



ANNO QUARTO

# GULIELMI IV. REGIS.

\*\*\*\*\*

## *Cap. xxxiv.*

An Act to repeal an Act passed in the Sixth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for enabling the Alliance Marine Assurance Company to sue and be sued in the Name of the Chairman for the Time being, or of any other Member of the Company*, and for granting certain Powers to the said Company instead thereof. [22d May 1834.]

**W**HEREAS certain Persons, by and under a certain Deed or Indenture bearing Date the Twenty-first Day of *June* One thousand eight hundred and twenty-five, formed themselves into a Company by the Name of "*The Alliance Marine Assurance Company*," and subscribed or raised considerable Sums of Money in order to effect Insurances upon Ships, their Cargoes and Freight, against the Perils and Dangers of the Seas and other Marine Risks, and to lend Money upon Bottomry and Respondentia: And whereas in the said Deed or Indenture are contained Clauses and Provisions enabling the Directors of the said Company for the Time being to raise from the several Persons composing the said Company certain further Sums of Money in the Nature of Calls upon the Amount of the Shares respectively subscribed for and taken by them: And whereas an Act was passed in

[Local.]

10 R.

the



6 G. 4. c. 202. the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for enabling the Alliance Marine Assurance Company to sue and be sued in the Name of the Chairman for the Time being, or of any other Member of the Company*: And whereas the said Company and the Directors thereof have proceeded in the Execution of the Trusts and Powers reposed in them under and by virtue of the said recited Act, and the Public have been greatly benefited by the Formation of the said Company, and considerable Revenue is therefrom derived to His Majesty: And whereas certain of the Enactments and Provisions of the said recited Act have been found defective and inconvenient, and it is expedient that the said recited Act should be repealed, and more effectual Powers and Provisions granted and enacted for the Regulation of the said Company instead thereof; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 the said recited Act shall be and the same is hereby repealed, but without prejudice to all or any Contracts, Matters, or Things which have taken place under and by virtue of the same, and save and except as to all Remedies and Proceedings relating to such Contracts, Matters, and Things, or any of them, all which shall be had and taken in such and the same Manner as if this Act had not been passed.

Recited Act repealed.

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

II. And be it further enacted, That from and after the passing of this Act all Actions and Suits, and also all Petitions to found any Fiats 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 in force relative to Bankrupts and Traders, and all Proceedings at Law or in Equity under any Fiat or Fiats of Bankrupt to be awarded in consequence of any such Petition or 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 against any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, 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 of any One Member for the Time being of the said Company, as the nominal Plaintiff or 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 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 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 Member



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 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, in case this Act or the said recited Act had not passed, it would have been necessary to state the Names of the Persons composing the said Company, it shall and may be lawful and sufficient to state the Name of such Chairman or Member; and the Death, Resignation, or Removal, or other Act of such Chairman or Member, shall not abate or render defective any such Action, Suit, or Prosecution.

III. And be it further enacted, That no Action which may be commenced against the Chairman or other Member of the said Company by virtue of this Act, 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 Member or Members of the said Company; but any Member or Members of 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, or the Chairman or other Member thereof, upon any Policy or other Contract, and upon any Demand for Return of Premiums, and upon and for any Debt, Damage, or Demand whatsoever, which he or they might have had if he or they had been a Stranger or Strangers, and not a Member or Members of the said Company.

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

IV. And be it further enacted, That no Action commenced by or on behalf of the said Company in the Name of the Chairman or other Member thereof by virtue of this Act, upon or arising out of any Policy or Contract entered into by or on behalf of the said Company, or for Recovery of any Debt or Demand whatsoever due or owing to 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 for whom or on whose Account any such Policy or Contract shall be effected, or who may be in anywise liable to be sued in such Action, being a Member or Members of 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 Member or Members thereof, either alone or jointly with any other Person or Persons; upon any Policy or other Contract, and upon and for any Debt 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 Member or Members of the said Company.

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

V. And be it further enacted, That a Memorial of the 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

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



Chancery within Twelve Calendar Months after the passing of this Act; and when any new Chairman shall be elected, and when any Person or Persons shall cease to be a Member or Members of the said Company, and when any Person or Persons shall become a Member or Members of the said Company, a Memorial thereof respectively shall in like Manner be enrolled as aforesaid within Twelve 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.

VI. 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 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 their having ceased to be Members shall have been enrolled as aforesaid.

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

VII. Provided always, and be it enacted, That Execution upon any Judgment in any such Action as aforesaid obtained against the Chairman or any 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 Member 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, she, or they shall be put unto or become chargeable with: Provided also, 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 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 first granted in open Court by the Court in which such Action may have been brought, upon Motion to be made on Notice 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 Member or Members of the said Company.

Execution may issue against any Person who was a Member.

Liability of Members not to be restricted.

VIII. And be it further enacted, 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 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



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.

IX. And be it further enacted, That all and every the Decrees and Decree, Orders and Order, made or pronounced in any Suit or Proceedings in any Court of Equity against the Chairman for the Time being or any other Member 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 Member thereof, as if all the Members of such Company were Parties before the Court to and in such Suit or Proceedings; and it shall be lawful for any Court in which such Order or Decree shall have been made to cause such Order and Decree to be enforced against all and every or any Member of such Company, in like Manner as if all the Members of such Company were Parties before such Court to and in such Suit or Proceedings.

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

X. And be it further enacted, That any individual Member or Members of the said Company, or Person or Persons who shall have been a Member or Members of the said Company, and have parted with his, her, or their Shares and Interests 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, or any other Right or Interest against the said Company generally, shall and lawfully may commence and carry on in any Court of Equity any Suit or other Proceeding against the Chairman of the said Company for the Time being, and in like Manner such Chairman for the Time being may commence and carry on in his own Name any Suit or other Proceeding in any Court of Equity against any individual Member or Members of the said Company against whom the said Company generally may have any Claim or Demand; and all such Suits and other Proceedings shall be as valid and effectual as if all the Members 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 Members thereof, and no Abatement shall arise from the Death of any such Chairman pending the Suit, nor shall such Suit be deemed defective by reason thereof: Provided always, that in case, for the Purpose of Discovery, any Person or Persons, whether a Member or Members of the said Company or not, having Claims or Demands against the said Company, shall be minded and desirous to include any other Member or Members of the said Company besides the Chairman for the Time being as a Defendant or Defendants in any Bill or other Proceeding in any Court of Equity, it shall be lawful for him, her, or them so to do, any thing in this Act contained to the contrary notwithstanding.

Individual Members may bring Actions against the Chairman, who may bring Actions against the Members.

XI. Provided always, and be it further enacted, That no Person or Persons, Bodies Politic, Corporate, or Collegiate, 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, Corporate, or Collegiate, bring more than One Action in respect of such Demand; and the Proceedings in any Action against One of the Members may, if so determined, be

One Action only to be brought upon One Cause.

[Local.]

10 S

pleaded



pleaded in bar of any Action or Actions for the same Cause against any other Member or Members of the said Company.

To compel  
Payment of  
Subscrip-  
tions due  
from Pro-  
prietors.

XII. And be it further enacted, That when and so often as the Directors of the said Company for the Time being shall, pursuant to any of the Powers and Authorities vested in them by the said recited Deed or Indenture, call upon the Members of the said Company to pay any Sum or Sums of Money for or towards such Part as shall at the Time remain unpaid of the Amount of their respective Shares of the Capital of the said Company, the several Persons, Bodies Politic, Corporate, and Collegiate, who now are or shall at any Time hereafter be Proprietors of any Share or Shares in the Capital of the said Company, shall and they are hereby respectively required to pay such Sum or Sums as shall from Time to Time be so called for at such Times and Places, to such Person or Persons, and in such Manner as shall be ordered and directed by the Directors for the Time being of the said Company, pursuant to the said Deed or Indenture; and in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall at any Time refuse or neglect to pay any such Monies at such Time or Times and in such Manner as shall be ordered and directed by the said Directors as aforesaid, it shall be lawful for the said Company, in the Name of the Chairman for the Time being of the said Company, to sue for and recover the same by Action of Debt or otherwise in any of His Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from such appointed Time of Payment, and all Costs of Suit, from such Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate respectively: Provided always, that in Cases where Two or more Persons shall be joint Proprietors of any One or more Share or Shares in the Capital of the said Company, then the said Company shall and may in manner aforesaid sue for and recover the said Sum or Sums of Money so as aforesaid called for or required to be paid, with Interest and Costs as before mentioned, from all or any or either of such joint Proprietors.

Proceedings  
in Actions for  
Calls.

XIII. And be it further enacted, That in any Action to be brought by the Authority of the said Company in manner aforesaid against any Proprietor or Proprietors of any Share or Shares in the Capital of the said Company, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of the said Deed or Indenture, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the Capital of the said Company, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to for such or so many Call or Calls of such and so many Sum or Sums of Money upon such and so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants at the Time of making such Call or Calls was or were a Proprietor or Proprietors of such Share or Shares in the Capital of the said Company as such Action is brought in respect of, and that such Call or Calls was or were in fact  
made,

made, and that such Notice thereof was given as is directed by the said Deed or Indenture, without proving the Appointment of the Directors who made such Call or Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that Notice was not given as aforesaid.

XIV. And be it further enacted, That if any Proprietor or Proprietors of any Share or Shares in the Capital of the said Company, his, her, or their Executors, Administrators, Successors, or Assigns, shall neglect or refuse to pay his, her, or their Part or Proportion of the Money to be called for by the Directors as aforesaid by the Time appointed for Payment thereof, then and in every such Case such Person or Persons so neglecting or refusing shall (whether or not such Money shall then have been sued for in any Court of Law or Equity) forfeit all his, her, or their Share or Shares upon which such Neglect or Default shall have been made, and all Profit and Advantage to arise therefrom; and all Shares which shall or may be so forfeited shall or may at any Time or Times thereafter be sold by or by the Order of the said Directors for the Time being of the said Company for the most Money that can be gotten for the same, and the Produce thereof shall be applied and disposed of as by this Act directed; but no Advantage shall be taken of any such Forfeiture as aforesaid until after One Calendar Month's Notice shall be given by the said Directors under the Hands of Two of the said Directors, or by the principal Officer of the said Company, to the Proprietor or Proprietors thereof by Notice left at his, her, or their usual or last known Place of Abode, as the same is to be found in the Books of the said Company, or by Letter sent by the Post addressed to such Proprietor or Proprietors at such his, her, or their Place of Abode, nor unless the same shall be declared to be forfeited at an extraordinary Board held by the Directors of the said Company, and specially called for that Purpose after the said Forfeiture shall happen; and every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, and Assigns, so forfeiting, against all further Payments in respect of the Share or Shares so forfeited, and against all Actions, Suits, and Prosecutions for or on account of any future Call or Calls.

In default of Payment of Calls, Shares to be forfeited.

XV. Provided always, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares which shall be forfeited by reason of the Nonpayment of any such Call or Calls as aforesaid shall be more than sufficient to pay all such Arrears of Calls as aforesaid and legal Interest thereon, and the Expences attending the Sale or Sales, the Surplus of such Money shall be paid, on Demand, to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that the said Company or the said Directors shall not by virtue of this Act sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient (as near as may be at the Time of such Sale) to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of all and every such Call or Calls, and the Interest and Expences as aforesaid, any Share or Shares vested in the said

If Purchase Money of Shares is more than sufficient to pay the Arrears of Calls, with Interest and Expences, the Surplus to be paid to the Owner on Demand.

Company



Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid: Provided always, that nothing herein contained shall affect the Title of any Purchaser under the Powers or Directions hereinbefore contained, or render it necessary for such Purchaser to see to the Application of his or her Purchase Money.

Shares in the Company may be transferred.

XVI. And be it further enacted, That it shall and may be lawful for any and every Member of the said Company, his and her Executors, Administrators, and Assigns, to sell and transfer any Share or Shares in the Capital or Joint Stock of the said Company to which he or she is or may be entitled, subject to such Regulations and under such Restrictions as are contained and required in and by or may for the Time being be subsisting under or by virtue of the said Deed or Indenture.

Act to be at all Times valid.

XVII. And be it further enacted, That the Provisions contained in this Act shall extend and be construed to extend to the said Company called "The *Alliance* Marine Assurance 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 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 of the same.

Company not incorporated by this Act.

XVIII. 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, from any Responsibility, 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 Manner whatsoever, except so far as is effected by the Provisions in this Act contained, and the true Intent and Meaning of the same.

Public Act.

XIX. 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 referred to by this Act.

---

MEMORIAL of the Names and Descriptions of the Chairman and Members of "The Alliance Marine Assurance Company" on the Day of One thousand eight hundred and to be enrolled pursuant to an Act of Parliament passed in the [*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 and Descriptions of the Chairman and all the present Members of the said Company as the same appear in the Books of the said Company.

---

MEMORIAL of the Name and Description of the Chairman of "The Alliance Marine Assurance 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. of 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 the Year commencing on the Day of and ending on the Day of

---

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 Alliance Marine Assurance Company" since the Day of One thousand eight hundred and being the Date of the Memorial last enrolled respecting the said Company.

A. B. of

---



4° GULIELMI IV. *Cap.* xxxiv.

A MEMORIAL of the Name or Names of the Person or Persons having become a Member or possessed of any Share or Shares in "The Alliance Marine Assurance Company" since the Day of            One thousand eight hundred and being the Date of the Memorial last enrolled respecting the said Company.

*A. B.* of            holding            Shares.

---

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,  
Printers to the King's most Excellent Majesty. 1834.