CHAPTER xlix.

An Act for enabling the Clergy Mutual Assurance Society to sue and be sued in the name of a Public Officer, and for more effectually vesting in their Trustees for the time being the Property and Securities of the Society; and for other purposes. [28th June 1877.]

A.D. 1877.

WHEREAS the Clergy Mutual Assurance Society, in this Act called "the Society," was established as a Friendly Society in the year one thousand eight hundred and twenty-nine, under the Act of the tenth year of the reign of His late Majesty King George the Fourth, chapter fifty-six, for the benefit of clergymen of the then United Churches of England and Ireland, to whom were afterwards added as further objects of the Society clergymen of the Protestant Episcopal Church in Scotland and their families and connexions, and the rules of the Society were duly enrolled under the said Act:

10 G. 4. c. 56. (*Pub.*)

And whereas the Society having granted assurances payable at death exceeding the sum of one thousand pounds ceased under the Friendly Societies Discharge Act, 1854, to be a Friendly Society, but still carry on the principal branches of the original business of the Society, and there are now invested in the Parliamentary or Government stocks of the United Kingdom, and upon mortgage of freehold, copyhold, and leasehold estates in England and Wales, and upon other securities, in the names of the trustees for the time being of the Society, sums exceeding in the aggregate two million three hundred thousand pounds:

And whereas the effect upon the Society of the said Act of 1854 and of the other Acts relating to Friendly Societies in relation to the matters herein-after provided for is to some extent doubtful:

And whereas it is expedient that the provisions contained in this Act be made in relation to suits and proceedings by and against the Society, and to the vesting of the property and securities of the Society in the trustees thereof for the time being:

A.D. 1877.

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Clergy Mutual Assurance Society Act, 1877."

Interpretation of terms.

2. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there shall be something in the subject or context repugnant to such interpretation and construction; the expression "the Society" shall mean the Clergy Mutual Assurance Society; the expressions "the trustees," "the directors," "the secretary," and "the public officer" shall mean respectively the trustees, the directors, the secretary, and the public officer for the time being of the Society; and the word "person" shall include a body politic, corporate, or collegiate.

Appointment of public officer for the purposes of this Act.

3. The secretary of the Society for the time being shall be the public officer of the Society for the purposes of this Act; and if the office of secretary of the Society shall cease to exist, the directors of the Society shall appoint some other officer of the Society, being resident in England, to be the public officer for the purposes of this Act; and if any public officer so appointed shall die or resign, or go to reside abroad, or be removed, or cease to be such public officer, the directors shall supply his place in like manner, and the directors may from time to time remove any public officer from his office.

Actions, &c. may be instituted by Society in the name of a public officer.

4. All actions, suits, and proceedings whatsoever at law or in equity or bankruptcy, or under any liquidation by arrangement with creditors, or winding up or sequestration, or in lunacy, or otherwise howsoever, whether in the United Kingdom or elsewhere, for or on behalf of the Society, or wherein the Society are in any way interested, which shall be commenced after the passing of this Act may, whether the cause thereof arose before or shall arise after the passing of this Act, and whether such actions, suits, or proceedings may or may not be capable of being instituted or prosecuted by or in the name or names of any trustee or trustees of the Society, be instituted and prosecuted by or on behalf of the Society in the name of the public officer.

Actions, &c. may be instituted against

5. All actions, suits, and proceedings whatsoever at law or in equity or bankruptcy, or under any liquidation by arrangement with creditors, or winding up or sequestration, or in lunacy, or otherwise

howsoever, whether in the United Kingdom or elsewhere, by any person against the Society, or against any trustee or trustees of the Society on the Society's behalf, or in respect of any of the concerns of the Society, and which shall be commenced after the passing of this Act, may, whether the cause thereof arose before or shall arise after the passing of this Act, be instituted and prosecuted against the public officer for and on behalf of the Society, and all proceedings therein may be effectually served on the Society by service thereof on the public officer.

Society in the name of a public officer.

6. In all criminal proceedings commenced after the passing of this Act, whether in the United Kingdom or elsewhere, for or on behalf of the Society against any person (whether a member of the Society or not), if the proceeding be for any offence touching any property, real, personal, or mixed, or of any other description, or any printed, written, or other evidence of title, or any securities, or any choses in action belonging at law or in equity to the Society, the property, evidence of title, securities, and choses in action may be sufficiently stated by stating them to be the property of or to belong to the Clergy Mutual Assurance Society; and if the proceeding be for any crime or offence against or with intent to defraud or injure the Society, the crime or offence may be sufficiently laid or stated to be against or with intent to defraud or injure the Clergy Mutual Assurance Society, and in no case shall it be necessary to state in the proceeding the names of the members of the Society, or any of them; and the offender (whether a member of the Society or not, and if a member, notwithstanding his being interested in the property, and as if he were not interested therein and were not a member of the Society) may and shall thereupon and upon due proof be lawfully convicted of the crime or offence.

Criminal proceedings by Society.

7. All actions, suits, and proceedings, whether civil or criminal, by or against the Society, or wherein the Society may be in any manner interested, which have been commenced before the passing of this Act, may be prosecuted and proceeded with as if this Act had not passed.

Pending actions, &c. to proceed as if Act not passed.

8. Any person being a trustee or member of or otherwise interested in the Society may in all cases, and whether alone or jointly with any other person, be liable to be and be sued and proceeded against by or for the benefit of the Society, and shall on his part be entitled to sue and take proceedings against the Society under the powers of this Act, or any of them, by such actions, suits, claims, and other proceedings, and in such and the same manner, and as effectually and with such and the same legal consequences as if such person

Trustees and members may be sued by and sue Society.

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had not been such trustee or member of or so interested in the Society, and whether the cause of action, suit, or proceeding arose before or shall arise after the passing of this Act.

Public officer to act for Society in bankruptcy, &c.

9. In all proceedings in bankruptcy, liquidation by arrangement with creditors, or winding up, sequestration, lunacy, or otherwise howsoever, touching any of the interests of the Society, the public officer may and shall represent the Society and act in all respects as if the interests involved were the interests of the public officer; and in every case where any answer, affidavit, oath, or verity, or other solemn declaration, may be required on behalf of the Society, the same may be made by the public officer for and on behalf of the Society.

Public officer to be indemnified.

10. Every public officer in whose name any such suit, action, or proceeding as aforesaid shall have been commenced, prosecuted, or defended shall be reimbursed and fully indemnified out of the funds of the Society, or on failure thereof by contribution from the members of the Society, for all loss, damages, costs, and expenses which he may sustain and be put to by reason or in consequence of any action, suit, or proceeding commenced or prosecuted by or against him as such public officer.

Memorial of names of directors, trustees, secretary, and public officer to be enrolled in Chancery.

11. The directors of the Society shall, upon the passing of this Act, and afterwards from time to time when and so often as any change shall occur in the directors, trustees, secretary, or public officer of the Society, cause to be enrolled in the Chancery Division of Her Majesty's High Court of Justice a memorial, in the form given in the schedule to this Act annexed, or to a like effect, of the names and addresses of the several persons being at the times of such respective enrolments the directors, trustees, secretary, and public officer respectively of the Society, each of which memorials shall be accompanied by a solemn declaration subscribed or annexed thereto of the public officer, to be made by him by virtue of the provisions of the Act of the fifth and sixth years of the reign of King William the Fourth, chapter sixty-two, that such memorial contains the names of the then trustees, directors, secretary, and public officer of the Society.

Memorial to be conclusive as to directors, trustees, secretary, and public officer.

12. The several persons from time to time appearing by the memorials enrolled under this Act to be the directors, trustees, secretary, and public officer respectively of the Society shall for all purposes be deemed, held, and taken to be the directors, trustees, secretary, and public officer respectively of the Society.

Examined copy of the enrolment

13. An examined copy of the enrolment of every memorial enrolled under this Act shall be received in evidence as proof of the

contents of the memorial, and proof shall not be required that the person making the above-mentioned solemn declaration was the public officer. to be evidence.

Property of Society vested in trustees.

14. All annuities from time to time held upon trust for the Society, and all Parliamentary and Government stocks, estates, property, and effects, real, personal, and mixed, on which any annuities or money of the Society are from time to time secured or charged, by way of mortgage or otherwise, and the principal moneys and interest so secured or charged, and all rights, interests, powers (including powers of leasing and of sale), authorities, discretions, choses in action, claims, and demands in favour of or available for the Society from time to time relating to the same annuities, moneys, or securities respectively, and all Parliamentary and Government stocks, estates, property, and effects, real, personal, and mixed, from time to time held upon trust for the Society, shall on and from time to time after the enrolment of the first memorial under this Act be by force of this Act, and without any conveyance, transfer, or assurance, vested in the persons who from time to time shall be stated by the memorials successively enrolled under this Act to be trustees of the Society, as trustees for the Society, with power to take, hold, dispose of, and covenant respecting the said real and other estates, Parliamentary and Government stocks, property, securities, and choses in action, and to exercise and put in force all rights, interests, powers, authorities, discretions, claims, and demands relating thereto as aforesaid, as if the same respectively had been effectually conveyed, transferred, or assured to or conferred on or vested in them accordingly, but subject to all equities, if any, affecting the same respectively: Provided always, that this section shall not apply to any copyhold tenement.

Stamp duties on memorials.

15. In lieu of the stamp duties which would have been payable upon the deeds or assurances in the law which in case this Act had not been passed would have been required in order from time to time, as often as any new trustee or trustees of the Society should have been appointed, to vest the said annuities, estates, hereditaments, property, effects, or moneys in the trustees for the time being of the Society, there shall be raised and levied for the use of Her Majesty, her heirs and successors, the stamp duties following; (that is to say,)

For and upon the first memorial enrolled pursuant to this Act, from which memorial the names of the persons who shall be deemed, held, and taken to be the trustees of the Society shall appear, the sum of five pounds;

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And for and upon every other such memorial in which the name or names of any person or persons shall for the first time be inserted as a trustee or trustees of the Society, the like sum of five pounds.

Three directors may issue powers of attorney to sue for foreign debts.

16. It shall be lawful for any three directors of the Society, appointed for the purpose by an order or resolution of the board of directors thereof, from time to time to sign and seal or in any manner execute powers of attorney or other instruments thereby empowering any person to apply for, recover, and receive, and to institute and carry on actions, suits, and proceedings in or before any court or tribunal in any foreign country for the purpose of recovering or compelling payment or delivery or conveyance of any sums of money, property, or effects now or hereafter to be belonging or owing to the Society, or to any person on behalf of or in trust for the Society, and to act in relation to the Society with all such powers and authorities as may be necessary or expedient, which said powers of attorney and instruments, and all things done by virtue thereof, shall be binding on the Society and the members thereof.

Act to extend to Society at all times.

17. This Act shall extend to the Society at all times during the continuance thereof, and of whomsoever the Society are from time to time composed.

Act not to vary existing powers or provisions except as provided.

18. Except only as is by this Act expressly provided, nothing in this Act contained shall repeal, alter, or interfere with any of the powers or provisions of the Friendly Societies Discharge Act, 1854, or any of the Friendly Societies Acts prior thereto, so far as the same are now in force in regard to the Society, or any of the now existing rules and regulations of the Society.

Act not to incorporate Society.

19. This Act shall not incorporate either the Society or the trustees thereof.

Act not to restrict liability of members.

20. Nothing in this Act shall restrict the liability of any member of the Society.

Expenses of Act.

21. All costs, charges, and expenses of and incident to the preparing and applying for, obtaining, and passing of this Act shall be paid out of the funds of the Society.

SCHEDULE referred to in the foregoing Act.

Memorial of the Names and Additions of the Directors, Trustees, Secretary, and Public Officer of the Clergy Mutual Assurance Society on the day of in the year of our Lord , made for enrolment pursuant to "The Clergy Mutual Assurance Society Act, 1877."

A.B., of, *&c.* - - - -	Directors.
C.D., of, *&c.* - - - -	
E.F., of, *&c.* - - - -	
L.M., of, *&c.* - - - -	Trustees.
N.O., of, *&c.* - - - -	
T.U., of, *&c.* - - - -	Secretary.
W.Y., *&c.* of - - - -	Public officer.

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