ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

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Cap. cxix.

An Act to enable the *Liverpool* Fire and Life Insurance Company to sue and be sued in the Name of the Chairman, Deputy Chairman, or of any One of the Directors of the said Company, and for other Purposes. [14th *July* 1836.]

WHEREAS several Persons have formed themselves into a Company or Partnership in *Liverpool* in the County Palatine of *Lancaster*, by the Name of "The *Liverpool* Fire and Life Insurance Company," and have subscribed or raised considerable Sums of Money in order to effect Insurances on Houses, Warehouses, and Buildings, Shipping in Port, Goods, Wares, Merchandize, Farming Stock, Utensils, and Property of all Descriptions against Loss or Damage by Fire, Insurances on Lives and Survivorships, the Sale and Purchase of Annuities, Reversions, and contingent Interests, and the Endowment of Children, and generally to carry on the Business usually called or known as Fire Insurance and Life Insurance, and all Matters connected therewith: And whereas Difficulties may hereafter arise in recovering the Debts due to the said Company called "The *Liverpool* Fire and Life Insurance Company," and in maintaining Actions for Damages done to the said Company or to the Property of the said Company, since by Law all the Members for the Time being of the said Company must be named in every Action or Suit carried on for such Purpose: And whereas it would be convenient that Persons having Demands against the said Company should be entitled to sue the Chairman, Deputy Chairman, or One

of the Directors for the Time being of the said Company: And whereas it would be convenient that Prosecutions for Embezzlement, Robbery, or stealing the Property of the said Company, or for Fraud or any other Offence against the said Company, should be instituted and carried on in the Name of the Chairman, Deputy Chairman, or One of the Directors for the Time being of the said Company, and that in all Indictments and Informations it should be lawful to state the Property of the said Company to be the Property of such Chairman, Deputy Chairman, or Director for the Time being of the said Company: 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, and also all Petitions to found any Commission of or Fiat in Bankruptcy in *England* or *Ireland*, or any Sequestration in *Scotland*, 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 in force relative to Bankrupts and Traders or to Sequestrations, and all Proceedings at Law or in Equity under any Commission of or Fiat in Bankruptcy or under any Sequestration to be awarded in consequence of any such Petitions, and all other Proceedings at Law or in Equity to be commenced, instituted, or carried on 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, Body or Bodies Politic or Corporate, whether such Person or Persons, Body or Bodies Politic or Corporate, is or are or shall then be a Member or Members, Proprietor or Proprietors of or in 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 commenced or instituted, or in the Name of any One Deputy Chairman or Director for the Time being of the said Company, as the nominal Plaintiff or Petitioner for and on behalf of the said Company; and all Actions, Suits, and Proceedings in Law or in Equity to be commenced or instituted against the said Company by any Person or Persons, Body or Bodies Politic or Corporate, whether such Person or Persons, Body or Bodies Politic or Corporate, is or are or shall then be a Member or Members, Proprietor or Proprietors of or in the said Company, or not, shall be commenced, instituted, and prosecuted against the said Chairman for the Time being, or against the Deputy Chairman or any One Director for the Time being of the said Company, as the nominal Defendant or Respondent for and on behalf of the said Company; and in case there shall not then be any Person elected and acting and officiating as Chairman, Deputy Chairman, or Director of the said Company, then every such Action and Suit shall be commenced, instituted, and prosecuted against any Person who was the Chairman, Deputy Chairman, or a Director of the said Company at the Time the Contract or Contracts was or were entered into upon or in respect of which such Action, Suit, or Proceeding may be brought or instituted; and 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 any Money, Notes, Bills, Effects, Securities, Goods, Chattels, or Property of the said Company, or for any other

Company may sue and be sued in the Name of the Chairman, &c.

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 of any One of the Directors 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, Deputy Chairman, or Director 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, Deputy Chairman, or Director 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 and 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 be lawful and sufficient to state the Name of such Chairman, Deputy Chairman, or Director; and the Death, Resignation, or Removal, or other Act of such Chairman or Director, done without the Consent of the said Company, shall not abate any such Action, Suit, Proceeding, or Prosecution.

No Action against the Company to be affected in consequence of the Plaintiff being a Proprietor.

II. And be it further enacted, That no Action against the said Company, their Chairman, Deputy Chairman, or Director, upon or arising out of any Policy or Contract entered into by or on behalf of the said Company, shall be in anywise affected or defeated by or by reason of the Plaintiff or Plaintiffs therein, or of any other Person or Persons in whom any Interest may be averred, or who may be in anywise interested or concerned in such Action, being a Proprietor or Proprietors or a Partner or Partners in the said Company, but any Proprietor or Proprietors, Partner or Partners in the said Company shall and may have the same Right of Action and Remedy, to be proceeded in and enforced in the same Manner, against the said Company, their Chairman, Deputy Chairman, or Director, upon any Policy or other Contract, and upon any Demand for Return of Premiums, and upon and for any Debt, Damages, or Demand whatsoever, which he or they might have had if he or they had been a Stranger or Strangers, and not a Proprietor or Proprietors, Partner or Partners in the said Company.

No Action commenced by the Company to be affected in consequence of the Defendant being a Proprietor.

III. And be it further enacted, That no Action commenced by or on behalf of the said Company, their Chairman, Deputy Chairman, or Director, upon or arising out of any Policy or Contract entered into by or on behalf of the said Company shall be in anywise affected or defeated by or by reason of the Defendant or Defendants therein, or of any other Person or Persons in whom any Interest may be averred, or who may be in anywise interested or concerned in such Action, being a Proprietor or Proprietors or a Partner or Partners in the said Company, but the said Company shall and may have the same Right of Action and Remedy, to be proceeded in and enforced in the same Manner, against any Proprietor or Proprietors thereof, or Partner or Partners therein, either alone or jointly with any other Person or Persons, upon any Policy or other Contract, and upon and for any Debt, Damages, or Demand whatsoever, which the said Company might have had if such Cause of Action had arisen with a Stranger or Strangers, and not a Proprietor or Proprietors, Partner or Partners in the said Company.

IV. And

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

IV. And be it further enacted, That the Directors of the said Company shall cause a Memorial of the Name and Names of the Chairman and of the Directors, and of the several Persons being Members or Proprietors of the said Company, in the Form or to the Effect for that Purpose expressed in the Schedule to this Act annexed, to be enrolled upon solemn Declaration in the High Court of Chancery within Three Calendar Months next after the passing of this Act; and when any new Chairman or Deputy Chairman, or any new Director or Directors, shall be elected, or any Transfer of any Share or Shares of any Proprietor of the said Company shall be made, then the Directors for the Time being of the said Company shall cause a Memorial thereof in like Manner to be enrolled upon solemn Declaration as aforesaid within Three Calendar Months afterwards, in the Form or to the Effect expressed in the said Schedule for that Purpose.

No Action to be brought until Memorial enrolled.

V. Provided always, and be it further enacted, That until such Memorial as first herein-before mentioned shall have been enrolled in manner herein directed no Action or Suit shall be brought by the said Company under the Authority of this Act; and until the Memorial by this Act required to be enrolled in the event of any Change in the Chairman, Deputy Chairman, Directors, or Proprietors of the said Company shall have been enrolled as herein-before mentioned, all the Shareholders whose Names shall appear in the Enrolment immediately preceding such Change shall be and are hereby declared to be liable to all such Executions or Diligences upon Judgment or Decree, as are herein-after mentioned.

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

VI. 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 Chairman, Deputy Chairman, or any One Director for the Time being of the said Company, whether as Plaintiff or Pursuer, or as Defendant, Respondent, or Defender, may be issued against any Director or Directors or Proprietor or Proprietors for the Time being of the said Company: Provided always, that every such Chairman, Deputy Chairman, or Director in whose Name any such Action or Suit shall be commenced, prosecuted, or defended, and every such Chairman, Deputy Chairman, Director or Directors, Proprietor or Proprietors, against whom Execution or Diligence upon any Judgment or Decree obtained in any such Action or Suit 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 Loss, Damages, 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 or Diligence against the Chairman, Deputy Chairman, or Director or Directors, or Proprietor or Proprietors, 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 Chairman, Deputy Chairman, or any One Director for the Time being of the said Company, to issue Execution or Diligence against any other Person or Persons who was or were a Proprietor or Proprietors thereof at the Time the Contract or Contracts was or were entered into upon which such Action or Suit may have been brought or instituted; but no such Execution or Diligence as last mentioned shall be issued without Leave first granted

Execution may issue against any Person who was a Proprietor.

granted in open Court (by the Court in which such Action or Suit may have been brought or instituted), upon Motion to be made after Notice in Writing given to the Person or Persons sought to be charged, nor after the Expiration of Three Years next after any such Person or Persons shall have ceased to be a Proprietor or Proprietors of the said Company: Provided also, that 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 Proprietors 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 Proprietors 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 Act, and the true Intent and Meaning thereof.

Liability of Proprietors not to be restricted.

VII. And be it further enacted, That all and every Judgment or Judgments, Decree or Decrees, Order or Orders, made or pronounced in any Action, Suit, or Proceeding in any Court of Law or Equity against the Chairman or Deputy Chairman for the Time being, or any Director of the said Company, shall have the like Effect and Operation upon and against the Property and Funds of the said Company, and upon and against the Persons and Property of every Proprietor thereof, as if all the Proprietors of such Company were Parties before the Court to and in such Action, Suit, or Proceeding; and it shall be lawful for any Court in which such Judgment, Order, or Decree shall have been made to cause such Judgment, Order, or Decree to be enforced against all and every or any Proprietor of such Company in like Manner as if all the Proprietors of such Company were Parties before such Court to and in such Action, Suit, or Proceeding.

Decrees against the Chairman, &c. to have Effect against the Company.

VIII. And be it further enacted, That any individual Proprietor or Proprietors of the said Company, or Person or Persons who shall have been a Proprietor or Proprietors of the said Company, and have disposed of or parted with his, her, or their Share or Shares and Interest therein, and who shall claim Payment of any Dividends of the Funds or Profits of the said Company due and payable to him, her, or them (and not also disposed of or parted with along with such Share or Shares), or any other Right or Interest against the said Company generally, shall or lawfully may commence and carry on in any Court of Equity any Suit or other Proceeding against the Chairman or Deputy Chairman of the said Company for the Time being; and such Chairman, Deputy Chairman, or any One of the Directors for the Time being of the said Company may commence and carry on in his own Name any Action at Law or Suit or other Proceeding in any Court of Equity against any individual Proprietor or Proprietors of the said Company against whom the said Company generally may have any Claim or Demand; and all such Actions, Suits, and other Proceedings shall be as valid and effectual as if all the Proprietors of the said Company had been made Parties; and every Decree and Order made therein shall be binding for or against the said Company and all the Proprietors thereof; and no Abatement shall arise from the Death, Resignation, or Removal or any other Act of any such Chairman,

Individual Proprietors may sue the Chairman, who may bring Actions or Suits against the Proprietors.

Deputy Chairman, or Director, pending the Suit: Provided always, that in case, for the Purpose of Discovery, any Person or Persons, whether a Proprietor or Proprietors of the said Company, or not, having Claims or Demands against the said Company, shall be minded and desirous to include any other Proprietor or Proprietors of the said Company, besides the Chairman, Deputy Chairman, or Director, as a Defendant or Defendants in any Bill or other Proceeding in any Court of Equity, it shall be lawful for him or them so to do, any thing in this Act contained to the contrary notwithstanding.

One Action only to be brought upon One Cause against the Company;

IX. 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, when the same has been so determined as to have been pleadable in bar against such Person or Persons, Bodies Politic or Corporate, bring more than One Action in respect of such Demand; and the Proceedings in any Action against the Chairman, Deputy Chairman, or any One of the Directors or Proprietors or Partners for the Time being of the said Company, under the Authority of this Act, if so determined, may be pleaded in bar of any Action or Actions for the same Cause against any other Chairman, Deputy Chairman, or Director or Proprietor or Partner in the said Company.

nor by the Company.

X. And be it further enacted, That not more than One Action shall be brought by the said Company, or any Person on their Behalf, for the same Cause of Action, against any Person or Persons whomsoever.

Making false Declaration a Misdemeanor.

XI. And be it further enacted, That every Person who shall wilfully and corruptly make and subscribe any Declaration required to be made and subscribed under the Authority of this Act, knowing the same to be false in any material Particular, shall be deemed guilty of a Misdemeanor, and shall be punishable accordingly.

Act to be at all Times valid.

XII. And be it further enacted, That all the Provisions contained in this Act shall extend and be construed to extend to the said Company or Partnership called "The *Liverpool* Fire and Life 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 Proprietors 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 Proprietors or Partners of the same.

Company not incorporated by this Act.

XIII. 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 Proprietors thereof or Subscribers thereto, from any Responsibility, Duties, Contracts, or Obligations whatsoever which by Law they now are or at any Time hereafter may be subject or liable to, either between the said Company and others, or between the individual Proprietors of the said Company, or any of them, and others, or amongst themselves, or in any Manner whatsoever, except so far as the same is affected by the Provisions of this Act, and the true Intent and Meaning thereof.

XIV. And

XIV. 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. Public Act.

The SCHEDULE referred to by the foregoing Act.

MEMORIAL of the Names of the Chairman, Deputy Chairman, Directors, and Proprietors of "The Liverpool Fire and Life Insurance Company" on the Day of One thousand eight hundred and , enrolled pursuant to an Act passed [*here insert the Date and Title of this Act.*]

C. D. Chairman.

A. B., *B. A.* Deputy Chairmen.

E. F., *G. H.*, *I. K.* Directors.

L. M., *N. O.*, *P. Q.* Proprietors.

I *A. B.* of in the County of [*Description*] do hereby solemnly and sincerely declare, That the above-written Memorial doth contain the Names of the Chairman, Deputy Chairmen, Directors, and all the present Proprietors of the said Company, as the same appear in the Book of the said Company; and I make this solemn Declaration conscientiously believing the same to be true, and in pursuance of the Provisions of the Statute in that Case made and provided.

(Signed) *A. B.*

Solemnly declared [*insert Affirmation.*]

MEMORIAL of the Names of the Chairman, Deputy Chairman, and Directors of "The Liverpool Fire and Life Insurance Company" to be enrolled in pursuance of an Act passed [*here insert the Date and Title of this Act.*]

C. D. Chairman.

A. B., *B. A.*, Deputy Chairmen.

E. F. &c. [*here insert the Names of the Directors*] Directors.

I *A. B.* of in the County of [*Description*] do hereby solemnly and sincerely declare, That the above-written Memorial doth contain the Names of the Chairman, Deputy Chairmen, and Directors of the said Company; and that the above named *E. F.* [*here insert the Names of the Directors*] were respectively elected Directors of the said Company on the [*here insert the Dates of their respective Appointments*], and that the above-named *C. D.* was on the Day of

elected

elected Chairman of the said Company, for the Year [*or* the Remainder of the Year, *as the Case may be,*] commencing on the Day of and ending on the Day of

A. B. Sworn [*insert Jurat.*]

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 Liverpool Fire and Life Insurance Company" since the Day of One thousand eight hundred and being the Date of the Memorial last registered respecting the said Premises and the said Company.

G. H. of .

I *A. B.* of in the County of [*Description*] do hereby solemnly and sincerely declare, That the above-written Memorial doth contain the Name *or* Names of the Person *or* Persons who hath *or* have ceased or discontinued to hold any Share or Shares in the above-named Company since the Day of One thousand eight hundred and as the same appears in the Books of the said Company; and I make this solemn Declaration conscientiously believing the same to be true, and in pursuance of the Provisions of the Statute in that Case made and provided.

(Signed) *A. B.*

Solemnly declared [*insert Affirmation.*]

A MEMORIAL of the Name *or* Names of the Person *or* Persons having become a Proprietor or Partner in or possessed of or entitled to any Share or Shares in "The Liverpool Fire and Life Insurance Company" since the Day of One thousand eight hundred and being the Date of the Memorial last registered respecting the said Premises and the said Company.

I. K. of holding Shares.

I *A. B.* of in the County of [*Description*] do hereby solemnly and sincerely declare, That the above-written Memorial doth contain the Name *or* Names of the Person *or* Persons who hath *or* have become a Proprietor or Partner in or possessed of or entitled to any Share or Shares in the above-named Company since the Day of One thousand eight hundred and as the same appears in the Books of the said Company; and I make this solemn Declaration conscientiously believing the same to be true, and in pursuance of the Provisions of the Statute in that Case made and provided.

(Signed) *A. B.*

Solemnly declared [*insert Affirmation.*]

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