ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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Cap. xcvii.

An Act for forming and regulating a Company, to be called "The *India* Steam Ship Company," and to enable the said Company to purchase certain Letters Patent. [31st *July* 1838.]

Letters Patent for England and the Colonies, 14th April 1831.

WHEREAS by Letters Patent under the Great Seal of *Great Britain*, bearing Date the Fourteenth Day of *April* One thousand eight hundred and thirty-one, His late Majesty King *William* the Fourth did give and grant unto *Thomas Brunton*, therein described, of *Park Square*, *Regent's Park*, in the County of *Middlesex*, Esquire, his Executors, Administrators, and Assigns, for the Term of Fourteen Years, the sole Benefit and Advantage of his Discovery of "An Improvement in Apparatus, rendering the same applicable to Steam Engines," within that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, the Dominion of *Wales*, and the Town of *Berwick-upon-Tweed*, and also in all Colonies and Plantations abroad; but the said Letters Patent contain a Proviso for making void the same if the said *Thomas Brunton*, his Executors or Administrators, or any Person or Persons

who should thereafter have or claim any Right, Title, or Interest of, in, or to the Privilege of the sole Use and Benefit of the said Invention, should make any Transfer or Assignment of the said Privilege, or any Share of the Profit or Benefit thereof, or should declare any Trust thereof to or for any Persons exceeding the Number of Five, or should open or cause to be opened any Book or Books for public Subscriptions to be made by any Number of Persons exceeding the Number of Five, in order to the raising of any Sum or Sums of Money under Pretence of carrying on the said Privilege, or should by him or themselves, or his or their Agents or Servants, receive any Sum or Sums of Money whatsoever of any Number of Persons exceeding in the whole the Number of Five, for such or the like Intents and Purposes, or should presume to act as a Corporate Body, or should divide the Benefit of the said Letters Patent or the Liberty and Privileges thereby granted into any Number of Shares exceeding the Number of Five, or in case the said Privileges should at any Time thereafter become vested in or in Trust for more than the Number of Five Persons or their Representatives at any one Time, including Executors or Administrators as and for the single Person whom they represent as to such Interest as they were or should be entitled in right of such their Testator or Intestate: And whereas the above-named *Thomas Brunton*, the Patentee, departed this Life on the Second Day of *April* One thousand eight hundred and thirty-three, intestate, and Letters of Administration of his Estate and Effects were granted by the Prerogative Court of *Canterbury* to *William Brunton* of *Park Square*, *Regent's Park*, aforesaid: And whereas by other Letters Patent under the Great Seal of *Ireland*, bearing Date the First Day of *November* One thousand eight hundred and thirty-one, His said late Majesty did give and grant unto the said *Thomas Brunton*, his Executors, Administrators, and Assigns, for the Term of Fourteen Years, the sole Benefit and Advantage of his Invention of "An Improvement in certain Apparatus for distilling, brewing, making or refining Sugar, and for other useful Purposes;" but the said Letters Patent contain no Restriction as to the Number of Persons to whom the same may be assigned: And whereas by an Indenture bearing Date the Sixteenth Day of *February* One thousand eight hundred and thirty-six, and made between the said *William Brunton* (Administrator of the said *Thomas Brunton*) of the First Part; *Elisha Haydon Collier*, therein described, of the Second Part; and *John Stephens* of *Paul's Wharf*, *Upper Thames Street*, in the City of *London*, Gentleman, and *Augustus Manning* of *Chalk Hill House*, *Kingsbury*, in the County of *Middlesex*, Gentleman, of the Third Part; after reciting as therein is recited, it is witnessed, that for the Considerations therein mentioned the said *William Brunton*, by the Direction of the said *Elisha Haydon Collier*, did assign, transfer, and set over unto the said *John Stephens* and *Augustus Manning*, their Executors, Administrators, and Assigns (amongst other Things) the said recited Letters Patent of the Fourteenth Day of *April* One thousand eight hundred and thirty-one and First Day of *November* One thousand eight hundred and thirty-one, with all Benefit and Advantage belonging thereto respectively, for the Residue of the said Term of Fourteen Years: And whereas by certain other Letters Patent under the Seal appointed to be used for *Scotland*, bearing Date the Seventh Day of *July* One thousand eight hundred and thirty-six, His said late Majesty did give and grant unto the said *Elisha Haydon Collier*, therein described as of *East India Cottage*, *City Road*, in the County of *Middlesex*, formerly of *Boston* in the State of *Massa-*

Letters Patent for Ireland, 1st November 1831.

Letters Patent for Scotland, 7th July 1836.

Massachussetts, one of the United States of *America*, Civil Engineer, his Executors, Administrators, and Assigns, for the Term of Fourteen Years, the Sole Benefit and Advantage of his Discovery of "An Improvement or Improvements in Steam Boilers," within that Part of the United Kingdom of *Great Britain* and *Ireland* called *Scotland*; but the said last-mentioned Letters Patent contain a Proviso for making void the same if the same or the Liberties and Privileges thereby granted should at any Time thereafter become vested in or in Trust for more than Twelve Persons or their Representatives at any one Time, as Partners, dividing or entitled to divide the Benefit or Profits obtained by reason of the said Letters Patent, reckoning Executors and Administrators as and for the single Person whom they represent as to such Interest as they were or should be entitled to in right of such their Testator or Intestate: And whereas under the Authority of His said late Majesty's Solicitor General certain Alterations were made in the said recited Letters Patent of the Fourteenth Day of *April* One thousand eight hundred and thirty-one, which said Alterations were duly filed with the Clerk of the Patents of *England*, and enrolled in the High Court of Chancery on the Twenty-third Day of *May* One thousand eight hundred and thirty-six, pursuant to the Act of Parliament made and passed in the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act to amend the Law touching Letters Patent for Invention:* And whereas by certain other Letters Patent under the Great Seal of *Great Britain*, bearing Date the Thirteenth Day of *July* One thousand eight hundred and thirty-six, His said late Majesty did give and grant unto the said *Elisha Haydon Collier*, his Executors, Administrators, and Assigns, for the Term of Fourteen Years, the sole Benefit and Advantage of his Discovery of "An Improvement or Improvements in Steam Boilers" within *England* and *Wales*, the Town of *Berwick-upon-Tweed*, and also in all Colonies and Plantations abroad; but the said last-mentioned Letters Patent contain a Proviso for making void the same if the same or the Liberties and Privileges thereby granted should at any Time thereafter become vested in or in Trust for more than Twelve Persons or their Representatives at any one Time, as Partners, dividing or entitled to divide the Benefit or Profits thereof by reason of the said Letters Patent, reckoning Executors and Administrators as and for the single Person whom they represent as to such Interest as they were or should be entitled to in right of such their Testator or Intestate: And whereas by an Indenture bearing Date the Twenty-third Day of *April* One thousand eight hundred and thirty-eight, and made between *Elisha Haydon Collier* of the one Part, and the said *John Stephens* and *Augustus Manning* of the other Part, after reciting as therein is recited, it is witnessed, that for the Considerations therein mentioned he the said *Elisha Haydon Collier* did, amongst other things, grant, assign, and transfer unto the said *John Stephens* and *Augustus Manning* all those the said several Letters Patent of the Fourteenth Day of *April* One thousand eight hundred and thirty-one, the First Day of *November* One thousand eight hundred and thirty-one, the Seventh Day of *July* One thousand eight hundred and thirty-six, and the Thirteenth Day of *July* One thousand eight hundred and thirty-six, and also the said Memorandum of Alteration of the Twenty-fifth Day of *April* One thousand eight hundred and thirty-six, and every of them and every Part of the same respectively; and the exclusive Exercise, Use, Right, and Enjoyment of the said several Inventions were, for the Considerations therein expressed, granted, assigned, and transferred to the said *John Stephens* and *Augustus Manning*, their Executors,

Letters Patent, 13th July 1836.

Executors, Administrators, and Assigns, for the Residue of the said several Terms of Years in and by the said several Letters Patent respectively granted, and for all other the Term or Interest of the said *Elisha Haydon Collier* therein: And whereas Descriptions of all the herein-before recited Inventions and the Manner in which the same are to be performed have been duly enrolled, pursuant to the Provisoes for that Purpose in the said Letters Patent severally contained: And whereas the said Discoveries and Inventions consist in generating Steam by means of a Boiler so constructed as to bring the generating Surface in immediate Contact with the Cholerick by a Number of Chambers or Water Vessels peculiarly arranged so as to carry on a rapid Circulation of Water, which prevents the Precipitation of Salt or other Sediment, and by this Arrangement the Boiler is reduced to a Space of One Half of ordinary Boilers, and being packed with a slow conducting Medium prevents the Radiation of Heat, and with the Safety Valve or Breathing Pipe renders these Boilers perfectly secure from Explosion from any Cause whatever, and also prevents the possibility of firing a Vessel or Ship, the Boiler being fed from a Jacket surrounding the Funnel with hot Water, and by these Arrangements a saving of Fifty *per Cent.* is obtained in Weight, Room, and Fuel: And whereas Boilers made according to the said Letters Patent and Specifications, at the same Time that they are safer than ordinary Boilers, are, from the small Space which they occupy and the small Quantity of Fuel they require, peculiarly adapted for Steam Vessels employed in very long Voyages, insomuch that it is believed by competent Judges that by means of such Boilers Steam Vessels will perform the Voyage to *India* by the Way of the *Cape of Good Hope* without Difficulty: And whereas it would manifestly be for the Advantage of the Public that a Line of Steam Communication should be established between this Country and *India* by way of the *Cape of Good Hope*, and between this Country and Her Majesty's Dominions in *Australia:* And whereas the Establishment of such a Communication would be attended with great Risk, and would require so large an Outlay of Capital that it could be successfully undertaken only by a Joint Stock Company: And whereas Sir *John Ross*, the Honourable *Craven Berkeley*, *Thynne Howe Gwynne*, *Thomas James Barrow*, *Charles Spencer Bunyon*, *Edward Walpole*, and *William Hopson*, Esquires, are of opinion that by means of such Boilers as aforesaid Steam Communication may be effected between this Country and *India* by way of the *Cape of Good Hope*, and between this Country and Her Majesty's Dominions in *Australia*, but that the Undertaking would be attended with great Difficulty and Risk of Loss; and in order to give to the Parties embarking their Capital in such an Undertaking a reasonable Chance of obtaining a proper Return on the Capital employed, it is expedient that they should be enabled to purchase the said recited Letters Patent, in order to secure to them the Use of so many Boilers, made according to the said Patents, as they might from Time to Time require during the Continuance of the same Patents respectively, for which an exclusive Privilege of making and using such Boilers is granted by the said Letters Patent respectively: And whereas the said Sir *John Ross*, the Honourable *Craven Berkeley*, *Thynne Howe Gwynne*, *Thomas James Barrow*, *Charles Spencer Bunyon*, *Edward Walpole*, and *William Hopson*, Esquires, are willing to form a Company, to be called "The *India* Steam Ship Company," for the Purpose of effecting such a Communication by Steam as aforesaid, if they are authorized so to do by Parliament, and can obtain

for the said Company an Assignment of the said recited Letters Patent: And whereas the said *John Stephens* and *Augustus Manning* are willing to assign the said Letters Patent to the said Company if they can obtain the Sanction of Parliament so to do: And whereas the Purposes aforesaid cannot be effected without the Aid and 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 Sir *John Ross*, the Honourable *Craven Berkeley*, *Thynne Howe Gwynne*, *Thomas James Barrow*, *Charles Spencer Bunyon*, *Edward Walpole*, and *William Hopson*, Esquires, and all and every such Person or Persons, Body and Bodies Politic, Corporate, or Collegiate, who shall be or may from Time to Time become a Proprietor or Proprietors of any Share or Shares in the Undertaking hereby established, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company by the Name of "The *India* Steam Ship Company."

The India Steam Ship Company established.

II. And be it further enacted, That the said Company shall be established for the Purpose of effecting by means of Ships or Packets to be propelled by Steam or other artificial Power a Communication between Her Majesty's *European* Dominions and *India* by way of the *Cape of Good Hope*, and between Her Majesty's *European* Dominions and Her Majesty's Dominions in *Australia*, and between the last-mentioned Territories and *India*, and divers other Places beyond *Madeira*, and for the Conveyance of Passengers, Goods, and Merchandize, and other Effects, Matters, and Things between each of such Territories and Places

Objects of the Company.

III. And be it further enacted, That it shall and may be lawful to and for the said *John Stephens* and *Augustus Manning*, their Executors, Administrators, and Assigns, after the passing of this Act, to make and execute unto or for the said Company a Transfer and Assignment of the said herein-before recited Letters Patent, and all Letters Patent which may hereafter be obtained by them for any Improvement or Improvements on the said Inventions, and all Benefits and Advantages thereof respectively, and such Transfer and Assignment of the said Letters Patent shall be good, valid, and effectual to all Intents and Purposes, and shall not render void the said Patents or any of them, any Proviso or Restriction contained in the said Letters Patent or any of them to the contrary thereof in anywise notwithstanding.

J. Stephens and A. Manning may assign the Letters Patent to or in Trust for the Company.

IV. And be it further enacted, That after the said Transfer or Assignment shall have been made as aforesaid it shall and may be lawful for the said Company to use and exercise the said Inventions in such and the same Manner to all Intents and Purposes whatsoever as the said *John Stephens* and *Augustus Manning*, their Executors, Administrators, and Assign, would have been entitled to under the said respective Letters Patent in case the said herein-before recited Provisoes or Conditions had not been inserted in the said Letters Patent respectively, and that the said Letters Patent respectively shall henceforth be construed and considered in such and the same Manner to all Intents and Purposes whatsoever as if the said recited Provisoes or Conditions therein respectively contained had not been inserted in the said Letters Patent.

Company after Assignment to have all the Rights and respective Patents;

and enabled to grant Licences for the Use of the said Inventions.

V. And be it further enacted, That after the said Transfer or Assignment shall have been made as aforesaid, it shall and may be lawful for the said Company to grant Licences to any Person or Persons to use and exercise the said Inventions generally, or within certain limited Districts, and under such Restrictions as to other Persons within the same District as to the said Company shall seem fit.

Company may sue and be sued in the Name of the Secretary.

VI. And be it further enacted, That from and after the passing of this Act all Actions and Suits, and also all Petitions to found any Commission or Fiat of Bankruptcy in *England* or *Ireland*, or any Sequestration in *Scotland*, against any Person or Persons indebted to the said Company, and liable to be made bankrupt by the Laws now or at any Time hereafter in force relating to Bankrupts and Traders, or to Sequestrations, and all Proceedings at Law or in Equity under any Commission or Fiat of Bankruptcy, or under any Sequestration to be awarded in consequence of any such Petition, and all other Proceedings at Law or in Equity to be commenced, instituted, or carried on by or on behalf of the said Company, or wherein the said Company is or shall be concerned or interested against any Person or Persons, Body or Bodies Politic or Corporate, whether such Person or Persons, Body or Bodies Politic or Corporate, is or are or shall then be a Member or Members, Proprietor or Proprietors of or in the said Company, or not, shall and lawfully may be commenced, instituted, presented, and prosecuted or carried on in the Name of the Person who shall be the Secretary of the said Company at the Time such Action, Suit, or Proceeding shall be commenced or instituted as the nominal Plaintiff or Petitioner for or on behalf of the said Company; and all Actions, Suits, and Proceedings at Law or in Equity to be commenced or instituted against the said Company by any Person or Persons, Body or Bodies Politic or Corporate, whether such Person or Persons, Body or Bodies Politic or Corporate, is or are or shall then be a Member or Members, Proprietor or Proprietors of or in the said Company, or not, may be commenced, instituted, and prosecuted against the said Secretary for the Time being, and if and when there shall be no such Secretary, then against One of the Directors for the Time being of the said Company as the nominal Defendant for and on behalf of the said Company; and all Prosecutions to be brought, instituted, or carried on by or on behalf of the said Company for Fraud upon or against the said Company, or for Embezzlement, Robbery, or stealing any Money, Notes, Bills, Effects, Securities, or Property of the said Company, or for any other Offence against the said Company, shall and lawfully may be so brought, instituted, or carried on in the Name of such Secretary for the Time being of the said Company; and in all Indictments and Informations it shall be lawful to state the Property of the said Company to be the Property of "The *India* Steam Ship Company," and any Offence committed with Intent to injure or defraud the said Company shall and lawfully may in such Prosecution be laid to have been committed with Intent to injure or defraud "The *India* Steam Ship Company," and any Offender or Offenders may thereupon be lawfully convicted of any such Offence; and in all other Allegations or Indictments, Informations, or other Proceedings in which before the passing of this Act it would have been necessary to state the Names of the Persons composing the said Company, it shall and may be lawful and sufficient to state the Name of such Secretary; and the Death, Resignation, or Removal of such Secretary, or any

other Act or Proceeding of such Secretary done without the Consent of the said Company, shall not abate or render defective any such Action, Suit, Proceeding, or Prosecution.

No Action against the Company to be affected in consequence of the Plaintiff being a Member.

VII. And be it further enacted, That no Action which may be commenced against the Secretary or other Member of the said Company by virtue of this Act, upon or arising out of any Contract entered into by or on behalf of the said Company, shall be in anywise affected or defeated by or by reason of the Plaintiff or Plaintiffs therein, or of any other Person or Persons in whom any Interest may be averred, or who may be in anywise interested or concerned in such Action, being a Member or Members of the said Company, but any Member or Members of the said Company shall and may have the same Right of Action and Remedy, to be proceeded in and enforced in the same Manner, against the said Company, or the Secretary or other Member thereof, upon any Contract and upon and for any Debt, Damages, or Demand whatsoever, which he or they might have had if he or they had been a Stranger or Strangers, and not a Member or Members of the said Company.

No Action commenced by the Company to be affected in consequence of the Defendant being a Member.

VIII. And be it further enacted, That no Action commenced by or on behalf of the said Company, in the Name of the Secretary or other Member thereof, by virtue of this Act, upon or arising out of any Contract entered into by or on behalf of the said Company, or for Recovery of any Debt or Demand whatsoever due or owing to the said Company, shall be in anywise affected or defeated by or by reason of the Defendant or Defendants therein, or of any other Person or Persons for whom or on whose Account any such Contract shall be effected, or who may be in anywise liable to be sued in such Action, being a Member or Members of the said Company; but the said Company shall and may have the same Right of Action and Remedy, to be proceeded in and enforced in the same Manner, against any Member or Members thereof, either alone, or jointly with any other Person or Persons, upon any Contract, and upon and for any Debt or Demand whatsoever, which the said Company might have had if such Cause of Action had arisen with a Stranger or Strangers, and not a Member or Members of the said Company.

Names of Members to be enrolled in the High Court of Chancery.

IX. And be it further enacted, That a Memorial of the Names and Descriptions of the Secretary, and of the several Persons being Members of the said Company, in the Form for that Purpose expressed in the Schedule hereunto annexed, shall be enrolled upon Oath in the High Court of Chancery within Twelve Calendar Months after the passing of this Act; and when any new Secretary shall be elected, and when any Person or Persons shall cease to be a Member or Members of the said Company, and when any Person or Persons shall become a Member or Members of the said Company, a Memorial thereof respectively shall in like Manner be enrolled as aforesaid within Twelve Calendar Months afterwards in the Form or to the Effect expressed in the said Schedule for that Purpose.

No Action to be brought until Memorial enrolled.

X. Provided always, and be it further enacted, That until such Memorial as first herein-before mentioned shall have been enrolled in manner herein directed no Action shall be brought by the said Company under the Authority of this Act; and all the Members whose Names shall be expressed

expressed in any Enrolment to be made in pursuance of this Act shall be and continue liable to all Actions, Suits, Judgments, and Executions until a Memorial or Memorials of their having ceased to be Members shall have been enrolled as aforesaid.

Execution upon any Judgments may be issued against any Member of the Company.

XI. Provided always, and be it further enacted, That Execution upon any Judgment in any such Action as aforesaid obtained against the Secretary or any Member for the Time being of the said Company, whether as Plaintiff or Defendant, may be issued against any Member or Members for the Time being of the said Company: Provided always, that every such Secretary or Member in whose Name any such Action or Suit shall be commenced, prosecuted, or defended, and every such Member or Members against whom Execution upon any Judgment obtained in any such Action shall be issued as aforesaid, or as herein-after is mentioned, shall always be reimbursed and paid out of the Funds of the said Company all such Costs and Charges as by the Event of any such Proceedings he, she, or they shall be put unto or become chargeable with: Provided also, that in case such Execution against the Member or Members for the Time being of the said Company shall be ineffectual for obtaining Payment and Satisfaction for the Sum or Sums sought to be recovered thereby, it shall be lawful for the Party or Parties so having obtained Judgment against the Secretary, or any Member for the Time being of the said Company, to issue Execution against any Person or Persons who was or were a Member or Members of the said Company at the Time the Contract was entered into upon which such Action may have been brought; but no such Execution as last mentioned shall be issued without Leave first granted in open Court by the Court in which such Action may have been brought, upon Motion to be made on Notice to the Person or Persons sought to be charged, nor after the Expiration of Six Years next after any such Person or Persons shall have ceased to be a Member or Members of the said Company.

Judgments and Actions against the Secretary or a Member shall extend to the Property of the Company.

XII. And be it further enacted, That all and every Judgment and Judgments, Decree or Decrees, which shall at any Time after the passing of this Act be had or recovered in any Action, Suit, or Proceeding in Law or Equity against the Secretary of the said Company, or any Member thereof, shall have the like Effect and Operation upon and against the Property of the said Company as if such Judgment or Judgments, Decree or Decrees, had been recovered or obtained against the said Company in any Action, Suit, or Proceeding in Law or Equity brought or commenced against the said Company by or in the several and distinct Names and Descriptions of the several Members or Proprietors, and as if this Act had not been passed; and further, that the Bankruptcy, Insolvency, or stopping Payment of the Secretary, or such Member for the Time being of the said Company in his or their individual Character or Capacity, shall not be or be construed to be the Bankruptcy, Insolvency, or stopping Payment of the said Company; and the Capital Stock and Effects thereof, notwithstanding the Bankruptcy, Insolvency, or stopping Payment of any such Secretary or Member, shall be attached or attachable, and be in all respects liable to the lawful Claims and Demands of the Creditor or Creditors thereof, in like Manner as if no such Bankruptcy, Insolvency, or stopping Payment of the said Secretary or Member of the said Company had happened or taken place.

XIII. Pro-

Actions when pleadable in Bar.

XIII. Provided always, and be it further enacted, That no Person or Persons, Bodies Politic or Corporate, having or claiming to have any Demand upon or against the said Company, shall, when the same has been so determined as to have been pleadable in Bar against such Person or Persons, Bodies Politic or Corporate, bring more than One Action in respect of such Demand, and the Proceedings in any Action against the Secretary or any One of the Directors for the Time being of the said Company under the Authority of this Act, if so determined, may be pleaded in Bar of any Action or Actions for the same Cause against any other Secretary or Director of the said Company; provided also, that the said Company, having or claiming to have any Demand upon or against any Person or Persons, Bodies Politic or Corporate, shall, when the same shall have been so determined as to be pleadable in Bar against the Person bringing the Action in respect of such Demand, shall not bring any other Action in respect of such Demand; and the Proceedings in any such Action by the Secretary or any One Director for the Time being of the said Company under the Authority of this Act may, if so determined, be pleaded in Bar of any Action or Actions for the same Cause by any other Secretary or Director of the said Company or by the said Company.

Act to apply to all future Members of the Company.

XIV. And be it further enacted, That this Act and the Provisions herein contained shall extend and be construed and taken to extend to the said Company called "The *India* Steam Ship Company" at all Times during the Continuance of the same, whether the said Company hath been heretofore or shall hereafter be composed of all or some of the Persons who were the original Members thereof, or of all or some of those Persons together with some other Person or Persons, or shall be composed altogether of Persons who were not original Members of the same, or of Persons all of whom shall become Members after the passing of this Act.

Not to extend to incorporate the Company.

XV. Provided always, and be it further enacted, That nothing herein contained shall extend, or be deemed, construed, or taken to extend, to incorporate the said Company, or to relieve or discharge the said Company or any of the Members thereof respectively from any Responsibility, Contracts, Duties, or Obligations whatsoever to which by Law they now are or at any Time hereafter may be subject or liable, either as between such Company and other Parties, or as between the said Company and any of the individual Members of such Company and others, or among themselves, or in any other Manner howsoever.

Capital of the Company.

XVI. And be it further enacted, That the original Capital or Joint Stock of the said Company shall consist of the Sum of Five hundred thousand Pounds, divided into Shares of Fifty Pounds each; and it shall be lawful for the said Company, with the Consent in Writing of the Lord High Treasurer, or of any Three of the Commissioners of Her Majesty's Treasury for the Time being, to increase the said Capital or Joint Stock to a Sum not exceeding One Million, to be divided into Shares of a like Amount.

Shares to be Personal Estate.

XVII. And be it further enacted, That all Shares in the said Undertaking, and in the Profits and Advantages thereof, shall be and be deemed to be Personal Estate, and as such shall be assignable and transmissible accordingly.

For enforcing the Payment of Calls.

XVIII. And be it further enacted, That the several Persons who shall subscribe for and towards the said Undertaking, and who shall at any Time hereafter have or hold any Share or Shares in the same, shall and they are hereby respectively required to pay the Sum or Sums of Money by them respectively subscribed, or which have been subscribed for or on account of the said Share or Shares, or such Parts or Portions thereof as shall from Time to Time be called for, pursuant to the Powers and Directions of this Act, at such Times and Places, to such Person or Persons, and in any such Manner as shall be ordered and directed by the Directors of the said Company for the Time being; and in case any Person or Persons shall neglect or refuse to pay any such Money at such Time or Times and in such Manner as shall be ordered and directed by the said Directors as aforesaid, it shall be lawful for the said Company, in the Name of the Secretary for the Time being, to sue for and recover the same, by Action of Debt or otherwise, in any of Her Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from the appointed Time or Times of Payment, and full Costs of Suit, from such Person or Persons respectively; and in like Cases of Neglect or Refusal, where Two or more Persons shall have jointly subscribed for or be jointly possessed of One or more Share or Shares in the said Undertaking, then in like Manner to sue for and recover the same from all or any of such joint Subscribers.

Shares to be registered and Certificates delivered.

XIX. And be it further enacted, That the said Company or the Directors thereof shall and they are hereby required to provide and keep a Book or Books, and to enter or cause to be entered therein the Names and Designations of the several Persons or Parties who have subscribed or who shall hereafter subscribe for any Share or Shares in the said Undertaking, and of every Person entitled to any Shares or Share therein, making a separate Entry of each Share; and such Shares shall be numbered, beginning with Number One, and proceeding in arithmetical Progression ascending, whereof the common Excess or Difference shall always be One through the whole Number of Shares, and every such Share shall always be distinguished by the Number so to be applied to the same; and after the making of such Entries a Certificate shall be made out in respect of every Share in the said Undertaking, specifying therein the proper Number of such Share, and the Name and Designation of the Proprietor or Proprietors thereof; and every such Certificate shall be delivered to the Proprietor of such Share or Shares, his or her Executors, Administrators, or Assigns, upon Demand, and may be in the Words or to the Effect following; (that is to say,)

Form of Certificate.

'*India* Steam Ship Company.

'Number

'THESE are to certify, That of is a Proprietor of the Share Number of the Capital or Joint Stock of the *India* Steam Ship Company, subject to the Provisions of the Deed of Settlement, and to the Rules, Regulations, and Orders of the said Company, and that the said his *or* her Executors, Administrators, [*or* their Successors] and Assigns, is and are entitled to such Proportion of the Profits and Advantages arising or to arise to the said Company as shall belong to such Share. As witness my Hand, dated the Day of .'

And

And such Certificate shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor, his or her Executors, Administrators, and Assigns, to the Share therein specified, and to the Profits and Advantages accruing in respect of the same, but the Want of such Certificate shall not deprive any Proprietor or Proprietors of any Share or Shares in the said Undertaking of his, her, or their Right or Interest in or Claim to a due Proportion of the Profits and Advantages of the said Undertaking, nor hinder or prevent the Proprietor or Proprietors of any such Shares from selling or disposing of any such Share or Shares; and in case such Certificate shall not be produced or forthcoming, the said Entry, or a true Copy thereof, certified by the Secretary of the said Company, shall be deemed *primâ facie* Evidence of the Title thereto.

Shares may be sold.

XX. And be it further enacted, That it shall be lawful for the several and respective Proprietors of any Share or Shares in the said Undertaking, their Executors, Administrators, Successors, and Assigns, to sell and transfer, by Writing duly stamped, any Share or Shares of which they shall respectively be possessed; and every such Transfer may be in the Form or to the Effect following; (that is to say,)

Form of Transfer.

'I [*or* We] of in consideration of paid to me [*or* us] by of the Sum 'do hereby bargain, sell, and transfer to the said 'of Part of the Capital or Joint Stock of the *India* 'Steam Ship Company, being my [*or* our] Share [*or* Shares] Number 'in the Capital or Joint Stock and Property and Effects 'of the said Company, to hold to the said Executors, 'Administrators, and Assigns, subject to the Provisions of the Deed of 'Settlement, and to the Rules, Regulations, and Orders of the said Com-'pany, and on the same Conditions that I [*or* we] held the same imme-'diately before the Execution hereof; and I [*or* we] the said 'do hereby agree to take and accept the said Share [*or* Shares], subject 'as aforesaid. As witness my Hand and Seal [*or* our Hands and Seals] 'this Day of in the Year of our Lord .'

Transfers to be registered.

And every such Transfer, executed by all the Parties thereto, shall be exhibited to the said Company or their Secretary, to be filed by the said Secretary, and kept for the Use of the said Company; and every such Transfer shall be registered in the Books of the said Company by an Entry of the Date of such Registry and the Date of such Transfer, together with the Names of the Parties thereto, and the Number of the Share or Shares transferred; and a Copy of such Registry or Entry, signed by the Secretary to the said Company, shall be sufficient Evidence of every such Sale and Transfer, and shall be received as such in all Disputes, and in all Trials before any Judges, Justices, and others: Provided always, that until such Transfer shall be so entered or registered in the Books of the said Company no Purchaser or Purchasers of any Share or Shares, his, her, or their Executors, Administrators, Successors, or Assigns, shall have any Part or Share in the said Undertaking, or the Profits and Advantages thereof, nor shall receive any Interest or Dividend for or in respect of such Share or Shares so purchased, nor be entitled to vote at any Meeting or Meetings as Proprietor or Proprietors of or in the said Undertaking.

XXI. Pro-

No Share to be sold after a Call till the Money is paid.

XXI. Provided also, and be it further enacted, That after any Call for Money shall have been made by virtue of this Act, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking after the Day appointed for the Payment of the said Call until the Money called for in respect of his, her, or their Share or Shares intended to be sold shall be paid, together with the Interest, if any, due thereon; and unless such Money so called for, with Interest as aforesaid, shall be paid, every such Sale or Transfer of any Share or Shares shall be void, and such Share or Shares shall be liable to Forfeiture as if no such Sale or Transfer had been made.

As to Proprietorship of Joint Shares.

XXII. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name stands first on the Books of the said Company as Proprietor of such Share shall, for all Purposes of Notices and voting, be deemed the Proprietor of such Share.

For paying Expences of the Act.

XXIII. And be it further enacted, That all the Costs, Charges, and Expences incident or in relation to applying for, obtaining, and passing this Act, shall be paid and defrayed out of the Funds of the said Company, in preference to all other Payments whatsoever.

Public Act.

XXIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The

The SCHEDULE referred to in this Act.

MEMORIAL made the Day of of the Names of the present Chairman, Deputy Chairman, Directors, Secretary, and Members of "The India Steam Ship Company," enrolled pursuant to an Act passed in the Year of the Reign

A. B. of
C. D. of
E. F. of
and
G. H. of } Directors.
I. J. Secretary.
K. L.
M. N. &c. } Proprietors.

A. B. One of the Directors (*or* Secretary) of the said Company maketh Oath, That the above written Memorial doth contain the Names of the present Chairman, Deputy Chairman, Directors, Secretary, and of all the present Proprietors of the said Company, as the same appear in the Books of the said Company.

A. B. Sworn

MEMORIAL made the Day of of the Names of the new Chairman, Deputy Chairman (*or* Directors *or* Secretary) of "The India Steam Ship Company," and of the Persons in whose Places they have (*or* he has) been appointed or enrolled, pursuant to an Act passed in the Year of the Reign

E. F. of in the Place of *A. B.* of
G. H. of in the Place of *C. D.* of

E. F. of One of the Directors (*or* Secretary) of the said Company maketh Oath and saith, That the above-written Memorial contains the Names of the new Chairman, Deputy Chairman (*or* Directors *or* Secretary) of the said Company, and of the Persons in whose Place they have (*or* he has) been appointed, as the same appear in the Books of the said Company.

E. F. Sworn

N.B. The last Memorial as to the new Directors (*or* Chairman, Deputy Chairman, *or* Secretary) was enrolled on the Day of One thousand eight hundred and

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MEMORIAL made the Day of of the Names of the Persons who have ceased or discontinued to be Members of "The India Steam Ship Company" since the Day of being the Date of the Memorial last registered respecting the Members of the said Company, enrolled pursuant to an Act passed in the Year of the Reign

A. B. of

E. F. of One of the Directors (*or* Secretary) of the said Company maketh Oath and saith, That the above Memorial doth contain the Name or Names of the Persons who have ceased or discontinued to be Members of the said Company since the Day of

E. F. Sworn

MEMORIAL made the Day of of the Names of the Persons who have become new Members of "The India Steam Ship Company" since the Day of One thousand eight hundred and , and being the Date of the Memorial last registered, respecting new Members of the said Company, enrolled pursuant to an Act of Parliament passed in the Year of the Reign

J. K. of
E. M. of

A. B. of One of the Directors (*or* Secretary) of the said Company maketh Oath, That the above Memorial doth contain the Names of the Persons who have become new Members of the said Company since the Day of One thousand eight hundred and

A. B. Sworn

MEMORIAL made the Day of of the Names of the new Chairman, Deputy Chairman, and Directors of the Company called "The India Steam Ship Company," and of the Persons in whose Place they have respectively been appointed, and of the Names of the Persons who have ceased or discontinued to be Members of the said Company, and of the new Members of the said Company, enrolled pursuant to an Act passed in the Year of the Reign of

Names of the new Directors and of the Persons in whose Places they have been appointed.

E. F. of in the Place of *A. B.* of
G. H. of in the Place of *C. D.* of

Names of the Persons who have ceased to be Members.

A. B. of
C. D. of

Names

Names of the new Members.

J.K. of
L.M. of

E.F. of One of the Directors (*or* Secretary) of the said Company maketh Oath, That the above-written Memorial doth contain the Names of the new Chairman, Deputy Chairman, and Directors of the said Company, and of the Persons in whose Places they have been appointed, and of the Persons who ceased to be Members of the said Company, and of the new Members of the said Company, as the same respectively appear in the Books of the said Company.

E.F. Sworn

N. B. The last Memorial as to new Chairman and Deputy Chairman was enrolled on the Day of One thousand eight hundred and .

The last Memorial as to new Directors was enrolled on the Day of One thousand eight hundred and .

The last Memorial as to the Retirement of Members was enrolled on the Day of One thousand eight hundred and .

The last Memorial as to new Members was enrolled on the Day of One thousand eight hundred and .

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1838.