ANNO QUADRAGESIMO PRIMO ET QUADRAGESIMO
SECUNDO

VICTORIAE REGINAE.
A.D. 1878.

Private Act.

An Act to amend an Act intituled "An Act to incorporate a certain Company or Society called 'The Mercantile Marine Insurance Company of South Australia,' to limit the liability of the members thereof, and otherwise to regulate and provide for the management of the said Company," and for other purposes.

[Assented to, 30th November, 1878.]

WHEREAS by a Private Act of the Parliament of the Province of South Australia, which was made and passed in the Session thereof holden in the thirty-third year of the reign of Her present Majesty, and is intituled "An Act to incorporate a certain Company or Society called the 'Mercantile Marine Insurance Company of South Australia,' to limit the liability of the members thereof, and otherwise to regulate and provide for the management of the said company," the holders or proprietors of shares of or in the capital of the said company were, for the purposes in the said Act mentioned, and subject to the conditions, restrictions, regulations, and provisions therein contained, incorporated by the said name; and the said company was by the said Act empowered to carry on the business (amongst others) of a Marine Insurance Company; and it was, amongst other enactments, enacted by the said Act that the several covenants, clauses, articles, conditions, stipulations, regulations, and provisions contained in the said company's deed of settlement in part recited in the preamble to the said Act, and in any supplemental deed of settlement such as is in the said Act mentioned, and the several regulations, alterations, and provisions to be made under or by virtue and in pursuance thereof were and should be deemed and considered to be, and should be the by-laws
Amendments.

Verbal name.
Change consequent change.

Addition of fire insurance to the company’s business.

by-laws for the time being of the said corporation (save and except in so far as any of them were or should be altered, varied, or repealed by, or should or might be inconsistent, or incompatible with, or repugnant to any of the provisions of the said Act now in recital, or of any other laws or statutes in force in the said province) subject nevertheless to be, and the same might be, amended, altered, or repealed, either wholly or in part, in the manner provided in and by the said deed of settlement, and any such supplemental deed of settlement as was in the said Act aforesaid: And whereas a supplemental deed of settlement of the said company, bearing date the nineteenth day of April, in the year one thousand eight hundred and seventy-five, has been duly made, executed, and recorded: And whereas the said company is desirous of carrying on the business of a Fire Insurance Company as well as that of a Marine Insurance Company, and of altering its name so as to indicate that it will in future carry on such additional business, and it is expedient to amend the said in part recited Act so as to effect such alteration and empower the said company to carry on the business of a Fire Insurance Company—Be it therefore enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. From and after the coming into operation of this Act, the following enactments shall take effect—

First—The name of the said company shall be the “Mercantile Marine and Fire Insurance Company of South Australia:”

Second—The hereinbefore in part recited Act, and the original deed of settlement, and all supplemental deeds of settlement of the said company, and all schedules thereto respectively, shall be read and construed and take effect as if—

The words “and Fire” had been inserted between the words “Marine” and “Insurance,” in the said company’s original name, wherever it occurs in the said Act, deeds, and schedules; and immediately after the word “Marine,” wherever it occurs in the fifth section of the said Act, and in the clause which is numbered “3” in the said original deed of settlement; and as if the words “or Fire” had been inserted immediately after the word “Marine” in the clause which is numbered “40” in the said original deed of settlement:

The words “the insuring of houses, tenements, rents, merchandise ships, live stock, agricultural implements, fences, wool, growing crops, and all other property real and personal, against loss or damage by fire, storm, accident, or otherwise,” had been inserted immediately after the word “Company” in the fifth section of the said Act, and immediately after that word where it secondly occurs in the said third clause:

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The words "fourth Monday of every October, January, April, and July" (which are hereby repealed) in the ninth section of the hereinbefore in part recited Act had been omitted therefrom, and the words "thirty-first day of March, thirtieth day of June, the thirtieth day of September, and thirty-first day of December, in each year" had been inserted in their stead; and the words "January" and "thirty-first day of December" (which are hereby repealed), in the fourteenth and seventeenth lines of the said ninth section, had been omitted therefrom, and the words "August" and "thirtieth day of June" had been inserted in their stead (the word "August" instead of the word "January," and the "thirtieth day of June" instead of the words "thirty-first day of December"): extending the date of accounts.

The word "half-yearly" (which is hereby repealed) had been omitted from the last paragraph of the said ninth section, and the word "yearly" had been inserted in its stead.

2. So far as regards any act, agreement, business, matter, or thing heretofore done, made, entered into, or arisen, the enactments herein contained shall not, nor shall any of them, prejudicially affect the validity, invalidity, effect or consequences of anything heretofore done or suffered, or any existing status or capacity, or any right or title heretofore acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing; but—

All policies, deeds, contracts, agreements, mortgages, memoranda, records, insurances, memorials of registration, instruments, and documents (whether printed or in writing) wherein the said company is named by its former name, shall be read and construed and take effect as if the said company had therein been named the "Mercantile Marine and Fire Insurance Company of South Australia;" and all rights and remedies may be enforced and exercised by and against the said company by its new name of the Mercantile Marine and Fire Insurance Company of South Australia" as fully and effectually as they might have been had its name remained unchanged; and the alterations in its deeds of settlement to which the said company conditionally agreed at its meeting held on the twenty-first day of October, in the year one thousand eight hundred and seventy-eight, are hereby sanctioned.

3. This Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other persons within the said province without being specially pleaded.

4. This Act and the hereinbefore in part recited Act as amended by this Act shall be read and construed together as one Act.

5. This
41° & 42° VICTORIÆ, PRIVATE ACT.

Mercantile Marine and Fire Insurance Amending Act.—1878.

5. This Act may be cited as "The Mercantile Marine and Fire Insurance Company's Amending Act."

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.