



## G A Z E T T E .

NEW SERIES.

VICTORIA, SATURDAY, 24<sup>TH</sup> APRIL, 1858.

VOL. III. No. 151.

## GOVERNMENT NOTIFICATION.

The Contract for publishing this *Gazette*, entered into on the 24th September, 1853, was terminated on the 30th ultimo; and notice is hereby given, that a NEW SERIES of this *Gazette* will be published hereafter, to commence from the 7th instant, under a New Contract, and that "THE HONGKONG GOVERNMENT GAZETTE"

will, as before, be the only Official Organ for PROCLAMATIONS, NOTIFICATIONS, and PUBLIC PAPERS, of this Government.

By Order,  
Colonial Secretary's Office, Victoria, Hongkong, 2d July, 1855.

W. T. MERCER, *Colonial Secretary*.

No. 38.

## GOVERNMENT NOTIFICATION.

The Sections of the "*Joint Stock Companies' Act, 1857*," and the Acts 20 and 21 *Victoria*, Chapter 54, and 20 and 21 *Victoria*, Chapter 57, which have been extended to this Colony by Ordinance No. 5 of 1858, are hereby published for general information.

By Order,

W. T. BRIDGES,  
*Acting Colonial Secretary*.

Colonial Secretary's Office, Victoria, Hongkong, 19th April, 1858.

I. This Act may be cited for all Purposes as "The Joint Stock Companies Act, 1857."

II. "The Joint Stock Companies Act, 1856," herein-after called "the Principal Act," and this Act, shall, so far as is consistent with the Context and Objects of such Acts, be construed as One Act, and this Act and the Principal Act may be cited together for all Purposes as "The Joint Stock Companies Acts, 1856, 1857."

III. The Fourth Section of the Principal Act shall be repealed, and in lieu thereof be it enacted as follows:

If after the passing of this Act more than Twenty Persons carry on, in Partnership, any Trade or Business, having for its Object the Procurement of Gain to the Partnership, then, unless such Persons are included within One or more of the Classes following, (that is to say,)

1. Are registered as a Company under the Principal Act;
2. Are a Company incorporated or otherwise legally constituted by or in pursuance of some Act of Parliament, Royal Charter, or Letters Patent; or
3. Are engaged in working Mines within and subject to the Jurisdiction of the Stannaries;

Each one of the Persons so carrying on Business in Partnership contrary to this Provision shall be severally liable for the Payment of the whole Debts of the Partnership, and may be sued for the same without the Joinder in the Action or Suit of any other Member of the Partnership,

XI. Where an Order has been made for winding-up a Company under the Third Part of the Principal Act, if upon the Application of the official Liquidator it appears to the Court having Jurisdiction in the Matter of such Winding-up that there is probable Cause for believing that any Contributory to such Company is about to quit the United Kingdom, or otherwise abscond, or to remove or conceal any of his Goods or Chattels, for the Purpose of evading Payment of Calls, or for avoiding Examination in respect of the Affairs of the Company, the Court may, by Warrant directed to such Person or Persons as it thinks fit, cause such Contributory to be arrested, and his Books, Papers, Monies, Securities for Monies, Goods and Chattels, to be seized, and him and them to be safely kept until such Time as the Court may order.

XII. Any Contributory who has been arrested or whose Goods or Chattels have been seized under any such Warrant as aforesaid may, at any Time after such Arrest or Seizure, apply to the Court that issued the Warrant to discharge him from Custody, or to direct the Delivery to him of any Books, Papers, Monies, Securities for Money, Goods, or Chattels, that may have been seized; and the Court shall take such Application into consideration, and shall make such Order thereon as it thinks just.

XIII. All Calls that are authorized by the Third Part of the Principal Act to be made on a Contributory, in the event of the Company to which he belongs being wound up by the Court or voluntarily, shall be deemed in *England* and *Ireland* to be Specialty Debts due from such Contributory to the Company.

XIV. In Cases within the Jurisdiction of the Court of Chancery in *England* or *Ireland*, or of the Court of Session in *Scotland*, or of the Court of the Stannaries, the Court having Jurisdiction shall, in the Appointment of an Official Liquidator or Official Liquidators, consult the Interests of both the Creditors and Contributories, and hear such Creditors or Contributories as it thinks fit to hear with respect to such Appointment. It may, unless both the Creditors and Contributories concur in the Appointment of a single Liquidator, appoint One or more Liquidator or Liquidators to act on behalf of each of such Parties. It may declare that, in case of Difference, any Act may be done by a Majority of Liquidators; or it may require the Liquidators in all Cases of Difference to apply to the Court. It may do anything hereby authorized to be done, either upon the First Appointment of a Liquidator or at any subsequent Stage of the Winding-up; but, notwithstanding anything herein contained, it shall not be obligatory on the Court to appoint more than One Liquidator, if in its Discretion it thinks that such Appointment will be most conducive to Justice.

Short Title of Act.

Definition of Principal Act and Joint Stock Companies Acts.

Penalty on Partnerships exceeding a certain Number.

Power to arrest Shareholder about to abscond, or to remove or conceal any of his Property.

Arrested Shareholder may apply to Court for his Discharge.

Calls under Third Part of Principal Act to be Specialty Debt.

Proviso as to Appointment of Liquidators by Courts other than Court of Bankruptcy.