



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. xxxiii.

An Act for better enabling the Medical, Invalid, and General Life Assurance Society to sue and be sued, and for other Purposes with relation to the Society. [25th May 1855.]

WHEREAS by an Indenture bearing Date the Seventh Day of *February* One thousand eight hundred and forty-four, and made between the several Persons whose Names and Styles were inserted in the Schedule thereto, and who from Time to Time had sealed and delivered or should seal and deliver the same, (except the several Persons Parties thereto of the Second and Third Parts respectively,) of the First Part, *Edward Doubleday* Surgeon, *George Gun Hay* Gentleman, *John Parkinson* Esquire, and *Benjamin Phillips* Surgeon, of the Second Part, and *Charles Richardson* Gentleman, *Thomas Stevenson* Surgeon, *Robert Bentley Todd* Doctor in Medicine, and *Alfred Waddilove* Doctor of Civil Law, of the Third Part, (being the Deed of Settlement of the Medical, Invalid, and General Life Assurance Society,) after reciting, that the said several Parties to the said Indenture had agreed, by the Means and in the Manner therein-after expressed, to form a Company or Society for effecting Assurances on Lives and Survivorships, and

Deed of Settlement,
dated 7th
Feb. 1844.

[Local]

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for

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for the granting of Loans, Annuities, and Endowments, and for the Purchase of Life, reversionary, and other Interests, to be denominated "The Medical, Invalid, and General Life Assurance Society," and for the Purposes of such Company to raise a Capital of Five hundred thousand Pounds Sterling in Shares of Fifty Pounds each, and that the said Parties thereto had severally agreed to take such of the said Shares as were specified opposite to their respective Names in the said Schedule, and had paid an Instalment of Two Pounds on each of the said Shares subscribed for by them respectively, and also reciting, that the said Company had been established under the Name of "The Medical, Invalid, and General Life Assurance, Loan, Annuity, and Reversionary Interest Society," on the Twenty-ninth Day of *July* One thousand eight hundred and forty-one, and the Business thereof was commenced on the same Day at a House, Number Twenty-five in *Pall Mall* in the City of *Westminster*, and that Assurances had already been effected, and Loans, Annuities, and Endowments granted, to a considerable Amount, by the Persons who had acted for the Time being as Directors of the said Company, and also reciting, that in the Formation of the said Company on the said Twenty-ninth Day of *July* One thousand eight hundred and forty-one the said Capital of Five hundred thousand Pounds was divided into Twenty thousand Shares of Twenty-five Pounds each, but such Capital had since (by and with the Consent of all the Holders or Proprietors of such Shares) been divided into Ten thousand Shares of Fifty Pounds each, and the original Name of the Company had been (by and with the like Consent) altered to that of "The Medical, Invalid, and General Life Assurance Society," it was witnessed, that every Person Party to the now-reciting Indenture (except the Parties thereto of the Second Part) severally and respectively covenanted with the said several Persons Parties thereto of the Second Part, their Executors and Administrators, and the several Persons Parties thereto of the Second Part did thereby severally and respectively covenant with the said several Persons Parties thereto of the Third Part, their Executors and Administrators, in manner therein and in part hereinafter mentioned; (that is to say,) that all the several Persons Parties thereto who were therein-after denominated Proprietors, and the several other Persons who should become Proprietors, as therein-after mentioned, should, while holding Shares in the Capital of the Society, and notwithstanding the Death, Bankruptcy, Insolvency, or Retirement of any of the Proprietors, be and continue a Company by the Name of "The Medical, Invalid, and General Life Assurance Society," for and during the Term of One thousand Years, unless dissolved under the Provision therein contained; and that the said Company or Society should exist for the Purposes and Objects
and

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and upon the Terms and Conditions therein-after contained and in part herein-after mentioned; (that is to say,) that the Objects and Business of the Company should be to make and effect Assurances on Lives or Survivorships on the joint Continuance of Two or more Lives, or the Duration of One or more Life or Lives, and all such other Assurances connected with Life as might be effected according to Law, including Endowments for Widows and Children and other Persons, and to purchase and sell Annuities either for Lives or Years or on Survivorships, and either immediate, deferred, reversionary, or contingent, and also Life, reversionary, and other Estates and Interests, Real and Personal, and to advance Monies on Mortgage or other Security, whether Real or Personal, in *England, Wales, Scotland, or Ireland*; that the Capital Stock of the Company should consist of Five hundred thousand Pounds Sterling, subject to be increased as therein-after mentioned, and should be divided into Shares of Fifty Pounds each; that the general Direction and Management of the Affairs of the Company should be confided to Directors, whose Number should consist of not fewer than Eight nor more than Twelve Persons, to be called the Board of Directors; that there should be Four Auditors and Three Trustees of the Company; that all Bonds taken by the Company, and all Leases of or Agreements for renting any House or Houses or Offices required for the Use or Occupation of the Company, might be taken or made in the Names of any Three or more of the Directors for the Time being, and might be afterwards assigned to and vested in the Three Trustees of the Company, if the Board of Directors should think fit; but, save as therein-aforesaid, and save also Navy and Exchequer Bills, *India* Bonds, and other Securities of a like Nature, all Securities should be taken, Stocks purchased, and Purchases or Investments made, in the Names of the Three Trustees for the Time being of the said Company, but subject to the Disposition of the Board of Directors; and that the Receipts in Writing of all the Trustees for the Time being, or of any Two Directors of the Company, for any Money that might be paid to them on account of the Company, should effectually exonerate the Persons paying the same from all Responsibility on account thereof; that the Board of Directors might appoint any Number of Persons in any City or Town in the United Kingdom, or elsewhere in Her Majesty's Dominions, to be a Local Committee or Board of Management, with such Powers as the Board of Directors might from Time to Time confer on them, and might remunerate or remove at pleasure all or any of the Members of such Local Committee or Board; that the Board of Directors should have Power to appoint Agents to the Company in any Part of the World, with such Powers, Remunerations, and Restrictions as the Board of Directors

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Directors should think proper, and to revoke such Appointments at pleasure; that all the Funds and Property of the Company (except a necessary Sum for answering the current Payments and Expenses, or for making any Purchase therein authorized,) should accumulate, and for that Purpose the Board of Directors should cause the same to be invested at Interest in such Manner, and on such Securities, Real or Personal, but not Foreign or Colonial Securities, as they might think fit, provided that in every Investment due Care should be taken so to dispose of the Funds or Property that sufficient Money might at all Times be immediately raised whensoever the same should be required to satisfy the Claims upon the current Expenses of the Company, and that every Payment should be made by an Order of the Board of Directors, and by a Draft on the Bankers of the Company, signed by at least Three of the Directors, and countersigned by the Actuary or Secretary or other Person specially authorized by the Board for that Purpose; that it should be lawful for a Special General Meeting of Proprietors, subject to the Restrictions and to the Confirmation in the said Deed mentioned, to amend, alter, or annul, either wholly or in part, all or any of the Clauses of the now-reciting Indenture or any Supplement thereto, or of the existing Regulations and Provisions of the Company for the Time being, except the Clause fixing the Duration of the Company, but so nevertheless as not to affect the individual Responsibility of the Proprietors beyond the Amount of his or her Share in the Capital of the Company; that the Funds and Property of the Company should be divided into Two Portions, to be respectively denominated the "Guarantee Fund" and the "Life Assurance Fund," and that separate and distinct Accounts thereof should be kept; that the general Expenses should be borne by the Life Assurance Fund, with Power nevertheless to resort to the Guarantee Fund in case of Deficiency; that upon the Thirtieth Day of *June* One thousand eight hundred and forty-eight, or within Six Calendar Months thereafter, and at the Expiration of every succeeding Five Years from that Day ending on the Thirtieth Day of *June*, or within Six Calendar Months after the Expiration of every such Period of Five Years, or as soon after as conveniently might be, the Board of Directors should cause a Calculation to be made up to the Thirtieth Day of *June* One thousand eight hundred and forty-eight, and to the Expiration of every such Period of Five Years, as the Case might be, of the Amount of Profits which should, by Accumulation or otherwise, have accrued to the "Life Assurance Fund," and which might, in the Judgment of the Actuary of the Company, or of other the Person or Persons making such Calculations, with Safety be set apart out of the said Funds, and the said Board of Directors should cause the said Amount to be submitted to
a Special

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a Special General Meeting of Proprietors, which it should be imperative on the Board to call for the Purpose, and when the Amount of the Profits to be so set apart should have been approved of and have been declared correct at a Special General Meeting of Proprietors called for the Purpose, the Board of Directors should proceed to appropriate and divide the same into Three equal Parts, One whereof should be appropriated as a Bonus to and be consolidated with the Guarantee Fund, and the remaining Two Parts should be appropriated as a Bonus or Addition in respect of Endowments and of those Policies entitled to Profits at the Period up to which such periodical Calculation was made, and should cause such Bonus to be apportioned among the Persons so endowed or assured, or their personal Representatives, according to a fair Calculation to be made by the Actuary of the said Company, subject to the Approbation of the Board of Directors; that upon the first and every other periodical Division of Profits the Board of Directors should cause the Amount of the Guarantee Fund, including the Sums appropriated by way of Bonus thereto, out of the Life Assurance Fund, to be valued, and if the same should exceed in Value the Amount of Instalments then paid on all the Shares in the Capital of the Society, including Shares forfeited and Shares purchased by the said Board of Directors, and kept in trust for the Company under the Provisions therein contained, the said Board should cause the Excess in Value above the Amount of such Instalments to be divided into as many equal Parts as there should be Shares then holden in the said Capital, including such Shares as aforesaid, and should appropriate One of the said Parts to each of the said Shares, and the Part so appropriated to each Share should be considered as a Payment of a future Instalment thereon; that after the First Division of Profits in the Year One thousand eight hundred and forty-eight, and such Appropriation out of the said Life Assurance Fund to the Guarantee Fund as aforesaid, it should be lawful for the Board of Directors from Time to Time to declare a Half-yearly Dividend to the Proprietors out of the Income of the Guarantee Fund, and to appoint the Time for Payment of the same; that when the Amount of the Guarantee Fund should be found to exceed that of all the Shares in the Capital of the Company, (whether original, forfeited, or purchased as aforesaid,) estimating each Share at Fifty Pounds, it should be lawful for the Board of Directors to declare an extra Dividend to the Proprietors out of the Guarantee Fund, so that the same Dividends in the aggregate should not exceed the Difference between the Amount of such Fund so valued and the Amount of all the Shares then holden in the said Capital, estimating each Share at the Sum of Fifty Pounds; that if it should appear to the Board of Directors that any Part of the Capital for the Time being of the Company was not required for the Purposes thereof, the said Board might, with the Consent of a Special General Meeting of

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Proprietors

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Proprietors called for the Purpose, diminish the Capital to such an Extent as should be agreed upon at such last-mentioned Meeting, and thereupon the Amount of every Share should be reduced rateably at such Sum as might be necessary, but that nothing therein contained should authorize any Diminution of the Guarantee Fund below Five hundred thousand Pounds; that it should be lawful for the Board of Directors, out of the general Funds and Property of the Company, to apply for an Act or Acts of Parliament, or a Charter or Charters of Incorporation, or Letters Patent, for better enabling them to carry into effect all or any of the Purposes of the now-reciting Indenture and under and subject to such Rules, Restrictions, and Limitations, and to be made, ordered, or imposed in and by any such Act or Acts of Parliament, Charter or Charters, or Letters Patent respectively, as the said Board of Directors might from Time to Time think prudent to adopt, notwithstanding any such Rules, Restrictions, and Limitations might alter, annul, or otherwise interfere with anything therein contained for the Management of the Company; that for the Purpose of such Act of Parliament, Charter, or Letters Patent, it should be lawful for the said Board of Directors to nominate such Person or Persons as they might think fit, as an Officer or Officers of the Company, for the Purpose of the said Company's suing and being sued in the Name or Names of such Officer or Officers: And whereas by a Resolution passed at a Special General Meeting of the Proprietors of the Society held on the Twenty-seventh Day of *November* One thousand eight hundred and fifty-one, and confirmed by a subsequent Special General Meeting held on the Fifteenth Day of *January* One thousand eight hundred and fifty-two, the Board of Directors were empowered to invest the Property of the Society on Government Securities in the *East Indies*: And whereas the said Society hath been very successful, and transacted a very considerable Business, not only in the United Kingdom but in the *East Indies*, and the Public hath been greatly benefited by the Formation of the Society, and a considerable Revenue is derived to Her Majesty therefrom, and it would be greatly for the Benefit of the Society and the Public at large that the Society should be enabled to sue and be sued in the Name of the Society, and should be empowered to lay out and invest their Funds in and upon other Property than the Property and Securities in and upon which Investments are to be made by the Deed of Settlement, and that certain other Provisions in the Deed of Settlement should be altered, and further Powers given to the Society: 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, as follows:

I. The

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I. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there shall be something either in the Subject or Context repugnant to such Construction; (that is to say,) Construction of certain Terms in this Act.

The Word "Plaintiff" shall include Pursuer or Petitioner, 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:

The Words "Proprietor," "Member," and "Person" shall respectively include a Corporation, sole or aggregate; and whenever anything is by this Act required to be done under the Hand of any Person, it shall be done by a Corporation under their Common Seal; and in referring to any Proprietor, Member, or other Person, Expressions properly applicable to a Person shall be held to apply also to a Corporation.

II. 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 or to be done to any Real or Personal Property of the Society, whoever may be in possession thereof, or in whomsoever the same may be vested in trust or for the Use or Benefit of the Society, or upon or in respect of any past, present, or future Liability or Liabilities to the Society, or to any Person or Persons in trust for the Society, or for the Use or Benefit thereof, or upon any Bonds, Covenants, Contracts, or Agreements which heretofore have been, now are, or hereafter shall be given or entered into to or with the Society by any Name or Description whatsoever, or to or with any Person or Persons whomsoever in trust for the Society or for the Use or Benefit thereof, or wherein the Society is or shall be interested, and all Petitions to obtain Adjudication of Bankruptcy in *England*, and all Proceedings under the same, under any Act now or hereafter to be in force for the Relief of Bankrupts, and all Instruments, Petitions, and other Proceedings for issuing and prosecuting any Commission of Bankrupt in *Ireland*, or any Sequestration in *Scotland*, and all Proceedings with relation to Bankrupts elsewhere, and all Proceedings under any Act now or hereafter to be in force, whether in the United Kingdom of *Great Britain* or *Ireland* or elsewhere, for the Relief of Insolvent Debtors, against any Person indebted or to be indebted to the Society, or to any Person in trust for the Society 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 Society, or wherein the Society is or shall be interested, Actions, Suits, &c., on behalf of the Society to be in the Name of the Society.

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interested, and all Proceedings in Lunacy, and generally all legal Proceedings whatsoever or wheresoever wherein the Society is or shall be concerned or interested, against any Person or any Body Politic or Corporate, or others, whether Members of the Society or not, may be commenced, continued, made, instituted, and prosecuted in the Name and by the Description of the "Medical, Invalid, and General Life Assurance Society."

As to pend-
ing Proceed-
ings.

III. Where any Action, Suit, or other Proceeding at Law or in Equity shall have been commenced before and be pending at the Time of the passing of this Act, by or on behalf of or against the said Society, by or in the Names of any Persons as being or constituting the said Society, or as Shareholders or Copartners in the said Society, or in any way proceeding for and on behalf of or against the said Society in such Action, Suit, or other Proceeding, it shall be lawful for the said Society, or for the said Plaintiff, or for the Attorney or Solicitor acting for or against the said Society in such Action, Suit, or other Proceeding, to substitute the said Society by the aforesaid Name and Description of "The Medical, Invalid, and General Life Assurance Society," as Plaintiffs or Defendants in such Action, Suit, or other Proceeding, instead of the Persons so proceeding as aforesaid, and to amend and alter the Process and Pleadings throughout the same on the Part of the Plaintiffs or Defendants in such Action, Suit, or other Proceeding accordingly, by giving Notice of the Amendments or Alterations necessary for that Purpose to the Plaintiffs or Defendants, as the Case may be, in such Action, Suit, or other Proceeding, or to the Attorney or Agent of such Plaintiffs or Defendants; and that the Plaintiffs or Defendants in such Action, Suit, or other Proceeding in such Case shall and may, by Leave of the Court or Judge, make such Amendments or Alterations in the Pleadings or otherwise on behalf of such Plaintiffs or Defendants in such Action, Suit, or other Proceeding, at the Cost of the Society, as shall and may be deemed, in the Opinion of such Court or Judge, to be rendered necessary by or in consequence of such Substitution, Amendment, or Alteration as aforesaid; and that the said Action, Suit, or other Proceeding, in such Substitution as aforesaid, shall and may be carried on, maintained, and proceeded with, by or against the said Society, by the said Name and Description of "The Medical, Invalid, and General Life Assurance Society," as Plaintiffs or Defendants in such Action, Suit, or other Proceeding, and with the same Rights, Privileges, and Remedies to and for or against the said Society, and with the same Power and Right of recovering, by and under the said Name and Description of "The Medical, Invalid, and General Life Assurance Society," in respect of the Causes or Grounds of Action to which such Action, Suit, or other Proceeding relates,

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relates, or may at any Time relate, as if such Action, Suit, or other Proceeding had been commenced after the passing of this Act, and all the Provisions of this Act in that Behalf made and provided were applicable thereto.

IV. After the passing of this Act all Actions, Suits, and Proceedings at Law and in Equity to be commenced or instituted against the Society in the said United Kingdom or elsewhere may be commenced, instituted, and prosecuted against the Society by the Name and Description of the "Medical, Invalid, and General Life Assurance Society;" and in case of any such Proceedings against the Society by such Name and Description as aforesaid, all Writs, Process, Notices, and other Proceedings may be served on the Actuary or Secretary at the ordinary Place of Business of the Society situate within Seven Miles of the *Royal Exchange, London*, or in case there shall be no such Actuary or Secretary or no such Place of Business, then on any Director, or if there be no Director, then on any Shareholder of the Society, or in case of Action, Suit, or Proceeding in a Foreign or Colonial State, on such Officer or Officers as shall be appointed by virtue of the Provisions of this Act for the Purpose of the said Society's suing or being sued in such Foreign or Colonial State, and such Service in manner directed by this Act shall for all Purposes be deemed good Service.

Manner in which the Society may be sued.

V. In every Case where any Answer, Affidavit, Oath of Verity, or solemn Declaration may be required on behalf of the Society, the same may be made and taken by the Actuary or Secretary for the Time being, or any Director or Agent of the Society, in the Name and for and on behalf of the Society, and the same being so made and taken shall to all Intents and Purposes whatsoever be equally valid in Law as if made or taken by all the Proprietors for the Time being of the Society on their own Behalf.

Affidavits, &c. of Actuary, &c. to be valid.

VI. Any Person being a Proprietor of or otherwise interested in the Society shall in all Cases, either alone or jointly with any other Person, be liable to be sued and proceeded against by or for the Benefit of the Society, and shall be entitled to sue and take Proceedings against the Society, 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 Consequences, as if such Person had not been such Proprietor or so interested.

Proprietors may sue and be sued by the Society.

VII. No Claim or Demand which any Proprietor of the Society may have upon or against the Society in respect of his Share of the

No Set-off of Demands against the Society

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Funds

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allowed to
Proprietors
sued by the
Society.

Funds or Capital of the Society, or of 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 Society, shall be capable of being set off at Law or in Equity against any Claim or Demand which the Society may have against such Proprietor on account of any Matter or Thing whatsoever; but all Actions, Suits, and Proceedings by the Society may be carried on against such Proprietor as if no Claim or Demand existed on the Part of such Proprietor, or upon or against the Society, in respect of the Matters aforesaid or any of them.

Judgments,
&c. to be
enforced
against the
Society and
the Proprie-
tors thereof.

VIII. 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 Society, by the Name or Description aforesaid, may be lawfully executed against and shall have the like Effect on the Estate, Funds, and Property of the Society, and upon the Person, Estate, Funds, and Property of every Proprietor thereof, as if every individual Proprietor 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 Proprietor of the Society, or any other Person, any other or greater Sum than might have been recovered from such Proprietor or other Person, as the Case may be, if this Act had not been passed; and nothing in this Act shall be deemed or construed to render any individual Proprietor 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 had not been passed.

Execution
against
former Pro-
prieters.

IX. 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 Society to be issued against all or any of the Proprietors for the Time being of the Society; 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 Proprietor of the Society at the Time the Contract was entered into upon which such Action, Suit, or 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 Person having ceased to be a Proprietor of the Society shall be liable for the Payment of any Debt or Demand for which any such Judgment, Decree,

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Decree, or Order as aforesaid shall have been so obtained for which he would not have been liable as a Partner in case an Action or Suit had been originally brought against him for the same, or for which he would not have been liable in case this Act had not been passed.

X. Every Person against whom any such Execution shall have been issued shall be reimbursed out of the Funds or Property of the Society for all Moneys 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 Proprietors of the Society.

Reimbursement of individual Proprietors.

XI. If any such Execution be issued against any present or former Proprietor of the Society, 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 Society, all such Moneys, Damages, Costs, Charges, and Expenses which he shall have paid, sustained, or incurred in consequence of such Execution, or of the Action, Suit, or Proceeding in consequence of which the same shall have been issued, it shall be lawful for such Proprietor, or his Executors or Administrators, to sue out new or further Execution against the Estates, Funds, and Property of the Society 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 Moneys he may have been compelled to pay by means or in consequence of such Execution, or of such Action, Suit, or Proceeding in consequence of which the same shall have been issued, together with Interest thereon after the Rate of Five Pounds *per Centum 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 Officers of the Court out of which such Execution shall issue.

Individuals paying under Execution to recover against the Society.

XII. If such Proprietor be not by the Means aforesaid fully paid, with Interest, all such Moneys, Damages, Costs, Charges, and Expenses as he shall have paid, sustained, or incurred by reason or in consequence of such Execution, or of such Action, Suit, or other Proceeding in consequence of which the same shall have been issued, 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 Society; and every Proprietor for the Time being of the Society, his Executors or Administrators, shall, in proportion to the Number of Shares which he held in the Society, pay

Contribution to be recovered from other Proprietors.

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pay One or more of such Parts, upon Demand, to the Proprietor against whom such Execution shall have been issued, his Executors or Administrators; and upon Neglect or Refusal of any Proprietor, 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 Proprietor against whom such Execution shall have issued, his Executors or Administrators, to sue for and recover the same against the Proprietor hereby required to pay such Proportion, his Executors or Administrators, by Action or Suit in any Court of competent Jurisdiction.

Further
Remedy
in case of
Bankruptcy,
&c. of Pro-
prietors.

XIII. 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 the Part of the Proprietor against whom 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 Proprietors by reason of whose Bankruptcy, Insolvency, or other Default any such Proportion as aforesaid shall not have been recovered); and every Proprietor for the Time being of the Society, or the Executors or Administrators of any deceased Proprietor whose Shares shall not for the Time being be vested in any other Proprietor of the Society (except the Proprietor 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, 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 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 Proprietor, or from any other Cause as aforesaid, the Proprietor 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

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remaining unpaid, until he, if a former Proprietor of the Society, or his Executors or Administrators, shall be fully reimbursed the whole of the said Monies, Costs, Charges, and Expenses, and if a Proprietor of the Society 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.

XIV. Provided always, That in case any Action, Suit, or other Proceeding in respect of any Demand against the Society shall be instituted or prosecuted against any Proprietor or former Proprietor of the Society in any other Manner than under the Powers and Authorities herein-before given, and in case any 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, 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.

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

XV. In all Indictments, Informations, or other Criminal Proceedings that may be preferred or instituted by or on behalf of the Society, in any Court or before any Justice of the Peace in any Part of the United Kingdom of *Great Britain* and *Ireland* or elsewhere, against any Person, whether such Person be a Proprietor of the Society or not, for taking, stealing, or embezzling, damaging or destroying, or for any Offence whatever relating to any Goods, Chattels, Notes, Bills, Bonds, Deeds, or any Securities, Monies, Effects, or any Real or Personal Property whatever of or belonging to the Society (whether vested in the Society or in any Person in trust for them), such Goods, Chattels, Notes, Bills, Bonds, Deeds, Securities, Money, 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 Medical, Invalid, and General Life Assurance Society," and in all Indictments, Informations, and other Proceedings against any Person, whether such Person be a Proprietor of the Society 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 Society, such Conspiracy, Fraud, Forgery, Crime, or Offence may be laid and stated to have been

Criminal Proceedings to be in the Name of the Society.

[*Local.*]

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done with Intent to defraud or injure "The Medical, Invalid, and General Life Assurance Society," and it shall not be necessary to state in any such Indictment, Information, or other Proceeding the Names of all or any of the Persons now or at any Time hereafter constituting or being Proprietors of the Society; and the Offender, whether he shall be a Proprietor of the Society or not, shall and may thereupon be lawfully convicted of any such Conspiracy, Fraud, Forgery, Crime, or Offence.

A Share
Register
Book to be
kept, and
Proprietors,
&c. may
inspect the
same.

XVI. A Book containing a List of the Names, Descriptions, and Residences of the Proprietors of the Society, so far as the same Particulars respectively can be known, shall be kept at the chief Office of the Society; and every Proprietor and Policy Holder or Creditor of the Society 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 Creditor requiring the same; and if, after Notice in Writing under the Hand of any such Proprietor, Policy Holder, or Creditor, directed to and served upon the Actuary or Secretary of the Society at the said Office, the Actuary or Secretary shall refuse or neglect to produce or cause to be produced the said Book at the said Office, for such Inspection, for the Space of Three Days after such Notice shall have been so given as aforesaid, the Actuary or 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 Creditor requiring such Production as aforesaid, such Penalty to be recovered by Action of Debt in any Court of competent Jurisdiction, at the Suit of the Party aggrieved.

Memorial of
Names of
Trustees,
verified by
Actuary, &c.,
pursuant to
5 & 6 W. 4.
c. 62. to be
enrolled in
Chancery.

XVII. A Memorial of the Names of the Trustees, Directors, Actuary, Secretary, and Proprietors of the Society, in the Form or to the Effect expressed in the Schedule of this Act, shall be verified by a Declaration of the Actuary or Secretary for the Time being of the Society, made pursuant to an Act passed in the Fifth Year 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 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 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 a Misdemeanor; and when so verified such Memorial shall be enrolled in the High Court of Chancery within Twelve Calendar Months after the passing of

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of this Act; and when any new Trustee shall be appointed a Memorial of the Names of all the existing Trustees 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 shall be appointed a Memorial of the Name of the new Director, specifying in whose Place he shall have been so appointed, 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 Actuary shall be appointed a Memorial of the Name of such new Actuary 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 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 a Memorial of the Names of the Persons who on the Thirty-first Day of *December* in every Year were Proprietors in the Society shall within Six Weeks thereafter be in like Manner verified and enrolled; and the Persons appearing from such Memorials or Memorial so enrolled to be the Trustees, Directors, Actuary, Secretary, and Proprietors for the Time being of the Society shall be deemed, held, and taken to be the Trustees, Directors, Actuary, Secretary, and Proprietors for the Time being of the Society, for all Purposes whatsoever.

XVIII. Provided always, That until the First Memorial shall be enrolled under this Act no Action, Suit, Petition, or other Proceeding shall be commenced, continued, 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 the Trustees, Directors, Actuary, or Secretary of the Society, 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 of Trustees to be the Trustees, Directors, Actuary, and Secretary respectively of the Society shall be and they are hereby declared to be the Persons who shall be the Trustees, Directors, Actuary, and Secretary respectively of the Society for all Purposes whatsoever.

Actions and Suits not to be brought until Memorial enrolled.

XIX. 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

Examined Copy of Enrolment to be Evidence.

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verified was at the Time of such Verification the Actuary or Secretary of the Society.

Power to the Board of Directors to appoint a Local Committee in any Part of the World.

XX. The Board of Directors may appoint any Number of Persons to be a Local Committee or Board of Management or as Officers or Agents on behalf of the Society in any Part of the World, with such of the Powers now vested in the said Board as the Board may from Time to Time confer on them; and all Policies and Contracts, wheresoever signed and executed, on behalf of the Society, by such Local Committees or Boards of Management, pursuant to Authority conferred on them for that Purpose by the Board of Directors, shall be valid and effectual against the Society and the Funds thereof; and the Board of Directors may remunerate, or remove, at pleasure, all or any of the Members of such Local Committees or Boards, or such Officers or Agents.

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

XXI. Whensoever the Names of all or any of the Trustees of the Society in or by whom any Estates, Rights, Title, Interest, Lands, Tenements, Hereditaments, or other Property or Effects, of any Description or Tenure, may be vested or held, shall not correspond with the Names of all or any of the Persons who in the said Memorial shall be stated to be such Trustees, such Estates, Rights, Title, Interest, Lands, Tenements, Hereditaments, Property, or Effects 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 Society, for the same Estate or Interest, and upon and for the same Trusts, Intents, and Purposes, and with, under, and subject to the same Powers, Provisoos, Agreements, and Declarations, and in the same Manner precisely as the same were vested in the Trustees for whom those named in the said Memorial were substituted.

Duty to be paid on Enrolment of Memorial of Trustees.

XXII. In lieu of the Stamp Duties which would 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 of the Society 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 Society, there shall be raised and levied, for the Use of Her Majesty, Her Heirs and Successors, the Stamp Duties following; (that is to say,) for and upon the First Memorial enrolled pursuant to this Act, from which Memorial the Names of the Persons who shall be deemed, held, and taken to be the Trustees of the Society shall appear, the Sum of Five Pounds,

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Pounds, and for and upon every other such Memorial in which the Name of any Person shall for the First Time be inserted as a Trustee of the Society, the like Sum of Five Pounds.

XXIII. The Duties by this Act to be granted shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners for Inland Revenue for the Time being; and 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 or 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.

Duties under this Act to be deemed Stamp Duties, and subject to the same Regulations.

XXIV. Where any Annuities, or any Messuages, Lands, Tenements, Hereditaments, or other Property or Effects, in *England* or elsewhere, upon which any Annuities shall be secured, or upon which any Monies are or shall be charged or secured by way of Mortgage or otherwise, or which in consequence of the Foreclosure of any Mortgage or Charge thereon shall have become the absolute Property of the Society, shall be or become vested, in trust for or for the Benefit of the Society, in the Persons who in the said Memorial shall be stated to be such Trustees, and it shall be requisite to make or execute any Deed or Writing whatsoever in respect of or relating to the said Matters or any of them, or any Part or Parts thereof respectively, it shall be lawful for the Actuary or Secretary for the Time being of the Society, by the Order and Direction of any Two Directors of the Society, in Writing under their Hands, such Two Directors to be appointed for the Purpose by an Order or Resolution of the Board of Directors of the Society, to make, execute, enter into, or give any Release, Conveyance, Assignment, Demise, Surrender, Transfer, or other Disposition, Covenant, Power of Attorney, Consent, Deed, or Writing, and to do and execute all Acts, Deeds, and Things necessary for making and perfecting the same, in the Place of the Persons in whom the same shall for the Time being be vested, representing himself as acting for and on behalf of the Persons for the Time being stated to be the Trustees of the Society in the said Memorial; and every such Deed, Document, or Writing shall be as valid and effectual as if the Persons in whom the Annuities, Messuages, Lands, Tenements, Hereditaments, Property, Effects, or Monies comprised in such Release, Conveyance, Assignment, Demise, Sur-

Annuities and Property on which Monies are secured may be transferred by the Actuary or Secretary in Cases where the same shall be vested in the Trustees.

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render,

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render, Transfer, or other Disposition, or to which such Covenant, Power of Attorney, Consent, Deed, or Writing may relate, shall be vested at the Time of the making and executing thereof by the said Actuary or Secretary, had made and executed the same.

Trustees and
Actuary and
Secretary
not to be
personally
liable.

XXV. Provided always, That neither the Trustees of the Society in whose Place any Covenant shall have been entered into by the Actuary or Secretary of the Society under the Provisions of this Act, nor the Actuary or Secretary, shall be personally liable for any Breach of any such Covenant, but the Society 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 Trustees of the Society 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 Actuary or Secretary of the Society, pursuant to the Provisions of this Act.

Receipts of
Two Direc-
tors to be
good Dis-
charges.

XXVI. The Receipts of the Two Directors by whose Order or Direction any Release, Conveyance, Assignment, Demise, Surrender, Transfer, or other Disposition, Covenant, Power of Attorney, Consent, Deed, or Writing shall be made, executed, entered into, or given under this Act, by the Actuary or Secretary for the Time being of the Society, for any Monies which shall become payable to or on account of the Society, upon the Occasion of his making such Release, Conveyance, Assignment, Demise, Surrender, Transfer, or other Disposition, Covenant, Power of Attorney, Consent, Deed, or Writing, and the Receipts of any Two Directors of the Society for any Monies which upon any other Occasion shall be payable to or on account of the Society, for or in respect of any Charge or Security for the Time being belonging to the Society, whether vested in the Trustees of the Society, or in any other Person or Persons in trust for the Society, 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 Non-application of the said Monies, or from being obliged or concerned to see to the Application of the same.

As to Fines
on Copyhold
Property.

XXVII. 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 shall be appointed, and a new Memorial of the Names of the Trustees of the Society shall in consequence of such Appointment be enrolled in the High Court

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Court of Chancery in pursuance of this Act, 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 Society, 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 Society 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 Society 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 Trustees shall be appointed, and such Memorial as aforesaid shall in consequence thereof be enrolled in the said Court of Chancery in pursuance of this Act, the Actuary or Secretary of the Society shall, at the Cost of the Society, 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 Society, be entered by such Lord, Steward, or Deputy Steward on the Court Rolls of such Manor.

XXVIII. Where any Policy or Annuity which shall be issued or granted by the Society shall, either originally or at any Time, be or become subject to any Trust whatever, the Receipt of the Trustees or Trustee for the Time being shall, notwithstanding any equitable Claim or Demand whatsoever of the Persons beneficially entitled to the said Policy or Annuity, be a good and sufficient Discharge for the Money which may become payable from the Society in respect of the said Policy or Annuity, and shall discharge the Society and the Proprietors thereof from all Obligation of seeing to its Application, or from being answerable for its Misapplication or Nonapplication.

*As to Policies
affected by
Trusts.*

XXIX. Provided always, 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, excepting so far as the same Provisions are expressly varied or extended by this Act, or shall prevent the Society from making new Laws, Regulations, and Provisions, or to amend, alter, or annul all or any Part of the existing Laws, Regulations, and Provisions of the Society, in pursuance

*Nothing to
affect Pro-
visions of
Deed of Set-
tlement.*

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suance of the Powers of the said Deed ; provided that such new Laws, Regulations, and Provisions be not inconsistent with this Act.

Nothing to
extend to
incorporate
the Society.

XXX. Nothing in this Act contained shall extend or be construed to extend to incorporate the Society, or to relieve or discharge the Society or any of the Proprietors 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 Society and others.

Expenses of
Act.

XXXI. All the Costs and Expenses attending the applying for and obtaining and passing of this Act shall be paid by the Society.

Short Title.

XXXII. In citing this Act it shall be sufficient to use the Expression "The Medical, Invalid, and General Life Assurance Society's Act, 1855."

*The Medical, Invalid, and General Life Assurance Society's Act,
1855.*

The SCHEDULE referred to by the foregoing Act.

MEMORIAL made the _____ Day of _____ of the
Names of the present Trustees, Directors, Actuary, and Secretary,
and of the Proprietors of "The Medical, Invalid, and General
Life Assurance Society," enrolled pursuant to "The Medical,
Invalid, and General Life Assurance Society's Act, 1855."

The Trustees.

A.B. of
C.D. of
&c. &c.

Directors.

E.F. of
G.H. of
&c. &c.

Actuary.

I.K. of

Secretary.

L.M. of

List of Proprietors.

I.K., Actuary [or L.M. Secretary, as the Case may be,] of the
above-named Society, solemnly declares, That the above-written
Memorial doth contain the Names of the present Trustees, Directors,
Actuary, and Secretary, and of the Proprietors of the Medical,
Invalid, and General Life Assurance Society.

In case of a Change of Trustees.

MEMORIAL made the _____ Day of _____ of the Names
of the present Trustees of the Medical, Invalid, and General Life
Assurance Society, enrolled pursuant to "The Medical, Invalid,
and General Life Assurance Society's Act, 1855."

The Trustees.

A. B. of
C. D. of
&c. &c.

I.K., Actuary [or L.M., Secretary, as the Case may be,] of the
above-named Society, solemnly declares, That the above-written
Memorial doth contain the Names of the present Trustees of the
Medical, Invalid, and General Life Assurance Society.

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1855.*

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
Medical, Invalid, and General Life Assurance Society, and of the
Persons in whose Places they have been appointed, enrolled pur-
suant to "The Medical, Invalid, and General Life Assurance
Society's Act, 1855."

A.B. of

C.D. of

&c. &c.

In the Place of

K.L. of

L.M. of

&c. &c.

I.K., Actuary, or L.M., Secretary, as the Case may be,] of the
above-named Society, solemnly declares, That the above-written
Memorial doth contain the Names of the Persons who have been ap-
pointed new Directors of the Medical, Invalid, and General Life
Assurance Society, and of the Persons in whose Places they have been
appointed.

In case of Change of Actuary.

MEMORIAL made the Day of of the Name
of the present Actuary of the Medical, Invalid, and General Life
Assurance Society, enrolled pursuant to "The Medical, Invalid,
and General Life Assurance Society's Act, 1855."

X.Y. of

X.Y., Actuary [or L.M., Secretary, as the Case may be,] of the
above-named Society, solemnly declares, That the above-written
Memorial doth contain the Name of the present Actuary of the
Medical, Invalid, and General Life Assurance Society.

In case of Change of Secretary.

MEMORIAL made the Day of of the Name
of the present Secretary of the Medical, Invalid, and General Life
Assurance Society.

Y.Z. of

X.Y., Actuary [or Y.Z., Secretary] of the above-named Society,
solemnly declares, That the above-written Memorial doth contain the
Name of the present Secretary of the Medical, Invalid, and General
Life Assurance Society.

LONDON:

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Printers to the Queen's most Excellent Majesty. 1855.