

ANNO DECIMO SEXTO

VICTORIAE REGINÆ.

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An Act to enable the Shareholders of a Company called the Cataract and Nepean Bridges Company to sue and be sued in the name of their Chairman for the time being and to limit the liability of the Shareholders in such Company to the amount of the Shares they respectively hold therein and to extend the period of time allowed for the completion of the said Bridges to the term of three years and for other purposes therein mentioned. [23rd November, 1852.]

CATARACT AND
NEPEAN BRIDGES. —

WHEREAS by an Act of the Governor of New South Wales with Preamble. the advice of the Legislative Council thereof passed in the fifteenth year of the reign of Her Majesty Queen Victoria intituled "An Act to enable William Hilton Hovell of Goulburn in the County of Argyle Esquire to erect and maintain a Bridge over the Cataract River at a spot known as 'Broughton's Pass' and a Bridge over the Nepean at a spot known as 'The Pheasant's Nest' on the line of Road leading from Sydney to Goulburn by way of Campbelltown and Appin to Lupton's Inn and to take Toll thereat for a term of years and for other purposes therein mentioned" power and authority was given to the said William Hilton Hovell his executors administrators and assigns to erect bridges over the said rivers and to take toll thereat for a period of thirty years next after the completion of such bridges and the time allowed for the completion of such bridges was thereby limited to the period of three years from the passing of the said Act And whereas a considerable capital is necessary to meet the expenses that must be incurred in the erection of such bridges And whereas a company has been formed for the purpose of raising such capital in shares and it is expedient that such company should be enabled to sue and be sued in the name of their Chairman for the time being and that the liability of the shareholders in such company should be limited to the amount of the shares respectively held by them therein and that the period of time allowed for the completion of the said bridges should be further extended.

1. Be it therefore enacted That from and after the passing of this Act all actions suits or proceedings to be commenced instituted or prosecuted at law or in equity against the said company shall be commenced instituted or prosecuted against the Chairman for the time being of the said company and that all actions suits or proceedings commenced instituted or prosecuted by the said company shall be commenced instituted or prosecuted against or by the Chairman

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for the time being of the said company as the nominal plaintiff or defendant as the case may be for and on behalf of the said company and in all criminal prosecutions to be instituted or carried on by or on behalf of the said company for fraud upon or against the said company or for embezzlement robbery stealing or for any felony misdemeanor or other offence by which the said company or their property shall or may be affected it shall be lawful and sufficient to state the property of the said company to be the property of such Chairman for the time being of the said company and any offender or offenders may be thereupon lawfully convicted of any such offence and that neither the death resignation suspension or removal of such Chairman shall abate or prejudice any such action suit or proceeding but the same may be continued in the same name or in the name of the next or any succeeding Chairman for the time being of the said company Provided nevertheless that the body or goods lands or tenements of such Chairman shall not by reason of his being the nominal defendant in any such action suit or proceeding be liable to be arrested seized or taken in execution.

Memorial of the style and firm of company and names of directors to be registered.

2. And be it enacted That as soon as conveniently may be after the passing of this Act and from time to time upon or as soon as conveniently may be after the appointment of any new Chairman of the said company a memorial in writing shall be recorded in the Supreme Court of New South Wales wherein shall be set forth the style and firm of the said company and the christian and surnames of the Chairman and of every director for the time being of the said company in the form or to the effect set forth in the Schedule to this Act annexed and that every such memorial shall be signed by the Chairman for the time being of the said company and by a majority of the directors therein named and shall be verified by the oath of the said Chairman (made before the Registrar or some Commissioner of the said Court) that the same contains a true account of the several particulars therein set forth to the best of the knowledge and belief of the deponent.

No proceedings to be had till after registration of memorial.

3. And be it enacted That until the first of such memorials so verified shall be recorded as aforesaid no action suit or other proceeding at law or in equity shall be commenced for or on behalf of or against the said company under the provisions of this Act and unless such memorial shall be from time to time recorded as aforesaid within the space of ninety days after the appointment of any new Chairman as aforesaid no new action suit or other proceeding as aforesaid shall be commenced for or on behalf of the said company until the memorial hereby required upon such appointments respectively shall be duly recorded.

Limitation of liability to amount of shares.

4. And be it enacted That if any execution either at law or in equity shall have been issued against the property or effects of the said company and if there cannot be found sufficient whereon to levy such execution then such execution may be issued against any of the shareholders to the extent of their shares respectively in the capital of the company not then paid up Provided always that no such execution shall issue against any shareholder except upon an order of the Court in which the action suit or other proceeding shall have been brought or instituted made upon motion in open Court after sufficient notice in writing to the persons sought to be charged and upon such motion such Court may order execution to issue accordingly to the extent of the shares not paid up and for the purpose of ascertaining the names of the shareholders and the amount of capital remaining to be paid upon their respective shares it shall be lawful for any person entitled to any such execution at all reasonable times to inspect the register of shareholders without charge and which register of shares shall be truly kept and be open to the inspection of any creditor on written request made upon the Chairman of the said company.

Hunter River New Steam Navigation Company.

5. And be it enacted That the period of time limited for the construction of the said bridges shall be extended to the period of three years to be computed from the time of passing this Act and that the term of thirty years by the said Act granted to the said William Hilton Hovell his executors administrators and assigns to take toll at such bridges shall be computed from the completion and opening thereof.

6. Provided always and be it enacted That nothing in this Act contained shall be deemed to affect or apply to any right title or interest of Her Majesty Her Heirs and Successors or of any body or bodies politic or corporate or of any other person or persons excepting such as are mentioned herein or of those claiming by or under him her or them.

7. And be it enacted That this Act shall be deemed and taken as a public Act and shall be judicially taken notice of as such by all Judges Justices and others without being specially pleaded.

SCHEDULE REFERRED TO.

MEMORIAL of the names of the Chairman and Directors for the time being of the Cataract and Nepean Bridges Company recorded in the Supreme Court of New South Wales pursuant to an Act of the Governor and Council of New South Wales made and passed in the sixteenth year of the reign of Her Majesty Queen Victoria intituled "An Act to enable the Shareholders of a Company called the Cataract and Nepean Bridges Company to sue and be sued in the name of their Chairman for the time being and to limit the liability of the Shareholders in such Company to the amount of the Shares they respectively hold therein and to extend the period of time allowed for the completion of the said Bridges to the term of three years and for other purposes herein mentioned."

A. B. Chairman.

C.	}	Directors.	F.	
D.			}	G.
E.				H.

On the day of in the year of our Lord one thousand eight hundred and fifty- I A. B. Chairman of the above-named company being duly sworn make oath and say that I duly signed the said memorial and I believe the signatures of the above-named directors to be in their proper handwritings respectively.

Sworn by the deponent on the day first
above mentioned before me }