ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 79.

An Act to enable *The Atlas Assurance Company* to sue and be sued in the Name of their Chairman, or Secretary, under certain Regulations.

[27th *May* 1814.]

WHEREAS several Persons have formed themselves into a Society or Partnership, under the Name of *The Atlas Assurance Company*, and have subscribed or raised considerable Sums, in order to effect Insurances against Fire, and on Lives; and also to grant and purchase Annuities, and for other Purposes connected therewith: And whereas the Public hath been greatly benefited by the Formation of such Society or Partnership, and a considerable Revenue hath been and is derived to His Majesty therefrom: And whereas Difficulties have arisen, and may from Time to Time hereafter arise, as well in bringing and maintaining Actions and Suits for recovering Debts and enforcing Obligations now due or hereafter to become due to the said Society or Partnership, and in prosecuting Persons who may steal or embezzle any Money, Goods, or Effects of or belonging to the said Society or Partnership, or who may commit or be guilty of any Felony or other Crime or Offence against or with Intent to injure or defraud the said Society or Partnership; by reason of its being required by Law, that all the several Subscribers or Proprietors to and in such Society or Partnership should, in all or many of the Cases aforesaid, sue and prosecute by their several and distinct Names and Descriptions: Wherefore, for removing the Difficulties aforesaid, and others attendant thereupon; may it please Your Majesty that it may be enacted; and be it enacted by the King'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 from and after the passing of this Act, all Actions, Suits, and Petitions to found any Commission of Bankruptcy against any Person or

Enabling the Company to

sue and be sued in the Name of their Chairman or Secretary.

or Persons indebted to the said Society or Partnership, and liable to be made a Bankrupt or Bankrupts by the Laws now or at any Time hereafter to be in being, relative to Bankrupts and Traders, and all Proceedings at Law or in Equity, under any Commission or Commissions of Bankrupt to be awarded in consequence of any such Petitions, to be commenced, instituted, or presented by or on Behalf of the said Society or Partnership called *The Atlas Assurance Company*, against any Person or Persons, or Body or Bodies Politic or Corporate, shall or lawfully may be commenced or instituted and prosecuted in the Name of the Person who shall act as a Chairman of the said Society or Partnership for the Time being, or of the Person who shall act as Secretary of the said Society or Partnership for the Time being, as the nominal Plaintiff or Petitioner for and on Behalf of the said Society or Partnership; and that all Actions and Suits commenced or instituted, or to be commenced or instituted by or on Behalf of the said Society or Partnership called *The Atlas Assurance Company*, against any Person or Persons, Body or Bodies Politic or Corporate, or others, for recovering any Debt or Debts, or enforcing any Claim or Demand, Claims or Demands, now due or which may hereafter become due or arise to the said Society or Partnership, and all Proceedings in Law or Equity relating to the same, or other the Concerns of the said Society or Partnership, shall, or lawfully may, from and after the passing of this Act, be commenced or instituted and prosecuted in the Name of the Person who shall act as Chairman of the said Society or Partnership for the Time being, or of the Person who shall act as Secretary of the said Society or Partnership for the Time being, as the nominal Plaintiff for and on Behalf of the said Society or Partnership; and that all Actions or Suits and Proceedings in Law or in Equity, to be commenced or instituted against the said Society or Partnership, shall and lawfully may be commenced, instituted, and prosecuted against the Person acting as Chairman or Secretary for the Time being of the said Society or Partnership as the nominal Defendant for and on the Behalf of the said Society or Partnership; and that all Indictments, Informations, and Prosecutions, by or on Behalf of the said Society or Partnership, for any Stealing or Embezzling of any Money, Goods, Effects, or Property, of or belonging to the said Society or Partnership, or for any Fraud, Crime, or other Offence committed against or with Intent to injure or defraud the said Society or Partnership, shall and lawfully may be had or preferred and carried on in the Name of the Person who shall act as Chairman of the said Society or Partnership for the Time being, or of the Person who shall act as Secretary of the said Society or Partnership for the Time being; and that in all Indictments and Informations to be had or preferred by or on the Part or Behalf of the said Society or Partnership, it shall be lawful and sufficient to state the Money, Goods, Effects, or Property of the said Society or Partnership to be the Money, Goods, Effects, or Property of the Person acting as Chairman of the said Society or Partnership for the Time being, or of the Person acting as Secretary of the said Society or Partnership for the Time being; and that any Crime or other Offence committed against or with intent to injure or defraud the said Society or Partnership, shall and lawfully may, in such Indictment or Information, be laid or stated to have been committed against or with Intent to injure or defraud the Person acting as Chairman of the said Society or Partnership for the Time being, or the Person acting as Secretary of the said Society or Partnership for the Time being; and any Offender or Offenders may thereupon be lawfully convicted of any such Crime or Offence; and that the Death,

Resignation or Removal, or other Act of the Person acting as Chairman of the said Society or Partnership for the Time being, or of the Person acting as Secretary of the said Society or Partnership for the Time being, shall not abate or prejudice any such Action, Suit, Indictment, Information, Prosecution, or other Proceedings then depending, by or on Behalf of the said Society or Partnership.

Execution upon Judgment against the Chairman or Secretary may be issued against any of the Members, who are to be reimbursed their Expences by the Company.

II. Provided always, and be it enacted, That Execution upon any Judgment in any such Action obtained against the Person acting as Chairman of the said Society or Partnership for the Time being, or against the Person acting as Secretary of the said Society or Partnership for the Time being, whether as Plaintiff or Defendant, may be issued against any Member or Members for the Time being of the said Society or Partnership: Provided always, that every such Chairman or Secretary, 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, shall always be reimbursed and paid, out of the Funds of the said Society or Partnership, all such Costs and Charges as by the Event of any such Proceedings he or they shall be put unto or become chargeable with.

A Memorial of the Names of the Members, and of the Transfer of Shares, to be inrolled in Chancery.

III. And be it further enacted, That a Memorial of the Names of the several Persons being Members of the said Society or Partnership, in the Form expressed in the Schedule hereunto annexed, shall be inrolled, upon Oath, in the High Court of Chancery, within Three Months after the passing of this Act; and when any Transfer of any Share or Shares of any Member of the said Society or Partnership shall be made, a Memorial thereof shall in like Manner be inrolled as aforesaid, in the Form or to the Effect expressed in the said Schedule.

Actions not to be brought until the Memorial has been inrolled.

IV. Provided always, and be it further enacted, That until such Memorial as before mentioned shall have been inrolled in Manner herein directed, no Action shall be brought by the said Society or Partnership under the Authority of this Act; and all the Members whose Names shall be expressed in the last Inrolment, shall continue liable to all Actions, Suits, Judgments and Executions, until a Memorial or Memorials of Transfer shall have been inrolled as aforesaid.

The Provisions of this Act to extend to the Atlas Assurance Company for the Time being.

V. And be it further enacted, That this Act, and the Powers and Provisoes herein contained, shall extend and be at all Times construed to extend to the said Society or Partnership called *The Atlas Assurance Company*, at all Times during the Continuance of the same, whether the said Society or Partnership from Time to Time hath been, be now, or shall hereafter be composed of all or some of the Persons who were the original Members or Partners 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 or Partners of the same, or of Persons all of whom have become Members since the passing of this Act.

That Judgments on Actions against the Chairman or Secretary

VI. And be it further enacted, That all and every Judgment and Judgments which shall at any Time after the passing of this Act be had or recovered, in any Action, Suit or Proceedings, in Law or Equity, against the Person acting as Chairman, or against the Person acting as Secretary of the said Society or Partnership for the Time being, shall have the like Effect

shall extend to the Property of the Company.

Effect and Operation upon and against the Property of the said Society or Partnership, as if such Judgment or Judgments had been recovered or obtained against the said Society or Partnership themselves: Provided always, that the Person acting as Secretary, being the Plaintiff, Petitioner, or Prosecutor or Defendant, in any such Actions, Suits, Proceedings, Prosecutions or Indictments as aforesaid, shall not affect the Competency of any such Person to be a Witness in any such Actions, Suits, Petitions, Prosecutions and Indictments, in the same Manner as he might have been if his Name had not been made use of as the Plaintiff, Petitioner or Prosecutor in any such Actions, Suits, Proceedings, Prosecutions or Indictments.

Act shall not extend to incorporate the Company.

VII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed, construed, or taken to extend, to incorporate the said Society or Partnership, or to relieve or discharge the said Society or Partnership, or any of the Members thereof or Subscribers thereto, from any Contract, Duty, Obligation or Responsibility whatsoever, which by Law they now are or at any Time hereafter may be subject or liable to, either as between such Society or Partnership and others, or among themselves, or in any Manner whatsoever.

Declaring the Act Public.

VIII. 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, without being specially pleaded.

SCHEDULE to which this Act refers.

No. 1. MEMORIAL of the Names of the Members of *The Atlas Assurance Company*, on the Day of One thousand eight hundred and inrolled pursuant to an Act of Parliament passed in the Fifty-fourth Year of the Reign of His present Majesty King *George* the Third, intituled [*here insert the Title of this Act.*]

No. 2. *A. B.* Secretary of the above named Company, maketh Oath, That the above written Memorial doth contain the Names of all the present Members of the said Company, as the same appear in the Books of the said Company.

No. 3. A MEMORIAL of the Name or Names of the Person or Persons appearing to be Assignee or Assignees of any Share or Shares in *The Atlas Assurance Company*, since the Day of One thousand eight hundred and and of the Name or Names of the Person or Persons of whose Share or Shares the Person or Persons first mentioned is or are Assignee or Assignees.

A. B. of &c. Assignee of Shares of *C. D.*

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1823.