



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

Cap. xcix.

An Act to enable the “*Forth Marine Insurance Company*” to sue and be sued; and for other Purposes. [9th *July* 1842.]

WHEREAS a Number of Persons some Time since formed themselves into a Company or Society, under the Style or Title of the “*Forth Marine Insurance Company*,” and have subscribed or raised considerable Sums of Money for the Purpose of carrying on the Business of Insurance Broking, Marine Underwriting, and of effecting Insurances on Ships or Vessels at Sea, or going to Sea, Goods and Merchandize, and other Things on board thereof, and otherwise generally, as is customary and legal, against the several Dangers and Perils of the Seas, or connected therewith: And whereas the Affairs and Concerns of the said Company have heretofore been carried on and conducted and managed under and subject to the Rules, Regulations, and Provisions contained in a certain Contract of Copartnery, bearing Date the Seventeenth Day of *April* Eighteen hundred and thirty-nine, and subsequent Dates, whereby certain Shareholders or Copartners of the said Company are appointed Trustees, for the Purpose of holding the Investitures of the Funds and Property of the said Company, but subject to the Provisions therein mentioned: And whereas Difficulties have arisen, and may hereafter arise, in legal

[*Local.*]

29 X

Proceedings

Company
may sue and
be sued in
the Name of
the Manager
or of any Di-
rector.

Proceedings by or against the said Company, if 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 whereas it is desirable that Powers should be granted to the Trustees of the said Company to the Effect herein-after mentioned; but the same cannot be effected without the Aid and 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 other legal Proceedings, other than Proceedings of a criminal Nature, and in all Proceedings in Bankruptcy, whether by way of Petition, Fiat, or by Sequestration, or Commission or otherwise, and in all Proceedings in Lunacy or Idiotcy, to be hereafter instituted or prosecuted by or on behalf of the said Company, either alone or jointly with any other Parties, and in all Diligence, Real or Personal, it shall be sufficient to state and to proceed in the Name of the Manager, or of one of the Directors for the Time being of the Company, as the nominal Plaintiff representing the Company in such Proceedings; and in all Affidavits and Claims for founding any Sequestration in *Scotland*, or Commission of Bankrupts in *England* or elsewhere, and in all Affidavits and Claims for ranking or proving Debts under such Sequestrations or Commissions of Bankrupts, it shall be sufficient if the same are in the Name of or made by the Manager or one of the Directors of the Company, as the nominal Creditor or Claimant on behalf of the said Company; 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 Parties, it shall be sufficient to state the Name of the Manager, or some one of the Directors or Shareholders for the Time being of the Company, as the nominal Defendant representing the Company in such Proceedings: Provided always, that any Party suing the Company may, if he think fit, join any Shareholders of the Company, or Persons who shall have been Shareholders of the Company and are alleged to be interested in such Suit, together with such nominal Party, as Defendants in Equity for the Purpose of Discovery, or in case of Fraud.

Death, &c.
of Officer
suing not to
abate Suit.

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, Petition, Diligence, or other Proceeding: by or on behalf of or against the Company; but the same may be continued, prosecuted, and carried on in the Name of any other Manager or Director of the Company for the Time being, or in the event of there being no Manager or Director then in the Name of any Shareholder of the Company.

Actions by
or against
Shareholders.

III. And be it enacted, That no Action, Suit, or other Proceeding by or against the said Company shall be in anywise defeated or frustrated by reason of the Plaintiff or Defendant therein being a

Shareholder or former Shareholder of the Company, but any such Shareholder, either alone or jointly with another Person, as against the Company, or the Company as against any such Shareholder, either alone or jointly with any other Person, shall have the same Action, Suits, Defence, Proceedings, and Remedy in respect of any Cause of Action whatever which such Shareholder or Company might have had if such Cause of Action, Suit, Defence, or Proceeding, or Remedy, had arisen with a Person not a Shareholder of the said Company.

IV. Provided always, and be it enacted, That where any such Actions, Suits, or other legal Proceedings are instituted against One or more Shareholders, on account of any Debt due, or Matter or Thing done by the Company, Notice in Writing shall be given by or on behalf of the Plaintiffs in such Proceedings to the Company, or to the Manager, or the Directors thereof for the Time, of the Institution of such Proceedings; and such Notice shall specify the Name and Residence of the Plaintiff, and of the Shareholder or Shareholders against whom such Proceedings are directed, and the Sum claimed or due, or the Nature of the Demand made and sought to be made effectual; and in case of any Trial to be had in the course of such Proceedings due Notice in Writing of such Trial shall be given by or on behalf of such Plaintiffs, not only to such Shareholder or Shareholders, but also to the Company, or the Manager or Directors thereof for the Time.

In case Action brought against Shareholder, Notice to be given to the Company.

V. And be it enacted, That the Proceedings in any Action or Suit by or against any such nominal Party as aforesaid, 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 other Action or Suit for the same Demand by or against the Company or any other such nominal Party as aforesaid.

Plea in bar of former Suit.

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

Officer suing not incapacitated as a Witness.

VII. And be it enacted, That the Bankruptcy, Insolvency, or stopping Payment of such nominal Party, or of any Shareholder 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 the same Manner as if such Bankruptcy, Insolvency, or stopping Payment had not taken place.

Bankruptcy of Officer suing not to affect Suit.

VIII. And

Judgments or Decrees in Suits at Instance of nominal Party, to be as effectual as if in Name of all the Shareholders.

VIII. 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 Pursuer, shall be of as great Force and Effect, and as available to all Intents and Purposes in favour of the said Company, as if the said Judgment, Decree, or Order had been made or pronounced in a Proceeding at the Instance of the Company, and of every individual Shareholder thereof by Name.

Decree or Judgment to be enforced against Company and Shareholders.

IX. 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 as to the Estate, Funds, and Property of the Company, and as to the Person, Estate, Funds, and Property of every Shareholder thereof, as if the said Company and every individual Shareholder had been by Name a Party to such Proceedings.

Execution against former Shareholders.

X. 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 Proceeding against any such nominal Party as aforesaid to be issued against all or any of the Shareholders 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 Shareholder of the Company at the Time the Contract was entered into or the Cause of Action took place upon which such Action or Suit shall have been instituted, but no such Execution against any Person having ceased to be a Shareholder 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 Shareholder 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 a Suit had been originally brought against him for the same; nor shall this Act be deemed to enable any Party to a Suit to recover from any individual Shareholder 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.

Extent of Liability of former Shareholders.

Reimbursement of individual Shareholders.

XI. And be it enacted, That every Person against whom any such Execution shall have been issued shall be relieved, indemnified, or 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 or Suit in which the same shall have issued, or in default of such Relief, Indemnification, or Reimbursement, by Contribution from the other Shareholders of the Company.

XII. And

XII. And be it enacted, That if any such Execution be issued against any present or former Shareholder of the Company, and if, within Fourteen Days next after the levying of such Execution, he be not relieved, indemnified, or reimbursed, on Demand, 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, it shall be lawful for such Shareholder, or his Executors or Administrators or Successors, to sue out 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 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 the proper Officer of the Court out of which such Execution shall issue, or to raise and insist in such further or other Action against the Company, and use such Diligence and Proceedings against the Estates, Funds, and Property thereof as may be necessary for reimbursing him of the whole of the said Costs, Damages, Expences, and Interest out of the said Estates, Funds, and Property.

Individuals paying under Execution to recover against the Company.

XIII. And be it enacted, That if such Shareholder 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 such Execution, it shall be lawful for him, his Executors, Administrators, or Successors, 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 Shareholder for the Time being of the Company, and the Executors, Administrators, or Successors of every deceased Shareholder, whose Share or Shares shall not have been transferred to some other Party, 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 Shareholder against whom such Execution shall have been issued, or to his Executors, Administrators, or Successors, and upon Neglect or Refusal so to pay it shall be lawful for such Shareholder, his Executors, Administrators, or Successors, to sue for and recover the same against the Shareholder, or the Executors or Administrators of any Shareholder, who shall so neglect or refuse as aforesaid, in any Court having Jurisdiction in respect of such Demand.

Contribution to be recovered from other Shareholders.

XIV. And be it enacted, That if the Shareholder or former Shareholder against whom any such Execution shall have issued, his Executors, Administrators, or Successors, shall, by reason of the Bankruptcy or Insolvency of any Shareholder, 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, Administrators, or Successors, 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

Further Remedy in case of Bankruptcy, &c. of Company Shareholders.

Parts as there shall then be Shares in the Capital of the said Company (not including the Shares then under Forfeiture), except the Shares in respect of which such Default shall have happened, and every Shareholder for the Time being of the Company, and the Executors, Administrators, or Successors of every deceased Shareholder, whose Share or Shares shall not have been transferred to some other Party, except as aforesaid, shall rateably, according to the Number of Shares which they shall hold in the Company, upon Demand, pay One or more of such last-mentioned Parts to the Shareholder against whom such Execution shall have issued, his Executors, Administrators, or Successors, 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 Shareholder, his Executors, Administrators, or Successors, 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 Shareholder, be fully relieved, indemnified, or reimbursed of the whole of the said Monies, Costs, and Expences, and if a then Shareholder, the whole excepting Portions appertaining to the Share held by him.

Remedy for Shareholders who may be sued otherwise than under the Powers given by this Act.

XV. Provided also, and be it further 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 Shareholder or former Shareholder of the Company in any other Manner than under the Powers and Authorities herein-before given, and in case such Shareholder shall, by virtue of any Judgment or Decree 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, Remedies, in all respects, for relieving, indemnifying, or 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 or Decree obtained in any Action, Suit, or other Proceeding instituted or prosecuted under the Powers given by this Act.

Criminal Proceedings in the Name of the Company.

XVI. 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 Manager or One of the Directors for the Time being of the Company, to prefer and prosecute any Petition, Complaint, Summons, or Indictment or other criminal Proceedings against any Person for any Offence already committed or that shall hereafter be committed against the Company, whether any such Person may be or may have been a Shareholder of the said Company or not; and in any such Proceedings, if the same be for stealing or embezzling

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 *Forth* Marine Insurance Company," 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 *Forth* Marine Insurance Company," and thereupon any Offender, whether he be or may have been a Shareholder of the said Company or not, may be lawfully convicted of any such Crime or Offence: Provided always, that in all criminal and penal Prosecutions in that Part of the United Kingdom called *Scotland* such Prosecutions shall only be competent to be raised and proceeded in with the Concourse of the Lord Advocate or other public Prosecutor, in all Cases in which by the Laws of *Scotland* such Concourse is necessary in Prosecutions at the Instance of private Parties.

XVII. And be it enacted, That within Three Calendar Months after the passing of this Act the Company shall cause to be deposited at the Office of the principal Sheriff Clerk of the County of *Edinburgh*, at *Edinburgh* (the head Office of the said Company being situated in *Leith* in the County of *Edinburgh*), a Memorial, verified as herein-after mentioned, of the Names, Residences, and Descriptions of the Directors, Trustees, Manager, and Secretary for the Time being of the Company, and of the Shareholders thereof; and when any new Director, Trustee, Manager, or Secretary shall be appointed, the Company shall, within Three Calendar Months from the happening of such Event, cause to be in like Manner deposited a Memorial of the Name, Residence, and Description of every such new Director, Trustee, Manager, or Secretary, specifying in whose Places they shall respectively have been appointed; and when any Persons shall cease to be Shareholders of the Company, or when any other Persons shall be admitted as Shareholders of the Company, the Company shall, within Three Calendar Months from the happening of such Event, cause to be deposited in like Manner a Memorial of the Name, Residence, and Description of every Person so ceasing to be a Shareholder of the Company, and of every Person so admitted to be a Member thereof, and the Sheriff Clerk of the said County for the Time being is hereby authorized and required, upon receiving his customary Fees, to receive from Time to Time, and to preserve as a Record, the said Memorial or Memorials, and to allow Inspection, or furnish authentic Copies or Extracts thereof, to any one requiring the same.

Memorial to
be deposited.

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

Several Mat-
ters in one
Memorial.

XIX. 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 Manager, Secretary, or one of the Directors of the Company, and shall be verified by a Declaration

Form of
Memorials.

5 & 6 W. 4.
c. 62.

Declaration of such Manager, Secretary, or Director before the Sheriff of the said County of *Edinburgh*, made as nearly as may be 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 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 Declarations shall be guilty of a Misdemeanor.

Evidence of
Memorials.

XX. And be it enacted, That an Extract of every such Memorial as aforesaid, under the Hand of the said Sheriff Clerk or his Deputy, shall be received in Evidence as Proof of the Contents of such Memorial, and Proof shall not be required of the Handwriting of the Person authenticating such Extract, nor that he was at the Time such Sheriff Clerk or his Deputy, nor that the Person by whom the Memorial shall purport to be verified was at the Time of such Verification the Manager or Secretary or one of the Directors of the Company.

Powers not
to be exer-
cised until
Memorial
deposited.

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

Existing
Liabilities
to continue
till new
Memorials.

XXII. And be it enacted, That until the Memorial by this Act required to be deposited in the event of any Director, Trustee, Manager, Secretary, or Shareholder of the Company ceasing to be such Director, Trustee, Manager, Secretary, or Shareholder, have been deposited, the Persons whose Names shall appear in the then last deposited Memorial, and their legal Representatives, shall be liable to all legal Proceedings under this Act, as existing Shareholders of the Company, and shall be entitled to be reimbursed out of the Funds or Property of the Company for all Losses sustained in consequence thereof.

Powers for
Directors or
Trustees to
execute
Powers of
Attorney to
recover Fo-
reign Debts.

XXIII. And be it enacted, That it shall be lawful for any Two or more of the Directors or Trustees 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.

XXIV. And be it enacted, That in all Proceedings on behalf of the Company under any Fiat, Sequestration, or Act of Insolvency, the Manager or Director 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.

Manager or any Director of the Company may vote in Choice of Assignees, &c.

XXV. And be it enacted, That in all legal Proceedings under this Act or otherwise, against or by or on behalf of the Company, and in all Arbitrations or other Proceedings relating to the Affairs of the Company, it shall be lawful for the Manager for the Time being of the Company, or any Director thereof, in his own Name, on behalf of the Company, to execute such general or other Releases as may be deemed necessary to qualify any Person to give Evidence as a Witness in any such Proceedings, and also to do any other Act which any Plaintiff or Defendant may do in any Action, Suit, Prosecution, Arbitration, or other Proceeding; and every such Release or Act shall be valid and effectual, and be binding upon the Company.

Manager or any Director of the Company may grant Releases to Witnesses.

XXVI. And be it enacted, That in all Cases wherein it may be necessary for any Person to serve any Citation, Charge, Notice, Writ, or other Proceeding at Law or in Equity, or otherwise, upon the Company, Service thereof respectively on the Manager 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 with any of the Clerks or Servants of the Company, at the principal Office of the Company in *Leith*, shall be deemed good Service of the same on the Company.

Service of Notice on the Company.

XXVII. And whereas for the more easily securing and realising the Property, Funds, and Securities of the said "*Forth Marine Insurance Company*," and providing against the Contingency of the Death, Disability, Removal, Resignation, or Absence of all or any of the Trustees acting for the Time being, and in whom the said Property, Funds, and Securities may be vested, and for the more effectually carrying on the Business of the said Company, and removing Difficulties that have arisen or may hereafter arise in disposing of and recovering the said Property, Funds, and Securities, it is necessary and expedient, and will be for the Benefit and Advantage of the said Company, that the Trustee for the Time being of the said Company should be invested with the Powers and Authorities herein-after contained; be it enacted, That from and after the passing of this Act all Lands, Tenements, Hereditaments, and other Property, Heritable or Moveable, Real or Personal, whether held absolutely, or in Security, or under Reversion, Debts, Heritable or Moveable, Annuities, redeemable or irredeemable, Sums of Money, Government Funds or Stocks, Bank of *England* Stock, and other Stocks and Property of whatsoever Nature or Description, and wherever situated, with all Dispositions, Conveyances, Bonds, Heritable or Moveable, Bonds and Dispositions in Security, As-

Property of Company vested in Trustees.

signations, Certificates, Policies, Bills, Promissory Notes, or other Obligations, Writs, Titles, and Securities, of or relating to the same in any manner or way, which have heretofore been taken to or vested in the Trustees for the Time being of the said "North Marine Insurance Company," and to the Survivors or Survivor of them, and the Heirs of the Survivor, or to any other Person or Persons, or otherwise for behoof of the said Company, shall be vested in the Trustees of the said "North Marine Insurance Company" for the Time being, and their Successors in Office, whose Names shall be recorded or contained in the Memorials to be deposited as hereinbefore provided for the Use and Behoof of the said Company, without any new or additional Titles or Investiture, in the same Manner, and with the same Powers to the said Trustees in regard to the Disposal thereof, and in other respects, as if the same had been acquired, granted, or taken since the passing hereof, and as if the said Investments had originally been made in the Persons of those whose Names shall be so recorded or contained in the Memorial or Memorials last deposited, it being the true Intent and Meaning hereof that the Rights which vest in the Trustees, in whose Names the said Investments have been or shall originally be made, shall, *ipso jure*, be transferred to, and vested in them or their Successors, whose Names shall be recorded and contained in the Memorials, to be afterwards deposited as aforesaid, without any express Transference being necessary by any other voluntary or judicial Deed, Act, or Proceeding.

Saving
existing
Securities.

XXVIII. And be it enacted, That nothing in this Act contained, nor the passing thereof, shall be held to invalidate, prejudice, or in any way alter, affect, nor be construed, deemed, or taken to invalidate, prejudice, or in any way alter or affect, any such Dispositions, Conveyances, Bonds, Heritable or Moveable, Bonds and Dispositions in Security, Cautionary Obligations, Assignations, Certificates, Policies, Bills, Promissory Notes, or other Obligations, Writs, and Titles, and Securities, heretofore granted or taken to or vested in or held by or on behalf of the said Company as aforesaid, 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 be enforced and made available by the said Company in name of the Manager or One of the Directors thereof for the Time being by this Act authorized to sue on behalf of the said Company, and in like Manner all Policies, Certificates, Bonds, and other Obligations heretofore granted or issued by the said Company, or by the Directors or any One or more of them, or by the Manager of the said Company, in name and behalf of the same, shall be and the same are hereby declared to be valid, and subsisting against and prestable by the said Company, the Directors, Trustees, and Manager, and all others, in the same Manner and as effectually as if the same had been granted or issued after the passing of this Act.

Company
authorized
to take
Securities.

XXIX. And be it enacted, That the said Company shall from and after the passing of this Act have Power and Authority, and they are hereby authorized and empowered, to take and hold, absolutely, or in Security, or under Reversion, in the Names of their Trustees for the
Time

Time being, and their Successors in Office, whose Names shall be recorded or contained in the Memorial to be deposited as hereinbefore provided, for the Use and Behoof of the said "*Forth Marine Insurance Company*," any Lands, Tenements, Hereditaments, Means, and Effects, and Property of every Description, Heritable or Moveable, Real or Personal, in or upon which Authority shall have been given by the Laws of the Company for the Time being to invest or lend out the Monies and Funds of the said Company, and also to sell, dispose, convey, assign, transfer, uplift, renounce, and discharge the said Lands, Tenements, and Hereditaments, Means and Effects, and other Property, Heritable or Moveable, Real or Personal, in such Manner and to such Extent as the said Company by their Board of Directors shall from Time to Time direct and appoint, and again to lay out and reinvest the Prices and Proceeds of the same, and Debts, Funds, and Sums of Money realized or uplifted, upon the like Investments and Securities, in the Names of the Trustees of the said Company for the Time being, and their Successors in Office, whose Names shall be recorded or contained in the Memorial to be deposited as aforesaid: Provided always, as it is hereby provided and declared, that such Lands, Tenements, Hereditaments, Means, and Effects, and other Property, shall, upon the Death, Disability, Removal, or Resignation of any One or more of the Trustees, be vested in the Trustees of the said Company for the Time being, and their Successors in Office, whose Names shall be recorded as aforesaid, without any new or additional Titles or Investiture, and without incurring any Penalties, Forfeitures, or Disabilities, any Law or Practice to the contrary notwithstanding.

XXX. And be it enacted, That whatever Dispositions, or other Writs, Titles, or Securities, and Obligations, as aforesaid, shall have already been taken to the said "*Forth Marine Insurance Company*," or to the Trustees thereof, and the Survivors or Survivor of them, and the Heir of the Survivor, or to any other Person or Persons, or otherwise by or for behoof of the said Company, or which may hereafter be taken by the said Company in the Name of their Trustees for the Time being, and their Successors in Office, in virtue hereof, and the Lands, Tenements, Hereditaments, Means, and Effects, and other Property, Heritable or Moveable, Real or Personal, therein contained or thereby secured, shall be legally disposed, conveyed, assigned, transferred, discharged, and renounced by any Two or more of the Trustees of the said Company for the Time being, whose Names shall be recorded or contained in the Memorial to be deposited as aforesaid, along with one or other of the said Manager or Secretary for the Time being of the said Company, whether such Dispositions, or other Writs, Titles, or Securities, and Lands, Tenements, and Hereditaments, Means and Effects, or other Property, Heritable or Moveable, Real or Personal, stand in the Name of such Trustee for the Time being, or not, any Law or Practice to the contrary notwithstanding.

Dispositions and Deeds to be valid, if executed by Two Trustees, along with either the Manager or Secretary.

XXXI. And be it enacted, That this Act and the Provisions herein contained shall extend and be construed to extend to the said Company Act to apply to the present and future

Members of
the Com-
pany.

Company called "The *Forth* Marine Insurance Company," at all Times during the Continuance thereof, whether such Company hath been or be now or shall hereafter be composed of all or of some only of the Persons who were the original Shareholders 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 Shareholders thereof, or of Persons all of whom shall have become Shareholders subsequently to the passing of this Act.

Power to
sue during
winding up
in case of
Dissolution.

XXXII. And for the Purpose of making Provision for Suits by or against the Company during the winding-up of 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
extend to
incorporate
the Com-
pany.

XXXIII. 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 Shareholders 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 Shareholders thereof and others, or as between themselves, or in any Manner whatsoever, except in so far as the same is affected by the express Provisions of this Act and the true Intent and Meaning thereof.

Act not to
exempt
Company
from Provi-
sions of any
general Act.

XXXIV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Company from the Provisions of any general Act relating to Joint Stock Companies, either for effecting Insurances on Ships or Vessels, Goods or Merchandize, at Sea or going to Sea, or on Freight, or for carrying on the Business of Marine Underwriting, or for other Purposes, which may pass during the present Session of Parliament.

Expences of
Act how to
be paid.

XXXV. 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.

Construc-
tion of the
Words in
this Act.

XXXVI. And be it enacted, That in construing this Act Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing the Masculine Gender shall include the Feminine Gender; and the Word "Plaintiff" shall include Pursuer, Complainer, Complainant, Claimant, Suspender, Advocator, and Petitioner; and the Word "Defendant" shall include Defender, Charger, and Respondent; and the Word "Execution" shall include Diligence or other Proceeding proper for giving Effect to any Judgment, Decree, or other judicial Order of a Court; the Expression "the Company" shall mean the said *Forth* Marine Insurance

Insurance Company; and the Word "Sheriff" shall include Sheriff Substitute, Steward, and Steward Substitute; and "Sheriff Clerk" shall include Steward Clerk, unless in any of the Cases aforesaid there be something in the Subject or Context repugnant to such Construction.

XXXVII. And be it enacted, That this Act shall be deemed to Public Act. be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The SCHEDULE referred to by the foregoing Act.

MEMORIAL made the _____ Day of _____ One thousand eight hundred and _____ of the Names of the present Directors, Trustees, Manager, Secretary, and Shareholders of "The Forth Marine Insurance Company," deposited pursuant to an Act of Parliament passed in the Sixth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to enable the Forth Marine Insurance Company to sue and be sued, and for other Purposes."

- | | | |
|-----------------|---|---------------|
| <i>A. B.</i> of | } | Directors. |
| <i>C. D.</i> of | | |
| <i>E. F.</i> of | } | Trustees. |
| <i>G. H.</i> of | | |
| <i>I. J.</i> of | | Manager. |
| <i>K. L.</i> of | | Secretary. |
| <i>M. N.</i> of | } | Shareholders. |
| <i>O. P.</i> of | | |
| <i>Q. R.</i> of | | |

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

(Signed) *A. B.*

Solemnly declared before me,

 Sheriff of the County of Edinburgh.

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

MEMORIAL made the _____ Day of _____ One thousand eight hundred and _____ of the Names or Name of the new Directors [*or* Director] [*or* of the new Trustees *or* Trustee] [*or* of the new Manager] [*or* of the new Secretary] of "The Forth Marine Insurance Company," and of the Persons [*or* Person] in whose Places [*or* Place] they have [*or* he has] been appointed, deposited

deposited pursuant to an Act of Parliament passed in the Sixth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to enable the Forth Marine Insurance Company to sue and be sued, and for other Purposes."

| | | | | |
|-----------------|---|---------------------------|---|-----------------|
| <i>A. B.</i> of | } | Directors in the Place of | { | <i>B. A.</i> of |
| <i>C. D.</i> of | | | | <i>D. C.</i> of |
| <i>E. F.</i> of | } | Trustees in the Place of | { | <i>F. E.</i> of |
| <i>G. H.</i> of | | | | <i>H. G.</i> of |
| <i>I. J.</i> of | | Manager in the Place of | | <i>J. I.</i> of |
| <i>K. L.</i> of | | Secretary in Place of | | <i>L. K.</i> of |

I *A. B.* of _____ in the County of _____ one of the Directors [*or the Manager or Secretary*] of the said Company, do solemnly and sincerely declare, That the above-written Memorial contains the Names of the new Directors [*or new Director*] [*or of the new Trustees*] [*or Trustee*] [*or of the new Manager or of the new 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 new Directors [*or to a new Director and new Trustees or Trustee, new Manager or new Secretary*] was deposited on the Day of _____

In case of Persons ceasing to be Shareholders.

MEMORIAL made the _____ Day of _____ One thousand eight hundred and _____ of the Names of the Persons who have ceased or discontinued to hold any Share or Shares in the Forth Marine Insurance Company since the _____ Day of _____ One thousand eight hundred and _____ being the Date of the Memorial last registered respecting Persons ceasing to be Shareholders of the said Company, deposited pursuant to an Act of Parliament passed in the Sixth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to enable the Forth Marine Insurance Company to sue and be sued, and for other Purposes."

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

I *A. B.* of _____ in the County of _____ one of the Directors [*or the Manager or Secretary*] of the said Company, do solemnly and sincerely declare, That the above-written Memorial contains

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 One thousand eight hundred and 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 Shareholders was deposited on the Day of

In case of Persons becoming new Shareholders.

MEMORIAL made the Day of One thousand eight hundred and of the Names of the Persons who have become new Shareholders of "The Forth Marine Insurance Company" since the Day of One thousand eight hundred and being the Date of the Memorial last registered respecting new Shareholders of the said Company, deposited pursuant to an Act of Parliament passed in the Sixth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to enable the Forth Marine Insurance Company to sue and be sued, and for other Purposes."

J. K. of
L. M. of
N. O. of

I A. B. of in the County of one of the Directors [*or the Manager or Secretary*] of the said Company, do solemnly and sincerely declare, That the above-written Memorial contains the Names of Persons who have become new Shareholders of the said Company since the Day of One thousand eight hundred and 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 Shareholders was deposited on the Day of One thousand eight hundred and

In case of several Changes at the same Time.

MEMORIAL made the Day of One thousand eight hundred and of the Names of the new Directors of "The

“ The Forth Marine Insurance Company,” and of the Persons in whose Places they have been appointed, and of the Names of the new Trustees and of the Persons in whose Places they have been appointed, and of the Name of the new Manager and of the Name of the Person in whose Place he has 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 Shareholders of the said Company, and of the new Shareholders of the said Company, deposited pursuant to an Act of Parliament passed in the Sixth Year of the Reign of Her Majesty Queen Victoria, intituled “ An Act to enable the Forth Marine Insurance Company to sue and be sued, and for other Purposes.”

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

| | | | | |
|--|---|----------------------------------|---|---|
| <p><i>A. B.</i> of <i>C. D.</i> of <i>E. F.</i> of</p> | } | <p>Directors in the Place of</p> | { | <p><i>B. A.</i> <i>D. C.</i> <i>F. E.</i></p> |
|--|---|----------------------------------|---|---|

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

| | | | | |
|--|---|---------------------------------|---|---|
| <p><i>G. H.</i> of <i>I. J.</i> of <i>K. L.</i> of</p> | } | <p>Trustees in the Place of</p> | { | <p><i>H. G.</i> <i>J. I.</i> <i>L. K.</i></p> |
|--|---|---------------------------------|---|---|

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

| | |
|-----------------|--------------------------------------|
| <i>M. N.</i> of | Manager in the Place of <i>N. M.</i> |
|-----------------|--------------------------------------|

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

| | |
|-----------------|--|
| <i>O. P.</i> of | Secretary in the Place of <i>P. O.</i> |
|-----------------|--|

Names of the Persons who have ceased to be Shareholders.

Q. R. of
S. T. of

Names of new Shareholders.

U. V. of
W. X. of

I *A. B.* of _____ in the County of _____ one of the Directors
[or the Manager or Secretary] of the said Company, do solemnly
and sincerely declare, That the above-written Memorial contains the
Names of the new Directors, of the new Trustees, of the new
Manager, and of the new Secretary of the said Company, and of
[Local.] 30 B the

the Persons in whose Places they have been appointed, and of the Persons who have ceased or discontinued to be Shareholders of the said Company, and of the new Shareholders 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 deposited on
the Day of
The last Memorial as to new Trustees was deposited on
the Day of
The last Memorial as to the new Manager was deposited on
the Day of
The last Memorial as to the new Secretary was deposited on
the Day of
The last Memorial as to the ceasing and discontinuing of
Shareholders was deposited on the Day of
The last Memorial as to new Shareholders was deposited on
the Day of

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