



ANNO UNDECIMO & DUODECIMO

# VICTORIÆ REGINÆ.

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## *Cap. cxlix.*

An Act to enable "The Timber Preserving Company" to purchase and work certain Letters Patent, and for confirming the same.

[14th August 1848.]

**W**HEREAS by an Act passed in the last Session of Parliament, called "Timber Preserving Company's Act, 1847," a Company was incorporated for undertaking the preserving of Timber and other vegetable Substances, and for working the several Privileges by the said Act authorized to be assigned to the said Company, and all the Inventions in the said Act comprised or mentioned, and also all such Business or Purposes as should relate to or be connected therewith, and for other Purposes, by the Name of "The Timber Preserving Company," and by the same Act Power was given to the Patentee or Grantee named in certain Letters Patent under the Great Seal of the United Kingdom of *Great Britain and Ireland*, bearing Date at *Westminster* on or about the Ninth Day of *July* in the Fifth Year of the Reign of Her present Majesty, whereby Her said Majesty did grant unto *Charles Payne*, his Executors, Administrators, and Assigns, the sole Privilege of making, using, exercising, and vending a certain Invention therein intituled "Improvements in preserving vegetable Matters where metallic and earthy Solutions are employed," within *England, Wales, and Berwick-upon-Tweed*, in the Islands of *Guernsey, Jersey, Alderney, Sark, and Man*,

10 & 11 Vict.  
c. 296.

[Local.]

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and



Letters Patent dated 13th March 1843 and 12th August 1843.

Letters Patent dated 30th December 1846 and 27th February 1847.

and in all the Colonies and Plantations abroad, during the Term of Fourteen Years thence next ensuing, and in certain other Letters Patent under the said Great Seal, bearing Date at *Westminster* on or about the Twenty-ninth Day of *June* in the Tenth Year of the Reign of Her present Majesty, whereby Her said Majesty did grant unto the said *Charles Payne*, his Executors, Administrators, and Assigns, the sole Privilege of making, using, exercising, and vending a certain Invention therein intituled "Improvements in preserving vegetable Matters" within *England, Wales, and Berwick-upon-Tweed*, in the Islands of *Guernsey, Jersey, Alderney, Sark, and Man*, and in all the Colonies and Plantations abroad, during the Term of Fourteen Years thence next ensuing, and to his Executors, Administrators, and Assigns, and to every Person in whom such Letters Patent, or the Privileges thereby granted, or any Part thereof, then were or should at any Time thereafter be vested, at any Time to sell, transfer, assign, and dispose of or otherwise assure the same unto or in trust for the said Company, and in the said Act are also contained divers other Powers and Provisions for enabling the said Company to use, exercise, or enjoy the said Inventions, and the Rights, Privileges, Powers, Profits, and Advantages granted by the said several Letters Patent, and to grant Licences to any Person to use, exercise, or vend such Inventions: And whereas by certain other Letters Patent under the Seal appointed by the Treaty of Union to be used in place of the Great Seal of *Scotland*, bearing Date at *Edinburgh* on or about the Thirteenth Day of *March* One thousand eight hundred and forty-three, and by certain other Letters Patent under the Great Seal of that Part of the United Kingdom of *Great Britain and Ireland* called *Ireland*, bearing Date at *Dublin* on or about the Twelfth Day of *August* in the same Year, Her said Majesty did grant unto the said *Charles Payne*, his Executors, Administrators, and Assigns, the sole Use of his said Invention firstly herein-before mentioned within those Parts of the United Kingdom of *Great Britain and Ireland* called *Scotland and Ireland* respectively, during the several Terms of Fourteen Years next ensuing the respective Dates of the said Letters Patent, a Specification of which said Invention was duly enrolled at *Edinburgh* on or about the Twelfth Day of *July* One thousand eight hundred and forty-three, and at *Dublin* on or about the Sixth Day of *February* One thousand eight hundred and forty-four: And whereas by certain other Letters Patent under the said Seal appointed by the Treaty of Union to be used in place of the Great Seal of *Scotland*, bearing Date at *Edinburgh* on or about the Thirtieth Day of *December* One thousand eight hundred and forty-six, and by certain other Letters Patent under the said Great Seal of that Part of the United Kingdom of *Great Britain and Ireland* called *Ireland*, bearing Date at *Dublin* on or about the Twenty-seventh Day of *February* One thousand eight hundred and forty-seven, Her said Majesty did grant unto the said *Charles Payne*, his Executors, Administrators, and Assigns, the sole Use of his said Invention secondly herein-before mentioned within those Parts of the United Kingdom of *Great Britain and Ireland* called *Scotland and Ireland* respectively, during the several Terms of Fourteen Years next ensuing the respective Dates of the said Letters Patent, a Specification of which said Invention was duly enrolled at *Edinburgh* on the Twenty-ninth Day of *April* One thousand eight hundred and forty-seven, and at *Dublin*



on or about the Twenty-seventh Day of *August* One thousand eight hundred and forty-seven : And whereas in the said several Letters Patent are contained Conditions or Provisoes against the said Letters Patent respectively, or the Privileges, Benefits, and Advantages thereby respectively granted, becoming vested in or in trust for more than the Number of Twelve Persons, or their Representatatives, at any One Time, as Partners, dividing or entitled to divide the Benefits or Profits obtained by reason of the same Letters Patent respectively : And whereas the said Inventions are of great public Benefit and Utility, and it is desirable that the same should be brought into more extensive Use in *Scotland* and *Ireland* aforesaid, and that Object would be greatly promoted if the said Company were permitted to purchase the said *Scotch* and *Irish* Patent Privileges ; and it is also desirable that the said Act should be altered and amended, but the same 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 recited Act, as altered and amended by this Act, and this Act, shall be construed and have effect as One Act, and all the Powers, Provisions, and Clauses of the said recited Act and of the several Acts incorporated therewith, except so far as the same are hereafter provided for, shall extend and be construed to extend to the preserving of Timber and other vegetable Substances in *Scotland* and *Ireland*, and to the exercising therein the several Privileges which the said Company are hereby authorized to purchase, and all the Inventions in this Act and the said *Irish* and *Scotch* Letters Patent respectively comprised or mentioned, and also all Business or Purposes relating thereto or connected therewith.

Recited Act and this Act to be construed as one.

II. And be it enacted, That in citing, mentioning, or referring to this Act in other Acts of Parliament, and in legal and other Proceedings or Instruments, it shall be sufficient to use the Expression "The Timber Preserving Company's Extension Act, 1848."

Short Title.

III. And whereas a General Meeting of the Shareholders of the Company hath not yet been held, and any Directors of the Company hath not yet been appointed, in pursuance of the said recited Act : Be it enacted, That an Ordinary General Meeting of Shareholders may be held at any Time within Six Months next after the passing of this Act, and such Ordinary General Meeting shall, for all the Purposes of the recited Act and of this Act respectively, be deemed the First General Meeting of the Shareholders of the Company, and the first Directors of the Company appointed at such Ordinary General Meeting shall continue in Office until the first Ordinary General Meeting to be held in the Year One thousand eight hundred and forty-nine.

First Ordinary general Meeting ; and Appointment and Continuance in Office of first Directors.

IV. And be it enacted, That the Directors shall make, and produce to the Shareholders at every Ordinary Meeting, a General Report in Writing of the State and Prospects of the Company ; and such Report shall contain, in addition to any other Particulars which the Directors may think desirable, all such Particulars as may be requisite for the complete Explanation of the Balance Sheet to be produced at such Meeting.

Directors to report to Meetings of Shareholders.

V. And



Shareholders  
Votes at  
Meetings.

V. And be it enacted, That, except as regards Shares held by the original Subscribers for the same, or by Persons who shall have acquired them by Marriage, or as the Executors, Administrators, Legatees, or next of Kin of deceased Shareholders, no Shareholder shall vote, either in Person or by Proxy, at any Meeting, in respect of any Share of which he shall not have been possessed for at least Two Months before such Meeting.

Auditors Re-  
muneration.

VI. And be it enacted, That the Auditors shall be paid such Remuneration for their Services as shall be fixed by any Ordinary Meeting, and they shall also be reimbursed all Expenses to which they shall be put in the Execution of their Duties.

Removal of  
Directors  
and Auditors.

VII. And be it enacted, That the Shareholders may at any General Meeting remove from his Office any Director or Auditor for proved Misconduct, but so that a qualified Shareholder be at the same Meeting appointed to fill his Place, and the Shareholder so appointed shall continue in Office as a Director or Auditor so long only as the Person in whose Place he shall be appointed would have been entitled to continue had he remained in Office.

Quorum of  
Directors and  
Committees.

VIII. And be it enacted, That the Quorum of a Meeting of Directors, and of any Committee appointed by the Directors, shall be Three.

Power to  
appoint  
Registrar.

IX. And be it enacted, That the Directors may from Time to Time appoint any other Officer of the Company to perform the Duties of the Secretary, with reference to the Registration and Transfer of Shares, and the giving of Notices as to Calls and Forfeiture of Shares; and such Officer shall be called the "Registrar" of the Company, and shall for all the Purposes of and connected with the Registration and Transfer of Shares, and such Notices respectively, be deemed the Secretary.

Calls.

X. And be it enacted, That Two Pounds and Ten Shillings *per* Share shall be the greatest Amount of any One Call on the Shareholders, and an Interval of at least Two Months shall elapse between any Two successive Calls.

Classification  
of Shares.

XI. And be it enacted, That the Four thousand Shares shall be divided into Two Classes of Shares of Three thousand Shares and One thousand Shares respectively; and such Three thousand Shares shall be distinguished as "Class A" Shares, and such One thousand Shares shall be distinguished as "Class B" Shares: Provided always, that, except as regards the Denomination of such Shares respectively, and except also as next herein-after provided, the Holders of such Three thousand Shares and One thousand Shares respectively shall not be subjected by this Act to any Inequality of Rights: Provided also, that such "Class B" Shares shall not confer on the Holders thereof any Right to vote in respect thereof at any Meeting of the Company, or any Eligibility to be Directors.

XII. And



XII. And be it enacted, That the Consent of the Directors shall not be necessary to the Transfer of any of the "Class B" Shares. As to Consent to Transfer of certain Shares.

XIII. And be it enacted, That the Secretary or Treasurer of the Company may represent the Company and act in their Behalf in all Cases in which the Company shall have any Claim or Demand on the Estate or Effects of any Person who shall become subject, either voluntarily or involuntarily, to the Operation of any Act relating to Insolvent Debtors, as if such Claim or Demand had been the Claim or Demand of such Secretary or Treasurer, and not of the Company. As to Proof of Debts in Cases of Insolvency.

XIV. And be it enacted, That it shall be lawful for the said Company, for the Purposes of the said recited Act and of this Act, to rent or purchase and hold One hundred Acres of Land, and no more, in addition to the One hundred Acres which they are by the said recited Act authorized to hold: Provided always, that it shall not be lawful for the said Company to hold more than Ten Acres at any One Place. Company may hold additional Lands.

XV. And be it enacted, That it shall be lawful for the Patentee or Grantee named in each of the said several recited Letters Patent for *Scotland* and *Ireland*, and for his Executors, Administrators, and Assigns, and for every Person in whom such Letters Patent, or any or either of them, or the Privileges thereby granted, or any Part thereof, now are or is or shall at any Time hereafter be vested, at any Time to sell, transfer, assign, and dispose of or otherwise assure the same, and all his or their Part, Share, Right, Title, and Interest of, in, or to the same Letters Patent, or any or either of them, and the Privileges thereby granted, or any Part thereof, and the Rights, Profits, and Advantages in or by the said Letters Patent, or any or either of them, comprised, given, granted or conferred, or any Part thereof, unto or in trust for the said Company; and it shall be lawful for the said Company to purchase the same, and to accept such Transfer, Assignment, Disposition, or other Assurance thereof, as aforesaid. Assignment of Letters Patent.

XVI. And be it enacted, That no such Sale, Transfer, Assignment, Disposition, or other Assurance as aforesaid shall render the Letters Patent, and Privileges, Rights, Profits, and Advantages, or the Parts, Shares, Rights, Titles, and Interests therein, sold, transferred, assigned, disposed of, or otherwise assured, under the Power or Authority for that Purpose herein contained, or any of them, or any Part thereof respectively, void or voidable, or shall cause the same Letters Patent, Privileges, Parts, Shares, Rights, Titles, and Interests, or any of them, or any Part thereof, to cease, determine, or be forfeited, repealed or cancelled, in anywise howsoever, although the Persons composing the said Company shall exceed Twelve in Number, either at the Time of the making or execution of any such Sale, Transfer, Assignment, Disposition, or Assurance, or at any Time afterwards, any Condition, Proviso, Restriction, or Clause whatsoever in the aforesaid Letters Patent, or any or either of them, expressed or contained to the contrary thereof in anywise howsoever notwithstanding. Letters Patent to continue valid notwithstanding the Assignment.

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XVII. And



Company  
may enjoy  
Patents free  
from Condi-  
tions against  
Assignment.

XVII. And be it enacted, That, immediately after any such Sale, Transfer, Assignment, Disposition, or Assurance as aforesaid, the Letters Patent, and Privileges, Rights, Profits, and Advantages, or Parts, Shares, Rights, Titles, and Interests therein, sold, transferred, assigned, disposed of, or assured, and every Part thereof, shall thenceforth, as to the whole of such Letters Patent, or the Part, Share, Right, Title, or Interest therein, or Privilege, Profit, or Advantage thereunder, which shall have been so sold, assigned, transferred, disposed of, or otherwise assured as aforesaid, be construed and take effect, to all Intents and Purposes whatsoever, as if neither the said Condition, Proviso, or Restriction herein-before particularly mentioned, nor any Condition, Proviso, or Restriction to the same or the like Effect, nor any Condition, Proviso, Restriction, or Clause whatsoever for preventing or restraining the Sale, Transfer, Assignment, Disposition, or other Assurance of such Letters Patent, or of any Part, Share, Right, Title, or Interest therein, or of any Privilege, Profit, or Advantage thereunder, had ever been inserted or contained in such Letters Patent.

Company  
may buy up  
Licences  
granted to  
other Persons.

XVIII. And be it enacted, That it shall be lawful for the said Company, if they shall think fit, at any Time or Times hereafter, to agree for and purchase any Leave, Licence, Power, or Authority to work, use, exercise, or put in practice the said Inventions or either of them in any Place or Places within *England, Wales, and Berwick-upon-Tweed*, or the Islands of *Guernsey, Jersey, Alderney, Sark, and Man*, or within the Colonies and Plantations abroad, or within those Parts of the United Kingdom of *Great Britain and Ireland* called *Scotland and Ireland* respectively, which has been or hereafter may be given or granted to any Person or Persons; and it shall be lawful for any such Person or Persons to assign, surrender, or otherwise dispose of any such Leave, Licence, Power, or Authority, and all his or their Right and Interest therein, unto the said Company; and no such Assignment, Surrender, or other Disposition as last aforesaid, nor any Number of such Assignments, Surrenders, or other Dispositions, shall render any of the said Letters Patent or Privileges, or any such Leave, Licence, Power, or Authority, void or voidable, or cause the same to cease, determine, or become forfeited, repealed, or cancelled, in any-wise howsoever, anything in the said Letters Patent or any of either of them contained to the contrary notwithstanding.

Company  
may grant  
Licences.

XIX. And be it enacted, That after any such Sale, Transfer, Assignment, Disposition, or Assurance of any of the said Letters Patent as aforesaid, unto or to the Use of or in trust for the said Company, it shall be lawful for the said Company, from Time to Time, by any Writing under their Seal, or under the Hands of any Two of the Directors of the said Company, to grant Licences to any Person or Persons to use, exercise, or vend the said Inventions or either of them, or any Part thereof, within those Parts of the United Kingdom of *Great Britain and Ireland* called *Scotland and Ireland* respectively, and either generally, or under or subject to such Payments, Conditions, Limitations, or Restrictions as to the said Company shall seem fit.

XX. And



XX. And whereas the Enrolment in the High Court of Chancery of the Specification of the Invention the sole Privilege of making, using, exercising, and vending which within *England, Wales, and Berwick-upon-Tweed*, the Islands of *Guernsey, Jersey, Alderney, Sark, and Man*, was granted by the recited Letters Patent of the Ninth Day of *July* One thousand eight hundred and forty-one to the said *Charles Payne*, his Executors, Administrators, and Assigns, as aforesaid, was made on the Eighth Day of *January* One thousand eight hundred and forty-two, and Doubts have been raised whether such Enrolment was not such a Publication of such Invention as to render the Validity of the recited Letters Patent of the Thirteenth Day of *March* One thousand eight hundred and forty-three for *Scotland* and the recited Letters Patent of the Twelfth Day of *August* One thousand eight hundred and forty-three for *Ireland* respectively questionable: And whereas the Enrolment in the same Court of the Specification of the Invention the sole Privilege of making, using, exercising, and vending which within *England, Wales, and Berwick-upon-Tweed*, the Islands of *Guernsey, Jersey, Alderney, Sark, and Man*, and the Colonies and Plantations abroad, was granted by the said Letters Patent of the Twenty-ninth Day of *June* One thousand eight hundred and forty-six to the said *Charles Payne*, his Executors, Administrators, and Assigns, as aforesaid, was made on the Twenty-ninth Day of *December* One thousand eight hundred and forty-six, and Doubts have been raised whether such Enrolment was not such a Publication of such Invention as to render the Validity of the recited Letters Patent of the Thirtieth Day of *December* One thousand eight hundred and forty-six for *Scotland* and the recited Letters Patent of the Twenty-seventh Day of *February* One thousand eight hundred and forty-seven for *Ireland* respectively questionable: And whereas it is expedient that such Doubts should be set at rest: Be it therefore enacted, That the Enrolment of such Specifications or either of them shall not be deemed a Publication of such Inventions or either of them so as to affect the Validity of the recited Letters Patent of the Thirteenth Day of *March* One thousand eight hundred and forty-three, the Twelfth Day of *August* One thousand eight hundred and forty-three, the Thirtieth Day of *December* One thousand eight hundred and forty-six, and the Twenty-seventh Day of *February* One thousand eight hundred and forty-seven respectively, or any of them: Provided always, that this Act shall not render liable to any Action, Suit, or other Proceeding, for or in respect of any Infringement before the passing of this Act of the same Letters Patent or any of them, or of any of the Privileges thereby respectively granted, any Person who would not have been liable thereto if this Act had not been passed.

Enrolment  
of certain  
Specifica-  
tions of In-  
ventions not  
to be deemed  
Publications  
of the same.

XXI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

