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GEORGII III. REGIS.

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Cap. 10.

An Act to enable *The West of England Fire and Life Insurance Company* to sue and be sued in the Name of their Secretary.

[17th *December* 1813.]

WHEREAS several Persons have formed themselves into a Society or Partnership under the Name of *The West of England Fire and Life Insurance Company*, and have subscribed or raised considerable Sums in order to effect Assurances against Fire, and on Lives, and for other Purposes connected therewith: And whereas the Public hath been greatly benefited by the Formation of such Societies or Partnerships having competent Capitals to carry on the same, and a considerable Revenue is derived to His Majesty therefrom: And whereas Difficulties have arisen, and may hereafter arise, 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 called *The West of England Fire and Life Insurance Company*, 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, since by Law all the several Subscribers or Proprietors for the Time being to and in such Society or Partnership must, in all or in any 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 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 West of England Fire and Life Insurance Company*, against any Person or Persons, Body or Bodies Politic or Corporate, or others, for recovering any Debts, or for enforcing any 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, from and after the passing of this Act, 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 Action, Suit, or other Proceeding shall be instituted or commenced, as the nominal Plaintiff for and on behalf of the said Society or Partnership; and that all Actions, Suits, and Proceedings in Law or in Equity, to be commenced or instituted against the said Society or Partnership, shall be commenced, instituted, and prosecuted against the said Secretary as the nominal Defendant for and on 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 stealing or embezzling 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 or lawfully may be had or preferred and carried on in the Name of the Person who shall be Secretary of the said Society or Partnership when such Prosecutions or Indictments shall be instituted or preferred; 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 Secretary for the Time being of the said Society or Partnership, 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 Secretary for the Time being of the said Society or Partnership; 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 such Secretary for the Time being of the said Society or Partnership, 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.

Company to sue and be sued in the Name of their Secretary.

II. Provided always, and be it enacted, That Execution upon any Judgment in any such Action obtained against such Secretary 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 every such 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 Fund of the said Society or Partnership all such Costs, Charges, and Damages as by the Event of any

Execution upon Judgments may be issued against Members individually.

Costs to be paid by the Society.

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.

Memorials to be enrolled of the Names of Members in the Court of 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 hereto annexed, shall be enrolled 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, a Memorial thereof shall in like Manner be enrolled as aforesaid, in the Form or to the Effect expressed in the said Schedule.

No Action to be brought till Memorial enrolled.

IV. Provided always, and be it further enacted, That until such Memorial as before mentioned shall have been enrolled 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 Enrolment shall continue liable to all Actions, Suits, Judgments, and Executions, until a Memorial or Memorials of Transfer shall have been enrolled as aforesaid.

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

V. 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, Prosecution, and Indictment, in the same Manner as he might have been if his Name had not been made use of as the Plaintiff, Prosecutor, or Defendant in any such Action, Suit, Proceeding, Prosecution, or Indictment.

This Act to apply to future Members of the Society.

VI. Provided always, That this Act and the Provisions herein contained shall extend, or be construed and taken to extend, to the said Society or Partnership called *The West of England Fire and Life Insurance 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.

Act not to incorporate the Society, &c.

VII. Provided always, 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 other Manner whatsoever.

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.

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SCHEDULE referred to by this Act.

MEMORIAL of the Names of the Members of *The West of England Fire and Life Insurance Company*, on the Day of One thousand eight hundred and 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. 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.

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 West of England Fire and Life Insurance 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 Shares of *C. D.*

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1832.