corporation to extend its Operations without Permission of the Secretary of State.

XII. Provided always, and be it enacted, That nothing herein contained shall be construed to repeal or interfere with any existing Law enacted by Parliament or by any Colonial Legislature respecting the Disposal of public Land in any of Her Majesty's Colonies and Dependencies (except the Colony of *Western Australia* as aforesaid), or to overrule any Law which may hereafter be passed respecting the Disposal of such Land by any Colonial Legislature now having lawful Authority in that Behalf; and provided also, that the said Corporation shall not extend their Operations to any Colony (except *Western Australia*) without Permission previously obtained from Her Majesty's Principal Secretary of State for the Colonies.

Interpretation of Terms.

XIII. And be it enacted, That by the Word "Governor" as employed in this present Act is intended and described the Person who for the Time being shall be lawfully administering the Government of any of the said Colonies respectively; and by the Words "Commissioners of the Treasury" as employed in this present Act is or are intended and described the Lord High Treasurer for the Time being, or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them; and by the Words "Committee of the Privy Council for Trade" as employed in this present Act are intended and described the Lords of the Committee of Her Majesty's Privy Council for the Time being for the Consideration of all Matters of Trade and Plantations; and by the Word "Manager" as employed in this present Act is intended and described the Person or Persons who for the Time being shall be managing the Concerns of the said Corporation in the Colony of *Western Australia*; and by the Words "Country Land" as employed in this present Act is intended and described the Crown Lands described as "Country Lots" in the Act Fifth and Sixth *Vict.*, Chapter Thirty-six.

Short Title.

XIV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Deeds, it shall be sufficient to use the Expression "The Colonization Assurance Corporation Act, 1850."

XV. And

XV. And be it enacted, That this Act shall take effect and have the Force of Law in *Great Britain* and *Ireland* from and after the passing hereof, and in each of the Colonies and Dependencies of the *British* Empire from the Day of the Receipt by the Governor thereof of a Copy of this Act, which Day such Governor shall certify and make known by a Proclamation to be by him for that Purpose forthwith issued under the public Seal of the Colony, such Proclamation to be made public in such Manner as he shall think fit. Commencement of Act.

XVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such in *Great Britain* and *Ireland*, and the Colonies and Dependencies of the *British* Empire. Public Act.

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