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*A Bill to give effect in this Colony 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.*

**W**HEREAS 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 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

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said company dated the twenty-eight 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 New Zealand 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-eight 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 enable the said Liverpool and London and Globe Insurance Company to sue and be sued in this colony and 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 Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

New name of company to apply to existing engagements.

1. All contracts and engagements and all policies agreements bonds deeds and 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.

Actions by 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.

Actions against the company.

3. 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.

4. Prosecutions

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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.

Criminal proceedings

5. 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.

6. 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.

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

7. 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 same 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.

Decrees against the Company to have effect against the company.

8. Where in any action suit or proceeding an affidavit or statutory declaration is required to be made by the plaintiff or defendant or any other party and such plaintiff defendant or other party be the company such affidavit or statutory declaration may be made by one of the Local Trustees or by the agent of the company and shall be deemed to be for all intents and purposes the affidavit of the company.

Affidavits.

9. Nothing

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Company not incorporated by this Act.

9. Nothing herein contained shall extend to 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.

Power to appoint local trustees.

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 colony as local trustees of the property of the said company in the said colony in whose names any investments shall be made and taken.

Property to vest in such trustees.

11. When such trustees shall be appointed as aforesaid the trust moneys securities lands tenements and hereditaments of the said company in this colony 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 colony 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.

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

12. The said company shall within sixty days after the commencement of this Act cause a memorial of the names of the agent of the said company in Wellington for the time being and in case of the appointment of local trustees as hereinbefore mentioned then within sixty 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 at Wellington. And when and as often as any new agent in Wellington 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 Wellington or by a member of the said local board.

Fees to be paid on memorial.

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.

Memorial recorded to be conclusive evidence.

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 New Zealand thereof being such agent and trustees for the time being and of the regularity of their or his appointment and the acts and deeds of the person 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

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persons named in such memorials as agent or trustees of the said company shall be exonerated from all liability in respect of the non-application or misapplication of such money.

Memorial recorded to be conclusive evidence.

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

Service of proceedings

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

Short title.

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 New Zealand of the Liverpool and London and Globe Insurance Company to be filed in the Supreme Court of New Zealand pursuant to "*The Liverpool and London and Globe Insurance Company's Act of 1879.*"

} Trustees.  
} Agent at Wellington.

I of do solemnly and sincerely declare that the above memorial contains the name of the present agent in Wellington (or of the trustees or of the agent and trustees as the case may be) of the above-named company in New Zealand.

Declared at before me }  
this day of A.D. 18 }

A Justice of the Peace for the Colony of New Zealand.

1879.