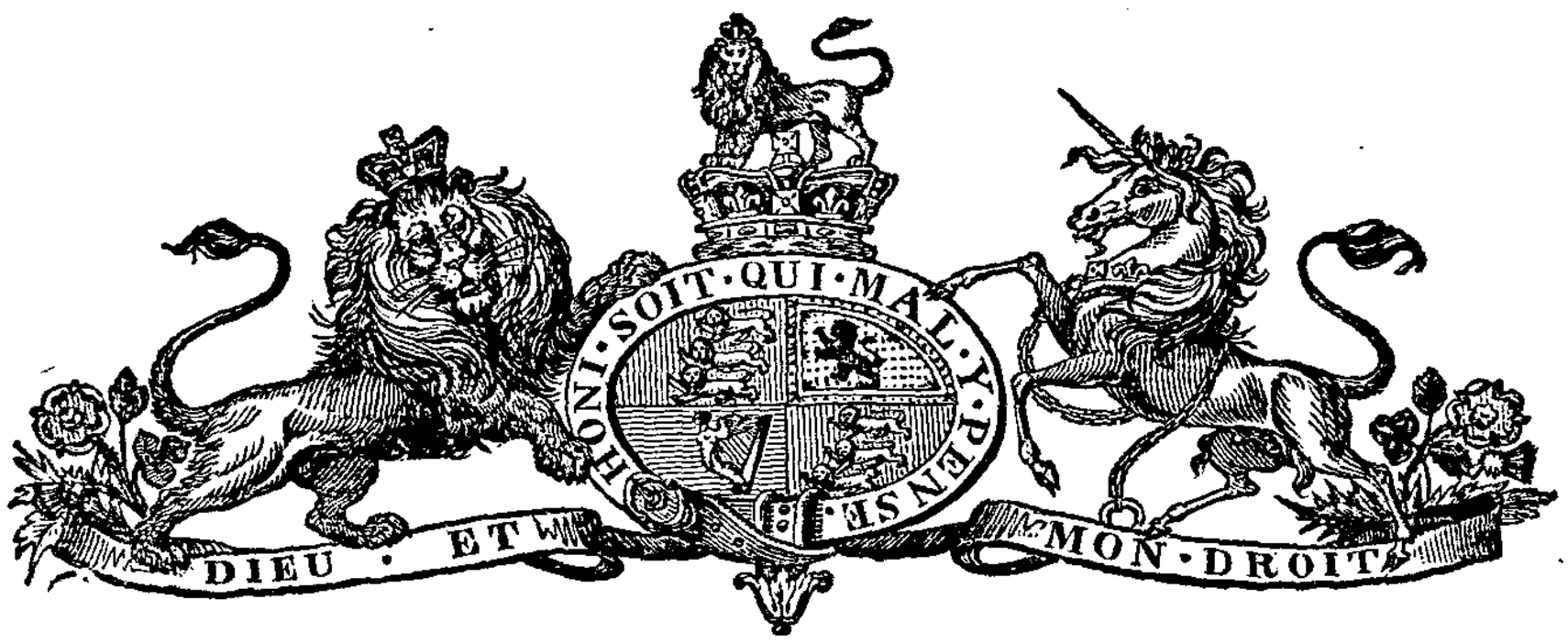


ANNO DECIMO TERTIO

VICTORIÆ REGINÆ.

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transferring their Property and Securities, and further Powers, were given to the said Company, and if the Name or Style of the said Company were altered as aforesaid; but the several Purposes aforesaid cannot be effected 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by the Authority of the same, That from and after the passing of this Act the said recited Act shall be and is hereby repealed, except so far as may be necessary for the Purpose of supporting any Proceedings already commenced, and which may be depending under the Provisions of the said recited Act at the Time of the passing of this Act, and except so far as may be necessary in order that nothing in this Act contained shall lessen or affect any Right, Title, Claim, Demand, or Remedy which any Person now has or hereafter may have under or by virtue of any Deed, Contract, or Engagement entered into or executed before the Time of passing of this Act.

Repeal of recited Act, 7 W. 4. & 1 Vict. c. 12, enabling the Company to sue and be sued, &c.

Alteration of Name of Company.

II. And be it enacted, That from and after the passing of this Act the said Company or Copartnership heretofore called or known by the Name or Style of "The Licensed Victuallers and General Fire and Life Assurance Company" shall no longer be called by that Name, but the said Company or Copartnership shall be called and known and continue to be carried on by and under the Name or Style of "The *Monarch* Fire and Life Assurance Company," and by that Name or Style shall and may use, exercise, and enjoy all such and the same Powers and Authorities, Rights, Privileges, Liberties, and Advantages, and have, hold, retain, possess, and keep, and be entitled unto all such and the same Lands, Tenements, Hereditaments, Sums of Money, Stocks, Securities for Money, Debts, Goods, Chattels, Effects, and Property of every Description, as at any Time before or at the Time of the passing of this Act were or might be used, exercised, or enjoyed, or were or was held or possessed, by the said Company or Copartnership, or by any Trustee or Trustees for them, or did belong or were due and owing to the said Company or Copartnership, or any Trustee or Trustees for them, or as the said Company or Copartnership were entitled unto, by and under the Name or Style of "The Licensed Victuallers and General Fire and Life Assurance Company," in the same Manner in all respects as if the said Company or Copartnership had been originally formed, established, and had always been carried on under the Name or Style of the *Monarch* Fire and Life Assurance Company.

Deed of Settlement, &c. to be con-

III. And be it enacted, That from and after the Commencement of this Act the said recited Act of the Seventh Year of King *William*

the Fourth, and the Deed of Settlement constituting the Company, and all Resolutions of the Proprietors of the Company made and passed, and all Deeds, Contracts, Policies, and Engagements executed or entered into before the Commencement of this Act by or with the Company, or any Trustee or Trustees or Person or Persons on behalf of the Company, shall be read and construed in all respects as if the Company had been therein described or referred to by the Name or Style of the *Monarch* Fire and Life Assurance Company, instead of the Name or Style of the Licensed Victuallers and General Fire and Life Assurance Company, anything in such Act, Deed of Settlement, Resolutions, Deeds, Contracts, Policies, or Engagements to the contrary notwithstanding.

strued as if new Name had been used instead of old one.

IV. And be it enacted, That no Action, Suit, Bill, Process, Writ, Indictment, Information, or any other Proceeding, whether civil or criminal, which at or before the Time of the passing of this Act shall have been commenced and shall be then pending, whether under the Provisions of the said recited Act or otherwise, shall abate, determine, or be otherwise impeached or affected by reason or in consequence of the aforesaid Change of the Name of the said Company, nor shall any Notice, Tender, Requisition, Warrant, Summons, Pleading, civil or criminal, Writ or other Process, Record, Deed, Policies, Contract, Agreement, Undertaking, Writing, or Instrument, that shall have been or shall be made, issued, written, or executed before the Commencement of this Act, be deemed to be vacated, discharged, invalidated, prejudiced, or affected by reason of the said Company or Copartnership being therein called or referred to by the Name of "The Licensed Victuallers and General Fire and Life Assurance Company;" and it shall not be necessary in any Action, Suit, Bill, Indictment, Information, Notice, Tender, Requisition, Warrant, Summons, Pleading, civil or criminal, or other Process, or in any Record, Deed, Contract, Agreement, Writing, or other Instrument or Matter, to be commenced, made, or issued after the Time of the passing of this Act, to aver that the said Company or Copartnership had been called or known from the Time of the Formation thereof, or from the Time of the passing of the said recited Act until the Commencement of this Act, by the Name of "The Licensed Victuallers and General Fire and Life Assurance Company," and that by this Act the Name of the said Company was changed as aforesaid, and that after the passing of this Act the said Company hath been called and known by the Name of "The *Monarch* Fire and Life Assurance Company," but it shall be sufficient therein to aver the Style and describe the Company by the Name of "The *Monarch* Fire and Life Assurance Company," in the same Manner as if the Company in the Deed of Settlement constituting or forming the same, and in all other Deeds and Writings, and in the said recited Act, had been called or known by

Actions, &c. not to abate or be affected by the Change of the Name of the Company.

by the Name or Style of "The *Monarch* Fire and Life Assurance Company," instead of the Name or Style of the "Licensed Victuallers and General Fire and Life Assurance Company."

Actions, Suits, or Proceedings on behalf of the Company to be in the Name of the Secretary or One of the Directors.

V. And be it enacted, That from and after the passing of this Act all Actions, Suits, and other Proceedings whatsoever at Law or in Equity, whether in the United Kingdom of *Great Britain* and *Ireland* or elsewhere, for any Injury or Wrong done to any Real or Personal Property of the Company, whoever may be in possession thereof, or in whomsoever the same may be vested in trust or for the Use or Benefit of the Company, or upon or in respect of any present or future Liability or Liabilities to the Company, or to any Person or Persons in trust for the Company or for the Use or Benefit thereof, or upon any Bonds, Covenants, Contracts, or Agreements which now are or hereafter shall be given or entered into to or with the Company by any Name or Description whatever, or to or with any Person or Persons whomsoever in trust for the Company, or for the Use or Benefit thereof, or wherein the Company is or shall be interested, or for any other Cause whatsoever, and all Instruments, Petitions, and other Proceedings for issuing and prosecuting any Petition of Adjudication in Bankruptcy or Commission of Bankruptcy, in *England* or *Ireland*, or any Sequestration in *Scotland*, and all Proceedings under any Act now or hereafter to be in force for the Relief of Insolvent Debtors against any Person or Persons indebted or to be indebted to the Company, or for the Use or Benefit thereof, and all Proceedings at Law or in Equity, or for Proof of Debts, Choice of Assignees, or other Matters in Bankruptcy or Insolvency, or under any Sequestration in *Scotland* for or on behalf of the Company, or wherein the Company is or shall be interested, and all Proceedings in Lunacy, and generally in all Proceedings whatsoever wherein the Company is or shall be concerned or interested against any Person or Persons, or any Body or Bodies Political or Corporate, or others, whether Members of the Company or not, may be commenced, made, instituted, or prosecuted in the Name of the Person who shall for the Time being be the Secretary, or One of the Directors of the Company as the nominal Plaintiff for and on behalf of the Company, or as acting in any other Character for or on behalf of the Company; and that in every Case where an Affidavit, Oath of Verity, or solemn Declaration may be required on behalf of the Company, the same shall and may be made and taken by the Secretary for the Time being or any Director of the Company in the Name or for or on behalf of the Company, and the same being so made and taken shall, to all Intents and Purposes whatsoever, be equally valid in the Law as if made or taken by all the Members for the Time being of the Company on their own Behalf.

VI. And

Manner in which Company may be sued.

VI. And be it enacted, That after the passing of this Act all Actions, Suits, or Proceedings at Law and in Equity to be commenced or instituted against the Company in the said United Kingdom or elsewhere, lawfully may be commenced, instituted, or prosecuted against the Company by the Name and Description of "The *Monarch* Fire and Life Assurance Company," or against the Person who shall for the Time being be the Secretary of the Company as the nominal Defendant for or on behalf of the Company; and in case of any such Proceeding against the Secretary for the Time being of the Company, or against the Company by such Name or Description as aforesaid, all Writs, Process, Notices, and other Proceedings may be served on the Secretary or any Clerk or Officer of the Company at the ordinary Place of Business of the Company situate either in the City of *London* or within Seven Miles thereof, or in case there shall be no such Place of Business then on any Director of the Company in the said City of *London* or within Seven Miles thereof, and such Service in manner directed in this Act shall for all Purposes be deemed good Service.

Actions and other Proceedings not to abate, &c.

VII. Provided always, and be it enacted, That the Death, Resignation, or Removal, or Bankruptcy, Insolvency, stopping Payment, or any other Act of the Secretary for the Time being of the Company, or of any Director of the Company, in his individual Capacity, shall not abate or prejudice any Action, Suit, Petition, or other Proceedings at Law or in Equity which may then be depending under or by virtue of this Act in which the Secretary or any Director of the Company shall be such nominal Plaintiff or Defendant as aforesaid, but the same may be continued, prosecuted, carried on, or defended in the Name of the Person who shall for the Time being be the Secretary or one of the Directors of the Company, as the Case may be.

Members may sue and be sued by the Company.

VIII. And be it enacted, That all and every Persons or Person being Members or a Member of or otherwise interested in the Company shall in all Cases, either alone or jointly with any other Person or Persons, be liable to be sued or proceeded against by or for the Benefit of the Company, and shall be entitled to sue or take Proceedings against the Company under the Powers of this Act or any of them, by such Actions, Suits, and other Proceedings, in such and the same Manner, as effectually and with such and the same legal Consequence, as if such Person or Persons had not been such Members or Member or so interested.

No set-off Demands against the Company

IX. And be it enacted, That no Claim or Demand which any Member of the Company may have upon or against the Company in respect of his Share of the Funds or Capital of the Company, or of any

allowed to Members sued by the Company.

any Dividends, Interest, Profits, or Bonus, or other Monies payable in respect of such Share, or in respect of any Policy of Assurance effected with the Company, shall be capable of being set off at Law or in Equity against any Claim or Demand which the Company may have against such Member on account of any Matter or Thing whatsoever, but that all Actions, Suits, and Proceedings by the Company may be carried on against such Member as if no Claim or Demand existed on the Part of such Member upon or against the Company in respect of the Matters aforesaid, or any of them.

Plea of former Suit in bar of fresh Suit in respect of the same Matter.

X. And be it enacted, That the Proceedings in any Action or Suit against the Company or Secretary or any Director thereof as such nominal Party as aforesaid, in which the Merits in respect of any Demand or Liability thereby sought to be enforced shall have been tried and determined, may be pleaded in bar of any other Action or Suit for enforcing the same Demand or Liability against the Company or the Secretary or any Director thereof as such nominal Party as aforesaid.

Secretary or Director to be a competent Witness although Plaintiff or Defendant.

XI. And be it enacted, That the Secretary or Director of the Company whose Name shall be used as such nominal Party as aforesaid shall not, by virtue of his being such nominal Party as aforesaid in any Action, Suit, or Proceeding instituted or prosecuted under the Authority of this Act, be incapacitated or rendered incompetent to be a Witness in any such Action, Suit, or Proceeding; and the said Secretary or Director may be such Witness in the same Manner as he might have been if his Name had not been made use of as such nominal Party.

Judgments, &c. to be enforced against the Company and the Members thereof.

XII. And be it enacted, That every Judgment, Decree, or Order of any Court of Justice which shall at any Time after the passing of this Act be recovered or obtained in any Action, Suit, or Proceeding commenced, instituted, or prosecuted under or by virtue of this Act against the Company by the Name or Description aforesaid, or against the Secretary thereof as such nominal Party as aforesaid, may be lawfully executed against and shall have the like Effect on the Estate, Funds, and Property of the Company, and upon the Person, Estate, Funds, and Property of every Member thereof, as if every individual Member had been by Name a Party to such Proceedings: Provided always, that nothing in this Act shall enable any Person to recover from any individual Member of the Company, or any other Person, any other or greater Sum than might have been recovered from such Member or other Person, as the Case may be, if this Act or the said recited Act had not been passed; and nothing in this Act shall be deemed or construed to render any individual Member liable to have his Person or Property taken in

Execution, or to pay any Sum of Money, in any Case in which he would not have been so liable in case this Act or the said recited Act had not been passed.

Execution against former Members.

XIII. And be it enacted, That it shall be lawful for the Plaintiff to cause Execution upon any Judgment, Decree, or Order obtained by any Person in any such Action, Suit, or Proceeding against the Company or the Secretary thereof, as such nominal Party as aforesaid, to be issued against all or any of the Members for the Time being of the Company, and if such Execution shall be ineffectual to obtain Satisfaction of the Sums sought to be recovered thereby, then it shall be lawful for such Plaintiff to cause Execution to be issued against any Person who was a Member of the Company at the Time the Contract was entered into, upon which such Action, Suit, or Proceeding shall have been instituted: Provided always, that no such Execution as last mentioned shall be issued without Leave first granted on Motion in open Court by the Court in which such Judgment, Decree, or Order shall have been obtained, and which Motion shall 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 such Company.

Reimbursement of individual Members.

XIV. And be it enacted, That every Person against whom any such Execution shall have been issued shall be reimbursed out of the Funds or Property of the Company for all Monies paid, and for all Damages, Costs, Charges, and Expenses sustained or incurred, by him by reason of such Execution, or of the Action, Suit, or Proceeding in which the same shall have been issued, or in default of such Reimbursement by Contribution from the other Members of the Company.

Individuals paying under Execution to recover against the Company.

XV. And be it enacted, That if any such Execution be issued against any present or former Member of the Company, and if within Fourteen Days next after the levying of such Execution he be not reimbursed, on Demand, out of the Funds or Property of the Company, all such Monies, Damages, Costs, Charges, and Expenses which he shall have paid, sustained, or incurred in consequence of such Execution, it shall be lawful for such Member, or his Executors or Administrators, to sue out new or further Execution against the Estates, Funds, and Property of the Company upon the Judgment, Decree, or Order on which Execution may have been issued against him, and thereby raise and pay to and reimburse himself all Monies he may have been compelled to pay by means or in consequence of such Execution, together with Interest thereon after the Rate of Five Pounds *per Cent. per Annum*, and also his Costs, Charges, Damages, and Expenses incurred or sustained in that Behalf, the Amount

whereof shall be ascertained by one of the Masters or other Taxing or other Officer of the Court out of which such Execution shall issue.

Contribution to be recovered from other Members.

XVI. And be it enacted, That if such Member be not by the Means aforesaid fully paid, with Interest, all such Monies, Damages, Costs, Charges, and Expenses which he shall have paid, sustained, or incurred by reason or in consequence of such Execution, it shall be lawful for him, his Executors or Administrators, to divide the whole Amount thereof, or so much thereof as he shall not have been reimbursed, into as many equal Parts as there shall then be Shares in the Capital of the Company; and every Member for the Time being of the Company, his Executors or Administrators, shall, in proportion to the Number of Shares which he or they shall then hold in the Company, pay One or more of such Parts, upon Demand, to the Member against whom such Execution shall have been issued, his Executors or Administrators; and upon Neglect or Refusal of any Member, his Executors or Administrators, to pay such Proportion as he or they is or are hereby required to pay, upon Demand, it shall be lawful for the Member against whom such Execution shall have issued, his Executors or Administrators, to sue for and recover the same against the Member hereby required to pay such Proportion, his Executors or Administrators, by Action or Suit in any of Her Majesty's Court of Record at *Westminster*, or in any other Court having Jurisdiction in respect of such Demand.

Further Remedy in case of Bankruptcy, &c. of Members.

XVII. And be it enacted, That if the Member or former Member against whom any such Execution shall have issued, his Executors or Administrators, shall by reason of the Bankruptcy or Insolvency of any Member, or from any other Cause, but without any Neglect or wilful Default on the Part of the Member against whom any such Execution shall have issued, be prevented from recovering any Proportion of the Monies, Damages, Costs, Charges, or Expenses which he shall have so paid, sustained, or incurred as aforesaid, it shall be lawful for him, his Executors or Administrators, again to divide the Amount of all such Monies, Costs, Charges, and Expenses as shall not have been recovered by him or them into as many equal Parts as there shall then be Shares (not including the Shares of the Members by reason of whose Bankruptcy, Insolvency, or other Default any such Proportion as aforesaid shall not have been recovered); and every Member for the Time being of the Company, or the Executors or Administrators of any deceased Member whose Shares shall not for the Time being be vested in any other Member of the Company (except the Members by reason of whose Default such Proportion as aforesaid shall not have been recovered), shall rateably, according to the Number of Shares which he shall hold, upon Demand,

Demand, pay One or more such last-mentioned Parts to the Member against whom such Execution shall have issued, his Executors or Administrators, and in default of Payment he or they shall have the same Remedies for the Recovery thereof as under the Provisions herein-before contained are given in respect of the original Proportions of such Monies, Damages, Costs, Charges, and Expenses as aforesaid; and in the event of any Proportion of the same not being then recovered, and still remaining unpaid by reason of the Bankruptcy, Insolvency, or other Default of any other Member, or from any other Cause as aforesaid, the Member against whom any such Execution as aforesaid shall have issued, his Executors or Administrators, shall in like Manner, and from Time to Time, and by way of accumulative Remedy, have Power again and again to divide and enforce in manner aforesaid Payment of the Amount so from Time to Time remaining unpaid until he or they shall, if a former Member of the Company, be fully reimbursed the whole of the said Monies, Costs, Charges, and Expenses, and if a Member of the Company at the Time when such Execution was levied, the whole of the same, excepting the Proportion thereof properly payable in respect of his own Shares.

Remedy for Members who may be sued otherwise than under the Powers of the Act.

XVIII. Provided also, and be it enacted, That in case any Action, Suit, or other Proceeding in respect of any Demand against the Company shall be instituted or prosecuted against any Member or former Member of the Company in any other Manner than under the Powers and Authorities herein-before given, and in case such Member shall by virtue of any Judgment, Decree, or Order in such Action, Suit, or other Proceeding, or under any Execution to be issued in respect thereof, or otherwise, pay, sustain, or incur any Monies, Damages, Costs, Charges, or Expenses, he shall in respect of such last-mentioned Payment be entitled to all such and the like Indemnities, Rights, Powers, and Remedies in all respects for reimbursing himself, or for enforcing Contribution, as the Case may be, in respect of such Monies, Damages, Costs, Charges, or Expenses so paid, sustained, or incurred by him as aforesaid, as are herein-before provided in Cases where Execution shall have issued upon any Judgment, Decree, or Order obtained in any Action, Suit, or other Proceeding instituted or prosecuted under the Powers given by this Act.

Criminal Proceedings to be in the Name of the Company, or of the Secretary or a Director.

XIX. And be it enacted, That it shall be lawful for the Company or their Secretary, or any Director for the Time being of the Company, to prefer any Indictment, Information, or other Criminal Proceeding in any Court or Courts in any Part of the United Kingdom of *Great Britain* and *Ireland* or elsewhere against any Person or Persons for any Offence committed against the Company; and in all Indictments, Informations, and other Proceedings against any Person or Persons, whether such Person or Persons be a Member or Members

of the Company or not, for taking, stealing, or embezzling, damaging or destroying, or for any Offence whatsoever relating to any Goods, Chattels, Notes, Bills, Bonds, Deeds, or any Securities, Money, Effects, or any Real or Personal Property whatever, of or belonging to the Company, (whether vested in the Company or in any other Person or Persons in trust for them,) such Goods, Chattels, Notes, Bills, Bonds, Deeds, Securities, Monies, Effects, or Property respectively may be laid and stated to be the Goods, Chattels, Notes, Bills, Bonds, Deeds, Securities, Money, Effects, or Property respectively of the *Monarch* Fire and Life Assurance Company; and in all Indictments, Informations, and other Proceedings against any Person or Persons, whether such Person or Persons be a Member or Members of the Company or not, for any Conspiracy, Fraud, Forgery, Crime, or Offence committed or which shall hereafter be committed against or with Intent to defraud or injure the Company, such Conspiracy, Fraud, Forgery, Crime, or Offence may be laid and stated to have been done with Intent to defraud or injure the *Monarch* Fire and Life Assurance Company, and it shall not be necessary to state in any such Indictment, Information, or other Proceeding the Name or Names of all or any of the Persons now or at any Time hereafter constituting or being Members of the Company, and the Offender, whether he shall be a Member of the Company or not, shall and may thereupon be lawfully convicted of any such Conspiracy, Fraud, Forgery, Crime, or Offence.

Proprietors and Policy Holders may inspect List of Proprietors at the Office of the Company.

XX. And be it enacted, That a Book containing a List of the Names, Descriptions, and Residences of the Proprietors of the Company, so far as the same Particulars may be known respectively, shall be kept at the chief or only Office of the Company; and every Proprietor and Policy Holder of the Company, and every Claimant on the said Company, shall be entitled to inspect such Book at the said Office at all reasonable Times, and to make a Copy thereof or any Extract therefrom at the Expense of the Proprietor or Policy Holder or Claimant requiring the same; and if after Notice in Writing under the Hand of any Proprietor or Policy Holder or Claimant aforesaid, directed to the Secretary of the Company, shall have been given to the said Secretary, or to any Clerk or Officer of the Company, at the said Office, to the Knowledge of the said Secretary, the said Secretary shall refuse or neglect to produce or cause to be produced the said Book at the said Office for the Inspection of the Proprietor or Policy Holder for the Time being or Claimant aforesaid requiring such Production for the Space of Three Days after such Notice shall have been so given as aforesaid, the said Secretary shall be liable to pay a Penalty not exceeding the Sum of Ten Pounds for every such Refusal or Neglect to the Proprietor or Policy Holder or Claimant requiring such Production as aforesaid, such Penalty to be recovered by Action of Debt in any of Her Majesty's Courts of Record at *Westminster* at the Suit of the Party aggrieved.

XXI. And

Memorial of the Names of of the Directors, Trustees, and Secretary to be enrolled pursuant to 5 & 6 W. 4. c. 62.

XXI. And be it enacted, That a Memorial of the Names of the Trustees, Directors, and Secretary of the Company in the Form or to the Effect expressed in the Schedule to this Act shall be verified by a Declaration of the Secretary for the Time being of the Company before a Master of the High Court of Chancery in *England*, made pursuant to an Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled* '*An Act for the more* '*effectual Abolition of Oaths and Affirmations taken and made in the* '*various Departments of the State, and to substitute Declarations in* '*lieu thereof, and for the entire Suppression of voluntary and extra-*'*judicial Oaths and Affidavits,*' *and to make other Provisions for the Abolition of unnecessary Oaths*; and if any Declaration so made shall be false or untrue in any material Particular the Person wilfully making such false Declaration shall be guilty of Misdemeanor; and, when so verified, such Memorial shall be enrolled in the said High Court of Chancery within Twelve Calendar Months after the passing of this Act; and when any new Secretary shall be appointed a Memorial of the Name of such new Secretary shall in like Manner be verified and enrolled within Twelve Calendar Months after such Appointment in the Form or to the Effect expressed in the said Schedule for that Purpose; and when any new Trustee or Trustees shall be appointed a Memorial of the Names of all the existing Trustees of the Company shall in like Manner be verified and enrolled within Twelve Calendar Months after such Appointment in the Form or to the Effect expressed in the said Schedule for that Purpose; and when any new Director or Directors shall be appointed a Memorial of the Name or Names of the new Director or Directors, specifying in whose Place or Places he or they shall have been appointed, shall in like Manner be verified and enrolled within Twelve Calendar Months after such Appointment or Appointments in the Form or to the Effect expressed in the said Schedule for that Purpose; and the Person or Persons appearing from such Memorial or Memorials so enrolled to be the Trustees, Directors, and Secretary for the Time being of the Company shall be deemed, held, and taken to be the Trustees, Directors, and Secretary for the Time being of the Company for all Purposes whatsoever.

Actions and Suits not to be brought until Memorial be enrolled.

XXII. Provided always, and be it enacted, That until the first Memorial shall be enrolled under this Act no Action, Suit, Petition, or other Proceeding shall be commenced, made, or instituted under the Authority of this Act, and until the Memorial by this Act required to be enrolled in the event of any Change of Trustees, Directors, or Secretary of the Company, or any of them, shall have been enrolled as herein-before mentioned, the Person whose Name shall appear from the Memorial enrolled immediately preceding such Change

Change of Secretary to be the Secretary of the Company shall be and is hereby declared to be the Person who shall be the Secretary of the Company for all Purposes whatsoever, and the Persons whose Names shall appear from the Memorial enrolled immediately preceding such Change of Trustees to be the Trustees of the Company shall be and they are hereby declared to be the Persons who shall be the Trustees of the Company for all Purposes whatsoever, and the Persons whose Names shall appear from the Memorial or Memorials enrolled immediately preceding such Change of Directors to be the Directors of the Company shall be and they are hereby declared to be the Persons who shall be the Directors of the Company for all Purposes whatsoever.

Examined Copy of Enrolment to be Evidence.

XXIII. And be it enacted, That an examined Copy of the Enrolment of every Memorial to be enrolled pursuant to this Act shall be received in Evidence as Proof of the Contents of such Memorial, and Proof shall not be required that the Person by whom the Memorial purports to be verified was at the Time of such Verification the Secretary of the Company.

Company to be deemed a Company formed for granting and purchasing Annuities under 53 G. 3. c. 141.

XXIV. And be it enacted, That the Company shall be deemed and taken to be a Company exceeding in Number Ten Persons formed for the Purpose of granting and purchasing Annuities within the Meaning of an Act passed in the Fifty-third Year of His late Majesty King *George* the Third, intituled *An Act to repeal an Act of the Seventeenth Year of His present Majesty, intituled* '*An Act for* '*registering the Grants of Life Annuities, and for the better Pro-*' *tection of Infants against such Grants, and to substitute other* '*Provisions in lieu thereof.*'

As to Assurances to be effected by the Company with other Societies or Companies.

XXV. And be it enacted, That when and so often as any Annuity for any Life or Lives, or for Years determinable on the dropping of any Life or Lives, or any Interest for or depending upon any Life or Lives, shall be purchased by the Directors, it shall be lawful for the Directors, out of the Funds or Property of the Company, to effect, with any other Assurance Society or Company, or Societies or Companies, and to keep up One or more Assurance or Assurances on such Life or Lives for any Sum or Sums which the Directors shall in their Discretion think fit, not exceeding the whole Amount of the Consideration paid for the Annuity or Interest purchased.

Secretary, Director, or Proprietor acting on behalf of the Company to vote in the Choice of Assignees.

XXVI. And be it enacted, That in all Proceedings on behalf of the Company under any Fiat, Commission, Adjudication of Bankruptcy, Sequestration, or Act of Insolvency, the Secretary, Director, or Proprietor acting on behalf of the Company shall have the same Powers, Rights, and Privileges as to proving any Debt due to the Company, and voting in the Choice of Assignees, and as to signing

Certificates in relation to any Debt proved on behalf of the Company, as any other Person, being a Creditor of the Bankrupt or Insolvent in his own Right, would have in respect of the Debt proved by him.

Authorizing Three Directors to issue Power of Attorney to sue for Foreign Debt.

XXVII. And be it enacted, That it shall be lawful for any Three or more of the Directors of the Company from Time to Time to sign or 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 of any Sums of Money, Property, or Effects now or hereafter to be belonging or owing to the Company, or to any Person on behalf of or in trust for the Company, and to act in relation to the Company 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 Company and the Members thereof.

Annuities and Property on which Monies are secured vested in the Trustees of theCompany.

XXVIII. And be it enacted, That when and so often as the Names or Name of all or any of the former, present, or future Trustees of the Company in whom any Annuity shall at the Time of the passing of this Act be vested, or to whom at any Time thereafter any Annuity shall be granted, assigned, or transferred, or by this Act become vested in trust for or to or for the Use and Benefit of the Company, or in or to whom any Messuages, Lands, Tenements, Hereditaments, or other Property or Effects of any Descriptions or Tenure in the said United Kingdom or elsewhere shall at the Time of the passing of this Act be vested, or shall at any Time thereafter be conveyed, surrendered, demised, assigned, transferred, or otherwise assured, or by this Act become vested, either in Fee or for any less Estate, (upon which any Annuity or Annuities belonging to the Company shall at the Time of the passing of this Act, or at any Time thereafter, be secured, or upon which any of the Monies belonging to the Company, shall at the Time of the passing of this Act, or at any Time thereafter, be charged or secured by way of Mortgage or otherwise, or which shall at the Time of the passing of this Act, or at any Time thereafter, be the absolute Property of the said Company in consequence of the Foreclosure of any such Mortgage or Charge as aforesaid, or otherwise,) shall not correspond with the Names of all or any of the Persons who in the Memorial to be enrolled pursuant to this Act, from which the Names of the Persons who shall be deemed, held, and taken to be the Trustees of the Company shall appear, shall be stated to be the Trustees of the Company, such Annuity, Messuages, Lands, Tenements, Hereditaments, Property, or Effects, together with, in the Case of a Security

or Securities for Money, the Monies due or to grow due thereon, as well Principal as Interest, shall from the Time when such Memorial shall be enrolled, without any Deed or other Instrument, Surrender, Admittance, or other Act for that Purpose, become and be vested in the Persons who in such Memorial shall be stated to be the Trustees of the Company for the same Estate or Estates, Interest or Interests, and upon and for the same Trusts, Intents, and Purposes, and with, under, and subject to the same Powers, Provisoes, Agreements, and Declarations, and in the same Manner precisely, as in all Cases, except the Foreclosure of a Mortgage or Charge, such Annuity, Messuages, Lands, Tenements, Hereditaments, Property, Effects, or Monies would then have been vested in the Trustees of the Company named in the Deed or Instrument, Surrender, Admittance, or other Act by which such Annuity or Annuities, Messuages, Lands, Tenements, Hereditaments, Property, Effects, or Monies shall or may be or have been granted, conveyed, demised, assigned, transferred, secured, or otherwise assured to such Trustees under the same Deed or Instrument, Surrender, Admittance, or other Act if this Act had not been passed, and all such Trustees were then the actual Trustees under such Deed or Instrument or Deeds or Instruments, and as in case of Foreclosure of a Mortgage or Charge such Messuages, Lands, Tenements, Hereditaments, Property, or Effects would have been vested in the Persons in whom as Trustees of the Company the same were vested at the Time of such Foreclosure if this Act had not been passed, and all such Persons were then the actual Trustees of the Company in respect thereof.

Duty to be paid on Enrolment of Memorial of Trustees.

XXIX. And be it enacted, That in lieu of the Stamp Duties which have been payable upon the Deeds, Surrenders, Admissions, 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 should have been appointed, to vest the said Annuities, Messuages, Lands, Tenements, Hereditaments, Property, Effects, or Monies in the Trustees for the Time being of the Company, 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 the Names of the Persons who shall be deemed, held, and taken to be the Trustees of the Company shall appear, the Sum of Five Pounds, 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 Company the like Sum of Five Pounds.

Duties under this Act to be deemed

XXX. And be it enacted, That the Duties of this Act to be granted shall be denominated and deemed to be Stamp Duties, and shall

shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being, and that all Powers, Provisions, Clauses, Regulations, and Directions, Fines and Penalties, contained in or imposed by the several Acts of Parliament relating to Duties of the same Kind and Description in force at the Time of the passing of this Act, shall respectively be of full Force and Effect with respect to the Duties hereby granted, and to the Persons liable to the Payment of the said Duties, so far as the same are or may be applicable, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted with reference to the Duties by this Act granted.

Stamp Duties, and subject to same Regulations.

XXXI. Provided always, and be it enacted, That the Trustees of the Company by whom any Covenant shall be entered into on behalf of or as Trustees for the Company shall not be personally liable for any Breach of any such Covenant, but the Company only shall be bound thereby, and shall be liable to be sued in respect of any such Breach; and in all Cases in which any such Covenant would have run with the Land, if the same had been entered into by such Trustees in their own Names, and they had been personally bound thereby, such Covenant shall still run with the Land notwithstanding the same shall be entered into by the Trustees of the Company on behalf of or as Trustees for the Company, and they shall not be personally bound thereby.

Trustees not to be personally liable in Covenants.

XXXII. And be it enacted, That the Receipts of the Trustees of the Company by whom any Release, Conveyance, or Assignment, Demise, Surrender, Transfer, or other Disposition, Covenant, Power of Attorney, Consent, Deed, or Writing, shall be made, executed, entered into, or given for any Monies which shall become payable to or on account of the Company upon the Occasion of their making such Release, Conveyance, Assignment, Demise, Surrender, Transfer, or other Disposition, Covenant, Power of Attorney, Consent, Deed, or Writing, and the Receipts of any Three Directors of the Company for any Monies which upon any other Occasion shall be payable to or on account of the Company, for or in respect of any Charge or Security for the Time being belonging to the Company, or for or in respect of any other Matter whatsoever, shall effectually discharge the Person or Persons paying the same from being answerable or accountable for the Misapplication or Nonapplication of the said Monies, or from being obliged or concerned to see to the Application of the same.

Receipts of the Trustees to be good Discharges.

XXXIII. Provided always, and be it enacted, That nothing in this Act contained shall be deemed or construed to diminish or in anywise prejudicially affect the Provisions contained in the said Deed of Settlement relating to making new Laws, Regulations, and Provisions for the

Nothing to diminish the Powers of altering Laws under Deed of Settlement.

the Company, or repeal all or any Part of the existing Laws, Regulations, and Provisions of the Company, unless and in so far as such Alterations shall be inconsistent with or repugnant to the Provisions of this Act.

Names of Trustees for the Time being to be entered on Court Rolls on every Change of Trustees, and the Lord to be entitled to the Fines, &c.

XXXIV. And be it enacted, That when and so often as after the Trustees for the Time being shall have been admitted to any Copyhold or Customary Messuages, Lands, Tenements, or Hereditaments, under any conditional Surrender thereof, any new Trustee or Trustees of the Company shall be appointed, and a new Memorial of the Names of the Trustees of the Company shall be enrolled in the High Court of Chancery in pursuance of this Act, and in consequence of such Enrolment such Messuages, Lands, Tenements, or Hereditaments shall become vested in the Trustees for the Time being of the Company, then upon the Enrolment of every such new Memorial the same Fines and Sums of Money shall become due and payable to the Lord of the Manor of which such Messuages, Lands, Tenements, or Hereditaments shall be parcel in respect of the same as would have been due and payable if upon any such Appointment such Messuages, Lands, Tenements, or Hereditaments had, instead of being vested by virtue of this Act in the Persons who after such Appointment and the Enrolment of such new Memorial as aforesaid shall then be the Trustees of the Company, had become vested in such Persons by Surrender and Admittance in the Court of the Lord of the Manor according to the Custom of such Manor, and the Company shall be liable to the Payment of such Fines and Sums of Money which it shall be lawful for the Lord of such Manor to recover from the Company by Action of Debt; and when and so often as after the Trustees for the Time being shall have been so admitted as aforesaid a new Trustee or new Trustees shall be appointed, and such Memorial as aforesaid shall be enrolled in the said Court of Chancery in pursuance of this Act, and in consequence of such Enrolment such Messuages, Lands, Tenements, or Hereditaments shall become vested in the Trustees for the Time being of the Company, the Secretary of the Company shall at the Cost of the Company cause to be delivered to the Lord of the Manor, of which the Messuages, Lands, Tenements, or Hereditaments comprised in the conditional Surrender may be parcel, or to his Steward, or to the Deputy of such Steward, an examined Copy of such Enrolment, which shall at the Costs of the Company be entered by such Lord, Steward, or Deputy Steward on the Court Rolls of such Manor.

As to Shares in the Capital of the Company held in trust.

XXXV. And be it enacted, That in all Cases where any Share in the Capital of the Company is now vested, or shall after the passing of this Act be assigned or bequeathed to or otherwise be or become vested in, or covenanted or agreed to be assigned or bequeathed to or

be or become otherwise vested in, any Person or Persons in trust for any other Person or Persons, or is now vested, or shall after the passing of this Act be assigned or bequeathed to or otherwise be or become vested in, any Person or Persons for any Interest, whether present or future, not being an Interest absolute and unincumbered, or in any Person or Persons being an Infant or Infants for an Interest absolute and unincumbered, or shall be charged or incumbered or agreed to be charged or incumbered for the Benefit of any Person or Persons, the Receipt of the Person who for the Time being shall under the Provisions of the said Deed of Settlement be the Proprietor of such Share or Shares, or, if such Proprietor be an Infant, the Receipt of his Guardian or Guardians, or, if such Proprietor be an Idiot or Lunatic, the Receipt of the Committee of his Estate, shall, notwithstanding any Claim or Demand whatsoever which any other Person or Persons may have in respect of the said Share or Shares, be a good and sufficient Discharge for any Money which may be or become payable from the Company under the Provisions of this Act or the said Deed of Settlement, or either of them, or otherwise howsoever in respect of such Share or Shares, and shall discharge the Company and all the Members thereof from all Obligation of seeing to its Application, or from being answerable for its Misapplication or Nonapplication.

Shareholders may vote by Proxy.

XXXVI. And be it enacted, That every Shareholder duly qualified according to the Deed of Settlement, and duly registered in the Share Book of the said Company, shall be entitled to vote at any General or Special Meeting of the said Company, either personally or by Proxy, provided that the Proxy Paper be signed by the Party entitled to vote, and that the same be duly witnessed, and delivered or sent to the principal Office of the said Company Two clear Days before the Day of such General or Special Meeting in order that the same may be verified.

Act to extend to the Company at all Times.

XXXVII. And be it enacted, That this Act, and all and every the Powers and Provisions herein contained, shall extend and be construed to extend to the said Company called "The *Monarch* Fire and Life Assurance Company" at all Times during the Continuance thereof, whether the said Company hath heretofore from Time to Time been or shall hereafter be composed of all or some of the Persons who were original Members or Partners thereof, or of all or some of the beforementioned Persons conjointly with some other Person or Persons, or whether the said Company be at the Time of the passing of this Act or shall hereafter be composed altogether of Persons who were not original Members thereof, or of Persons some or all of whom shall have become Members thereof subsequently to the passing of this Act.

Company not to be incorporated by this Act.

XXXVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to incorporate the said Company, or to relieve or discharge the said Company or any of the Members thereof from any Responsibility, Contract, Duty, or Obligation whatsoever to which by Law they or any of them now are or at any Time hereafter may be subject or liable, as between the Company and others; and provided that all Contracts either express or implied, and made or to be made by, with, or to the Company, or any Person in trust for the Company, or for the Use or Benefit thereof, and all present and future Liabilities of any Person being or who shall hereafter be a Member of the Company, shall have such and the same Operation and Effect, and be attended with such and the same legal Consequences in every respect, as if such Person had not been such Member.

Expenses of Act.

XXXIX. And be it enacted, That all the Costs and Expenses attending the applying for and obtaining and passing of this Act shall be paid out of the Funds of the Company in preference to all other Payments whatever.

Construction of Terms in this Act.

XL. And be it enacted, That the following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something either in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Plaintiff" shall include Pursuer or Petitioner, and the Word "Defendant" shall include Defender or Respondent, and the Word "Execution" shall include Diligence or other Proceeding proper for giving effect to any Judgment, Decree, or Order, whether interlocutory or final, of a Court of Justice:

That the Word "Member" shall mean a Proprietor of a Share or Shares in the Capital of the Company:

The Word "Person" shall include Corporation, sole or aggregate, and Expressions properly applicable to a Person shall be held to apply also to a Corporation:

The Expression "the Company" shall mean the Company heretofore called "The Licensed Victuallers and General Fire and Life Assurance Company," and hereafter to be called "The *Monarch* Fire and Life Assurance Company."

Short Title of the Act.

XLI. And be it enacted, That in citing or referring to this Act in any legal Instrument or Proceeding it shall be sufficient to

to use the Expression "The *Monarch* Fire and Life Assurance Act, 1850."

XLII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

The SCHEDULE referred to by the foregoing Act.

MEMORIAL made the Day of of the Names of the present Trustees, Directors, and Secretary of the Monarch Fire and Life Assurance Company, enrolled pursuant to an Act of Parliament passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act [*here insert Title of this Act*].

I Secretary of the above-named Company, solemnly declare, That the above-written Memorial doth contain the Names of the present Trustees, Directors, and Secretary of the said Monarch Fire and Life Assurance Company.

In case of a Change of Trustees.

MEMORIAL made the Day of of the Names of the present Trustees of the Monarch Fire and Life Assurance Company, enrolled pursuant to an Act of Parliament passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act [*here insert Title of this Act*].

I Secretary of the above-named Company, solemnly declare, That the above-written Memorial doth contain the Names of the present Trustees of the said Monarch Fire and Life Assurance Company.

In

In case of Change of Directors.

MEMORIAL made the Day of of the Names of the Persons who have been appointed new Directors of the Monarch Fire and Life Assurance Company, and of the Persons in whose Places they have been appointed, enrolled pursuant to an Act of Parliament passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act [*here insert the Title of this Act*].

I Secretary of the above-named Company, solemnly declare, That the above-written Memorial doth contain the Names of the Persons who have been appointed new Directors of the said Monarch Fire and Life Assurance Company, and of the Persons in whose Places they have been appointed.

In case of Change of Secretary.

MEMORIAL made the Day of of the Name of the present Secretary of the Monarch Fire and Life Assurance Company, enrolled pursuant to an Act of Parliament passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act [*here insert the Title of this Act*].

I Secretary of the above-named Company, solemnly declare, That the above-written Memorial doth contain the Name of the present Secretary of the said Monarch Fire and Life Assurance Company.

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