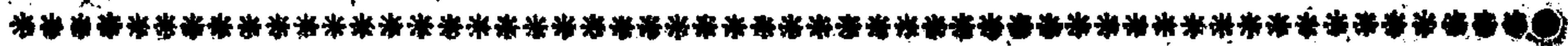




ANNO QUINTO

# GEORGIIV. REGIS.



## *Cap. lxxx.*

An Act to enable the *Kent* Fire Insurance Company to sue and prosecute in the Name of their Secretary, or any Member of such Company.

[28th *May* 1824.]

**W**HEREAS several Persons constituting a Society or Partnership, called or known by the Name of "The *Kent* Fire Insurance Company," have subscribed or raised considerable Sums, in order to carry on the Business of insuring Houses, and other Property, from Loss or Damage by Fire: And whereas the Public hath been greatly benefited by the Formation of such Societies or Partnerships, with 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 recovering Debts which now are or hereafter may grow due to the said Society or Partnership called "The *Kent* Fire Insurance Company," and Difficulties may also arise 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

[*Local.*]

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must,

Company  
may sue and  
be sued in the  
Name of the  
Secretary.

must, in such Cases, sue and prosecute by their several and distinct Names and Descriptions: Wherefore, for 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 against any Person or Persons indebted or to be indebted to the said Society or Partnership, and also all Petitions to found any Commission of Bankruptcy against any Person or Persons indebted or to be indebted to the said Society or Partnership, and liable to be made a Bankrupt by the Laws now or at any Time hereafter 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 prosecuted by or on Behalf of the said Society or Partnership, or wherein the said Society or Partnership is or shall be concerned or interested, against any Person or Persons, or Body or Bodies Politic or Corporate, shall and lawfully may be commenced, instituted, and prosecuted in the Name or Names of the Person or Persons who shall be Secretary or Secretaries of the said Society or Partnership, at the Time when such Action or Suit shall be commenced or instituted, or such Petition presented, or either of them, as the nominal Plaintiff or Plaintiffs, or nominal Petitioner or Petitioners for or 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 Secretary or Secretaries for the Time being of the said Society or Partnership, as the nominal Defendant or Defendants in such last-mentioned Actions and Suits, for and on Behalf of the said Society or Partnership; and the Death, Resignation, or Removal, or other Act of such Secretary or Secretaries, shall not abate or prejudice any Action, Suit, Petition, or Proceeding at Law or in Equity.

All Indict-  
ments to be  
in the Name  
of the Com-  
pany.

II. And be it further enacted, That from and after the passing of this Act it shall be lawful for the said Society or Partnership to prefer any Indictment or Indictments, Information or Informations, against any Person or Persons, for any Offence committed against the said Society or Partnership, and in all Indictments and Prosecutions against any Person or Persons for feloniously taking, stealing, or embezzling any Goods, Chattels, Notes, Bills, Bonds, Deeds, or any Securities, Money, Effects, or Property of or belonging to the said Society or Partnership, the said Goods, Chattels, Notes, Bills, Bonds, Deeds, Securities, Money, Effects, or Property may be laid and stated to be the Goods, Chattels, Notes, Bills, Bonds, Deeds, Securities, Monies, Effects, and Property of the *Kent Fire Insurance Company*; and in all Indictments, Informations, and Prosecutions against any Person or Persons for any Crime, Fraud, or Offence committed with Intent to injure or defraud the said Society or Partnership, the same may be laid and stated to have been done with Intent to injure or defraud the *Kent Fire Insurance Company*, without laying or stating in any Indict-



Indictment, Information, or Prosecution, the Name or Names of all or any of the Persons now or at any Time hereafter constituting the said Society or Partnership; and any Offender or Offenders may thereupon be lawfully convicted of such feloniously taking, stealing, embezzling, Crime, Fraud, or Offence, in as full a Manner, and to all Intents and Purposes, as if the Name or Names of all and every of the Persons constituting the said Society were inserted or used in such Indictment, Information, or Prosecution, or any Proceedings thereupon.

III. Provided always, and be it enacted, That Execution upon any Judgment in any such Action or Suit obtained against the Secretary or Secretaries for the Time being of the said Society or Partnership, whether as Plaintiff or Plaintiffs, Defendant or Defendants, 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 or Secretaries in whose Name or Names any such Action or Suit shall be commenced, prosecuted, or defended, and that all and every such Member and Members against whom any Execution upon any Judgment 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.

Executions upon Judgments against the Secretary may be issued against any of the Members, &c.

IV. 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 enrolled upon Oath in the High Court of Chancery, within Twenty-eight Days after the passing of this Act; and when any Member of the said Society or Partnership shall die, or cease or discontinue to hold any Share or Shares therein, or any other Person or Persons shall become a Member or Partner, or Members or Partners in the said Society, then a Memorial thereof shall in like Manner, within Twenty-eight Days afterwards, be enrolled as aforesaid, in the Form and to the Effect expressed in the said Schedule.

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

V. 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 until such Memorial as herein directed shall have been enrolled, in the Event of any Alteration or Change in the Members of the said Society or Partnership, all the Members whose Names shall be expressed in the last Enrolment preceding such Change or Alteration shall continue liable to all such Executions upon Judgments.

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

VI. Provided always, That the Secretary or Secretaries being the Plaintiff or Plaintiffs, Petitioner or Petitioners, Prosecutor or Prosecutors

Secretary being Plaintiff or Prosecutor not to pre-



vent his being  
a Witness.

cutors in any such Actions, Suits, Proceedings, Prosecutions, or Indictments as aforesaid, shall not affect the Competency of any such Secretary or Secretaries to be a Witness or Witnesses in any such Actions, Suits, Petitions, Prosecutions, or Indictments, in the same Manner as he or they might have been if his or their Name or Names had not been made use of, as the Plaintiff or Plaintiffs, Petitioner or Petitioners, Prosecutor or Prosecutors, in any such Actions, Suits, Proceedings, Prosecutions, or Indictments.

Provisions  
of this Act  
to extend to  
the Kent In-  
surance  
Company  
for the Time  
being.

VII 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 *Kent* Fire Insurance Company," at all Times during the Continuance of the same, whether the said Society or Partnership from Time to Time hath been, 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 shall have become Members since the passing of this Act.

Judgments  
on Actions  
against the  
Secretary  
shall extend  
to the Pro-  
perty of the  
Company.

VIII. 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 Proceeding, in Law or Equity, against the Secretary or Secretaries of the said Society or Partnership, shall have the like 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; and further, that the Bankruptcy, Insolvency, or stopping Payment of the Secretary or Secretaries for the Time being of the said Society or Partnership, in his or their individual Character or Capacity, shall not be or be construed to be the Bankruptcy, Insolvency, or stopping Payment of the said Society or Partnership; and also that the said Society or Partnership, and the Capital Stock and Effects thereof, notwithstanding the Bankruptcy, Insolvency, or stopping Payment of any such Secretary, shall be attached or attachable, and be in all respects liable to the lawful Claims and Demands of the Creditor or Creditors thereof, in like Manner as if no such Bankruptcy, Insolvency, or stopping Payment of the said Secretary or Secretaries of the said Society or Partnership had happened or taken place.

Nor to ex-  
tend to in-  
corporate the  
Company.

IX. 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 the said Society or Partnership, or any of the individual Members of such Society or Partnership,

ship, and others, or among themselves, or in any other Manner howsoever.

X. And be it further enacted, That this Act shall be deemed Public Act. 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.

N° I. MEMORIAL of the Names of the Members of the *Kent Fire Insurance Company*, on the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred \_\_\_\_\_, enrolled pursuant to an Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act to enable the Kent Fire Insurance Company to sue and be sued in the Name of their Secretary*.

N° II. *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 Office.

N° III. A MEMORIAL of the Name or Names of the Person or Persons who hath died, or ceased or discontinued to hold any Share or Shares in the *Kent Fire Insurance Office*, since the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred \_\_\_\_\_ and \_\_\_\_\_, being the Date of the Memorial last registered respecting the said Office.

*A. B.* of \_\_\_\_\_

N° IIII. A MEMORIAL of the Name or Names of the Person or Persons having become a Member in, or possessed of or entitled to any Share or Shares in the *Kent Fire Insurance Office*, since the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_, being the Date

[Local.] \_\_\_\_\_ 21 X \_\_\_\_\_ Date

1922

5° GEORGII IV. *Cap. lxxx.*

Date of the Memorial last registered respecting the  
said Office.

*A. B.* of \_\_\_\_\_, holding \_\_\_\_\_ Shares.

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Printers to the King's most Excellent Majesty. 1824.