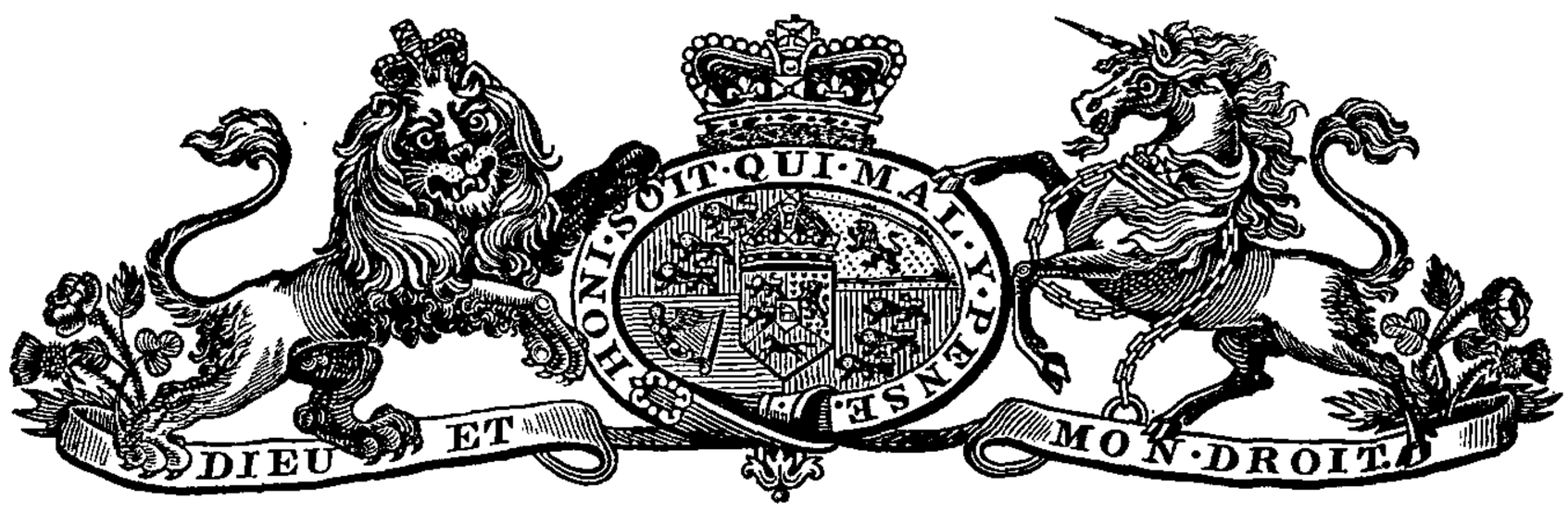

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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Cap. vii.

An Act to enable the *Yorkshire* Fire and Life Insurance Company to sue and be sued in the Name of their Secretary, or of any One of the Directors of the said Company. [30th *July* 1831.]

WHEREAS several Persons have for upwards of Six Years past associated themselves into a Company called or known by the Name of "The *Yorkshire* Fire and Life Insurance Company," and have subscribed or raised considerable Sums in order to carry on the Business of insuring Houses and other Property from Loss or Damage by Fire, and to effect Insurances upon Lives and Survivorships: And whereas the Public hath been greatly benefited by the Formation of such Societies or Partnerships with competent Capitals to carry on the same, 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 Society or Company called "The *Yorkshire* Fire and Life Insurance Company," and Difficulties may also arise in prosecuting Persons who may steal or embezzle the Property of, or who may commit or be guilty of any other Offence against, or with Intent to injure or defraud, the said Society or Company, since by Law all the several Subscribers or Proprietors for the Time being to and in such Society or Company must in such Cases sue and prosecute by their several and distinct Names and Descriptions: Wherefore, for 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 against any Person or Persons indebted or to be indebted to the said Company, and also all Petitions to found any Commission of Bankruptcy in *England* or *Ireland*, or Sequestration in *Scotland*, against any Person or Persons indebted or to be indebted to the said Company, and liable to be made a Bankrupt by the Laws now or at any Time hereafter in being relative to Bankrupts and Traders or Sequestration, and all Proceedings at Law or in Equity under any Commission or Commissions of Bankrupt or Sequestrations to be awarded in consequence of any such Petitions, to be commenced, instituted, or prosecuted by or on behalf of the said Company, or wherein the said Company is or shall be concerned or interested, against any Person or Persons, or Body or Bodies Politic or Corporate, shall and lawfully may be commenced, instituted, and prosecuted in the Name of the Person who shall be Secretary of the said Company at the Time when such Action or Suit shall be commenced or instituted or such Petition presented, or in the Name of any One of the Directors for the Time being of the said Company, as the nominal Plaintiff or nominal Petitioner for or 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 Secretary for the Time being of the said Company, or any One of the Directors of the said Company, as the nominal Defendant or Defendants, Defender or Defenders, in such last-mentioned Actions and Suits, for and on behalf of the said Company; and the Death and Resignation or Removal or any other Act of such Secretary or Director shall not abate or prejudice any Action, Suit, Petition, or Proceeding at Law or in Equity.

Company may sue and be sued in the Name of the Secretary or of any One of the Directors.

II. And be it further enacted, That from and after the passing of this Act it shall be lawful for the said Company to prefer any Indictment or Indictments, Information or Informations, against any Person or Persons for any Offence committed against the said Company; and in all Indictments and Prosecutions against any Person or Persons for feloniously taking, stealing, or embezzling any Goods, Chattels, Notes, Bills, Bonds, Deeds, or any Securities, Money, Effects, or Property of or belonging to the said Company, the said Goods, Chattels, Notes, Bills, Bonds, Deeds, Securities, Money, Effects, or Property may be laid and stated to be the Goods, Chattels, Notes, Bills, Bonds, Deeds, Securities, Monies, Effects, and Property of "The *Yorkshire* Fire and Life Insurance Company," and in all Indictments, Informations, and Prosecutions against any Person or Persons for any Crime, Fraud, or Offence committed with Intent to injure or defraud the said Company, the same may be laid and stated to have been done with Intent to injure or defraud the *Yorkshire* Fire and Life Insurance Company, without laying or stating in any Indictment, Information, or Prosecution, the Name or Names of all or any of the Persons now or at any Time hereafter constituting the said Company; and any Offender or Offenders may thereupon be lawfully convicted of such feloniously taking, stealing, embezzling, Crime, Fraud, or Offence, in as full a Manner and to all Intents and

All Indictments to be in the Name of the Company.

Purposes as if the Name or Names of all and every of the Persons constituting the said Company were inserted or used in such Indictment, Information, or Prosecution, or any Proceedings thereupon.

Execution upon Judgments against the Secretary or a Director may be issued against any of the Members, &c.

III. Provided always, and be it further enacted, That Execution or Diligence upon any Judgment or Decree in any such Action or Suit obtained against the Secretary or any Director respectively for the Time being of the said Company, whether as Plaintiff or Plaintiffs, Pursuer or Pursuers, Defendant or Defendants, Defender or Defenders, may be issued against any Member or Members for the Time being of the said Company: Provided always, that all and every such Secretary or Director in whose Name or Names any such Action or Suit shall be commenced, prosecuted, or defended, and all and every such Member against whom any Execution or Diligence upon any Judgment or Decree obtained in any such Action or Suit shall be issued as aforesaid, shall always be reimbursed and paid out of the Funds of the said Company all such Costs, Charges, and Damages as by the Event of any such Proceedings he or they shall be put unto or become chargeable with, or otherwise such Costs, Charges, and Damages shall be made good by the Members for the Time being of the said Company: Provided always, that in case such Execution or Diligence 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 or Decree against the Secretary or any Director for the Time being of the said Company to issue Execution or Diligence 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 or Diligence as last-mentioned shall be issued without Leave first granted of the Court in which such Action may have been brought.

Where Execution is ineffectual, another may be issued.

One Action only to be brought upon One Cause.

IV. 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 the Secretary or any One of the Members may be pleaded in bar of any Action or Actions for the same Cause against any other Member or Members of the said Company.

A Memorial of the Names of the Secretary, Directors, and Members, and of the Transfer of Shares, to be enrolled in Chancery.

V. And be it further enacted, That a Memorial of the Name of the Secretary for the Time being of the said Company, and of the Names of the several Persons being Directors for the Time being of the said Company, and 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 Calendar Months next after the passing of this Act; and when any new Secretary shall be appointed, or when there shall be a new Appointment of all or any of the Directors of the said Company, or any Director shall die or shall cease to be a Director of the said Company, and also when any Member

Member of the said Company shall die, or cease or discontinue to hold any Share or Shares therein, or any other Person or Persons shall become a Member or Partner or Members or Partners in the said Company, then a Memorial or Memorials thereof shall respectively in like Manner, within Three Calendar Months next afterwards, be enrolled as aforesaid, in the Form and to the Effect expressed in the said Schedule.

Actions not to be brought until Memorial has been enrolled.

VI. 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 until such Memorial as herein directed shall have been enrolled in the Event of any Alteration or Change in the Members of the said Company, all the Members whose Names shall be expressed in the last Enrolment preceding such Change or Alteration shall continue liable to all such Executions or Diligences upon Judgment or Decree: Provided always, that the Secretary of the said Company, being the Plaintiff, Pursuer, or Petitioner, or Prosecutor, or Defendant, or Defender, in any such Actions, Suits, Proceedings, Prosecutions, or Indictments as aforesaid, shall not by reason thereof be deemed incompetent to be a Witness in any such Actions, Suits, Petitions, Prosecutions, or Indictments, but such Secretary shall be admissible and admitted in all Courts, and by and before all Judges, Justices, and others, in any such Action, Suit, Petition, Prosecution, or Indictment, in the same Manner as he or they might have been if his or their Name or Names had not been made use of as the Plaintiff or Pursuer, or Petitioner or Prosecutor, or Defendant or Defender in any such Actions, Suits, Proceedings, Prosecutions, or Indictments.

Secretary being Plaintiff or Defendant not to prevent his being a Witness.

Provisions of this Act to extend to the Yorkshire Fire and Life Insurance Company for the Time being.

VII. Provided always, and be it further enacted, That this Act and the Provisions herein contained shall extend and be construed and taken to extend to the said Company called "The *Yorkshire* Fire and Life Insurance Company," at all Times during the Continuance of the same, whether the said Society or Partnership from Time to Time hath been heretofore 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 those Persons together with some other Person or Persons, or shall be composed altogether of Persons who were not original Members or Partners of the same, or of Persons all of whom shall have become Members since the passing of this Act.

Judgments and Actions against the Secretary or a Director shall extend to the Property of the Company.

VIII. And be it further enacted, That all and every Judgment and Judgments, Decree or Decrees, which shall at any Time after the passing of this Act be had or recovered in any Action, Suit, or Proceeding, in Law or Equity, against the Secretary of the said Company or any Director thereof, shall have the like Effect and Operation upon and against the Property of the said Company as if such Judgment or Judgments, Decree or Decrees, had been recovered or obtained against the said Company in any Action, Suit, or Proceeding, in Law or Equity, brought or commenced against the said Company by or in the several and distinct Names and Descriptions of the several

several Subscribers or Proprietors, and this Act had not been passed; and further, that the Bankruptcy, Insolvency, or stopping Payment of the Secretary or such Director for the Time being of the said Company, in his or their individual Character or Capacity, shall not be or be construed to be the Bankruptcy, Insolvency, or stopping Payment of the said Company or Society or Partnership; and also that the said Company, and the Capital Stock and Effects thereof, notwithstanding the Bankruptcy, Insolvency, or stopping Payment of any such Secretary or Director, shall be attached or attachable, and be in all respects liable to the lawful Claims and Demands of the Creditor or Creditors thereof, in like Manner as if no such Bankruptcy, Insolvency, or stopping Payment of the said Secretary or Director of the said Company had happened or taken place.

This Act not to extend to incorporate the Company.

IX. 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 respectively, from any Responsibility, Contracts, Duties, or Obligations whatsoever which by Law they now are or at any Time hereafter may be subject or liable to, either as between such Company and others, or between the said Company or any of the individual Members of such Company and others, or among themselves, or in any other Manner howsoever.

Public Act.

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.

SCHEDULE to which the Act refers.

MEMORIAL made the Day of of the Names of the present Secretary, Directors, and Members of "The *Yorkshire* Fire and Life Insurance Company," enrolled pursuant to an Act of Parliament passed in the First and Second Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to enable the* Yorkshire *Fire and Life Insurance Company to sue and be sued in the Name of their Secretary, or of any One of the Directors of the said Company.*

A. B. of	Secretary.
C. D. of *E. F.* of &c.	Directors.
G. H. &c.	Members.

A. B., Secretary of the above-named Company, maketh Oath, That the above-written Memorial doth contain the Names of the present Secretary and Directors, and of all the present Members of the said Company, as the same appear in the Books of the said Company.

In case of a Change of Secretary.

MEMORIAL made the Day of of the Name of the Secretary of "The *Yorkshire* Fire and Life Insurance Company," to be enrolled pursuant to an Act passed in the First and Second Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to enable the* Yorkshire *Fire and Life Insurance Company to sue and be sued in the Name of their Secretary, or of any One of the Directors of the said Company.*

A. B. of Secretary.

The above-named *A. B.* maketh Oath, and saith, That he was on the Day of appointed Secretary to the said Company.

In case of a Change of the Directors or any of them.

MEMORIAL made the Day of of the Names of the Directors of "The *Yorkshire* Fire and Life Insurance Company," to be enrolled pursuant to an Act passed in the First and Second Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to enable the* Yorkshire *Fire and Life Insurance Company to sue and be sued in the Name of their Secretary, or of any One of the Directors of the said Company.*

A. B. of Secretary to the above-named Company, maketh Oath, and saith, That the above-written Memorial doth contain the Names of all the present Directors of the said Company, as the same appear in the Books of the said Company.

MEMORIAL

MEMORIAL made the Day of of the Name or Names of the Person or Persons who hath or have died or ceased or discontinued to hold any Share or Shares in "The *Yorkshire* Fire and Life Insurance Company," since the Day of being the Date of the Memorial last registered respecting the Members of the said Company.

A. B. of

MEMORIAL made the Day of of the Name or Names of the Person or Persons having become a Member in or possessed of or entitled to any Share or Shares in "The *Yorkshire* Fire and Life Insurance Company," since the Day of being the Date of the Memorial last registered respecting the Members of the said Company.

A. B. of holding Shares.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1831.