



ANNO QUARTO

# GULIELMI IV. REGIS.

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## *Cap. xxxv.*

An Act to enable the Proprietors or Shareholders in a Company or Association styled "The United Kingdom Life Assurance Company" to sue and be sued in the Name of One of their Directors, or Secretary. [16th June 1834.]

**W**HEREAS several Persons have associated themselves into a Company called or known by the Name of "The United Kingdom Life Assurance Company," and have subscribed or raised considerable Sums in order to effect Assurance upon Lives and Survivorships, and to carry on the ordinary Business of Life Assurance Societies, and other Objects of the said Company: And whereas Difficulties may arise in recovering Debts due to the said Company called "The United Kingdom Life Assurance Company," and also in prosecuting Persons who may steal, injure, 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 Company, since by Law all the several Members for the Time being of the said Company must in such Cases sue and prosecute by their several and distinct Names and Descriptions: 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 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

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

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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 to Sequestrations, 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, whether such Person or Persons, Bodies Politic or Corporate, is or are or shall be a Member or Members of the said Company, or not, 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 and on behalf of the said Company; and that all Actions and Suits to be commenced or instituted against the said Company shall be commenced, instituted, and prosecuted against the 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.

All Indictments to be in the Name of the Company.

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, Monies, Effects, or Property of or belonging to the said Company, the said Goods, Chattels, Notes, Bills, Bonds, Deeds, Securities, Monies, Effects, or Property may be laid and stated to be the Goods, Chattels, Notes, Bills, Bonds, Deeds, Securities, Monies, Effects, or Property of the United Kingdom Life Assurance 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 United Kingdom Life Assurance 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 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.

No Action against the

III. And be it further enacted, That no Action against the said Company, their Secretary or Director, upon or arising out of any Policy or Contract

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 in the said Company, but any Proprietor or Proprietors 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 Secretary 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 in the said Company.

Company to be affected in consequence of Plaintiff being a Proprietor.

IV. And be it further enacted, That no Action commenced by or on behalf of the said Company, their Secretary 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 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 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, 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 in the said Company.

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

V. Provided always, and be it further enacted, That the Secretary or Director 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 or Director 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 or Director being Plaintiff or Defendant not to prevent his being a Witness.

VI. 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

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

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.

VII. 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 shall have 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 Secretary or any One of the Members, if so determined, 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 to be enrolled in Chancery from Time to Time.

VIII. 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, or as near thereto as the Circumstances of the Case will admit, 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 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 Members 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 for that Purpose.

Actions not to be brought until Memorials shall be enrolled.

IX. Provided always, and be it further enacted, That until such Memorial as first herein-before mentioned shall have been duly enrolled in manner by this Act directed, no Action shall be brought by the said Society 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 Directors, Trustees, or Shareholders of the said Society 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-before mentioned.

X. 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 Members or Proprietors, and as if 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; 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.

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

XI. 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 United Kingdom Life Assurance Company," at all Times during the Continuance of the same, whether the said Company hath been heretofore or shall hereafter be 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 Person or Persons, or shall be composed altogether of Persons who were not original Members of the same, or of Persons all of whom shall become Members since the passing of this Act.

Act to apply to all future Members of the Society.

XII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be deemed, constituted, or taken to extend, to incorporate the said Company, or to relieve or discharge the said Company, or any of the Members thereof respectively, from any Responsibility, Contracts, Duties, or Obligations whatsoever to which by Law they now are or at any Time hereafter may be subject or liable, either as between such Company and other Parties, or as between the said Company and any of the individual Members of such Company and others, or among themselves, or in any other Manner howsoever.

Not to extend to incorporate the Company.

XIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be taken notice of as such by all Judges, Justices, and others.

Public Act.

SCHEDULE to which the Act refers.

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MEMORIAL made the \_\_\_\_\_ Day of \_\_\_\_\_ of  
 the Names of the present Secretary, Directors, and Members of the  
 United Kingdom Life Assurance Company, enrolled pursuant to  
 an Act of Parliament passed in the Fourth Year of the Reign of  
 His Majesty King William the Fourth, intituled *An Act to enable  
 the Proprietors or Shareholders in a Company or Association styled  
 "The United Kingdom Life Assurance Company" to sue and be sued  
 in the Name of One of their Directors, or Secretary.*

<i>A. B.</i> of	Secretary.
<i>C. D.</i> of	} Directors.
<i>E. F.</i> of <i>et cætera.</i>	
<i>G. H.</i> of <i>et cætera.</i>	} Members or Shareholders.

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

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*In case of a Change of Secretary.*

MEMORIAL made the \_\_\_\_\_ Day \_\_\_\_\_ of  
 the Name of the Secretary of the United Kingdom Life Assurance  
 Company, enrolled pursuant to an Act passed in the Fourth Year of  
 the Reign of His Majesty King William the Fourth, intituled *An  
 Act to enable the Proprietors or Shareholders in a Company or Associa-  
 tion styled "The United Kingdom Life Assurance Company" to sue  
 and be sued in the Name of One of their Directors, or Secretary.*

*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.

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*In case of a Change of Directors.*

MEMORIAL made the \_\_\_\_\_ Day of \_\_\_\_\_ of  
 the Names of the Directors of the United Kingdom Life Assurance  
 Company, enrolled pursuant to an Act passed in the Fourth Year  
 of the Reign of His Majesty King William the Fourth, intituled  
*An Act to enable the Proprietors or Shareholders in a Company or  
 Association styled "The United Kingdom Life Assurance Company" to  
 sue and be sued in the Name of One of their Directors, or Secretary.*

A. B. of \_\_\_\_\_

C. D. of \_\_\_\_\_

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

*In case of the Death of Members or Shareholders, or of their ceasing  
 to hold Shares.*

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 United Kingdom Life Assurance Company, since the  
 Day of \_\_\_\_\_ being the Date of the Memorial last  
 registered respecting the Members of the said Company, enrolled  
 pursuant to an Act passed in the Fourth Year of the Reign of  
 His Majesty King William the Fourth, intituled *An Act to enable  
 the Proprietors or Shareholders in a Company or Association styled  
 "The United Kingdom Life Assurance Company" to sue and be sued in  
 the Name of One of their Directors, or Secretary.*

A. B. of \_\_\_\_\_

A. B. of \_\_\_\_\_ Secretary to the above-named Company, maketh  
 Oath and saith, That the above Memorial doth contain the Name or  
 Names of the Person or Persons who hath or have ceased or discon-  
 tinued to hold a Share or Shares in the above-named Company since the  
 Day of \_\_\_\_\_

## 4° GULIELMI IV. Cap. xxxv.

*In case of Persons becoming Members or Shareholders of the Company.*

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 United Kingdom Life Assurance Company since the  
 Day of \_\_\_\_\_ being the Date of the Memorial last  
 registered respecting the Members of the said Company, enrolled  
 pursuant to an Act passed in the Fourth Year of the Reign of His  
 Majesty King William the Fourth, intituled *An Act to enable the  
 Proprietors or Shareholders in a Company or Association styled "The  
 United Kingdom Life Assurance Company" to sue and be sued in the  
 Name of One of their Directors, or Secretary.*

A. B. of \_\_\_\_\_ holding \_\_\_\_\_ Shares.

C. D. of \_\_\_\_\_ holding \_\_\_\_\_ Shares.

A. B. of \_\_\_\_\_ Secretary to the above-named Company, maketh  
 Oath, That the above Memorial doth contain the Name or Names of the  
 Person or Persons who have become Members or Shareholders of the  
 said Company since the \_\_\_\_\_ Day of \_\_\_\_\_

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