ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 46.

An Act to enable *The Birmingham Mining and Copper Company* to ſue and be ſued in the Name of their Secretary. [18th *May* 1814.]

WHEREAS many Perſons, conſtituting a Society or Partnerſhip in the Town of *Birmingham*, in the County of *Warwick*, known by the Name of *The Birmingham Mining and Copper Company*, have advanced and inveſted very conſiderable Sums of Money, to eſtabliſh a Fund for the Purpoſe of raiſing and converting Copper Ores, and alſo of purchaſing Copper in the Ore, in order to ſupply themſelves and others intereſted in the ſaid Society or Partnerſhip, and alſo the Manufacturers of *Birmingham*, with Copper, at as low a Rate as the Nature of the Trade will admit: And whereas the Town of *Birmingham*, and its Neighbourhood, have been greatly benefited by the Formation of ſuch Society or Partnerſhip: And whereas Difficulties may ariſe, in recovering Debts which may grow due to the ſaid Society or Partnerſhip, called *The Birmingham Mining and Copper Company*, and in proſecuting Perſons who may ſteal or embezzle the Property of, or who may commit or be guilty of any other Offence againſt, or with Intent to injure or defraud the ſaid Society or Partnerſhip, ſince, by Law, all the ſeveral Subſcribers or Proprietors for the Time being to and in ſuch Society or Partnerſhip muſt, in ſuch Caſes, ſue and proſecute by their ſeveral and diſtinct Names and Deſcriptions; wherefore, for removing the Difficulties aforeſaid;

aforesaid; 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 Bankruptcty against any Person or Persons indebted to the said Society or Partnership, and liable to be made a Bankrupt 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 Birmingham Mining and Copper 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 be Secretary for the said Society or Partnership at the Time when such Petition, Action or Suit shall be instituted or presented, as the nominal Plaintiff or nominal Petitioner for and on behalf of the said Society or Partnership; and that all Actions and Suits to be commenced or instituted against the said Society or Partnership, shall be commenced, instituted and prosecuted against the said Secretary of the said Society or Partnership, as the nominal Defendant for and on behalf of the said Society or Partnership; and that all Prosecutions to be brought or instituted, and all Indictments to be preferred by or on behalf of the said Society or Partnership, for Fraud upon or against the said Society or Partnership, or for Embezzlement or Robbery of or stealing the Property of the said Society or Partnership, or for any other Offence committed against or with Intent to injure or defraud the said Society or Partnership, shall or lawfully may be brought or instituted and carried on in the Name of the Person who shall be the Secretary of the said Society or Partnership, when such Prosecutions or Indictments shall be instituted or preferred; and in all Indictments and Informations it shall be lawful to state the Property of the said Society or Partnership to be the Property of such Secretary for the Time being of the said Society or Partnership; and any Offence committed with Intent to injure or defraud the said Society or Partnership shall and lawfully may in such Prosecutions be laid to have been committed with Intent to injure or defraud such Secretary for the Time being of the said Society or Partnership; and any Offender or Offenders may thereupon be lawfully convicted of any such Offence; and on all other Allegations, 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 Society or Partnership, it shall and may be lawful and sufficient, from and after the passing of this Act, to state the Name of such Secretary; and the Death, Resignation or Removal, or other Act of such Secretary, shall not abate any such Action, Suit or Prosecution.

Suits may be instituted in Name of the Secretary.

II. 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 Calendar 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,

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

a Memorial thereof ſhall in like Manner be inrolled as aforeſaid, in the Form or to the Effect expreſſed in the ſaid Schedule.

No Action to be brought until Memorial ſhall have been inrolled.

III. 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.

Execution upon Judgment againſt Secretary may iſſue againſt Members individually. Coſts to be paid by the Society.

IV. Provided always, and be it enacted, That Execution upon any Judgement in any ſuch Action or Suit, obtained againſt the Secretary for the Time being of the ſaid Society or Partnerſhip, 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 all and every ſuch Secretary, in whoſe Name any ſuch Action or Suit ſhall be commenced, proſecuted or defended, and that all and every ſuch Member or Members, againſt whom any Execution upon any Judgement obtained in any ſuch Action or Suit ſhall be iſſued as aforeſaid, ſhall always be reimburſed and paid, out of the Funds of the ſaid Society or Partnerſhip, all ſuch Coſts, Charges, and Damages as, by the Event of any ſuch Proceedings, he or they ſhall be put unto or become chargeable with, or otherwiſe ſuch Coſts, Charges, and Damages ſhall be made good by the Members for the Time being of the ſaid Society or Partnerſhip: Provided always, that the Secretary being the Plaintiff, Proſecutor or Defendant, in any ſuch Action, Suit, Proceeding, Proſecution or Indictment as aforeſaid, ſhall not affect the Competency of any ſuch Secretary to be a Witneſs in any ſuch Action, Suit, Petition, Proſecution, and Indictment, 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 Action, Suit, Proceeding, Proſecution, or Indictment.

Secretary being Plaintiff or Defendant, not to prevent his being a Witneſs.

Proviſions of this Act to extend to "The Birmingham Mining and Copper Company" for the Time being.

V. Provided always, That this Act, and the Proviſions herein contained, ſhall extend, and be conſtrued and taken to extend, to the ſaid Society or Partnerſhip called *The Birmingham Mining and Copper 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.

Not to extend to incorporate the Society.

VI. Provided always, That nothing herein 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 reſpectively, from any Reſponſibility, Contracts, Duties, or Obligations whatſoever, which by Law they may now or at any Time hereafter be ſubject or liable to, either as between ſuch Society or Partnerſhip and others, or between them or any of the individual Members of ſuch Society or Partnerſhip

nerſhip and others, or among themſelves, or in any other Manner whatſoever.

Public Act. VII. 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 referred to by this Act.

MEMORIAL of the Names of the Members of *The Birmingham Mining and Copper Company*, inrolled purſuant to an Act of Parliament paſſed in the Fifty-fourth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act to enable* The Birmingham Mining and Copper Company *to ſue and be ſued in the Name of their Secretary.*

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.

MEMORIAL of the Name or Names of the Perſon or Perſons appearing to be Aſſignee or Aſſignees of any Share or Shares in *The Birmingham Mining and Copper Company*, ſince the Day of 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 Aſſignee of the Share of *C. D.*

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