



ANNO QUINQUAGESIMO

GEORGI II. REGIS.

Cap. 89.

An Act to enable the *Birmingham Life Assurance and Annuity Office* to sue in the Name of their Secretary, and to inrol Annuities. [18th May 1810.]

WHEREAS several Persons have formed themselves into a Company by the Name of *The Birmingham Life Assurance and Annuity Office*; and have subscribed or raised considerable Sums of Money, in order to effect Insurances on Lives and Survivorships, and to grant and purchase Annuities, and for other Purposes: And whereas the Publick hath been greatly benefited by the Formation of such Institutions 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 Birmingham Life Assurance and Annuity Office*; and also in prosecuting Persons who may steal or embezzle the Property of the said Company, or who may commit or be guilty of any other Offence against the said Company, since by Law the individual Members of the said Company must in such Cases sue and prosecute by their several and distinct Names and Descriptions: And whereas an Act was passed in the Seventeenth Year of His present Majesty's Reign, intituled, *An Act for registering the Grants of Life Annuities, and for the better Protection of Infants against such Grants*; whereby it is required that a Memorial of every Instrument granting any such Annuity or Rent Charge as is therein mentioned, shall within the Time therein mentioned be inrolled in the High Court of Chancery, and that such Memorial shall amongst other Particulars contain the Names of all the Parties, and for whom any of them are Trustees: And whereas the said

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Company

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Company, by reason of the Number of Persons constituting the same, is unable to comply with the Requisitions of the said Act in the last mentioned respect, and is in consequence prevented from rendering its Contracts for the Purchase or Sale of Annuities effectual and valid; 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 all Actions and Suits to be commenced or instituted 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 or instituted, and prosecuted in the Name or Names of the Person or Persons who shall be Secretary or Secretaries of the said Company, at the Time when such Action or Suit shall be instituted, as the nominal Plaintiff or Plaintiffs for and on Behalf of the said Company; and all Actions and Suits to be commenced or instituted against the said Company, shall be commenced, instituted, and prosecuted against such Secretary or Secretaries for the Time being of the said Company, as the nominal Defendant or Defendants for and on Behalf of the said Company, and that all Prosecutions to be brought or instituted 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 or Names of such Secretary or Secretaries 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 Secretary or Secretaries 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 Secretary or Secretaries for the Time being of the said Company, and any Offender or Offenders may thereupon be lawfully convicted of any such Offence; and the Death, Resignation, or Removal, or other Act of such Secretary or Secretaries shall not abate any such Action, Suit, or Prosecution.

How Agree-
ments shall be
entered into.

II. And be it further enacted, That from and immediately after the passing of this Act, in all Agreements, Covenants, Contracts, Bonds, Obligations, Warrants, Judgements, Grants, Charges, Surrenders, Fines, Recoveries, Conveyances, and other Assurances whatsoever, by which any Annuity or yearly Rent hath been or shall be sold, limited, or otherwise assured, to or in Trust or for the Benefit of the said Company called *The Birmingham Life Assurance and Annuity Office*; or to any Person or Persons acting for or on Behalf of the said Company, or by which any Annuity or yearly Rent hath been or shall be granted, sold, limited, or otherwise assured by the said Company called *The Birmingham Life Assurance and Annuity Office*; or by any Person or Persons acting for or on Behalf of the said Company; and in all Memorials of the said Assurances respectively, the Names of the Members of the said Company, and of all the Persons interested in the same, or acting on the Part or Behalf of the said Members or other Persons, or any of them; or for whom they or any of them are Trustees, shall for all the Purposes of the said Act of the Seventeenth Year of the Reign of His present Majesty, be considered to be sufficiently mentioned, expressed, and contained within the Provisions of the said Act of the

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Seventeenth Year of the Reign of His present Majesty, and the true Intent and Meaning of the same, if in the Assurances or any one of the Assurances by which such Annuities or Rents respectively shall be sold and secured, and in the Memorials of the same respectively, it is or shall be expressed or appears, or shall appear that the Annuity or Yearly Rent so granted, sold, limited, or otherwise assured, is thereby granted, sold, limited, or otherwise assured by the said Company, to or for the Benefit of the said Company, as the Case may be, and that the Consideration for the same is paid, advanced, or given to, or by or on the Behalf, or on the Account of the said Company, as the Case may be, and thereupon, (the other Requisites of the said Act of the Seventeenth Year of the Reign of His said Majesty being complied with), the said Deeds and Assurances, and the Memorials of the same shall be as valid and effectual, to all Intents, Effects, Constructions, and Purposes whatsoever, as if the Names of all the Members of the said Company, and of all the Parties interested in the said Company or represented by them, or for or on Behalf of whom they or any of them have acted or been Trustees, or paid or advanced or given the Money or other Consideration for the said Annuities, or shall act or be Trustees, or pay or advance or give the Money or other Consideration for the said Annuities, were stated in the said Assurances and Memorials respectively, in the Manner prescribed by the said Act.

III. And be it further enacted, That the Provisions contained in this Act shall extend and be construed to extend to the said Company called *The Birmingham Life Assurance and Annuity Office*, 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 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 of the same.

IV. 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 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 effected by the Provisions of the present Act and the true Intent and Meaning of the same.

This Act not
to extend to
incorporate
the Company.

V. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Publick Act.

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