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GEORGII III. REGIS.

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C A P. XXXVI.

An Act to enable Courts of Equity to compel a Transfer of Stock in Suits, without making the Governor and Company of the Bank of *England*, or the United Company of Merchants of *England* trading to the *Eaſt Indies*, or the Governor and Company of Merchants of *Great Britain* trading to the *South Seas* or other Parts of *America*, Party thereto. [1ſt *May* 1800.]

Preamble.

WHEREAS great Expence ariſes in Suits in Courts of Equity, from the Practice of making the Governor and Company of the Bank of *England* Parties thereto, for the mere Purpoſe of compelling or authorizing the ſaid Corporation to ſuffer any Transfer of Stock ſtanding in their Books to be made which Juſtice may require: 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 it ſhall be lawful for any of His Majeſty's Courts of Equity, before or upon hearing any Cauſe depending therein, to order the Governor and Company of the Bank of *England* to ſuffer a Transfer of Stock ſtanding in their Books to be made, or to pay any accrued or accruing Dividends thereon, belonging to or ſtanding in the Names of any Party to a Suit, as ſuch Courts may deem juſt; or to iſſue an Injunction to reſtrain them

Any Court of Equity may order the Bank of *England* to ſuffer a Transfer of Stock to be made, or to pay Dividends, belonging to, or ſtanding in

the Names of any Party to a Suit, or iſſue an Injunction to reſtrain ſuch Transfer or Payment, although the Bank be not a Party, &c.

from ſuffering any Transfer of ſuch Stock, or from paying any Dividends or Intereſt accruing or accrued thereon, although ſuch Governor and Company are not Parties to the Suit in which ſuch Decree or Order ſhall be made, ſuch Courts being ſatisfied by the Certificate of the Accountant of the ſaid Corporation, duly ſigned by him as herein-after is directed, that the Stock required to be transferred is ſtanding in their Books in the Name of the Perſons or Perſon required to transfer the ſame, or of the Perſons or Perſon to whom they or he are or is the legal Repreſentative; and that after due Service of a ſhort Order upon the ſaid Governor and Company, or their proper Officer, which ſhall contain no Recital of their Pleadings, or other Matter than the Title of the Cauſe, and the ordering Part of ſuch Decree or Order which reſpects the ſaid Governor and Company, and for which the Sum of Eighteen Shillings and no more, ſhall be paid, like Proceſs ſhall iſſue to enforce ſuch Order or Decree as to enforce them againſt any Party to a Suit depending in ſuch Court.

On Requeſt of the Clerk of the Court and the Solicitor of the Party, the Bank ſhall deliver a Certificate ſtating the Amount of ſuch Stock or Dividends, &c. for which the Fees herein ſpecified ſhall be paid.

II. And for the better enabling any Party to a Suit to obtain and produce ſuch Certificate in Court, be it enacted, That upon Requeſt in Writing ſigned by the Clerk in Court (or other Officer anſwering thereto) and the Solicitor concerned in the Cauſe for the Party applying, which ſhall ſtate the Cauſe, and for what Parties they are concerned, the Governor and Company of the Bank of *England* ſhall deliver, or cauſe to be delivered, to the ſaid Clerk in Court, or other Officer and Solicitor, or one of them, a Certificate ſigned by their Accountant, ſtating the Amount of ſuch Stock or Dividends, and in whoſe Names or Name ſuch Stock is ſtanding in their Books, and, if it be particularly required (but not otherwiſe) when ſuch Stock or any Part thereof was transferred, and by whom, for the ſigning of which Requeſt in Writing, there ſhall be paid to ſuch Clerk in Court or other Officer, a Fee of Six Shillings and Eight-pence, and no more, and to ſuch Solicitor, for the drawing, copying, and delivering at the Bank, a Fee of Thirteen Shillings and Four-pence, and no more, and to the Officer making out and delivering ſuch Certificate, a Fee of Two Shillings and Sixpence, and no more: Provided nevertheleſs, That nothing herein contained ſhall extend to any Caſe where any further Diſcovery is wanted than what is herein-before expreſsly mentioned, nor to any Caſe where the ſaid Governor and Company claim any Intereſt in or Lien upon the ſaid Fund, but that in ſuch Caſes it ſhall be neceſſary to make them a Party to ſuch Suit as if this Act had never been made; and that if any Special Matter ſhall ariſe, which, in the Opinion of the ſaid Governor and Company, ſhall affect their Intereſts, or which might be objected againſt ſuffering ſuch Transfer of Stock or Payment of Dividends, it ſhall be lawful for them to ſtate ſuch Matter to the Court by Motion or Petition in ſuch Suit, and that Execution of Proceſs to compel ſuch Transfer or Payment ſhall be ſuſpended until final Order ſhall be made thereon.

Act not to extend to any further Diſcovery than herein mentioned; nor to any Caſe where the Bank claim an Intereſt in the Fund, &c.

In Suits depending where the Bank have put in their Anſwer, not claiming any Intereſt in the Stock required to be transferred.

III. And be it further enacted, That in all Suits now depending in which the ſaid Governor and Company may have put in their Anſwer, not claiming any Intereſt in or Lien upon the Stock required to be transferred, no further Proceeding ſhall be had againſt them as a Party to ſuch Suits, but that the Bill ſhall ſtand diſmiſſed as againſt them in ſuch Suits; and that in all ſuch Suits an Order may be made, upon Motion or Petition as of

courſe, for the taxing of their Coſts already incurred, and for immediate Payment thereof by the Plaintiffs in any ſuch Suits, or any of them, ſubject however to any further Order as between the other Parties to ſuch Suits, reſpecting the final Payment of ſuch Coſts, as by the Court in which any Suit may be depending ſhall be deemed juſt.

quired to be transferred, Proceedings ſhall be ſtopped and the Bill diſmiſſed, &c.

IV. And be it further enacted, That all the ſeveral Regulations and Proviſions herein-before enacted, ſhall extend *mutatis mutandis* to every Caſe where the United Company of Merchants of *England* trading to the *Eaſt Indies*, or the Governor and Company of Merchants of *Great Britain* trading to the *South Seas* or other Parts of *America*, have any Stock ſtanding in the Books of ſuch reſpective Corporations, which may now be or hereafter may become the Subject of any Suit in Equity or incidental thereto, ſaving to the ſaid Corporations reſpectively the like Right of being made a Party, or applying by Motion or Petition, in ſuch Suits as is before reſerved or given to the Governor and Company of the Bank of *England*.

The Proviſions aforeſaid ſhall extend to the *Eaſt India* Company and the *South Sea* Company where they have Stock ſtanding in their Books, which may become the Subject of a Suit in Equity.

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