



ANNO QUINQUAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 207.

An Act to enable *The Eagle Insurance Company* to sue and be sued in the Name of their Secretary or any Member thereof; and to inrol Annuities.

[10th July 1813.]

WHEREAS several Persons have formed themselves into a Company by the Name of *The Eagle Insurance Company*, and have subscribed or raised considerable Sums of Money, in order to effect Insurances against Loss or Damage by Fire; and also to effect Insurances on Lives and on Survivorships, and to grant Annuities, and for other Purposes: And whereas the Public hath been greatly benefited by the Formation of such Institution, with competent Capitals; and 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 Eagle Insurance Company*, 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

[*Loc. & Per.*]

41 P

Law

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 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 mentioned be inrolled in the High Court of Chancery, and that such a Memorial should among other Particulars contain the Names of all the Parties, and for whom any of them were Trustees; and by the said Act it is also required, 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 (which should be in Money only), 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 the last mentioned respect, and is prevented thereby from rendering the Contracts of the said Society or Partnership 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 from and after the passing of this Act all Actions and Suits to be commenced, instituted, or carried on 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, instituted, and prosecuted or carried on in the Name of the Person who shall be Secretary to the said Company at the Time such Action, Suit, or Proceeding shall be instituted, or in the Name of any One Member for the Time being of the said Company, as the Nominal Plaintiff for and on behalf of the said Company; and that all Actions and Suits to be commenced or instituted against the said Company shall be commenced, instituted, and prosecuted against the said Secretary or Member of the said Company, as the Nominal Defendant, for and on behalf of the said Company; and that all Prosecutions to be brought, instituted, or carried on 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 of such Secretary or Member 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 Member for the Time being of the said Company; and any Offence committed with Intent to injure or defraud

Actions at
Law to be in
Name of the
Secretary, or
any Member
of the Com-
pany.

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 Member for the Time being of the said Company; and any Offender or Offenders may thereupon be lawfully convicted of any such Offence; and in all other Allegations or Indictments, Informations, or other Proceedings in which, before the passing of this Act, it would have been necessary to state the Names of the Persons composing the said Company, it shall and may be lawful and sufficient from and after the passing of this Act to state the Name of such Secretary or Member; and the Death, Resignation, or Remoyal, or other Act of such Secretary or Member, shall not abate any such Action, Suit, or Prosecution.

II. 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 hereunto annexed, shall be enrolled upon Oath in the High Court of Chancery, within Three Months 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 be enrolled as aforesaid, in the Form, or to the Effect expressed in the said Schedule.

Directing the Names of Members to be enrolled in the High Court of Chancery.

III. 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 Actions to be brought until Memorial shall have been enrolled.

IV. Provided always, and be it enacted, That Execution upon any Judgment in any such Action obtained against the Secretary or Member 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 Secretary or Member 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 Fund 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 upon any Judgment may be issued against any Member of the Company, &c.

V. And be it further enacted, That from and immediately after the passing of 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

Grants, &c. of Annuities sufficient if expressed to be for The Eagle Insurance Company.

or Partnership called *The Eagle Insurance Company*, or to any Person or 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 called *The Eagle Insurance Company*, 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 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 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 Society or Partnership, or to or 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 the 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 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 Society or Partnership, and of all the Persons interested in the said Society or Partnership, or represented by them, 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 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.

This Act to be at all Times valid, though the Society should be composed entirely of new Members.

VI. And be it further enacted, That the Provisions contained in this Act shall extend and be construed to extend to the said Society or Partnership called *The Eagle Insurance Company*, 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 or Partners 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 or Partners of the same.

The Company not discharged from any Responsibility.

VII. 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 to relieve or discharge the said Company or any of the Members thereof, or Subscribers thereto, from any Responsibility,

bility, 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 affected by the Provisions of this present Act, and the true Intent and Meaning of the same.

bility, &c.
as Individuals.

VIII. 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 referred to by this Act.

MEMORIAL of the Names of the Members of *The Eagle Insurance Company*, enrolled pursuant to an Act of Parliament passed in the Fifty-third Year of the Reign of His Majesty King *George the Third*, intituled *An Act to enable The Eagle Insurance Company to sue and be sued in the Name of their Secretary, or any Member thereof, and to enrol Annuities.*

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.

MEMORIAL of the Name or Names of the Person or Persons appearing to be Assignee or Assignees of any Share or Shares in *The Eagle 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 the Share of C. D.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1822.