ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 12.

An Act to enable *The Imperial Insurance Company* to sue and be sued in the Name of the Chairman for the Time being, or of any other Member of the Company. [20th *December* 1813.]

WHEREAS several Persons have formed themselves into a Company, by the Name of *The Imperial Insurance Company*, and have subscribed or raised considerable Sums of Money, in order to effect Insurances against Loss or Damage by Fire: And whereas the Public hath been greatly benefited by the Formation of such Societies with competent Capitals, and a considerable Revenue is derived to His Majesty therefrom: And whereas Difficulties have arisen, and may hereafter arise, in recovering Debts due to the said Company called *The Imperial Insurance Company*, and in maintaining Actions for Damages done to the Property of the said Society or Company, and also in prosecuting Persons who may steal or embezzle the Monies or Effects of the said Company, or who may commit or be guilty of any other Offence against the said Company, since by Law all the Members for the Time being of the said Company must be named in every Action, Suit, or Prosecution, carried on for such Purpose: And whereas it would be convenient that Persons having Demands against the said Company or Society should be entitled to sue the individual Members thereof: Wherefore, for obviating and removing the Difficulties 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 and Suits to be commenced, instituted or carried on, by or on behalf of the said Company, against any Person or Persons, Body or Bodies Politic or Corporate, shall and lawfully may be commenced, instituted, and prosecuted, or carried on, in the Name of the Person who shall be the

Actions at Law to be in the Name of the Chairman, &c.

Chairman of the ſaid Company at the Time ſuch Action, Suit or Proceeding ſhall be inſtituted, or in the Name of any one Member for the Time being of the ſaid Company, as the nominal Plaintiff for and on behalf of the ſaid Company; and that all Actions and Suits to be commenced or inſtituted againſt the ſaid Company, ſhall be commenced, inſtituted and proſecuted againſt the ſaid Chairman, or any one Member of the ſaid Company, as the nominal Defendant for and on behalf of the ſaid Company; and that all Proſecutions to be brought, inſtituted, or carried on by or on behalf of the ſaid Company, for Fraud upon or againſt the ſaid Company, or for Embezzlement, Robbery, or ſtealing the Property of the ſaid Company, or for any other Offence againſt the ſaid Company, ſhall and lawfully may be ſo brought or inſtituted and carried on in the Name of ſuch Chairman or Member for the Time being of the ſaid Company; and in all Indictments and Informations it ſhall be lawful to ſtate the Property of the ſaid Company to be the Property of ſuch Chairman or Member for the Time being of the ſaid Company; and any Offence committed with intent to injure or defraud the ſaid Company, ſhall and lawfully may, in ſuch Proſecution, be laid to have been committed with Intent to injure or defraud ſuch Chairman or Member for the Time being of the ſaid Company, and any Offender or Offenders may thereupon be lawfully convicted of any ſuch Offence; and in all other Allegations or 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 Company, it ſhall and may be lawful and ſufficient, from and after the paſſing of this Act, to ſtate the Name of ſuch Chairman or Member; and the Death, Reſignation, or Removal, or other Act of ſuch Chairman or Member, ſhall not abate any ſuch Action, Suit, or Proſecution.

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

II. And be it further enacted, That a Memorial of the Name and Names of the Chairman, and of the ſeveral Perſons being Members of the ſaid Company, in the Form for that Purpoſe expreſſed in the Schedule hereunto annexed, ſhall be enrolled upon Oath in the High Court of Chancery, within Three Months after the paſſing of this Act; and when any new Chairman ſhall be elected, or any Transfer of any Share or Shares of any Member of the ſaid Company ſhall be made, a Memorial thereof ſhall in like Manner be enrolled as aforeſaid, within Thirty Days afterwards, in the Form or to the Effect expreſſed in the ſaid Schedule for that Purpoſe.

No Actions to be brought until Memorial enrolled.

III. Provided always, and be it further enacted, That until ſuch Memorial, as firſt herein-before mentioned, ſhall have been enrolled in Manner herein directed, no Action ſhall be brought by the ſaid Company under the Authority of this Act; and all the Members whoſe Names ſhall be expreſſed in any Enrolment to be made in purſuance of this Act, ſhall continue liable to all Actions, Suits, Judgments, and Executions, until a Memorial or Memorials of Transfer of the Shares of ſuch Members ſhall have been enrolled as aforeſaid.

Execution upon any Judgment may be iſſued againſt any Member of the Company, &c.

IV. Provided always, and be it enacted, That Execution upon any Judgment in any ſuch Action obtained againſt the Chairman or Member for the Time being of the ſaid Company, whether as Plaintiff or Defendant, may be iſſued againſt any Member or Members for the Time being of the ſaid Company: Provided always, that every ſuch Chairman or Member,

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 Company, all ſuch Coſts and Charges as by the Event of any ſuch Proceedings he or they ſhall be put unto or become chargeable with.

One Action only to be brought upon one Cauſe

V. Provided always, and be it further enacted, That no Perſon or Perſons, Bodies Politic or Corporate, having or claiming to have any Demand upon or againſt the ſaid Society or Company, ſhall bring more than one Action in reſpect of ſuch Demand; and the Proceedings in any Action againſt one of the Members may be pleaded in bar of any Action or Actions for the ſame Cauſe, againſt any other Member or Members of the ſaid Society or Company.

Act to be at all Times valid.

VI. And be it further enacted, That the Proviſions contained in this Act ſhall extend and be conſtrued to extend to the ſaid Society or Partnerſhip, called *The Imperial Inſurance Company*, at all Times during the Continuance of the ſame, whether the ſame from Time to Time hath been or be now, or ſhall be hereafter 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 Perſons, or ſhall be compoſed altogether of Perſons who were not original Members or Partners of the ſame.

Company not incorporated by this Act.

VII. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be deemed, conſtrued, or taken to extend, to incorporate the ſaid Company, or to relieve or diſcharge the ſaid Company, or any of the Members thereof or Subſcribers thereto, from any Reſponſibility, Duties, Contracts or Obligations whatſoever, which by Law they now are or at any Time hereafter ſhall be ſubject or liable to, either between the ſaid Company and others, or between the individual Members of the ſaid Company or any of them and others, or among themſelves, or in any other Manner whatſoever, except ſo far as the ſame is affected by the Proviſions of this preſent Act, and the true Intent and Meaning of the ſame.

Public Act.

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

SCHEDULE referred to by this Act.

MEMORIAL of the Names of the Chairman and Members of *The Imperial Insurance Company*, to be enrolled pursuant to an Act of Parliament passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, intituled, [*here insert the Title of this Act.*]

A. B. Accountant of the above named Company, maketh Oath, That the above written Memorial doth contain the Names of the Chairman and all the present Members of the said Company, as the same appear in the Books of the said Company.

MEMORIAL of the Name of the Chairman of *The Imperial Insurance Company*, to be enrolled in pursuance of an Act of Parliament passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, intituled, [*here insert the Title of this Act.*]

C. D. Chairman.

A. B. of Accountant to the said Company, maketh Oath, That the above-named *C. D.* was elected Chairman of the said Company, on the Day of for the Year commencing on the Day of and ending on the Day of

MEMORIAL of Assignment of Share in *The Imperial Insurance Company*, to be enrolled in pursuance of an Act of Parliament passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, intituled, [*here insert the Title of this Act.*]

E. F. on the Day of of assigned Shares to *G. H.* of in the County of

A. B. of Accountant to the said Company, maketh Oath, That the Assignment above mentioned hath been duly made, as appears by the Documents in the Possession of the said *Imperial Insurance Company*.

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