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GEORGI II. REGIS.

Cap. 206.

An Act to enable *The Hope Assurance Company* to sue and be sued, to grant Annuities, and to enrol Memorials thereof, under certain Regulations.

[10th July 1813.]

WHEREAS several Persons have formed themselves into a Society or Partnership under the Name of *The Hope Assurance Company*, and have subscribed or raised considerable Sums in order to effect Assurances against Fire and on Lives, and to grant and purchase Annuities, and other Purposes connected therewith: And whereas the Public hath been greatly benefited by the Formation of such Society or Partnership, having a competent Capital to carry on the same, and a considerable Revenue is derived to His Majesty therefrom: And whereas Difficulties have arisen, and may from Time to Time hereafter arise, as well 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, 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, by reason of its being required by Law that all the several Subscribers or Proprietors to and in such Society or Partnership

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should, in all or many of the Cases aforesaid, sue and prosecute by their several and distinct Names and Descriptions: And whereas, by an Act 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*, it was and is required, that a Memorial of every Instrument granting any such Annuity or Rent Charge, as is therein mentioned, should, within the Time therein prescribed, be enrolled in the High Court of Chancery, and that such Memorial should, among other Particulars, contain the Names of all the Parties, and for whom any of them are Trustees; and also that in every Deed, Instrument, or other Assurance, whereby any Annuity or Rent Charge should, from and after the passing of the said Act, be granted, or attempted to be granted, the Consideration really and *bonâ fide* paid, and also the Name or Names of the Person or Persons by whom and on whose Behalf the said Consideration, or any Part thereof, should be advanced, should be fully and truly set forth and described in Words at Length: And whereas the said Society or Partnership, by reason of the Number of Persons who are or may be interested therein, is unable to comply with the Requisitions of the said Act in all Respects: Wherefore, for enabling the said Society or Partnership the more easily to carry into Execution the several Objects and Undertakings herein-before mentioned, and 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 Hope Assurance Company*, against any Person or Persons, Body or Bodies Politic or Corporate, or others, for recovering any Debts, or 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 or lawfully may, from and after the passing of this Act, be commenced or instituted and prosecuted in the Name of the Chairman or Secretary for the Time being of the said Society or Partnership, as the nominal Plaintiff for and on Behalf of the said Society or Partnership; and that all Actions or Suits and Proceedings in Law or in Equity, to be commenced or instituted against the said Society or Partnership, shall or lawfully may be commenced, instituted, and prosecuted against the Chairman or Secretary for the Time being of the said Society or Partnership, as the nominal Defendant for and on the 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 any Stealing or Embezzlement of 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 Chairman or Secretary for the Time being of the said Society or Partnership; 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

The Company may sue and prosecute, and be sued and prosecuted in the Name of their Chairman or Secretary.

be the Money, Goods, Effects, or Property of the Chairman or 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 Chairman or 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 the Chairman or 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.

II. Provided always, and be it enacted, That Execution upon any Judgment in any such Action obtained against the Chairman or Secretary 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 Secretary, in whose Name any such Action or Suit shall be commenced, prosecuted, or defended, and that 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.

Execution may issue against any Member of the Company, who is to be indemnified out of the Company's Funds.

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

Memorials to be enrolled of the Names of the Members of the Company.

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 Company 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.

No Action to be brought till Memorial enrolled.

V. And be it further enacted, That from and after the passing this Act, in all Agreements, Covenants, Contracts, Bonds, Obligations, Warrants, Judgments, Grants, Charges, Surrenders, Fines, Recoveries, Conveyances, and other Assurances whatsoever, by which any Annuity or yearly Rent hath been or shall be granted, sold, limited, or otherwise assured to, or in Trust for, or for the Benefit of the said Society or Partnership called *The Hope Assurance Company*, or, to any Person or

Grants and Enrolments of Annuities to be valid without the Members of the Company being named therein.

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Persons acting for or on the Behalf of the said Society or Partnership; or by which any Annuity or yearly Rent hath been or shall be granted, sold, limited, or otherwise assured by the said Society or Partnership, or by any Person or Persons acting for or on the Behalf of the said Society or Partnership, and in all Memorials of the said Assurances respectively, the Names of the Members of the said Society or Partnership, 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 or shall be Trustees, shall, for all the Purposes in 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, and the true Intent and Meaning of the same, if in the Assurance, or any one of the Assurances, by which such Annuities or Rents respectively shall be granted, sold, limited, or assured, and in the Memorials of the same respectively, it is or shall be expressed, or do 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 or on behalf of the said Society or Partnership, or to or in Trust for the Benefit of the said Society or Partnership, 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 account of the said Society or Partnership, as the Case may be; and thereupon (the other Requisites of the said Act of the Seventeenth Year of the Reign of His present Majesty being complied with) the said Assurances, and the Memorials of the same, and every of them, 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 Society or Partnership, and of all the Persons interested in the said Society or Partnership, or represented thereby, or for or on the Behalf of whom they or any of them have acted or been Trustees, or paid, advanced, or given the Money or other Consideration for the said Annuities or yearly Rents, or shall act, or be or are Trustees, or shall or do pay or advance or give the Money or other Consideration for the said Annuities or yearly Rents, were stated in the said Assurances and Memorials respectively in the Manner prescribed by the said Act.

This Act to apply to future Members of the Company.

VI. And be it further enacted, That this Act, and the Powers and Provisions herein contained, shall extend and be at all Times construed to extend, to the said Society or Partnership, during the Continuance thereof, whether the same do or shall consist or be composed of all or some only of the Persons who originally were, or at the Time of passing this Act were Members of the said Society or Copartnership, or of all or some only of those Persons together with some other Persons, or of Persons all of whom became or shall become Members of the said Society or Partnership since the original Institution thereof, or since the passing of this Act.

Judgments recovered to operate upon the Property of the Society or Partnership.

VII. And be it further enacted by the Authority aforesaid, That all and every Judgment and Judgments which shall at any Time after the passing this Act be had or recovered in any Action, Suit, or Proceedings in Law or Equity against the Chairman or Secretary 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

Judgment or Judgments had been recovered or obtained against the said Society or Partnership themselves.

VIII. And further, That the Bankruptcy, Insolvency, or Stopping Payment of the Chairman or Secretary for the Time being of the said Society or Partnership, in his or their individual Character or Capacity, or respective Characters or Capacities, 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 Chairman or Secretary, shall be attached or attachable, and be in all Respects liable to the lawful Claims and Demands of the Creditor and Creditors thereof, in like Manner as if no such Bankruptcy, Insolvency, or Stopping Payment of the said Chairman or Secretary of the said Society or Partnership had happened or taken place.

Bankruptcy of the Chairman or Secretary not to be construed to be the Bankruptcy of the Society or Partnership.

IX. 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.

The Act not to incorporate the Society, nor discharge the Members from their individual Responsibility.

X. 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.

Public Act.

SCHEDULE above referred to.

- No. 1. MEMORIAL of the Names of the Members of *The Hope Assurance Company*, on the _____ Day of _____ One thousand eight hundred and thirteen, enrolled pursuant to an Act of Parliament passed in the Fifty-third Year of the Reign of His Majesty King George the Third, intituled [*here insert the Title of this Act*].
- No. 2. *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.
- No. 3. 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 Hope Assurance Company*, since _____ the Day of _____ One thousand eight hundred and thirteen, 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 &c. Assignee of _____ Shares of *C. D.*

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