

ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cclxix.

An Act to enable the National Mercantile Life Assurance Society to sue and be sued in the Name of a nominal Party; and for other Purposes relating to the said Company. [22d *July* 1847.]

WHEREAS several Persons heretofore subscribed or raised considerable Sums of Money, and formed themselves into a Company, in order to carry on the Business of granting or effecting Assurances on Lives and Survivorships, or for Terms of Years, absolute or determinable, to purchase and sell Life and other Annuities of every Description, to grant and assure Endowments and other Provisions for Widows, Children, and other Persons, and generally to effect all such Transactions, Matters, and Things (other than and except Fire and Marine Assurances) as can be effected by an Assurance or Endowment Company, and to purchase and sell reversionary and other Estates and Interests in Real and Personal Property, and they have since carried on the said Business, and still carry on the same: And whereas the said Company was originally called "The National Endowment and Assurance Society," but was afterwards and is now called "The National Mercantile Life Assurance Society:" And whereas the Business of the said Company was originally carried on at *Arthur Street West*, *London Bridge*, in the City of *London*, but was afterwards and is now carried on at the *Poultry Mansion House* in the said City: And whereas in the course of their said Business the said Company has become possessed of or interested in certain

Real and Personal Property, Funds, and Securities, which have been taken in the Names of or vested in certain Persons as Trustees for the Company: And whereas Difficulties have arisen and may hereafter arise in legal Proceedings by or against the said Company, since by Law all the Members for the Time being of the said Company must be named in such Proceedings: And whereas it is expedient that the said Company should be rendered capable of suing and being sued in the Name of some One Individual as a nominal Party to such legal Proceedings, and that further Powers should be granted to the said Company; but the same 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 in all Actions, Suits, and Proceedings, at Law or in Equity, and in all Proceedings in or under Lunacy, Bankruptcy, Sequestration, or Insolvency, and in all other legal Proceedings, (other than Proceedings of a criminal Nature,) to be hereafter instituted or prosecuted by or on behalf of the said Company, either alone or jointly with any other necessary Parties, it shall be sufficient to state and to proceed or act in the Name of the Secretary or some One of the Directors for the Time being of the Company, as the nominal Plaintiff or Agent representing the Company in such Proceedings; and that in all Actions, Suits, and other legal Proceedings to be hereafter instituted or prosecuted against the Company, either alone or jointly with any other necessary Parties, it shall be sufficient to state the Name of the Secretary or of some One of the Directors for the Time being of the Company, or in the event of there being no Secretary or Director of the Company, then to state the Name of some One of the Proprietors, as the nominal Defendant representing the Company in such Proceedings: Provided always, that any Party suing the Company in Equity may, if he think fit, join any Proprietors of the Company, or Persons who shall have been Proprietors of the Company, together with such nominal Party, as Defendants, for the Purpose of Discovery, or, in case of Fraud, for the Purpose of Relief.

The Company may sue and be sued in the Name of a nominal Plaintiff or Defendant.

Death, &c. of nominal Party not to abate Proceedings.

II. And be it enacted, That the Death, Resignation, or Removal of any such nominal Party shall not abate or prejudice any such Action, Suit, or other Proceeding as aforesaid against or by or on behalf of the Company, but the same may be continued, prosecuted, and carried on in the Name of any other Secretary or Director of the Company, or, in the event of there being no Secretary or Director, then in the Name of any Proprietor of the Company.

Bankruptcy, &c. of nominal Party not to affect Proceedings.

III. And be it enacted, That the Bankruptcy, Insolvency, or stopping Payment of any such nominal Party, or of any Proprietor of the Company, in his individual Capacity, shall not be construed to be the Bankruptcy, Insolvency, or stopping Payment of the Company, nor shall in any way abate or prejudice any such Action, Suit, or other Proceeding as aforesaid; and, notwithstanding such Bankruptcy, Insolvency, or stopping Payment, such Action, Suit, or other Proceeding may be continued in the Name of such nominal Party, and the Property and Effects of the Company shall in all respects be liable, in

in the same Manner as if such Bankruptcy, Insolvency, or stopping Payment had not taken place.

Proceedings not to be affected by Partnership.

IV. And be it enacted, That no Action, Suit, or other Proceeding by or against the Company as aforesaid shall be in anywise affected by reason of the Plaintiff or Defendant therein being a Proprietor or former Proprietor of the Company; but any such Proprietor, either alone or jointly with any other Person as against the Company, or the Company as against any such Proprietor, either alone or jointly with any other Person, shall have the same Action, Suit, or Remedy in respect of any Cause of Action, Suit, or other Proceeding whatever which such Proprietor or Company might have had if such Cause of Action, Suit, or other Proceeding had arisen with a Stranger; and every such Action, Suit, or other Proceeding may be instituted and prosecuted, and Execution may be issued upon any Judgment, Decree, or Order obtained therein, accordingly.

Plea in Bar of subsequent Proceedings.

V. And be it enacted, That the Proceedings in any such Action, Suit, or other Proceeding as aforesaid by or against such nominal Party in which the Merits in respect of the Demand thereby sought to be enforced shall have been tried and determined may be pleaded in bar of any subsequent Action, Suit, or Proceeding for the same Demand by or against the Company, or any other such nominal Party as aforesaid, or in bar of any subsequent Action, Suit, or Proceeding for the same Demand which may be instituted or prosecuted in any other Manner than under the Authority of this Act by or against any Proprietor or former Proprietor of the Company.

Nominal Party not incapacitated as a Witness.

VI. And be it enacted, That the Secretary of the Company shall not, by reason of his being such nominal Party in any Action, Suit, or other Proceeding instituted or prosecuted under the Authority of this Act, be incapacitated from being a Witness in any such Action, Suit, or Proceeding, if in other respects admissible.

Judgment, &c. to be effectual for Benefit of the Proprietors.

VII. And be it enacted, That every Judgment, Decree, or Order of any Court of Justice in any Proceeding at the Suit or Instance of any such nominal Party shall have the same Effect as if such Judgment, Decree, or Order had been made or pronounced in a Proceeding at the Instance of every individual Proprietor of the Company by Name.

Judgment, &c. to bind Property of the Company and the Proprietors.

VIII. And be it enacted, That every Judgment, Decree, or Order of any Court of Justice in any Proceeding against any 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 Personal Estate, Funds, and Property of every Proprietor thereof, as if every individual Proprietor had been by Name a Party to such Proceeding.

As to Execution against the Proprietors upon a Judgment,

IX. And be it enacted, That it shall be lawful for the Plaintiff to cause Execution upon any Judgment, Decree, or Order obtained by him in any such Action, Suit, or other Proceeding against any such nominal Party as aforesaid to be issued against all or any of the Pro-

&c. obtained against a nominal Party.

Proprietors 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 him to cause Execution to be issued against any Person who was a Proprietor of the Company at the Time the Contract was entered into upon which such Action, Suit, or other Proceeding shall have been instituted; but no such Execution against any Person, having ceased to be a Proprietor, shall be issued without Leave first granted by the Court in which such Judgment, Decree, or Order shall have been obtained, upon Motion in open Court, and after Notice of such Motion given to the Person sought to be charged: Provided always, that no Proprietor for the Time being of the Company, and no Person having ceased to be a Proprietor of the Company, shall be liable for the Payment of any Debt for which any such Judgment, Decree, or Order shall have been so obtained for which he would not have been liable as a Partner in case an Action, Suit, or other legal Proceeding had been originally brought against him for the same; nor shall this Act be deemed to enable any Party to any such Action, Suit, or other Proceeding to recover from any individual Proprietor of the Company, or any other Person whomsoever, any other or greater Sum than might have been recovered if this Act had not been passed.

Reimbursement of Proprietors against whom Execution shall have been issued.

X. 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, and Expences incurred by him by reason of such Execution, or of the Action, Suit, or other Proceeding in which the same shall have been issued, or, in default of such Reimbursement, by Contribution from the other Proprietors of the Company.

Execution by Proprietors against the Funds of the Company.

XI. And be it enacted, That if any such Execution be issued against any Proprietor or former Proprietor of the Company, and if such Proprietor be not reimbursed, out of the Funds or Property of the Company, all such Monies, Damages, Costs, and Expences as he shall have paid or incurred in consequence of such Execution, within Fourteen Days next after the levying of such Execution, and after he shall have made a Demand to be so reimbursed by a Notice in Writing to be addressed to and served upon the Company in the Manner herein-after provided, it shall be lawful for such Proprietor, or his Executors or Administrators, to sue out a new or further Execution against the Estates, Funds, and Property of the Company, upon the Judgment or Decree on which Execution may have been issued against him, and thereby to raise and pay what he may have been compelled to pay by means of such original Execution, together with Interest thereon, and his Costs, Damages, and Expences in that Behalf sustained, the Amount whereof shall be ascertained and certified by One of the Masters or other Officer of the Court out of which such Execution shall issue.

Action by Proprietor for Deficiency

XII. And be it enacted, That if such Proprietor be not by the Means aforesaid fully paid all such Monies, with Interest, Damages, Costs, and Expences, as he shall have paid or incurred by reason of

any

any such Execution, it shall be lawful for him, his Executors or Administrators, to divide the 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 (not including Shares then under Forfeiture); and every Proprietor for the Time being of the Company, and the Executors or Administrators of every deceased Proprietor, shall, in proportion to the Number of Shares which they may hold in the Company, pay One or more of such Parts, upon Demand, to the Proprietor against whom such Execution shall have been issued, or to his Executors or Administrators; and upon Neglect or Refusal so to pay it shall be lawful for such Proprietor, his Executors or Administrators, to sue for and recover the same against the Proprietor, or the Executors or Administrators of any Proprietor, who shall so neglect or refuse as aforesaid, in any of Her Majesty's Courts of Record at *Westminster*, or in any other Court having Jurisdiction in respect of such Demand.

against his Co-Proprietors.

XIII. And be it enacted, That if the Proprietor or former Proprietor against whom any such Execution shall have issued, his Executors or Administrators, shall, by reason of the Bankruptcy or Insolvency of any Proprietor, or from any other Cause, but without any Neglect or wilful Default on his own Part, be prevented from recovering any Proportion of the Monies, Costs, or Expences which he shall have so paid, it shall be lawful for him, his Executors or Administrators, again to divide the Amount of all such Monies, Costs, and Expences as shall not have been recovered by him or them into as many equal Parts as there shall then be Shares in the Capital of the Company (not including the Shares then under Forfeiture), except the Shares in respect of which such Default shall have happened; and every Proprietor for the Time being of the Company, and the Executors or Administrators of every deceased Proprietor, except as aforesaid, shall rateably, according to the Number of Shares which they shall hold in the Company, upon Demand, pay One or more such last-mentioned Parts to the Proprietor against whom such Execution shall have issued, his Executors or Administrators; and in default of Payment he or they shall have the same Remedies in all respects for the Recovery thereof as under the Provisions herein-before mentioned are given in respect of the original Proportions of such Monies, Damages, Costs, and Expences; and in the event of any Proportion of the said Monies, Damages, Costs, and Expences remaining unpaid, by reason of any such Bankruptcy, Insolvency, or other Cause as aforesaid, such Proprietor, his Executors or Administrators, shall in like Manner from Time to Time, and by way of accumulative Remedy, have (*mutatis mutandis*) the same Powers of again dividing and enforcing Payment of the Amount of such Proportion until he or they shall in the End, if a former Proprietor, be fully reimbursed the whole of the said Monies, Costs, and Expences, and if a then Proprietor, the whole excepting the Portion appertaining to the Shares held by him.

Further Action by Proprietor in respect of the Contributions of Bankrupt Co-Proprietors.

XIV. Provided always, 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 Proprietor or former

As to Proprietors sued irrespectively of this Act.

former Proprietor of the Company in any other Manner than under the Authority of this Act, and in case such Proprietor 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 any Sum of Money, Damages, Costs, or Expences, he shall, in respect of such last-mentioned Payment, be entitled to all such Indemnities, Rights, Powers, and Remedies in all respects for reimbursing himself, or for enforcing Contribution, according as the Case may be, in respect of all Monies, Damages, Costs, or Expences so paid by him as aforesaid, as are herein-before given 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 Authority of this Act.

Criminal Proceedings to be prosecuted in the Name of the Company.

XV. And with regard to Proceedings of a criminal Nature to be instituted by the Company, be it enacted, That it shall be lawful for the Company, by the Secretary, or any One of the Directors for the Time being of the Company, or, in the event of there being no Secretary or Director of the Company, then by any One of the Proprietors of the Company, to prefer and prosecute any Indictment or other criminal Proceedings against any Person for any Offence already committed or that shall hereafter be committed against the Company; and in any such Proceeding, if the same be for stealing or embezzling the Property of the Company, whether vested in them or in any Person in trust for them, it shall be sufficient to state in the Indictment or Information that such Property, whether Money, Goods, Chattels, Effects, Bills, Notes, Securities, or other Property, is the Property of "The National Mercantile Life Assurance Society;" or if such Proceeding be for Fraud or Forgery, or other Crime or Offence committed against or with Intent to injure or defraud the Company, then it shall be sufficient to state that the Offence was committed against or with Intent to injure or defraud "The National Mercantile Life Assurance Society;" and thereupon any Offender, whether he shall then be or theretofore shall have been a Proprietor of the said Company or not, may be lawfully convicted of any such Crime or Offence.

Not to prejudice Title to present Property.

XVI. And be it enacted, That nothing in this Act contained shall be held to invalidate, prejudice, or in any way alter or affect, or be construed, deemed, or taken to invalidate, prejudice, or in any way alter or affect, any Conveyances, Bonds, Dispositions, Obligations, Assignations, Certificates, Policies, Bills, Promissory Notes, Obligations, Writs, Titles, and Securities heretofore granted or taken to or vested in or held by or on behalf of the Company, but the same shall stand, subsist, and remain as valid and effectual, to all Intents and Purposes, as if they had been made, granted, or taken after the passing of this Act, and shall and may be enforced and made available according to the Provisions of this Act.

Property of the Company to be in the registered Trustees..

XVII. And be it enacted, That from and after the passing of this Act the said Company shall be and they are hereby empowered from Time to Time to take and hold, absolutely or in security, in the Names of their Trustees for the Time being, whose Names shall be

be recorded or contained in the Memorial to be deposited as hereinafter provided for, and their Successors in Office, to and for the Use and Behoof of the said National Mercantile Life Assurance Society, all Lands, Tenements, Hereditaments, and Property of every Description, Real or Personal, in or upon which the Moneys and Funds of the Company shall for the Time being be invested, and that all such Lands, Tenements, Hereditaments, and Property shall from Time to Time, upon the Death, Disability, Removal, Resignation, or Absence of any One or more of the Trustees for the Time being of the Company, and upon the Name of his or their Successor or Successors in Office having been recorded in such Memorial as aforesaid, become and be vested in the Trustees of the Company for the Time being as aforesaid, without any new or additional Appointment, Conveyance, Act, Deed, Title, or Investiture, in the same Manner and with the same Powers as if the Investments had originally been made in the Persons of those Trustees whose Names shall be contained in the Memorial or Memorials for the Time being in force under this Act, and without any express Transference being necessary by any other Act, Deed, or Proceeding.

Deeds, &c. to be valid if executed by Three Trustees.

XVIII. And be it enacted, That whatever Deeds, Conveyances, or other Titles or Securities and Obligations, shall have already been taken to the said National Mercantile Life Assurance Society, or to the Trustees thereof for the Time being, or which may hereafter be taken by the said Society in the Name of their said Trustees, in virtue hereof, and the Lands, Tenements, Hereditaments, and Effects, and other Property, real or personal, therein contained or thereby secured, shall be legally conveyed, assigned, transferred, discharged, and renounced by any Three or more of the Trustees of the said Society for the Time being, whose Names shall be recorded or contained in the Memorial to be deposited as herein mentioned, whether such Deeds, Conveyances, or other Titles or Securities, and Lands, Tenements, and Hereditaments, and Effects, or other Property, real or personal, stand in the Name of such Trustees for the Time being or not, any Law or Practice to the contrary notwithstanding.

Deeds executed by Three Directors to bind the Company.

XIX. And be it enacted, That all Deeds and Instruments executed or signed on behalf of the Company by any Three or more of the Directors of the Company in their own Names as such Directors shall be valid and binding on the Company and the Property thereof and the Proprietors therein, in the same Manner, to all Intents and Purposes, as if all the Proprietors for the Time being in the said Company had been made Parties to and had executed or signed such Deeds or Instruments: Provided always, that this Enactment shall not be construed to indemnify the Directors, or any of them, for any Breach of Trust in the Execution or Signature of such Deed or Instrument.

Memorial to be enrolled of the Directors, Trustees, Secretary, and Pro-

XX. And be it enacted, That within Six Months after the passing of this Act the Company shall cause to be enrolled in the High Court of Chancery a Memorial, verified as hereunder mentioned, of the Names, Residences, and Descriptions of the Directors, Trustees, and Secretary for the Time being of the Company and of the Proprietors thereof; and when any new Director, Trustee, or Secretary shall be appointed,

prietors of the Company.

appointed, the Company shall, within Six Months from the happening of such Event, cause to be in like Manner enrolled a Memorial of the Name, Residence, and Description of every such new Director, Trustee, or Secretary, specifying in whose Places they shall respectively have been appointed; and when any Persons shall cease to be Proprietors of the Company, or when any other Persons shall be admitted as Proprietors of the Company, the Company shall, within Six Months from the happening of such Event, cause to be enrolled in like Manner a Memorial of the Name, Residence, and Description of every Person so ceasing to be a Proprietor of the Company, and of every Person so admitted to be a Proprietor thereof.

Several Particulars in One Memorial.

XXI. And be it enacted, That all or any of the Particulars aforesaid may be contained in the same Memorial.

Form of Memorials.

XXII. And be it enacted, That the several Memorials aforesaid shall be in the Form or to the Effect expressed in the Schedule annexed to this Act, and shall be signed by the Secretary or One of the Directors of the Company, and shall be verified by a Declaration of such Secretary or Director before a Master of the High Court of Chancery, made pursuant to the Provisions of an Act passed in the Fifth Year of His late Majesty's Reign, 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 various Departments of the State, and to substitute Declarations in 'lieu thereof, and for the more entire Suppression of voluntary and extra-'judicial Oaths and Affirmations;' 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 a Misdemeanor.

Copy of the Enrolment to be Evidence.

XXIII. And be it enacted, That a true Copy of the Enrolment of every such Memorial as aforesaid 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 shall purport to be verified was at the Time of such Verification the Secretary or One of the Directors of the Company.

Proceedings not to be instituted until Memorial enrolled.

XXIV. And be it enacted, That, until the first Memorial shall have been duly enrolled in manner by this Act directed, no Action, Suit, or other Proceeding by or against the Company shall be commenced or prosecuted under the Authority of this Act.

Until Memorial enrolled under this Act Parties named in last Memorial to be liable.

XXV. And be it enacted, That until the Memorial by this Act required to be enrolled in the event of any Director, Trustee, Secretary, or Proprietor of the Company ceasing to be such Director, Trustee, Secretary, or Proprietor, shall have been enrolled, the Persons whose Names shall appear in the then last enrolled Memorial, and their legal Representatives, shall be liable to all legal Proceedings under this Act as existing Directors, Trustees, Secretaries, or Proprietors of the Company; and that in respect of all Monies, Damages, Costs, and Expences to be paid or incurred by them by reason of any such legal Proceedings they shall be entitled to all such

such Indemnities, Rights, Powers, and Remedies, in all respects, for wholly reimbursing themselves, in case of their having ceased to be or not being Proprietors of the Company, or for enforcing Contributions in case of their still being Proprietors of the Company, as are herein-before given in Cases where Execution shall have issued against any present or former Proprietor of the Company upon any Judgment, Decree, or Order obtained in any Action, Suit, or Proceeding instituted or prosecuted under the Powers of this Act.

Power of Attorney to recover Foreign Debts.

XXVI. 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 thereof, 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.

Secretary, Director, or Proprietor to vote in Choice of Assignees, &c.

XXVII. And be it enacted, That in all Proceedings on behalf of the Company under any Fiat, 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 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.

As to Forms for Transfers of Shares and Assignments of Policies.

XXVIII. And whereas Persons resident in *Scotland* are now or may hereafter be included in the said Company either as Proprietors of the Company or as Holders of Policies, or both, and Sales of Shares and Assignments and Discharges of Policies are or may be made between or by Persons in *Scotland*, and it would be attended with Inconvenience if all Transfers of Shares and Assignments and Discharges of Policies were required to be executed according to the *English* Form; be it therefore enacted, That all Transfers of Shares and all Assignments and Discharges of Policies of the Company which shall be made and executed between or by Persons resident in *Scotland* shall be valid and effectual if made and executed according to the usual Mode of framing and executing such Documents in *Scotland*.

Evidence upon the Transmission of Shares or Policies by Death.

XXIX. And be it enacted, That when any Transmission or Accruer of any Right or Title to Shares in the Capital of the Company, or to any Policies, or the Monies received thereby, shall take place by Death, the Production of the Probate of the Will or Letters of Administration, or an official Extract thereof, obtained from any Prerogative Court, if granted in *England* or *Ireland*, or a Testament Testamentary or Testament Dative, or an official Extract thereof, if expede-

in *Scotland*, and if such Transmission have taken place by Bankruptcy or Insolvency, the Production of the Title of the Trustee or Assignee, legal or voluntary, whether in *England*, *Ireland*, or *Scotland*, (as the Case may be,) and if such Transmission have taken place by the Marriage of a Female, the Production of a certified Copy of the Registration of such Marriage, or of the Contract of Marriage, or other registered Extract thereof, or other legal Evidence of such Marriage, shall be sufficient to establish the Title of the Party becoming entitled as aforesaid, and the Title of such Party so established shall be binding upon the Company, and upon all Persons whomsoever claiming any Right or Title to such Shares or Policies as aforesaid, or to the Monies received thereby, as aforesaid.

Services of Notices on the Company.

XXX. And be it enacted, That in all Cases wherein it may be necessary for any Person to serve any Notice, Writ, or other Proceeding, at Law or in Equity, or otherwise, upon the Company, Service thereof respectively on the Secretary or any Director for the Time being of the Company, either personally or by leaving the same with some Inmate of his Place of Abode, or Service by leaving the same at the principal Office of the Company in *London*, shall be deemed good Service of the same upon the Company.

Services of Notices by the Company.

XXXI. And be it enacted, That in all Cases wherein it may be necessary for the Company to make or give any Summons, Demand, or Notice of any Kind whatever, upon or to any Person or Persons, such Summons, Demand, or Notice may be given in Writing signed by the Secretary, Attorney, or Solicitor, or any Director for the Time being of the Company.

Company may enrol Annuities in the Names of the Parties thereto.

XXXII. And be it enacted, That it shall be lawful for the said Company to enrol in the High Court of Chancery a Memorial of every Deed, Bond, or Instrument or other Assurance whereby any Annuity shall from and after the passing of this Act be granted to or by the said Company, for One or more Life or Lives, or of any Term of Years or greater Estate determinable on One or more Life or Lives, in the Names of the Parties to such Deed, Bond, Instrument, or other Assurance; and such Enrolment shall be as good and effectual in Law to all Intents and Purposes as if the Names of all the Persons for whom such Parties respectively, or any or either of them, shall be Trustees or Trustee, were or was stated therein, any Law, Statute, or Custom to the contrary notwithstanding.

Act to extend to present and future Proprietors.

XXXIII. And be it enacted, That this Act and the Provisions herein contained shall extend and be construed to extend to the said Company called "The National Mercantile Life Assurance Society" at all Times during the Continuance thereof, whether such Company hath been or is now or shall hereafter be composed of all or of some only of the Persons who were the original Proprietors thereof, or of all or some only of those Persons together with some other Persons, or whether such Company shall hereafter be composed of Persons who were not original Proprietors thereof, or Proprietors at the passing of this Act.

XXXIV. And

Powers of the Act to subsist in case of a Dissolution of the Company until a winding up

XXXIV. And for the Purpose of making Provision for Suits by or against the Company during the winding up the Concerns thereof, in the event of its Dissolution, be it enacted, That notwithstanding such Dissolution the Company shall be considered as subsisting for the Purpose of winding up the Affairs thereof, and may sue and be sued according to the Provisions of this Act, so long as any Matters relating to such Company remain unsettled.

Act not to incorporate Company.

XXXV. Provided always, and be it enacted, That nothing herein contained shall extend to incorporate the Company, or to relieve or discharge the Company or any of the Proprietors thereof from any Responsibility, Duty, Contract, or Obligation 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 Company and any of the individual Proprietors thereof and others, or as between themselves, or in any Manner whatsoever.

Costs of the Act how to be paid.

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

Provisions of Company not exempt from any general Act.

XXXVII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Company from the Provisions of any general Act relating to or including Insurance Companies which may pass during the present or any future Session of Parliament.

Interpretation of the Act.

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

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

Words importing the Masculine Gender shall include Females:

The Word "Person" shall include a Body Corporate, whether aggregate or sole:

The Word "Plaintiff" shall include Pursuer and Petitioner:

The Word "Defendant" shall include Defender and Respondent:

The Word "Execution" shall include Diligence or other Proceeding proper for giving Effect to any Judgment, Decree, or Order of a Court of Justice:

The Expression "the Company" shall mean the said National Mercantile Life Assurance Society.

Public Act.

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

SCHE-

SCHEDULE referred to in the foregoing Act.

MEMORIAL made the Day of One thousand eight hundred and of the Names of the present Directors, Trustees, Secretary, and Proprietors of "The National Mercantile Life Assurance Society," enrolled pursuant to an Act of Parliament passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*].

A. B. of
C. D. of
E. F. of } Directors.

A. B. of
C. D. of } Trustees.

G. H. of Secretary.

I. K. of
L. M. of
N. O. of } Proprietors.

I *A. B.* of in the County of One of the Directors [*or* the Secretary] of the said Company, do hereby solemnly and sincerely declare, That the above-written Memorial contains the Names of the present Directors, Trustees, and Secretary and of all the present Proprietors of the said Company as the same appear in the Books of the said Company; and I make this solemn Declaration conscientiously believing the same to be true.

(Signed) *A. B.*

Solemnly declared before me, *X. Y.*
Master [*or* Master Extraordinary] in Chancery.

In case of a Change of any of the Directors or Trustees or of the Secretary.

MEMORIAL made the Day of 18 of the Names *or* Name of the new Directors *or* Director, *or* of the new Trustees *or* Trustee, *or* of the new Secretary of "The National Mercantile Life Assurance Society," and of the Persons *or* Person in whose Places *or* Place they have *or* he has been appointed, enrolled pursuant

pursuant to an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*].

A. B. of
C. D. of
E. F. of
} Directors in the Place of { *B. A.*, *D. C.*, *F. E.*

A. B. of
C. D. of
} Trustees in the Place of { *B. A.*, *D. C.*

G. H. of Secretary in the Place of *H. G.*

I *A. B.* of in the County of One of the Directors [*or* the Secretary] of the said Company, do solemnly and sincerely declare, That the above-written Memorial contains the Names of the new Directors *or* Trustees, or the Name of the new Director, Trustee, *or* Secretary of the said Company, and of the Persons *or* Person in whose Places [*or* Place] they have been [*or* he has been] appointed, as the same appear in the Books of the said Company; and I make this solemn Declaration conscientiously believing the same to be true.

(Signed) *A. B.*

Solemnly declared, *&c.*

N. B.—The last Memorial as to the new Directors [*or* to new Trustees, *or* to a new Director *or* Trustee, *or* Secretary,] was enrolled on the Day of 18

In case of Persons ceasing to be Proprietors.

A MEMORIAL made the Day of 18 of the Names of the Persons who have ceased or discontinued to hold any Share or Shares in "The National Mercantile Life Assurance Society," since the Day of 18 , being the Date of the Memorial last registered respecting Persons ceasing to be Proprietors of the said Company enrolled pursuant to an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*].

G. H. of
I. K. of
L. M. of

I *A. B.* of in the County of One of the Directors [*or* the Secretary] of the said Company, do solemnly and sincerely declare, That the above-written Memorial contains the Names of the Persons who have ceased or discontinued to hold any Share or Shares in the above-named Company since the Day of 18 , as the same appear in the Books of the said Company; and I make this solemn Declaration conscientiously believing the same to be true.

(Signed) *A. B.*

Solemnly declared, *&c.*

N. B.—The last Memorial as to the ceasing and discontinuing of Proprietors was enrolled on the Day of 18 .

In case of Persons becoming new Proprietors.

A MEMORIAL made the Day of
18 of the Names of Persons who have become new Proprietors of "The National Mercantile Life Assurance Society," since the Day of 18 , being the Date of the Memorial last registered respecting new Proprietors of the said Company, enrolled pursuant to an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*].

I. K. of
L. M. of
N. O. of

I *A. B.* of in the County of
One of the Directors [*or* the Secretary] of the said Company, do solemnly and sincerely declare, That the above-written Memorial contains the Names of the Persons who have become new Proprietors of the said Company since the Day of 18 , as the same appear in the Books of the said Company; and I make this solemn Declaration conscientiously believing the same to be true.

(Signed) *A. B.*

Solemnly declared, *&c.*

N. B.—The last Memorial as to new Proprietors was enrolled on the Day of 18 .

In the Case of several Changes at the same Time.

A MEMORIAL made the Day of 18 of the Names of the new Directors and Trustees of "The National Mercantile Life Assurance Society," and of the Persons in whose Place they have been appointed, and of the Name of the new Secretary, and of the Name of the Person in whose Place he has been appointed, and of the Names of the Persons who have ceased or discontinued to be Proprietors of the said Company, and of the new Proprietors of the said Company, enrolled pursuant to an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*].

Names of the new Directors, and of the Persons in whose Place they have been appointed.

A. B. of *C. D.* of *E. F.* of	}	Directors in the Place of	{ *B. A.* *D. C.* *F. E.*

Names of the new Trustees, and of the Persons in whose Places they have been appointed.

Trustees in the Place of

Name of the new Secretary, and of the Person in whose Place he has been appointed.

I. K. of , Secretary in the Place of *H. I.*

Names of the Persons who have ceased to be Proprietors.

N. O. of
P. Q. of

Names of new Proprietors.

R. S. of
T. V. of

I *A. B.* of in the County of One of the Directors [*or* the Secretary] of the said Company, do solemnly and sincerely declare, That the above-written Memorial contains the Names of the new Directors, Trustees, and of the new Secretary of the said Company, and of the Persons in whose Places they have been appointed, and of the Persons who have ceased or discontinued to be Proprietors of the said Company, and of the new Proprietors of the said Company, as the same respectively appear in the Books of the said Company; and I make this solemn Declaration conscientiously believing the same to be true.

(Signed) *A. B.*

Solemnly declared, *&c.*

N.B. The last Memorial as to new Directors was enrolled on the Day of
The last Memorial as to new Trustees was enrolled on the Day of
The last Memorial as to the new Secretary was enrolled on the Day of
The last Memorial as to the ceasing and discontinuing of Proprietors was enrolled on the Day of
The last Memorial as to new Proprietors was enrolled on the Day of

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