



ANNO QUARTO

# GULIELMI IV. REGIS.

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## *Cap. xxxvii.*

An Act to amend an Act of the Fifty-fourth Year of King *George* the Third, for enabling the West of *England* Fire and Life Insurance Company to sue and be sued in the Name of their Secretary, and to give further Powers to the said Company. [16th *June* 1834.]

**W**HEREAS an Act was passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act to enable the West of England Fire and Life Insurance Company to sue and be sued in the Name of their Secretary*: And whereas the Powers given by the said Act have in some Points been found defective, and it would promote the Objects of the Society or Partnership called "The West of *England* Fire and Life Insurance Company" if such Powers were enlarged, and the said Society or Partnership were enabled to hold Property in the Manner herein-after set forth: 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, Suits, and other Proceedings whatsoever at Law or in Equity, whether in *England* or elsewhere, for any Injury or Wrong done to any Real or Personal Property of the said Society or Partnership; whoever may be in Possession thereof, or in whomsoever

54 G. 3. c. 10.

Actions, Suits, and Proceedings on behalf of the Society to be in the

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Name of the  
Secretary.

soever the same may be vested in Trust or for the Use or Benefit of the said Society or Partnership, or upon or in respect of any present or future Liability or Liabilities to the said Society or Partnership, or to any Person or Persons in Trust for the said Society or Partnership, or for the Use or Benefit thereof, or upon any Bonds, Covenants, Contracts, or Agreements which now are or hereafter shall be given or entered into, to or with the said Society or Partnership by any Name or Description whatever, or to or with any Person or Persons whomsoever, in Trust for the said Society or Partnership, or for the Use or Benefit thereof, or wherein the said Society or Partnership is or shall be interested, and all Instruments, Petitions, and other Proceedings for issuing and prosecuting any Fiat in Bankruptcy or Commission of Bankruptcy in *England* or *Ireland*, or any Sequestration in *Scotland*, against any Person or Persons indebted or to be indebted to the said Society or Partnership, or to any Person or Persons in Trust for the said Society or Partnership, or for the Use or Benefit thereof, and all Proceedings at Law or in Equity, or for Proof of Debts, Choice of Assignees, or other Matters in Bankruptcy or Insolvency, or under any Sequestration in *Scotland*, for or on behalf of the said Society or Partnership, or wherein the said Society or Partnership is or shall be interested, and generally all legal Proceedings whatsoever wherein the said Society or Partnership is or shall be concerned or interested, against any Person or Persons, or any Body or Bodies Politic or Corporate, or others, whether Members of the said Society or Partnership or not, may be commenced, made, instituted, and prosecuted in the Name of the Person who shall for the Time being be the Secretary of the said Society or Partnership, as the nominal Plaintiff, Petitioner, or Pursuer for and on behalf of the said Society or Partnership, or as acting in any other Character for and on behalf of the said Society or Partnership.

Manner in  
which the  
Society may  
be sued.

II. And be it further enacted, That from and after the passing of this Act all Actions, Suits, and Proceedings at Law and in Equity to be commenced or instituted against the said Society or Partnership in *England* or elsewhere shall and lawfully may be commenced, instituted, and prosecuted against the said Society or Partnership by the Name and Description of "The West of *England* Fire and Life Insurance Company," or against the Person who shall for the Time being be the Secretary of the said Society or Partnership, as the nominal Defendant, Defender, or Respondent for and on behalf of the said Society or Partnership; and in case of any such Proceedings against the Secretary for the Time being of the said Society or Partnership all Writs, Process, and other Proceedings may be served on any Clerk or Officer of the said Society or Partnership at the ordinary Place of Business of the said Society or Partnership in the City of *Exeter*; and in case of any such Proceedings against the said Society or Partnership by such Name and Description aforesaid all Writs, Process, and other Proceedings may be served, either in the same Manner as they might have been served if such Secretary had been made Defendant, Defender, or Respondent, or on any Director of the said Society or Partnership in the said City of *Exeter*, or within Seven Miles thereof; and such Service in manner directed by this Act shall for all Purposes be deemed good Service, and Execution may issue upon any Judgment obtained in any such Action, Suit, or Proceeding, in the same Manner and with the same Consequences as Execution might have been issued upon any Judgment obtained in any Action, Suit, or Proceeding



against the Secretary for the Time being of the said Society or Partnership under the Provisions of the said recited Act.

III. Provided always, and be it further enacted, That the Death, Resignation, or Removal, or any other Act of the Secretary for the Time being of the said Society or Partnership, shall not abate or prejudice any Action, Suit, Petition, or other Proceedings which may then be depending under or by virtue of the said recited Act and this Act, or either of them, but the same may be continued, prosecuted, carried on, or defended in the Name of the Person who shall for the Time being be the Secretary of the said Society or Partnership.

Actions and other Proceedings not to abate by the Death, Resignation, or Removal of the Secretary.

IV. Provided always, and be it further enacted, That all and every Persons and Person, being Members or a Member of or otherwise interested in the said Society or Partnership, shall in all Cases be liable to be sued and proceeded against, by or for the Benefit of the said Society or Partnership, under the Powers of this Act and of the said recited Act, or under any of those Powers, by such Actions, Suits, and other Proceedings, in such and the same Manner, as effectually, and with such and the same legal Consequences, as if such Persons or Person had not been such Members or Member, or so interested.

Members may be sued by the Society.

V. Provided always, and be it further enacted, That the Secretary, being the Plaintiff, Petitioner, Pursuer, or Defendant, or acting in any other Character, in any Action, Suit, or Proceeding to be commenced, made, instituted, or prosecuted under the Authority of this Act, shall not affect the Competency of any such Secretary to be a Witness in any such Action, Suit, or Proceeding, and he may be such Witness, in the same Manner as he might have been if his Name had not been made use of as the Plaintiff, Petitioner, Pursuer, or Defendant, or as acting in such other Character, in any such Action, Suit, or Proceeding.

Secretary to be a competent Witness although the Plaintiff.

VI. And be it further enacted, That it shall be lawful for the said Society or Partnership, or their Secretary for the Time being, to prefer any Indictment or Indictments, Information or Informations, or other criminal Proceeding or Proceedings, in any Court or Courts in any Part of the United Kingdom of *Great Britain and Ireland* or elsewhere, against any Person or Persons for any Offence committed against the said Society or Partnership; and in all Indictments, Informations, and other Proceedings against any Person or Persons, whether such Person or Persons be a Member or Members of the said Society or Partnership or not, for taking, stealing, or embezzling, damaging or destroying, or for any Offence whatever relating to any Goods, Chattels, Notes, Bills, Bonds, Deeds, or any Securities, Money, Effects, or any Real or Personal Property whatever of or belonging to the said Society or Partnership, such Goods, Chattels, Notes, Bills, Bonds, Deeds, Securities, Money, Effects, or Property respectively may be laid and stated to be the Goods, Chattels, Notes, Bills, Bonds, Deeds, Securities, Money, Effects, or Property respectively of the *West of England Fire and Life Insurance Company*; and in all Indictments, Informations, and other Proceedings against any Person or Persons, whether such Person or Persons be a Member or Members of the said Society or Partnership or not, for any Conspiracy, Fraud, Crime, or Offence committed or which shall hereafter be committed

Indictments and other criminal Proceedings to be in the Name of the Society.



mitted with Intent to defraud or injure the said Society or Partnership, such Conspiracy, Fraud, Crime, or Offence may be laid and stated to have been done with Intent to defraud or injure the West of *England* Fire and Life Insurance Company; and it shall not be necessary to state, in any such Indictment, Information, or other Proceeding, the Name or Names of all or any of the Persons now or at any Time hereafter constituting the said Society or Partnership; and the Offender or Offenders shall and may thereupon be lawfully convicted in as valid and effectual a Manner, to all Intents and Purposes, as if the Names of all the Persons constituting the said Society or Partnership were inserted or used in such Indictments, Informations, or other Proceedings, or in any Proceedings consequent thereto or attendant thereon.

Memorial of the Names of the Secretary, Trustees, and Directors to be inrolled in Chancery.

VII. And be it further enacted, That a Memorial of the Name and Names of the Secretary, Trustees, and Directors of the said Society or Partnership, in the Form or to the Effect expressed in the Schedule to this Act, and as to the Trustees dividing them into Two Classes, and distinguishing them by the Designation of the First and Second Class of Trustees, shall be verified by the Oath of the Secretary for the Time being of the said Society or Partnership taken before a Master or Master Extraordinary in Chancery, and when so verified shall be inrolled in the High Court of Chancery within Twelve Calendar Months after the passing of this Act; and when any new Secretary shall be appointed a Memorial of the Name of the new Secretary shall in like Manner be verified by such Secretary, and inrolled within Twelve Calendar Months after such Appointment, in the Form or to the Effect expressed in the said Schedule for that Purpose; and when any new Trustee or Trustees shall be appointed a Memorial of the Names of all the existing Trustees of the said Society or Partnership, dividing them into Two Classes, and distinguishing them by the Designation of the First and Second Class of Trustees, shall in like Manner be verified by the Secretary for the Time being, and inrolled within Twelve Calendar Months after such Appointment, in the Form or to the Effect expressed in the said Schedule for that Purpose; and when any new Director or Directors shall be appointed a Memorial of the Name or Names of the new Director or Directors, specifying in whose Place or Places he or they shall have been appointed, shall in like Manner be verified by the Secretary for the Time being, and inrolled within Twelve Calendar Months after such Appointment or Appointments, in the Form or to the Effect expressed in the said Schedule for that Purpose; and the Person or Persons appearing from such Memorial or Memorials so inrolled to be the Secretary, Trustees, and Directors for the Time being of the said Society or Partnership shall be deemed, held, and taken to be the Secretary, Trustees, and Directors for the Time being of the said Society or Partnership for all the Purposes of the said recited Act and this Act, or either of them.

Actions and Suits not to be brought until Memorial be inrolled.

VIII. Provided always, and be it further enacted, That until the first Memorial shall be inrolled under this Act no Action, Suit, Petition, or other Proceeding shall be commenced, made, or instituted under the Authority of this Act; and until the Memorial by this Act required to be inrolled, in the Event of any Change of the Secretary, Trustees, or Directors of the said Society or Partnership, shall have been inrolled as herein-before mentioned, the Person whose Name shall appear, from the Memorial



Memorial inrolled immediately preceding such Change, to be the Secretary of the said Society or Partnership, shall be and is hereby declared to be the Person who shall be the Secretary of the said Society or Partnership for all the Purposes of this Act and the said recited Act, or either of them; and the Persons whose Names shall appear, from the Memorial inrolled immediately preceding such Change, to be the Trustees of the said Society or Partnership, shall be and they are hereby declared to be the Persons who shall be the Trustees of the said Society or Partnership for all the Purposes of this Act and the said recited Act, or either of them; and the Persons whose Names shall appear, from the Memorial or Memorials inrolled previously to such Change, to be the Directors of the said Society or Partnership, shall be and they are hereby declared to be the Persons who shall be the Directors of the said Society or Partnership for all the Purposes of this Act and the said recited Act, or either of them.

IX. And be it further enacted, That an examined Copy of the Inrolment of every Memorial to be inrolled pursuant to this Act shall be received in Evidence as Proof of the Contents of such Memorial, and Proof shall not be required that the Person by whom the Memorial purports to be verified was at the Time of such Verification the Secretary of the said Society or Partnership.

Examined Copy of Inrolment to be Evidence.

X. And be it further enacted, That every Judgment and Decree which shall at any Time after the passing of this Act be recovered or obtained in any Action, Suit, or Proceeding at Law or in Equity commenced, instituted, or prosecuted under or by virtue of the said recited Act or this Act, or either of them, against the said Society or Partnership, by the Name and Description aforesaid, or against the Secretary for the Time being 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 Decree had been recovered or obtained against the said Society or Partnership in any Action, Suit, or Proceeding at Law or in Equity brought against such Society or Partnership by or in the distinct Names and Descriptions of the several Members thereof, and as if the said recited Act and this Act, or either of them, had not been passed.

Judgments and Decrees against the Society or Secretary to extend to the Property of the Society.

XI. And be it further enacted, That when and so often as the Names or Name of all or any of the Trustees of the said Society or Partnership to or in whom any Annuity or Annuities shall, after the passing of this Act, be granted, assigned, or transferred, or by this Act become vested to or for the Use and Benefit of the said Society or Partnership, or to or in whom any Messuages, Lands, Hereditaments, or other Property or Effects of any Description, in *England* or elsewhere, shall be conveyed, demised, assigned, transferred, or otherwise assured, or by this Act become vested, either in Fee or for any less Estate, upon which any Annuity or Annuities belonging to the said Society or Partnership shall after the passing of this Act be secured, or upon which any of the Monies belonging to the said Society or Partnership shall after the passing of this Act be charged or secured by way of Mortgage or otherwise, shall not correspond with the Names of all or any of the Persons who, in the Memorial to be inrolled pursuant to this Act, from which the Names of the Persons who shall be deemed, held, and taken to

Annuities and Property on which Monies are secured vested in the Second Class of Trustees in the Memorial.

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be the Trustees of the said Society or Partnership shall appear, shall be stated to be the Second Class of Trustees, such Annuity or Annuities, Messuages, Lands, Hereditaments, Property, or Effects, together with, in the Case of a Security or Securities for Money, the Monies due and to grow due, as well Principal as Interest, shall, from the Time when such Memorial shall be inrolled, without any Deed or Instrument for that Purpose, be vested in the Persons who in such Memorial shall be stated to be the Second Class of Trustees, for the same Estate or Estates, Interest or Interests, and upon and for the same Trusts, Intents, and Purposes, and with, under, and subject to the same Powers, Provisoos, Agreements, and Declarations, and in the same Manner precisely, as such Annuity or Annuities, Messuages, Lands, Hereditaments, Property, Effects, or Monies, would then have been vested in the original Trustees under the Deed or Instrument or Deeds or Instruments by which such Annuity or Annuities, Messuages, Lands, Hereditaments, Property, Effects, or Monies shall have been granted, conveyed, demised, assigned, transferred, secured, or otherwise assured to such Trustees if this Act had not been passed, and all such Trustees were then the actual Trustees under such Deed or Instrument or Deeds or Instruments.

Annuities and Property in which Monies are secured to be transferred by the Secretary in Cases where the same shall be vested in the Second Class of Trustees in the Memorial.

XII. And be it further enacted, That where, after the passing of this Act, any Annuity or Annuities, or any Messuages, Lands, Hereditaments, or other Property or Effects, in *England* or elsewhere, upon which any Annuity or Annuities is, are, or shall be secured, or upon which any Monies are or shall be charged or secured, by way of Mortgage or otherwise, shall, under or by virtue of this Act, or by any other Means, become vested, in Trust for or for the Benefit of the said Society or Partnership, in the Persons who, in the Memorial to be inrolled pursuant to this Act, from which the Names of the Persons who shall be deemed, held, and taken to be the Trustees of the said Society or Partnership shall appear, shall be stated to be the Second Class of Trustees, and it shall be requisite to make any Release, Conveyance, Assignment, Transfer, or other Disposition of such Annuity or Annuities, Messuages, Lands, Hereditaments, or other Property or Effects, or, in the Case of a Security or Securities for Money, of the Monies due and to grow due, as well Principal as Interest, or any of them, or any Part or Parts thereof respectively, it shall be lawful for the Secretary for the Time being of the said Society or Partnership, by the Order and Direction of any Three Directors of the said Society or Partnership in Writing under their Hands, to make such Release, Conveyance, Assignment, Transfer, or other Disposition, and to do and execute all Acts, Deeds, and Things necessary for making and perfecting the same, in the Place of the Persons or Person in whom the same shall for the Time being be vested, representing himself as acting for and on the Behalf of the Persons for the Time being appearing in the Memorial to be inrolled pursuant to this Act, from which the Names of the Persons who shall be deemed, held, and taken to be the Trustees of the said Society or Partnership shall appear to be the Second Class of Trustees of the said Society or Partnership; and every such Release, Conveyance, Assignment, Transfer, or other Disposition shall be as valid and effectual as if the Persons or Person in whom the Annuity or Annuities, Messuages, Lands, Hereditaments, Property, Effects, or Monies, comprised in such Release, Conveyance, Assignment, Transfer, or other Disposition, shall be vested at the Time of the making and executing thereof



thereof by the said Secretary, had made and executed the same, and the Object to be effected by any such Release, Conveyance, Assignment, Transfer, or other Disposition shall not be effected in any other Manner.

XIII. And be it further enacted, That the Receipts of the Three Directors by whose Order or Direction any Release, Conveyance, Assignment, Transfer, or other Disposition shall be made, under this Act, by the Secretary for the Time being of the said Society or Partnership, for any Monies which shall become payable to or on account of the said Society or Partnership upon the Occasion of his making such Release, Conveyance, Assignment, Transfer, or other Disposition, and the Receipts of any Three Directors of the said Society or Partnership for any Monies which upon any other Occasion shall be paid on account or in respect of any Charge or Security which, after the passing of this Act, shall for the Time being be vested in the Persons who, in the Memorial to be inrolled pursuant to this Act, from which the Names of the Persons who shall be deemed, held, and taken to be the Trustees of the said Society or Partnership shall appear shall be stated to be the Second Class of Trustees, shall effectually discharge the Person or Persons paying the same from being answerable or accountable for the Misapplication or Nonapplication of the said Monies, or from being obliged or concerned to see to the Application of the same.

Receipts of Directors to be good Discharges.

XIV. Provided always, and be it further enacted, That this Act shall not extend to Messuages, Lands, or Hereditaments held by Copy of Court Roll, except in those Cases where any of the Trustees of the said Society or Partnership shall not have any Right or Title to be admitted thereto.

Act not to extend to Copyholds.

XV. And be it enacted, That this Act, and all and every the Powers and Provisions herein contained, shall extend and be construed to extend to the said Society or Partnership called "The West of *England* Fire and Life Insurance Company" at all Times during the Continuance thereof, whether the said Society or Partnership hath heretofore from Time to Time been 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 the before-mentioned Persons conjointly with some other Person or Persons, or whether such Society or Partnership be, at the Time of the passing of this Act, composed altogether of Persons who were not original Members of the same, or whether such Society or Partnership shall hereafter be composed of Persons who were not original Members of the same, or of Persons all of whom shall have become Members subsequently to the passing of this Act.

Act to extend to the Company at all Times.

XVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed 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, from any Responsibility, Contract, Duty, or Obligation whatsoever to which by Law they now are or at any Time hereafter may be subject or liable as between such Society or Partnership and others; and provided that all Contracts, either express or implied, and made or to be made by, and all present and future Liabilities of any Person or Persons being or who shall hereafter

Society not to be incorporated by this Act.

hereafter be a Member or Members of the said Society or Partnership, with or to the said Society or Partnership, or any Person or Persons in Trust for the said Society or Partnership, or for the Use or Benefit thereof, shall have such and the same Operation and Effect, and be attended with such and the same legal Consequences in every respect, as if such Person or Persons had not been such Member or Members.

Public Act.

XVII. 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.



SCHEDULE to which the Act refers.

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MEMORIAL made the \_\_\_\_\_ Day of \_\_\_\_\_ of  
 the Names of the present Trustees, Directors, and Secretary of  
 the Society or Partnership called The West of England Fire  
 and Life Insurance Company, inrolled pursuant to an Act of  
 Parliament passed in the Fourth Year of the Reign of His  
 Majesty King William the Fourth, intituled *An Act* [*here insert  
 the Title of this Act*].

The First Class of Trustees,

*A. B.* of

*C. D.* of

The Second Class of Trustees,

*E. F.* of

*G. H.* of

Directors,

*I. K.* of

*L. M.* of

Secretary,

*N. O.* of

*N. O.*, Secretary of the above-named Society or Partnership, maketh  
 Oath, That the above-written Memorial doth contain the Names of the  
 present Trustees, Directors, and Secretary of the said West of England  
 Fire and Life Insurance Company.

*In case of a Change of Trustees.*

MEMORIAL made the \_\_\_\_\_ Day of \_\_\_\_\_ of the  
 Names of the present Trustees of the Society or Partnership  
 called The West of England Fire and Life Insurance Com-  
 pany, inrolled pursuant to an Act, &c. [*as before.*]

The First Class of Trustees,

*A. B.* of

*C. D.* of

The Second Class of Trustees,

*E. F.* of

*G. H.* of

*G. H.*, Secretary of the above-named Society or Partnership, maketh  
 Oath, That the above-written Memorial doth contain the Names of the present  
 Trustees of the West of England Fire and Life Insurance Company.

[*Local.*]

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## 4° GULIELMI IV. Cap. xxxvii.

*In case of Change of Directors.*

MEMORIAL made the \_\_\_\_\_ Day of \_\_\_\_\_ of the  
 Names of the Persons who have been appointed new Directors  
 of the Society or Partnership called 'The West of England  
 Fire and Life Insurance Company, and of the Persons in whose  
 Places they have been appointed to be inrolled pursuant to an  
 Act, &c. [*as before.*]

A. B. of  
 C. D. of  
 In the Place of

E. F., Secretary of the above-named Society or Partnership, maketh  
 Oath, That the above-written Memorial doth contain the Names of the  
 Persons who have been appointed new Directors of the said West of  
 England Fire and Life Insurance Company, and of the Persons in whose  
 Places they have been appointed.

*In case of Change of Secretary.*

MEMORIAL made the \_\_\_\_\_ Day of \_\_\_\_\_ of the  
 Name of the present Secretary of the Society or Partnership  
 called 'The West of England Fire and Life Insurance Com-  
 pany, to be inrolled pursuant to an Act, &c. [*as before.*]

A. B. of

A. B., Secretary of the above-named Society or Partnership, maketh  
 Oath, That the above-written Memorial doth contain the Name of the  
 present Secretary of the said West of England Fire and Life Insurance  
 Company.

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