



ANNO SEXTO

# GEORGII IV. REGIS.

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## *Cap. cxcviii.*

An Act to enable the Imperial Mining Company for *Ireland* to sue and be sued in the Name of their Secretary, or of One of the Members of the said Company. [5th July 1825.]

**W**HEREAS there are throughout different Parts of *Ireland* many Mines of Coal, Culm, Ores, Minerals, and Fossils, and many Quarries of Marble, Stone, Slate, and Sand, and also many Beds of divers Kinds of Clay fit for working and manufacturing of different Wares, and also many Beds of Flint, Ochre, and Fullers Earth, all or the greater Part of which remain unwrought from the Want of sufficient Powers and Encouragement to enable and induce Persons to engage in the searching for and the working thereof: And whereas the working of such Mines and Quarries, and of such Beds of Clay, Flint, Ochres, and Fullers Earth, and other Matters, with Effect, would very much promote Manufactures in *Ireland*, and tend to give Employment to various Artificers, Labourers, and Workmen at present unable to procure Employment, and would be otherwise of great Benefit and Advantage to that Part of the United Kingdom called *Ireland*: And whereas several Persons have already associated themselves in the City of *Dublin* into a Company or Partnership, under the Name, Style, and Title of "The Imperial Mining Company for *Ireland*," and have subscribed and raised considerable Sums of Money for the Purpose of carrying on by

[*Local.*]

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themselves, their Agents, Overseers, Workmen, and Servants, the searching for, opening, and working of all Mines of Coal, Culm, Lead, Copper, Lapis Caluminaris, Iron and Iron Stone, Cobalt, Manganese, Tin, Antimony, Gold, Silver, and all other Minerals, Ores, and Fossils, of what Nature or Kind soever, and of all Quarries of Limestone, Marble, Stone, Slate, Sand, and all Beds of Clay, Flint, and other Matters usually found and discovered in the Earth, fit and proper for making of any Wares or Manufactures whatsoever, and of all Beds of Ochre and Fullers Earth, to which they the said Company shall or may become entitled, or of which they shall or may obtain any Grant, Conveyance, or Demise: And whereas Doubts and Difficulties may arise, as well in recovering Debts to become due to the said Company or Partnership, as in maintaining Actions for Damages on account of Injuries to be done to the Property of the said Company or Partnership, and also in prosecuting Persons who may steal or embezzle the Monies, Goods, or Effects of the said Company or Partnership, or who may commit or be guilty of any other Offence against or with the Intent to injure or defraud the said Company or Partnership, since by reason of the Necessity existing by Law, that all the several Members, Partners or Proprietors or Subscribers of, in, or to such Company or Partnership for the Time being, must in such Cases sue and prosecute by their several and distinct Names and Descriptions, which by reason of their great Numbers might be inconvenient or impracticable: And whereas it would be convenient for the like Reasons that all Persons having Demands or seeking Damages or Remedies at Law or in Equity by reason of any Debt incurred or any Injury done or Right withheld by them or on their Behalf against the said Company or Partnership, should be entitled to sue the Secretary, or One of the Members thereof: Wherefore, for obviating and removing such Doubts and Difficulties, and for more easily carrying into Execution the several Designs and Undertakings herein-before mentioned; 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 all Actions and Suits, whether at Law or in Equity, to be commenced, instituted, or carried on by or on behalf of the said Company or Partnership, or of the Members or Proprietors or Subscribers thereto or interested therein for the Time being, against any Person or Persons, (whether such Person or Persons is or are or shall then be a Member or Members, Partner or Partners, Proprietor or Proprietors, Subscriber or Subscribers thereto, or interested in the said Company or Partnership, or not), or against any Body or Bodies Politic or Corporate, shall and lawfully may be commenced, instituted and prosecuted or carried on in the Name of the Secretary for the Time being of the said Company or Partnership, or in case the Name of the Person acting or officiating as such, or in the Name of any One Member for the Time being of the said Company for that Purpose to be appointed, as the nominal Plaintiff for or on behalf of the said Company or Partnership; and all Actions and Suits, whether at Law or in Equity, to be commenced or instituted against the said Company, shall be commenced, instituted, and presented against the Secretary for the Time being of the said Company or Partnership, or the Person acting or officiating as Secretary, or against any One Member of the said Company or Partnership, as the nominal Defendant for and on behalf of the said

Company to  
sue and be  
sued in the  
Name of the  
Secretary, or  
of any One  
of the Mem-  
bers.

Company; and all Prosecutions to be brought, instituted, or carried on by or on behalf of the said Company or Partnership, for Fraud upon or against the said Company or Partnership, or for Embezzlement, Robbery, or Stealing of, or Trespass against or upon the Property of the said Company or Partnership, or for any other Offence against the said Company or Partnership, or their Rights or Properties, shall and lawfully may be so brought or instituted and carried on in the Name of the Secretary for the Time being and the said Company or Partnership, or in the Name of the Person acting or officiating as such, or in the Name of any One Member of the said Company or Partnership to be for that Purpose appointed; and in all Indictments and Informations it shall be lawful to state the Property of the said Company or Partnership to be the Property of the Secretary for the Time being of the said Company or Partnership, or of the Person acting or officiating as such, or of any One Member of the said Company or Partnership so appointed as aforesaid; and any Offence committed against or with the Intent to injure or defraud the said Company or Partnership, or the Members thereof, or Subscribers thereto, or the Partners or Proprietors therein for the Time being, shall and lawfully may in Prosecution be laid to have been committed with Intent to injure or defraud the Secretary for the Time being of the said Company or Partnership, or the Person acting or officiating as such, or any One Member of the said Company or Partnership so appointed as aforesaid, and any Offender or Offenders may therefore be lawfully convicted of any such Offence; and in all other Allegations or 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 or Partnership, it shall and may be lawful and sufficient, from and after the passing of this Act, to state the Name of such Secretary, or the Name of the Person acting or officiating as such, or the Name of such One Member so appointed as aforesaid; and no Action, Suit, Indictment, Information, Prosecution, or other Proceeding, to be brought, commenced, instituted, prosecuted, or carried on by or against the said Company or Partnership, by virtue of this Act, in the Name of their Secretary, or the Person acting or officiating as such, or of any One Member so appointed as aforesaid, shall abate or be discontinued by the Death, Removal, or Resignation of such Secretary, or the Person acting or officiating as such, or of such Member, or by any Act of such Secretary, or the Person acting and officiating as such, or of such Member so appointed as aforesaid; but the Secretary for the Time being of the said Company or Partnership, or the Person acting or officiating as such, or any One Member so appointed as aforesaid, shall always be deemed the Plaintiff or Defendant in such Action or Proceeding, as the Case shall be.

II. And be it further enacted, That a Memorial of the Name of the Secretary of the said Company or Partnership, or of the Person acting or officiating as such, and of the Names of the several Persons being Members of the said Company or Partnership or Subscribers thereto, in the Form expressed in the Schedule to this Act annexed, shall be enrolled upon Oath in the High Court of Chancery, in that Part of the United Kingdom of *Great Britain and Ireland* called *Ireland*, within Six Months after the passing of this Act; and when any new Secretary shall be appointed, or any Person appointed to act or officiate as Secretary, a

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

Memorial

Memorial thereof shall, in like Manner, be enrolled as aforesaid, in the Form or to the Effect expressed in the said Schedule; and that within Six Months next after the Enrolment of the Memorial of the Names of the several Persons being Members of the said Company or Partnership, or Subscribers thereto as before mentioned, a Memorial of all and every Transfer or Transfers, Assignment or Assignments of any Share or Shares of any Member or Members, Subscriber or Subscribers of the said Company or Partnership, containing the Names of the Person or Persons who shall so transfer or assign, and the Name or Names of the Person or Persons to whom such Transfer or Transfers, Assignment or Assignments shall be so made, and so from Time to Time within every Six Months thereafter, so long as the said Company or Partnership shall subsist, shall in like Manner be enrolled as aforesaid, in the Form or to the Effect expressed in said Schedule.

No Action to be brought until Memorial enrolled.

III. 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 or Partnership under the Authority of this Act; and all Members whose Names shall be expressed in any Enrolment to be made in pursuance of this Act, shall be taken and held to be and continue Members and Partners of the said Company or Partnership, and liable in all Respects as such, until a Memorial or Memorials of Transfer of the Shares of such Members shall have been enrolled as aforesaid.

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

IV. Provided always, and be it further enacted, That Execution upon any Judgment in an Action obtained against the Secretary for the Time being of the said Company or Partnership, or the Person acting or officiating as such, or against such One Member so appointed as aforesaid, whether as Plaintiff or Defendant, may be issued against any Member or Members for the Time being of the said Company or Partnership: Provided always, that every such Secretary or Person 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, shall always be reimbursed and paid, out of the Funds of the said Company or Partnership, all such Damages, Costs, Charges, and Expences as by the Event or Consequences of any such Judgment, Execution, or Proceedings he or they shall be put unto, or become in anywise chargeable with.

Judgment in Actions against the Secretary or Member, shall extend to the Property of the Company;

V. And be it further enacted, That all and every Judgment and Judgments 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 for the Time being of the said Company or Partnership, or against the Person acting or officiating as Secretary, or against such One Member as aforesaid, shall have the like Effect and Operation upon and against the Property of the said Company or Partnership, as if such Judgment or Judgments had been recovered or obtained against the said Company or Partnership themselves.

and not affect the Competency

VI. Provided always, and be it further enacted, That the Secretary for the Time being of the said Company or Partnership, or the Person acting or

or officiating as such, shall not by being made the nominal Plaintiff, Prosecutor, or Defendant in any such Action, Suit, Proceeding, Prosecution, or Indictment as aforesaid, be rendered thereby incapable of appearing as a Witness in any such Action, Suit, Proceeding, Prosecution, and Indictment, but his Evidence shall or may be renewed in the same or like Manner as if his Name had not been made use of as the Plaintiff, Prosecutor, or Defendant in any such Action, Suit, Proceeding, Prosecution, or Indictment.

of the Secretary as a Witness.

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 or Partnership, shall bring more than One Action in respect of such Demand; and the Proceedings in any Action against 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 or Partnership, or against the Secretary for the Time being of the said Company or Partnership, or the Person acting or officiating as such.

One Action only to be brought on One Cause.

VIII. Provided always, and be it further enacted, That the Provisions contained in this Act shall extend and be construed to extend to the said Company or Partnership called "The Imperial Mining Company for Ireland," 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, Partners, or Subscribers thereof or thereto, 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 or Partners or Subscribers of the same.

Provisions of Act to be at all Times valid notwithstanding Change of Members.

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 Partnership, or to relieve or discharge the said Company or Partnership, or any of the Members thereof, or Partners or Proprietors therein or Subscribers thereto, for the Time being respectively, 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 or Partnership and others, or between the Individual Members of the said Company or Partnership or any of them and others, or among themselves, or in any Manner whatsoever, except so far as the same is affected by the Provisions of this present Act and the true Intent and Meaning of the same.

Company not incorporated by this 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.

Public Act.

**SCHEDULE** referred to by this Act.

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MEMORIAL of the Names of the Members of the Imperial Mining Company for Ireland, enrolled pursuant to Act of Parliament passed in the Sixth Year of the Reign of His Majesty King George the Fourth, intituled [*here insert the Title of this Act.*]

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

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MEMORIAL of the Name of the Secretary [*or of the Person appointed to act or officiate as Secretary, as the Case may be*] of the Imperial Mining Company for Ireland, enrolled pursuant to an Act of Parliament passed in the Sixth Year of the Reign of His Majesty King George the Fourth, intituled [*here insert the Title of this Act.*]

*A. B.* of \_\_\_\_\_, Secretary, [*or as the Case may be*].

The above-named *A. B.* maketh Oath [*or Affirmation*], That he was on the \_\_\_\_\_ Day of \_\_\_\_\_ appointed Secretary [*or as the Case may be*] of the said Company.

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MEMORIAL of Assignment of Share in the Imperial Mining Company for Ireland, enrolled pursuant to an Act of Parliament passed in the Sixth Year of the Reign of His Majesty King George the Fourth, intituled [*here insert the Title of this Act.*]

*C. D.* on the \_\_\_\_\_ Day of \_\_\_\_\_ assigned  
Shares to *E. F.* of \_\_\_\_\_  
in the County of \_\_\_\_\_

*A. B.* Secretary to the Company maketh Oath [*or Affirmation*], That the Assignment above mentioned hath been duly made, as appears by the Document in the Possession of the said Company.

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