ANNO QUADRAGESIMO SECUNDO ET QUADRAGESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1879.

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Private Act.

An Act to give effect in this Province to the alteration of the name of "The Liverpool and London Fire and Life Insurance Company," and to enable "The Liverpool and London and Globe Insurance Company" to sue and be sued in the name of the Company, and for other purposes connected therewith.

[Assented to, 25th October, 1879.]

WHEREAS in the year one thousand eight hundred and thirty-six a company or association was established in England by the name of "The Liverpool Fire and Life Insurance Company" for the purpose of making and effecting insurances on houses, warehouses, and buildings, shipping in port, goods, wares, merchandise, farming stock, utensils, and property of all descriptions against loss or damage by fire, insurances on lives and survivorships, the sale and purchase of annuities, reversions, and contingent interests, and the endowment of children, and generally to carry on the business usually called or known as fire and life insurance, and all matters connected therewith, and upon the establishment of the said company or association a deed of settlement was made dated the twenty-first day of May, one thousand eight hundred and thirty-six: And whereas by an Act of the Imperial Parliament passed in the eleventh year of the reign of Her present Majesty, intituled "An Act to change the name of 'The Liverpool Fire and Life Insurance Company,' and for other purposes relating thereto," the name of the said company was changed to "The Liverpool and London Fire and Life Insurance Company," and a supplemental deed of settlement was made by the said
said company dated the twenty-eighth day of February, one thousand eight hundred and fifty-one: And whereas by virtue of the powers in that behalf given by the said supplementary deed of settlement to the Board of Directors for the time being of the said company, a Local Board of Directors of the said company was in the year one thousand eight hundred and fifty-three duly appointed in the City of Sydney, in the Colony of New South Wales, for carrying on and managing in Australia, including New Zealand and Tasmania, the business of the said company and all matters connected therewith, and for other purposes in connection with the affairs of the said company: And whereas the said company has for many years carried on and still continues to carry on such business in South Australia, under the direction of the said local board, in the name of "The Liverpool and London and Globe Insurance Company": And whereas by an Act of the Imperial Parliament, passed in the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, intituled "An Act to confirm an agreement for the amalgamation of the Globe Insurance Company with the Liverpool and London Fire and Life Insurance Company, and to alter the name of the last mentioned company and for other purposes," the name and style of the said company was changed into and became "The Liverpool and London and Globe Insurance Company": And whereas it is expedient to give effect in this province to the said change of name of the said company, and to remove all doubts as to the effect of the said change of name upon the existing contracts and engagements of the said company in this province, and to enable "The Liverpool and London and Globe Insurance Company" to sue and be sued in this province in the name of the company, and to provide for the appointment of local trustees and agents to act on behalf of the said company in this province, and for investing the funds of the said company in this province in the names of such trustees, and for vesting the property of the said company in this province in the local trustees for the time being—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. All contracts and engagements, and all policies, agreements, bonds, deeds, assurances, and other instruments whatsoever, wherein the Liverpool and London Fire and Life Insurance Company are named or referred to by or with reference to their name of the Liverpool Fire and Life Insurance Company, or their name of the Liverpool and London Fire and Life Insurance Company, shall be read and have effect as if they were named or referred to therein by or with reference to their new name of the Liverpool and London and Globe Insurance Company, and all rights of action or suit and other rights and privileges possessed or enforceable by or on behalf of or against the Liverpool and London Fire and Life Insurance Company shall be deemed to be rights and privileges possessed or enforceable by or on behalf of or against the Liverpool and London
and Globe Insurance Company, and all such contracts, engagements, rights of action and suit, and other rights and privileges, shall and may be proceeded upon and enforced accordingly.

2. All actions, suits, and proceedings at law or in equity or in insolvency, to be commenced, instituted, or carried on in this province by or on behalf of the Liverpool and London and Globe Insurance Company, or wherein the said company is or shall be concerned or interested against any person, whether such person shall be a member or proprietor of or in the said company or not, shall be commenced, instituted, presented, and prosecuted or carried on in the name of the said company in the same manner as if the same had been incorporated by such name.

3. All actions, suits, and proceedings at law or in equity to be commenced or instituted in this province against the said company by any person, whether such person is or shall then be a member or proprietor of or in the said company or not, shall be commenced, instituted, and prosecuted, or carried on against the said company by its name in the same manner as if the same had been so incorporated.

4. Prosecutions to be brought, instituted, or carried on for fraud upon or against the said company, or for embezzlement, robbery, or stealing any money, notes, bills, effects, securities, goods, chattels, or property of the said company, or for any other offences against the said company, shall be so brought or instituted and carried on in the name of the company as if the same were incorporated: And in all informations it shall be lawful to state the property of the said company to be the property of the said company by its name as if incorporated, and any offences committed with intent to defraud or injure the said company shall, and lawfully may, in such prosecution, be laid to have been committed with intent to defraud or injure the said company by its name as if incorporated, and any offender may thereupon be lawfully convicted of any such offence, and in all other allegations, informations, and other proceedings whatsoever, in which, in the absence of legislative provision, it would have been necessary to state the names of the persons composing the said company, it shall be lawful and sufficient to state the name of the company, and no change in the persons composing the company shall abate any such action, suit, proceeding, or prosecution.

5. All bonds, covenants, mortgages, warrants of attorney, and other securities not being assignable at law, which have been, or which shall or may at any time hereafter be, taken in the names of any persons as local trustees for the time being of the said company, shall and may be put in suit and be sued and prosecuted upon at law or in equity in the name of the said company as if the same had been incorporated by such name.

6. No action or suit against the said company shall be in anywise
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in consequence of the plaintiff being proprietor.

wise affected or defeated by or by reason of the plaintiff therein, or of any other person in whom any interest may be averred, or who may be in anywise interested or connected in such action or suit, being or having been a proprietor or a partner in the said company, or of such action or suit arising out of the partnership relation of the plaintiff, or other person as aforesaid, and the company, but any proprietor or partner, or late proprietor or partner in the said company, shall and may have the same right of action, or suit and remedy, to be proceeded in and enforced in the same manner against the said company which he or they might have had if he or they had been a stranger and not a proprietor or partner in the said company.

No action commenced by the company to be affected in consequence of the defendant being a proprietor.

7. No action or suit commenced by the said company shall be in anywise affected or defeated by, or by reason of, the defendant therein, or of any other person in whom any interest may be averred, or who may be in anywise interested or concerned in such action or suit being or having been a proprietor or partner in the said company, or of such action or suit arising out of the partnership relation of the company and the defendant or such other person; but the said company shall and may have the same right of action or suit and remedy to be proceeded in and enforced in the same manner against any proprietor thereof, or partner or late proprietor or partner therein, either alone or jointly with any other person or persons which the said company might have had if such cause of action or suit had arisen with a stranger and not a proprietor or partner in the said company.

Decrees against the company to have effect against the company.

8. All and every judgment, decree, or order, made or pronounced in any action, suit, or proceeding in any Court of law or equity against the said company, shall have the like effect and operation upon and against the property and funds of the said company, and upon and against the persons and property of every proprietor thereof, as if all the proprietors of such company were parties before the Court to and in such action, suit, or proceeding; and it shall be lawful for any Court in which such judgment, order, or decree shall have been made to cause such judgment, order, or decree to be enforced against all and every or any proprietor of such company, in like manner as if all the proprietors of such company were parties before such Court to and in such action, suit, or proceeding.

Company not incorporated by this Act.

9. Nothing herein contained shall extend, or be deemed, construed, or taken to extend, to incorporate the said company, or to relieve or discharge the said company, or any of the proprietors thereof, or subscribers thereto, from any responsibility, duties, contracts, or obligations whatsoever which by law they now are or at any time hereafter may be subject or liable to, either between the said company and others, or between the individual proprietors of the said company or any of them and others, or amongst themselves, or in any manner whatsoever except so far as the same is affected by the provisions of this Act and the true intent and meaning thereof.

10. It
10. It shall be lawful for the said company, under the provisions contained in the said deed of settlement and supplemental deed of settlement, to appoint three persons, residents of the said province, as local trustees of the property of the said company, in the said province, in whose names any investments shall be made and taken.

11. When such trustees shall be appointed as aforesaid, the trust moneys, securities, lands, tenements, and hereditaments of the said company in this province, belonging to the company as absolute owners thereof, or as mortgagees or otherwise, or which may hereafter belong to or be acquired by or obtained by this company in this province, whether as absolute owners thereof or otherwise, shall vest and be vested in the local trustees of the said company for the time being by force of this Act, and by virtue of their appointments merely, and of which appointments the memorial recorded in the office of the Supreme Court, as required by this Act, shall be conclusive evidence without any assignment, transfer, or conveyance, and the said local trustees for the time being shall have the same powers and rights both at law and in equity with respect to the said trust moneys, securities, property, lands, tenements, and hereditaments of the company so vested in them as aforesaid, as they would have if the same had been duly assigned, transferred, or conveyed to them.

12. The said company shall, within thirty days after the commencement of this Act, cause a memorial of the names of the agent of the said company in Adelaide for the time being, and in case of the appointment of local trustees as hereinbefore mentioned, then within thirty days after the appointment of such trustees, cause a memorial of the names of such local trustees for the time being of the said company, in the forms in the Schedule hereto, or to the like effect, to be delivered to the registrar of the Supreme Court: And when and as often as any new agent in Adelaide or new trustee shall be appointed, then the said company shall, within thirty days after either of such occurrences, cause a like memorial of the names of the then agent and trustees, including such new agent or trustee in lieu of the agent or trustee in whose place he shall have been appointed, to be delivered as aforesaid: And every such memorial shall be verified by the solemn declaration of the agent of the company in Adelaide, or by a member of the said local board.

13. There shall be paid to the said registrar, upon the delivery of every such memorial, the sum of Five Shillings; and the said registrar shall cause every such memorial to be filed and kept in his office, and any person or persons shall, from time to time, have liberty to search for and inspect such memorial on payment of the sum of One Shilling for every search.

14. The memorial or memorials last recorded shall be conclusive evidence against the company of the persons named in such memorial as the agent and trustees in South Australia thereof being such
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such agent and trustees for the time being, and of the regularity of their or his appointment, and the acts and deeds of the persons so named in such memorial shall be binding on the company, notwithstanding that they shall not be the agents or trustees thereof; and all persons paying money to the persons named in such memorials as agent or trustees of the said company, shall be exonerated from all liability in respect of the nonapplication or misapplication of such money.

Service of proceedings 15. Service upon such agent in Adelaide, or upon any one of the local trustees, of any bill in equity, writ of summons, process, or other proceeding issued against the said company, shall be deemed good service thereof upon the company.

Short title. 16. This Act may be cited as "The Liverpool and London and Globe Insurance Company's Act of 1879."

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

WM. F. DRUMMOND JERVOIS, Governor.

SCHEDULE.
SCHEDULE.

Memorial of the name of the agent [or of the names of the trustees, or of the agent and trustees, as the case may be] in South Australia of the Liverpool and London and Globe Insurance Company, to be filed in the Supreme Court of South Australia, pursuant to "The Liverpool and London and Globe Insurance Company's Act of 1879."

Agent at
Adelaide.

I. solemnly and sincerely declare that the above memorial contains the name of the present agent in Adelaide [or of the trustees, or of the agent and trustees, as the case may be] of the above-named company in South Australia.

Declared at , before me, this day of .

A Justice of the Peace for the Province of South Australia.