



ANNO SEXTO

GEORGIIV. REGIS.

Cap. cxcvii.

An Act to enable the *West India Company* to sue in the Name or Names of the Chairman for the Time being, or of any other Member or Members of the Company, and for other Purposes.
[5th July 1825.]

WHEREAS several Persons have formed themselves into a Company or Partnership, under the Name of *The West India Company*, for the Purpose of lending and advancing Money upon the Security of Plantations, and other Property, situate in His Majesty's Colonies or Settlements in the Islands or on the Coasts of *America*, and of assuring Ships, Goods, and Merchandize at Sea, or going to Sea, and for all lawful Purposes connected with the Business of the *West India Merchants*, or with the said Colonies or Settlements: And whereas considerable Sums have been subscribed for the Purpose of raising the necessary Capital for carrying into Effect the Objects of the said Company; but inasmuch as Difficulties will probably arise in conducting the Affairs and Concerns of the said Company without the Aid and Authority of Parliament, to the Extent and in Manner herein-after contained; May it therefore 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 at Law or in Equity, and also

[Local.]

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Actions at Law to be in the Name of the Chairman, &c. all

all Petitions to found any Commission of Bankruptcy against any Person or Persons indebted to the said Company, and liable to be made Bankrupt by the Laws now or at any Time hereafter to be 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 Petitions 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, whether the Person or Persons to be proceeded against in any of the said Cases is or are or shall then be a Member or Members of the said Company or not, shall and lawfully may be commenced, instituted, presented, and prosecuted, or carried on, in the Name of the Person who shall be the Chairman of the said Company at the Time such Action, Suit, or Proceeding shall be instituted, or in the Name or Names of any Member or Members for the Time being of the said Company, as the nominal Plaintiff or Plaintiffs, Petitioner or Petitioners, 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 Chairman, or any one 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 Chairman or Member or Members 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 Chairman, or any other Member or Members 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 Chairman, or any other Member or Members for the Time being of the said Company, whether the Person or Persons to be proceeded against in any of the said Cases is or are or shall then be a Member or Members of the said Company or not, 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 Chairman, or any other Member or Members; and the Death, Resignation, or Removal, or other Act of such Chairman, or other Member or Members, shall not abate any such Action, Suit, or Prosecution.

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

II. And be it further enacted; That a Memorial of the Name and Names and Descriptions of the Chairman, and of the several Persons being Members of the said Company, in the Form for that Purpose expressed in the Schedule hereunto annexed, shall be enrolled upon Oath in the High Court of Chancery, within Six Months after the passing of this Act; and when any new Chairman shall be elected, or any Transfer of any Share or Shares of any Member of the said Company shall

shall be made, a Memorial thereof shall in like Manner be enrolled as aforesaid within Six Months afterwards, in the Form or to the Effect expressed in the said Schedule for that Purpose.

III. Provided always, and be it further enacted, That until such Memorial as first 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 any Enrolment to be made in pursuance of this Act shall be and continue liable to all Actions, Suits, Judgments, and Executions, until a Memorial or Memorials of Transfer of the Shares of such Members shall have been enrolled as aforesaid.

No Actions to be brought until Memorial enrolled.

IV. Provided always, and be it enacted, That Execution upon any Judgment in any such Action obtained against the Chairman or any other 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 Chairman or other Member or Members 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, or as herein-after is mentioned, 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: Provided always, that in case such Execution against the Member or Members for the Time being of the said Company shall be ineffectual for obtaining Payment and Satisfaction for the Sum or Sums sought to be recovered thereby, it shall be lawful for the Party or Parties so having obtained Judgment against the Chairman or any other Member for the Time being of the said Company, to issue Execution against any Person or Persons who was or were a Member or Members thereof at the Time the Contract or Contracts was or were entered into upon which such Action may have been brought; but no such Execution as last mentioned shall be issued without Leave of the Court in which such Action may have been brought first granted; and provided also, it shall not be lawful for the said Company, or any Person or Persons on behalf of the said Company, in any Manner to stipulate, contract, or agree with any Person or Persons to limit or restrict the Liability of the Members of the said Company, or any of them, or to make any special Contract or Agreement in relation to the Extent of the Liability of the Members of the said Company, or any of them, other than or differing from such Contracts or Agreements as are usually made between general Partners in Trade and others contracting with them, except so far as such Contracts, and the Remedies for enforcing the Performance of the same, are affected by the Provisions of this present Act, and the true Intent and Meaning of the same.

Execution upon any Judgment may be issued against any Member of the Company, &c.

Execution may issue against any Person who was a Member.

Liability of Members not to be restricted.

V. Provided always, and be it further enacted, That no Person or Persons, Bodies Politic or Corporate, having or claiming to have any Demand upon or against the said Company, shall bring more than One Action in respect of such Demand; and the Proceedings in any Action against One of the Members may be pleaded in Bar of any Action or

One Action only to be brought on One Cause.

Actions

Actions for the same Cause against any other Member or Members of the said Company.

Company not to charge more than the usual Rate of Commission upon Business transacted by them.

VI. Provided always, That it shall be lawful for the said Company to charge only, in respect of the Business transacted by them in relation to the Consignments from Time to Time made to them, or in relation to the Freight and other Charges, or the Acceptance or Payment of any Bill or Bills of Exchange for Contingencies, or for the Providing and Shipment of Supplies, or other Matters usually transacted by Merchants and Consignees of *West India* Produce, over and above the Interest payable in respect to such Loan or Advance, such Rate of Commission as is usually charged by *West India* Merchants upon and for transacting such Matters of Business respectively; any thing herein contained to the contrary thereof in anywise notwithstanding.

Act to be at all Times valid.

VII. And be it further enacted, That the Provisions contained in this Act shall extend, and be construed to extend, to the said Company at all Times during the Continuance of the same, whether the same Company 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 originally Members or Partners of the same.

Company not incorporated by this Act.

VIII. 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, Contracts, Duties, or Obligations whatsoever, which by Law they now are, or at any Time hereafter shall be, subject or liable to, either as 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.

Public Act.

IX. 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.

SCHEDULE referred to by this Act.

MEMORIAL of the Names of the Chairman and Members of the West India Company, on the _____ Day of _____ One thousand eight hundred and twenty-five, enrolled pursuant to an Act of Parliament passed' (*here insert the Date and Title of this Act.*)

A. B., Clerk to the above-named Company, maketh Oath, that the above-written Memorial doth contain the Names of the Chairman and all the present Members of the said Company, as the same appear in the Books of the said Company.

MEMORIAL in the Name of the Chairman of the West India Company, to be enrolled in pursuance of an Act of Parliament passed in the (*here insert the Date and Title of this Act.*)

C. D. Chairman.

A. B. of _____, Clerk to the said Company, maketh Oath, that the above-named C. D. was elected Chairman of the said Company on the _____ Day of _____, for (*here insert the Period for which the Chairman shall have been elected.*)

A MEMORIAL of the Name or Names of the Person or Persons who hath or have ceased or discontinued to hold any Share or Shares in the West India Company, since the _____ Day of _____ One thousand eight hundred and _____, being the Date of the Memorial last registered respecting the said Office.

A. B. of _____ . (*If the Person mentioned in the Memorial shall have transferred Part only of his Shares, state the Fact accordingly.*)

6° GEORGII IV. *Cap. cxcvii.*

A MEMORIAL of the Name or Names of the Person or Persons having become a Member or Partner in, or possessed of or entitled to any Share or Shares in the West India Company, since the
 Day of _____ One thousand eight hundred and _____, being the
 Date of the Memorial last registered respecting the said Company.

A. B. of _____ holding _____ Shares.

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