

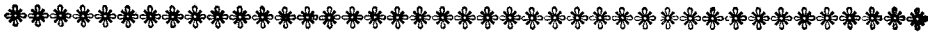
T A S M A N I A.



1874.

ANNO TRICESIMO-OCTAVO

VICTORIÆ REGINÆ.



AN ACT to give effect in this Colony to the A.D. 1874.
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 such last-named Company.

[18 September, 1874.]

WHEREAS in the year One thousand eight hundred and thirty-six PREAMBLE.
a Company or Association was established in England by the name of
"The *Liverpool* Fire and Life Insurance Company," for the purposes 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 insur-
ance 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
[*Private.*]

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Company ;” and a supplemental deed of settlement was made by the 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* 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 in the said year One thousand eight hundred and fifty-three the said local Board of Directors appointed agents at *Hobart Town* and *Launceston* in this Colony, and agents have ever since carried on business on behalf of the said Company, and still continue to carry on business in *Tasmania* on behalf of such Company by its substituted name hereinafter stated :

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 Colony 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 Colony, and to enable the said Company to sue and be sued in this Colony :

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

New name of
Company to apply
to existing en-
gagements

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, 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.

Actions and suits
to be in the name
of the Company.

2 All actions, suits, and proceedings at law or in equity or in bankruptcy to be commenced, instituted, or carried on in this Colony 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 ;

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and all actions, suits, and proceedings at law or in equity to be commenced or instituted in this Colony 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; and all 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 as herein 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.

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3 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 agents in the said Colony 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.

Actions on bonds and other specialties.

4 No action or suit against the said Company shall be in anywise 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 against the Company to be affected in consequence of the plaintiff being proprietor.

5 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

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

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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.

6 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.

7 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.

Memorial of the names of the local agents to be recorded.

8 The agents in *Tasmania* who are authorised by Power of Attorney to act on behalf of the said Company, to sign and issue policies and make contracts on behalf of the said Company, shall, within Thirty days after the commencement of this Act, cause a memorial of the names of every agent so authorised as aforesaid to act on behalf of the said Company in *Tasmania*, in the form in the Schedule 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 *Tasmania* having like powers shall be appointed, then the said agents shall within Thirty days thereafter cause a like memorial of the names of the then agents, including such new agent in lieu of the agent in whose place he shall have been appointed, to be delivered as aforesaid.

Memorial to be verified by oath.

9 Every such memorial shall be verified by the oath of the said agents of the Company or one of them, which oath any Commissioner of the Supreme Court or Justice of the Peace is hereby authorised to administer.

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 to time have liberty to search for and inspect such memorial on payment of the sum of One Shilling for every search. All sums so received shall form part of "The Consolidated Revenue Fund."

Memorial recorded to be conclusive evidence.

10 The memorial last recorded shall be conclusive evidence against the Company of the persons named in such memorial as the agents in *Tasmania* thereof being such for the time being, and of the regularity

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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 thereof; and all persons paying money to the persons named in such memorial as agents of the said Company shall be exonerated from all liability in respect of the non-application or misapplication of such money. A.D. 1874.

Service upon such agents or one of them 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.

11 This Act may be cited as "The *Liverpool and London and Globe Insurance Company's Act.*" Short title.

SCHEDULE.

MEMORIAL of the names of the agents in *Tasmania* of the *Liverpool and London and Globe Insurance Company* to be filed in the Supreme Court of *Tasmania* pursuant to "The *Liverpool and London and Globe Insurance Company's Act.*"

}	<i>Agents at</i>	Here describe the place or District within the Colony in which the agents reside.
}	<i>Agents at</i>	

I _____ of _____ do make oath and say that the above memorial contains the names of the present agents of the above-named Company authorised to act for the said Company in *Tasmania*.

Sworn at _____ before me this _____ day of _____ in the year of our Lord One thousand eight hundred and _____

A Commissioner of the Supreme Court of Tasmania.

Or a Justice of the Peace for Tasmania.

