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c 183 Insurance Act

Ontario

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CHAPTER 183.

An Act respecting Insurance.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PART I.

1. This Act may be cited as The Ontario Insurance Act. 2 Geo. V. c. 33, s. 1.

2. In this Act,

   (1) "Account" shall include travelling expenses, all fees and allowances and bills of costs;
   (2) "Actuarial liabilities" shall mean the liabilities chargeable against an insurance corporation in respect of its insurance contracts before their maturity;
   (3) "Actuarial solvency" shall mean the solvency of an insurance corporation when its actuarial liabilities are charged or treated as present liabilities;
   (4) "Appeal" shall include a judicial revision or review of a judgment, decision, order, direction, determination, finding or conviction, and a case stated or reserved, and a removal of proceedings by way of certiorari or otherwise;
   (5) "Assessment insurance" or "insurance on the assessment system," shall include any contract in which the premium, not being a premium note within the meaning of clause 46 of this section, consists of sums uncertain or variable in time, number or amount; and also any contract whereby the benefit is in any manner or degree made dependent upon the collection of sums levied upon persons holding similar contracts, or upon members of the contracting corporation, and shall also include any assessment insurance undertaken or transacted under the authority of The Insurance Act of Canada;
   (6) "Beneficiary" shall include every person entitled to insurance money, and the executors, administrators and assigns of any person so entitled;
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(7) "Beneficiary for value" shall mean a beneficiary for a valuable consideration other than marriage;

(8) "Branch" shall mean any number of the members of a corporation under the control of a central body, having a separate insurance fund administered by themselves, and shall include a committee having, under the authority of an Act of Canada, the management of a benefit, insurance or gratuity fund;

(9) "Canadian company" or "Canadian corporation" shall mean a company or body incorporated by or under the authority of an Act of the Parliament of Canada;

(10) "Cash-mutual company" shall mean a company organized to transact mutual insurance, but empowered to undertake contracts of insurance on both the cash plan and the premium note or mutual plan;

(11) "Chief Agency" shall mean the principal office or place of business in Ontario of an extra-provincial corporation undertaking insurance in Ontario;

(12) "Collector" shall include every officer, agent or person receiving pay, however remunerated, who by himself or by any deputy or substitute collects premiums, fees, assessments or other money for an insurance corporation;

(13) "Company" shall mean and include any corporation, or any society or association, incorporated or unincorporated, or any partnership, or any underwriter that undertakes or effects for valuable consideration, or agrees or offers so to undertake or effect, in Ontario, any contract of insurance within the meaning of this Act;

(14) "Contract of insurance" shall mean and include any policy, certificate, interim receipt, or renewal receipt, or writing evidencing the contract, or any contract or agreement sealed, written or oral, the subject matter of which is insurance;

(15) "Contributory" shall mean a person who is liable to contribute to the assets of an insurance corporation under this Act;

(16) "Corporation" or "Insurance corporation" shall include any corporation which undertakes or offers to undertake a contract of insurance, and also any continuously existent body which undertakes or offers to undertake such contract,
and which, though not actually incorporated, is nevertheless legally entitled to sue and be sued in the name of any officer thereof, or of a public officer;

"Credit Insurance." (17) "Credit Insurance" shall mean insurance against the insolvency of debtors or against loss from giving or extending credit;

"Creditor." (18) "Creditor" shall include every person entitled to claim under a matured policy or under a policy which has attained a fixed surrender value; and, subject to section 217, in the case of an insurance corporation required by law or departmental regulation to maintain an ascertained or ascertainable reserve to meet its actuarial liabilities under unmatured policies, "creditor" in a winding up or liquidation under this Act shall also include any person who is a policy holder or beneficiary for value;

"Declaration." (19) "Declaration" shall include any mode of designating in writing a beneficiary or of apportioning or reappor​tioning insurance money among beneficiaries;

"Department." (20) "Department" shall mean the Department of Insurance of Ontario;

"Directors." (21) "Directors" shall include the board or committee, by whatever name known, having the management of an insurance corporation;

"Due application." (22) "Due application" shall include such information, evidence and material as the Superintendent or Registrar requires to be furnished and also the payment of the fees hereinafter prescribed in respect of any application, certificate or document required or issued by virtue of this Act;

"Endowment Insurance." (23) "Endowment insurance" shall mean an undertaking to pay an ascertained or ascertainable sum at a fixed future date, if the assured is then alive, or at his death, if he dies before such date, and shall include an undertaking to pay such sum on the assured reaching a stated age or attaining his expectation of life;

"Executive Officers." (24) "Executive officers" shall mean the persons who under the constitution and rules of a friendly society are entrusted with the management of its affairs;

"Extra Provincial corporation." (25) "Extra Provincial corporation" shall mean a corporation, not incorporated by or under the authority of a statute of Ontario and undertaking insurance in Ontario;
Sec. 2 (32). INSURANCE. Chap. 183. 1961

(26) "Fidelity Insurance" shall mean insurance against the dishonesty, unfaithfulness, negligence, or default of employees, or trustees, or persons occupying public or private positions of duty, trust, confidence or agency;

(27) "Foreign Jurisdiction" shall include any jurisdiction other than of Ontario;

(28) "Friendly Society" or "Society" shall include any corporation, society, association, or fraternity, benevolent, mutual, provident, industrial, or co-operative, or the like which, not being a corporation or required by law to be licensed for the transacting of insurance, undertakes or effects for valuable consideration, or agrees or offers so to undertake or effect, with any person in Ontario any contract of insurance;

(29) "Guarantee Insurance" shall include "Credit Guarantee Insurance," "Fidelity Insurance," and "Title Insurance," and any contract whereby the insurer undertakes suretyship; or undertakes to pay money or perform a contract, trust or duty on default of another who is in the first instance liable for such payment or performance;

(30) "Head office" shall mean the place where the chief executive officers of an insurance corporation are authorized to transact its business;

(31) "Inland marine insurance" shall mean marine insurance in respect of subjects of insurance at risk above the harbour of Montreal;

(32) "Insurance" shall include the following, whether the contract be one of primary insurance, or of reinsurance, and whether the premium payable be a sum certain, or consist of sums uncertain or variable in time, number or amount—

(a) Insurance against death, sickness, infirmity, casualty, accident, disability or any change of physical or mental condition;

(b) Insurance against financial loss; or against loss of work, employment, practice, custom, wages, rents, profits, income or revenue;

(c) Insurance of property against any loss or injury from any cause whatsoever, whether the obligation of the insurer is to indemnify by a money payment or by restoring or reinstating the property insured;

(d) Contracts of endowment, assessment-endowment, tontine, semi-tontine, life-time benefits,
annuities on lives, or contracts of investment involving tontine or survivorship principles for the benefit of persisting members; and any contract of investment involving life contingencies;

(e) Any contract made in consideration of a premium and based on the expectancy or expectation or probability of life; and any contract made on such consideration and having for its subject the life, safety, health, fidelity or insurable interest of any person, whether the benefit under the contract is primarily payable to the assured or to a donee, grantee or assignee, or to trustees, guardians or representatives, or to or in trust for any beneficiary, or to the assured by way of indemnity or insurance against any liability incurred by him by or through the death or injury of any person.

(f) Any investment contract under which lapses or payments made by discontinuing members or investors accrue to the benefit of persisting members or investors, except where a corporation other than an insurance corporation is expressly authorized to undertake such contract by a statute in force in Ontario.

(g) Generally any contract in the nature of any of the foregoing whereby the benefit under the contract accrues payable on or after the occurrence of some contingent event;

(Note.—“Insurance on the Assessment System” defined under “Assessment Insurance.”)

“Insurance on the cash plan.”

(33) “Insurance on the cash plan” shall mean insurance given for a money consideration without premium note;

(Note.—“Insurance Corporation” defined under “Corporation.”)

“Insurance fund” or “insurance funds.”

(34) “Insurance fund” or “insurance funds,” as applied to a friendly society or as applied to any corporation not incorporated exclusively for the transaction of insurance, shall include all money, securities for money, and assets appropriated by the rules of the society or corporation to the payment of insurance liabilities or appropriated for the management of the insurance branch or department or division of the society, or otherwise legally available for insurance liabilities, but shall
not include funds of a trade union appropriated to or applicable for the voluntary assistance of wage-earners unemployed or upon strike;

(35) "Insurance of the person" shall include insurance against death, sickness, infirmity, casualty, accident, disability, or against any change of physical or mental condition, and any contract of insurance having for its subject the life, health, safety or physical or mental condition of a person;

(36) "Insurance money" shall include every benefit and bonus payable by the insurer under the contract of insurance;

(37) "Lodge" shall include a primary subordinate division, by whatever name known, of a friendly society;

(38) "Master" shall mean the Master in Ordinary in the case of a corporation having its head office at Toronto or in the County of York; and in the case of a corporation having its head office in any other county or in a district shall mean the local Master in such county or district;

(39) "Member," as applied to any mutual or cash-mutual company transacting fire, live-stock or weather insurance, shall mean a policy-holder on the premium note plan, and as to a mutual or cash-mutual company, having joint stock capital, shall include any holder of shares of such capital;

(40) "Minister" shall mean that member of the Executive Council charged for the time being by the Lieutenant-Governor in Council with the administration of this Act;

(41) "Municipality" shall include a provisional judicial district and any locality the inhabitants of which are incorporated;

(42) "Mutual insurance," in the case of fire, live-stock or weather insurance, shall mean insurance given in consideration of a premium note with or without an immediate cash payment thereon; and "mutual company" shall mean a company empowered solely to transact such insurance;

(43) "Nominee," when used with reference to annuities on lives, shall mean a designated person on whose life another's annuity depends;
"Officer." (44) "Officer" shall include any trustee, director, manager, treasurer, secretary or member of the board or committee of management of a corporation or any person appointed by the corporation to sue and be sued in its behalf;

"Policy." (45) "Policy" shall include any contract of insurance within the meaning of this Act;

"Premium note." (46) Premium note" shall mean an instrument given as consideration for fire or live-stock or weather insurance whereby the maker undertakes to pay such sum or sums as may be legally demanded by the insurer, the aggregate of such sums not to exceed an amount specified in the instrument;

"Provincial company or corporation." (47) "Provincial company" or "Provincial corporation" shall mean a company or body incorporated by or under an Act of this Legislature;

"Receiver." (48) "Receiver" shall include interim receiver;

"Registrar." (49) "Registrar" shall mean the Registrar of Friendly Societies;

"Registry." (50) "Registry" shall mean registration in the Insurance Company Register, or in the Friendly Society Register, according as the matter pertains to an insurance company or a friendly society respectively, and shall include extension or renewal of registry;

"Rules." (51) "Rules" shall mean and include provisions of the constitution and rules or regulations, or resolutions or by-laws in force for the time being;

"Solvent." (52) "Solvent," as applied to a friendly society not undertaking endowment insurance or annuities, shall mean a society respecting which it has been made to appear to the Registrar that the society has no present liabilities apart from actuarial liabilities, or has immediately realizable assets adequate to discharge its present actual liabilities;

"Superintendent." (53) "Superintendent" shall mean the Superintendent of Insurance and shall include the Deputy Superintendent of Insurance;

"Title Insurance." (54) "Title Insurance" shall include insurance whereby the insurer insures the validity of title to property real or personal or insures the legality and validity of written obligations or of other instruments.
"Trade union" shall mean an organization of wage-earners of a particular trade or industrial calling constituted primarily and operated bona fide for regulation of wages and hours of labour as between employers and employed; but shall not include a co-operative association or society;

"Upon proof," as applied to any matter connected with the registry of a corporation or person, or with the registration of any matter or thing required by this Act to be registered shall mean upon proof to the satisfaction of the Superintendent;

"Will" shall mean last will and testament.

3. For the purposes of this Act there shall be a Department of Insurance, and the same shall be presided over by the Minister.

4.—(1) The Lieutenant-Governor in Council may appoint an officer to be called the Superintendent of Insurance who shall act under the direction of the Minister.

(2) The Superintendent shall have general supervision of the business of insurance within Ontario and shall see that the laws relating to the conduct thereof are enforced and obeyed.

(3) The Superintendent shall examine and report to the Minister from time to time upon all matters connected with insurance.

(4) The Lieutenant-Governor in Council may also appoint an officer to be called the Registrar of Friendly Societies who shall perform such duties as are assigned to him by this Act by the Lieutenant-Governor in Council, the Minister or the Superintendent.

(5) Until the appointment of a Registrar the Superintendent shall perform the duties of Registrar.

(6) The Lieutenant-Governor in Council may also appoint an officer to be called the Deputy Superintendent of Insurance who shall act as Superintendent during the absence or inability of the Superintendent, and shall perform such other duties as are assigned to him by this Act, by the Lieutenant-Governor in Council, by the Minister or by the Superintendent and Registrar.

(7) The same person may be appointed both Deputy Superintendent and Registrar.

5. For the purposes of his duties under this Act or under evidence, any other Act relating to insurance, the Superintendent may
require to be made and may take and receive affidavits, statutory declarations and depositions, and may examine witnesses upon oath; and he shall have the same power to summon officers of corporations, receivers and liquidators and other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books, documents and things and to give evidence as any Court has in civil cases. 2 Geo. V. c. 33, s. 5.

6.—(1) Towards defraying the expenses of the office of the Superintendent, a sum not exceeding $5,000 shall be annually contributed by the companies required to be licensed under this Act.

(2) The amount to be annually contributed shall be assessed pro rata on the basis of the gross amount at risk as shown by the books of the several companies on the 31st day of December next preceding.

(3) A company shall not be entitled to have its license renewed until the amount of its contribution has been paid and the Superintendent’s certificate shall be conclusive as to the amount payable. 2 Geo. V. c. 33, s. 6.

7. Neither the Superintendent nor any officer under him shall be interested as a shareholder, directly or indirectly, in any insurance company doing business in Ontario. 2 Geo. V. c. 33, s. 7.

8. Without a fiat of the Attorney-General, no action or proceeding shall be brought or taken against the Superintendent or Registrar for anything done or not done in the performance, or intended or supposed performance of his duty under this Act, or under any other Act which imposes duties upon them or either of them. 2 Geo. V. c. 33, s. 8.

INCORPORATION OF JOINT STOCK COMPANIES.

9.—(1) The Lieutenant-Governor in Council may by Letters Patent constitute any number of persons, not less than five, of the full age of 21 years, and any others who become shareholders, a body corporate and politic for the purpose of undertaking and transacting any kind of insurance for which a joint stock company may be licensed under this Act.

(2) Applicants for incorporation shall immediately prior to the application publish in at least four consecutive issues of the Ontario Gazette notice of their intention to apply, and shall also if so required publish elsewhere notice of such intention.

(3) The notice shall state—

(a) The proposed corporate name of the company;
(b) The objects for which the company is to be incorporated;

(c) The kind of insurance proposed to be transacted;

(d) The place within Ontario where the head office of the company is to be located;

(e) The amount of the capital stock, number of shares, and the amount of each share;

(f) The name in full, the place of residence and the calling of each of the applicants; and

(g) The names of the applicants, not less than five, each being a subscriber for shares to the amount of not less than $1,000, who are to be the first directors of the company.

(4) The applicants shall deliver to the Superintendent the application for incorporation, and proof that notice thereof has been duly given, and proof of payment of the prescribed fees, and shall also deliver to him for his approval copies of the proposed by-laws of the company, which so far as approved by him shall be the by-laws of the company until repealed, altered or amended under the authority of this Act. 2 Geo. V. c. 33, s. 9.

10. The Letters Patent shall be expressed to take effect on the day of the date of the initial license issued to the company, and notice of the granting of the Letters Patent shall be given forthwith by the Superintendent in the Ontario Gazette. 2 Geo. V. c. 33, s. 10.

11.—(1) The affairs of the company shall be managed by a board of not less than five nor more than fifteen directors.

(2) The persons named in the Letters Patent as the first directors of the company shall be the directors of the company until replaced by others duly elected or appointed in their stead. 2 Geo. V. c. 33, s. 11 (1-2).

(3) The first directors shall in the manner provided in section 127 call a general meeting of the shareholders of the company for the election of directors and otherwise for dealing with the business of the company within two months after the incorporation of the company. 2 Geo. V. c. 33, s. 11 (3); 3-4 Geo. V. c. 35, s. 2.

(4) The succeeding directors shall be elected by the shareholders in general meeting at such times, in such manner, and for such term, not exceeding two years, as the by-laws may prescribe.

(5) No person other than a first director shall hold office as a director unless he is a shareholder absolutely in his own right, and not in arrear in respect of any call thereon, of shares of the capital stock of the company to the amount of not less than $1,000, and where a person who is a director 8 s.—II.
ceases to be such a shareholder he shall thereupon cease to be a director.

(6) Notice of meetings of the company shall be given in the manner prescribed by section 127. 2 Geo. V. c. 33, s. 11 (4-6).

12. Sections 121 and 126 shall apply to joint stock companies. 2 Geo. V. c. 33, s. 12.

13.—(1) If the company undertakes

(a) fire, or
(b) fire and inland marine, or
(c) accident, or
(d) life, or
(e) life and accident, or
(f) sickness and accident insurance, or
(g) guarantee, or suretyship insurance,
the authorized capital stock shall be not less than $500,000.

(2) If the company undertakes live stock insurance, with or without insurance on vehicles, the authorized capital stock shall be not less than $300,000.

(3) If the company undertakes insurance other than that mentioned in the preceding subsections against loss or damage to property from any accidental causes, including boiler and other explosions or by reason of theft, house-breaking or burglary, the authorized capital stock shall be not less than $100,000.

(4) If the company undertakes bicycle or vehicle insurance, or plate glass insurance, the authorized capital stock shall be not less than $25,000.

(5) The capital stock shall be divided into shares of $100 each.

(6) No money paid on account of shares before the first general meeting of the company has been organized shall be withdrawn or paid over to the company until after such meeting has been organized and the election of directors thereat.

(7) A company may with the assent of the Lieutenant-Governor in Council increase its capital stock to such an amount as he may deem expedient.

(8) Notice of any application under subsection 7 shall be published in at least four consecutive issues of the Ontario Gazette. 2 Geo. V. c. 33, s. 13.

14. The Letters Patent and any Supplementary Letters Patent amending or varying the same may at any time be declared to be forfeited and may be revoked and made void by the Lieutenant-Governor in Council on sufficient cause
being shown in that behalf and such forfeiture, revocation and making void may be upon such conditions and subject to such provisions as he may deem proper. 2 Geo. V. c. 33, s. 14.

FORMATION AND INCORPORATION OF MUTUAL FIRE INSURANCE COMPANIES.

15. Where it appears to the Minister that there is in any municipality no adequate provision for insurance of farm and non-hazardous property on the mutual plan against fire the Minister may certify that fact, and thereupon ten freeholders in the municipality may call a meeting of the freeholders thereof to consider whether it is expedient to establish therein a fire insurance company upon the mutual plan. 2 Geo. V. c. 33, s. 15.

16. The meeting shall be called by advertisement stating the time, place and object of the meeting; and the advertisement shall be published once in the Ontario Gazette and once a week for three successive weeks in a newspaper published in the county or district in which the municipality is situate. 2 Geo. V. c. 33, s. 16.

17. If thirty freeholders are present at the meeting and a majority of them determine that it is expedient to establish a mutual fire insurance company they may elect from among themselves three persons to open and keep a subscription book in which owners of real or personal property within Ontario may sign their names and enter the sum for which they shall respectively bind themselves to effect insurance with the company. 2 Geo. V. c. 33, s. 17.

18. When one hundred or more of such owners have signed their names in the subscription book and bound themselves to effect insurance in the company amounting in the aggregate to not less than $250,000 a meeting shall be called as hereinafter provided. 2 Geo. V. c. 33, s. 18.

19.—(1) When the subscription has been completed any ten of the subscribers may call the first meeting of the proposed company at such time and place within the municipality as they may determine by sending a printed notice by mail, addressed to every subscriber at his post office address, at least ten days before the day of the meeting, and by advertisement in a newspaper published in the county or district in which the municipality is situate.

(2) The notice and advertisement shall state the object of the meeting, and the time and place at which it is to be held.

20.—(1) At such meeting, or at any adjournment of it, the election of the name and style of the company, which shall include the
words "fire" and "mutual," shall be adopted, a secretary ad interim appointed, a board of directors elected as herein-after provided and some central and generally accessible place within the municipality, or within a municipality adjacent thereto, named, at which the head office of the company shall be located.

(2) The presence of at least twenty-five of the subscribers shall be necessary to constitute a valid meeting.

(3) As soon as convenient after the meeting the secretary ad interim shall call a meeting of the board of directors for the election from among themselves of a president and vice-president, for the appointment of a secretary and a treasurer or a secretary-treasurer or a manager and the transaction of such other business as may be brought before the meeting. 2 Geo. V. c. 33, s. 20.

21.—(1) Thereupon there shall be delivered to the Superintendent, certified as correct under the hands of the chairman and secretary:

(a) A copy of the minutes of the meetings including all resolutions respecting the objects of the proposed company, its name or style, and the location of its head office;

(b) A copy of the subscription book;

(c) A list showing the names and addresses of the directors elected and of the officers appointed.

(2) There shall also, for verification, be produced to the Superintendent the originals of such documents. 2 Geo. V. c. 33, s. 21.

22. Upon the receipt by the Superintendent of the documents mentioned in section 21 he shall ascertain and determine whether the proceedings for the incorporation of the company have been taken in accordance with the provisions of this Act, and whether the subscriptions are bona fide, and by persons possessing property to insure, and whether the proposed name is the same as that of any existing company, or may be easily confounded therewith, or is otherwise objectionable. 2 Geo. V. c. 33, s. 22.

23.—(1) If the Superintendent determines that the provisions of this Act have been complied with and that there is no reason why the company should not be incorporated he shall so report to the Minister.

(2) Upon receipt of the report the Minister under his hand and seal of office may issue a certificate of incorporation in as many original parts as may be required, one of which shall be filed and recorded in the office of the Provincial Registrar.
(3) From the time of the filing of the certificate the proposed company shall become a corporation and the members of the corporation shall be the persons who for the time being are insured therein on the premium note plan, and so long as the company remains duly registered under the provisions of this Act it shall be capable of undertaking in Ontario fire insurance on the mutual plan in the terms of its license. 2 Geo. V. c. 33, s. 23.

24. After the filing of the certificate the Minister may issue a license to the company to transact the kind of business specified therein for a term, not exceeding twelve months from the date of issue; and such license may from time to time be renewed for a like term. 2 Geo. V. c. 33, s. 24.

SHARE OR STOCK CAPITAL IN CASH-MUTUAL FIRE INSURANCE COMPANIES; CONVERSION OF CASH-MUTUAL INTO JOINT STOCK COMPANIES.

25. No cash-mutual insurance company shall hereafter be incorporated. 2 Geo. V. c. 33, s. 25.

26. Sections 27 to 32 shall apply only to cash-mutual fire insurance companies licensed and registered at the time of the passing of this Act. 2 Geo. V. c. 33, s. 26.

27.—(1) A cash-mutual insurance company which now has a share or stock capital, with the assent of the Lieutenant-Governor in Council, may from time to time increase its share or stock capital to such an amount as he may deem expedient.

(2) Notice of any application to the Lieutenant-Governor in Council under this section shall be published in at least four consecutive issues of the Ontario Gazette. 2 Geo. V. c. 33, s. 27.

28. Every subscriber to such share capital shall, on allotment of one or more shares, become a shareholder of the company. 2 Geo. V. c. 33, s. 28.

29. No insurance on the wholly cash plan shall make the insured a member of the company, or liable to contribute or pay any sum to the company, or to its funds, or to any other member thereof, beyond the cash premium agreed upon, or give him any right to participate in the profits or surplus funds of the company. 2 Geo. V. c. 33, s. 29.

30. The net annual profits and gains of the company not including therein any premium notes shall be applied in the first place to pay a dividend on the share capital not exceeding the rate of ten per centum per annum, and the surplus, if any, shall be applied in the manner provided by the by-laws of the company. 2 Geo. V. c. 33, s. 30; 3-4 Geo. V. c. 35, s. 3.
31.—(1) A company which has surplus assets, not including premium notes, sufficient to reinsure all its outstanding risks may be formed into a joint stock company in the manner provided by section 9, upon making application as provided by that section.

(2) The application shall not be made until approved by the members by a vote representing at least two-thirds of the amount of the unexpired risks, and if the company has share capital by two-thirds in value of the shareholders, at an annual general meeting or at a special general meeting, and by three-fourths in number of the directors of the company in writing signed by them.

(3) Notice of the intention to make the application and of the consideration thereof at such meeting shall be given by advertisement in the Ontario Gazette and in a newspaper published in the county or district in which the head office of the company is situate at least once a week for four successive weeks before the holding of the meeting.

(4) Every person who is a member of the company on the day of the meeting shall be entitled to priority in subscribing to the capital stock of the company for one month after the opening of the books of subscription in the ratio that the insurance held by him bears to the aggregate of the unexpired risks then in force. 2 Geo. V. c. 33, s. 31.

32. Any company formed under the provisions of the next preceding section shall be answerable for all liabilities of the company from which it has been formed, and may sue and be sued under its new corporate name, and the assets and property of the old company shall be vested in the new company from the date of its formation. 2 Geo. V. c. 33, s. 32.

INTEGRATION OF FRIENDLY SOCIETIES.

33.—(1) No company, society, association or organization incorporated after the tenth day of March, 1890, under Chapter 172 of The Revised Statutes of Ontario, 1887, or under Chapter 211 of The Revised Statutes of Ontario, 1897, shall undertake or effect or agree or offer to undertake or effect any contract of insurance within the meaning of section 2.

(2) Any person who acts or purports to act for any such corporation in any such contract or offer shall be guilty of an offence against this Act.

(3) Neither the repeal by The Ontario Companies Act of the Acts mentioned in subsection 1 nor anything in this Act shall impair or affect the corporate existence, rights and powers of a friendly society incorporated under either of those Acts which is registered under this Act nor the rights and privileges of the members thereof or their beneficiaries. 2 Geo. V. c. 33, s. 33.
34.—(1) If it appears to the Lieutenant-Governor in Council that any body incorporated under the enactments referred to in section 33 exists or is using its corporate powers for any fraudulent or unlawful purpose, the Lieutenant-Governor in Council may suspend for a limited period, or revoke its corporate powers, and on any revocation the corporate powers shall ipso facto absolutely cease and determine except for the sole purpose of winding up its affairs in the manner provided in section 46.

(2) Notice of any such suspension or revocation shall be published in the *Ontario Gazette* and also elsewhere if the Lieutenant-Governor in Council so directs.

(3) If during the suspension, or after the revocation of its corporate powers, any director, officer, agent, employee, or other person acting or purporting to act on behalf of the corporation undertakes any contract of insurance he shall be guilty of an offence against this Act. 2 Geo. V. c. 33, s. 34.

35. On an application to the Registrar for incorporation as a friendly society under sections 36 to 41 the applicants shall be required to show to his satisfaction the necessity for the society proposed to be incorporated, and that the granting of the application would not be contrary to the public interest. 2 Geo. V. c. 33, s. 35.

36.—(1) Where a friendly society, registered under this Act, has its head office elsewhere than in Ontario, the Grand or other Provincial body, or the lodges or a majority of the lodges in Ontario may file with the Registrar an application for incorporation under this Act, setting forth the reasons for seeking incorporation, the proposed corporate name, and head office, and the purposes and rules of the society, and naming the persons who are to be its first trustees or managing officers, and stating the mode in which their successors are to be elected; and shall furnish such other information as the Registrar may require.

(2) Upon due application made, the Registrar may name a day for the hearing of the application, and such notice of the hearing shall be published in the *Ontario Gazette* and otherwise as the Registrar directs.

(3) If, upon the hearing, it appears to the Registrar that such incorporation ought to be granted, he shall certify in duplicate, or in as many parts as may be required, under his hand and the seal of his office, that he finds the persons mentioned therein entitled to incorporation under the name and for the purposes specified in the certificate.

(4) One of the original parts of the certificate shall be filed in the office of the Provincial Registrar, together with such other documents as the Registrar by his certificate.
37. Where in the opinion of the Registrar it is necessary or expedient that an auxiliary, or local or subordinate body or branch of a registered society should be separately incorporated or separately registered, or both, or that two or more societies should be incorporated or registered as one society, the Registrar may direct the like proceedings to be taken as in the next preceding section mentioned, and the filing of his certificate in the office of the Provincial Registrar shall have the same effect as therein provided. 2 Geo. V. c. 33, s. 37.

38. Any unincorporated lodge or body controlled by a registered society, and operated under uniform rules prescribed by the society, and not contrary to law, may, through the society, make application to the Registrar for incorporation; and if it appears to him that incorporation ought to be granted he may certify the same under his hand and the seal of his office; and the filing of his certificate in the office of the Provincial Registrar shall have the same effect as provided by section 36. 2 Geo. V. c. 33, s. 38.

39. The officers of any superannuation or benefit fund authorized by law may, in the manner and by the proceedings mentioned in section 36, become incorporated. 2 Geo. V. c. 33, s. 39.

40. Upon like proceedings and in the manner provided by section 36 incorporation may be granted:

(a) Where a trade union purposes to undertake contracts with its own members exclusively for any of the insurance benefits enumerated in and not prohibited by clause (c) of section 76, or contracts to furnish tools or to pay unemployed or superannuation benefits to the members;

(b) Where any organization of persons resident in Ontario consisting of not less than seventy-five members and managed and operated as a friendly society under rules conforming to this Act purposes to contract with its own members exclusively for sick benefits, not exceeding six dollars per week and a funeral benefit of not more than one hundred and fifty dollars, or either of such benefits. 2 Geo. V. c. 33, s. 40.

41.—(1) If a registered friendly society revokes the warrant or charter under which a subordinate branch or lodge is operated in Ontario, whether such branch or lodge is incorporated or not, such revocation shall be certified in
duplicate by the presiding officer and the secretary of the society under the seal thereof and one of the duplicates shall be filed with the Registrar and the other with the Provincial Registrar.

(2) The certificate from the filing thereof in the office of the Provincial Registrar shall, ipso facto, operate to dissolve the subordinate branch or lodge, and to vest its property, assets, funds and effects in the presiding officer and the secretary of the society and their successors in office, as trustees for the creditors and persons beneficially entitled; and the surplus, if any, after the liabilities are satisfied, shall vest in the society. 2 Geo. V. c. 33, s. 41.

42. Where any society, association, union, organization or lodge already incorporated, becomes incorporated under this Act the prior incorporation shall be merged in and superseded by the later incorporation. 2 Geo. V. c. 33, s. 42.

43. A registered friendly society organized on the lodge plan may by general or special by-law provide for the method by which two or more of its subordinate branches or lodges may be amalgamated and the transfer of the liabilities and assets to the new or continuing branch or lodge may be effected. 2 Geo. V. c. 33, s. 43.

PROVISIONS APPLICABLE TO ALL PROVINCIAL INSURANCE CORPORATIONS.

44.—(1) The company shall have a lien on the shares of any shareholder for unpaid calls or other debts due by him to the company and for any obligation held by the company or debts against him.

(2) After any call, debt or obligation becomes due the company may, upon one month's notice to the shareholder, his executors or administrators, sell his shares, or a sufficient number of them, to pay the call, debt or obligation, and may transfer the shares so sold to the purchaser. 2 Geo. V. c. 33, s. 44.

45.—(1) The name of a corporation or the location of its head office may, with the approval of the Lieutenant-Governor in Council, be changed.

(2) The change of name shall not be made unless the Lieutenant-Governor in Council is satisfied that the company is solvent, and that the change desired is not for any improper purpose and is not otherwise objectionable.

(3) Notice of any such change shall be published in the Ontario Gazette and otherwise as the Superintendent directs. 2 Geo. V. c. 33, s. 45.
46.—(1) If a company incorporated under the law of Ontario, whether under this Act or under any general or special Act, does not go into actual bona fide operation within two years after incorporation; or if, after a company has undertaken contracts, such company discontinues business for one year, or if its license remains suspended for one year, or is terminated otherwise than by effluxion of time and is not renewed within the period of sixty days, the company’s corporate powers shall ipso facto cease and determine, except for the sole purpose of winding up its affairs; and in any action or proceeding where such non-user is alleged proof of user shall be upon the company, and the Supreme Court, upon the petition of the Attorney-General or of any person interested, may limit the time within which the company shall settle and close its accounts, and may for that purpose or for the purpose of liquidation generally appoint a receiver.

(2) No such forfeiture shall affect prejudicially the rights of creditors as they exist at the date of the forfeiture. 2 Geo. V. c. 33, s. 46.

GOVERNMENT DEPOSITS.

47.—(1) Except mutual fire insurance companies licensed only for the insurance of farm buildings and of isolated risks, other than mercantile and manufacturing risks, and mutual live stock and mutual weather insurance companies every company applying for a license to transact insurance shall, before the issue or the renewal of the license or of registry, lodge with the Minister the prescribed deposit, which shall be made in deposit receipts of chartered banks of Canada or in the stock or bonds of the Dominion of Canada or of Ontario, or in deposit receipts or terminable debentures of any corporation in the obligations of which trustees may under The Trustee Act invest trust money, and the title to such deposit shall vest in the Minister.

(2) This section in so far as it alters the amount of the deposit required before the 13th day of April, 1897, shall not apply to such companies as before that date made their annual report to the Department.

(3) The initial deposit to be made by any corporation liable to make deposit before the original or initial registry shall be the sum prescribed by subsection 5.

(4) Before the annual renewal of registry the amount of deposit required shall on or before the first day of July in each year be re-adjusted in accordance with the provisions of the next following two subsections.
(5) If on the next preceding 31st day of December the corporation’s total contingent liability or amount at risk does not exceed $2,000,000,

(a) Every joint stock fire or fire and inland marine insurance company, and every life or life and accident insurance company, and every guarantee and surety company shall keep on deposit, if a Provincial or Canadian company, $25,000, and if a foreign company, $50,000;

(b) Every accident, or sickness and accident insurance company, if a Provincial or Canadian company, shall keep on deposit $20,000, and if a foreign company, $40,000;

(c) Every Provincial mutual fire, or Provincial fire and inland marine insurance company, insuring mercantile and manufacturing risks, shall keep on deposit $10,000, and every Provincial cash mutual fire insurance company, $10,000;

(d) Every live stock insurance company having share capital shall keep on deposit, if a Provincial or Canadian Company, $10,000, and if a foreign joint stock company, $25,000;

(e) Every insurance company mentioned in subsection 3 of section 13 shall keep on deposit, if a Provincial or Canadian company, $10,000, and if a foreign company, $20,000;

(f) Every insurance company mentioned in subsection 4 of section 13 shall keep on deposit, if a Provincial or Canadian company, $5,000, and if a foreign company, $10,000;

(g) Every foreign insurance company doing only the business of re-insuring fire risks undertaken by companies registered under this Act shall keep on deposit, $10,000;

(h) Every friendly society not being a Provincial corporation mentioned in section 72 shall keep on deposit $5,000.

(6) If on the preceding 31st day of December in any year the corporation’s total contingent liability, or the amount of insurance in force, whether such insurance was undertaken directly or by way of re-insurance, exceeds $2,000,000, then for each additional $1,000,000, or fraction thereof, the corporations enumerated in the next preceding subsection shall respectively keep on deposit, by way of additional security, a sum equal to one-tenth of the initial deposit, and the additional deposit shall be in the securities mentioned in subsection 1.
(7) Where the total amount of a company's deposit under this section amounts to twice the initial deposit then for each additional $1,000,000 or fraction thereof at risk each further addition to the deposit shall be one twenty-fifth of the initial deposit.

(8) Where the company fails to keep its deposit unimpaired as required by this section its license may be suspended or cancelled. 2 Geo. V. c. 33, s. 47.

48. An insurance company may voluntarily make a deposit in excess of the amount prescribed by section 47, but no part of a voluntary deposit shall be withdrawn without the sanction of the Minister. 2 Geo. V. c. 33, s. 48.

49.—(1) Securities of the Dominion of Canada, or of any of the Provinces of Canada, shall be accepted at their market value at the time when they are deposited.

(2) The other securities shall be accepted at such valuation and on such conditions as the Minister may direct.

(3) The Superintendent shall under the name of each corporation keep a record of the securities deposited on its account, naming in detail the several securities, their par value, and the value at which they were received as deposit.

(4) Where the market value of any of the securities deposited declines below the value at which they were deposited the Minister may, from time to time, require the corporation to make a further deposit so that the market value of all the securities deposited by it shall be equal to the prescribed amount.

(5) Every security, obligation or covenant, or interest in real or personal property given, transferred to, made with, or vested in the Minister by virtue of his office shall, without any formal transfer, from time to time vest in the Minister for the time being.

(6) Where a corporation desires to substitute other securities of the class of those mentioned in section 47 for securities deposited with the Minister, he may permit the substitution to be made. 2 Geo. V. c. 33, s. 49.

50.—(1) A deposit of any amount not less than $5,000 may, with the consent of the Minister, be made by any registered Provincial friendly society; but no part of such deposit shall be withdrawn without the sanction of the Minister.

(2) Sections 51 to 61 shall not apply to registered Provincial friendly societies; but in the case of a registered Provincial friendly society any deposit made under this Act shall not make any unmatured policy or contract of insurance a liability against the society while a going society, or against the estate of the society in a winding up or liqui-
51. If at any time it appears that a company has on deposit with the Minister a sum in excess of the prescribed amount the Lieutenant-Governor in Council, upon being satisfied that the interest of the company's Provincial policyholders will not be prejudiced thereby, and upon the giving of such notice, and the taking of such other precautions as he may deem expedient, may authorize the withdrawal of the amount of such excess or such portion thereof as he deems advisable; but such withdrawal may be authorized without the giving of any notice. 2 Geo. V. c. 33, s. 51.

52. A company carrying on its business under license from the Dominion of Canada may, with the sanction of the Lieutenant-Governor in Council, withdraw its deposit. 2 Geo. V. c. 33, s. 52.

53. If from the annual statements or the examination of the affairs and condition of a company it appears in the case of a life insurance company that its policy reserves and in the case of any other company that its unearned premiums in both cases in respect to risks outstanding in Ontario, together with any other liabilities in Ontario, exceed its assets in Ontario, including the deposit in the hands of the Minister, the company shall forthwith make good the deficiency, and on failure so to do its license may be suspended or cancelled, and in case of cancellation, if a Provincial corporation, its corporate powers, except for the purpose of winding up its affairs as provided by section 46, shall thereupon cease and determine. 2 Geo. V. c. 33, s. 53.

54. Where the license of a company is suspended or cancelled under the provisions of subsection 8 of section 47 or of section 53 it may be revived if the company makes good the deposit or the deficiency as the case may be to the satisfaction of the Minister. 2 Geo. V. c. 33, s. 54.

55. So long as the conditions of this Act are satisfied and no notice of any final judgment against the company or order for its winding up or the distribution of its assets is given to the Minister the company shall be entitled to receive the interest upon the securities forming the deposit. 2 Geo. V. c. 33, s. 55.

56.—(1) Where an undisputed claim arising from loss insured against in Ontario remains unpaid for sixty days after having become payable, or a disputed claim after final settlement of claims.
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judgment in Ontario and tender of a valid discharge remains unpaid, and written notice of such non-payment has been given to the Superintendent, the license of the company may be suspended or cancelled.

(2) In case of suspension under this section the license may be revived, and the company may again transact business if within sixty days after notice to the Superintendent of the company's default such claim or judgment is satisfied.

(3) Where the company fails to pay any such undisputed claim within sixty days after it has become payable, or to pay any such judgment after tender of a valid discharge, the company's deposit may be administered in the Supreme Court.

(4) At least ten days' notice of the application for administration, stating the ground of it, shall be served upon the company and upon the Superintendent.

(5) Where the claim accrues on the occurrence of any event and is by the terms of the contract of insurance payable on proof of such occurrence, without any stipulated delay, the notice shall not be given until after the lapse of sixty days from the time when the claim became payable. 2 Geo. V. c. 33, s. 56.

57.—(1) The deposit shall be subject to administration only in respect of contracts of insurance which have for their subject property in Ontario, or the life, safety, health, fidelity or insurable interest of a resident of Ontario, or where the contract makes the payment thereunder primarily payable to a resident of Ontario.

(2) In case of administration the whole deposit, after the costs of administration have been provided for, shall be assets for the holders of such contracts whose rights as among themselves shall be determined as provided by subsections 4 to 6 of section 219. 2 Geo. V. c. 33, s. 57.

58. When an order for administration is made the company shall thereby become unregistered. 2 Geo. V. c. 33, s. 58.

59. In the case of a Provincial company, the winding up shall be deemed to have commenced under section 212 from the date of the administration order. 2 Geo. V. c. 33, s. 59.

60. In the case of a company not being a Provincial company, upon the application of any person interested in the administration or of the Superintendent, the Master shall appoint an administrator, and in respect of the administration the Master shall have the like powers and duties as a receiver under this Act. 2 Geo. V. c. 33, s. 60.
61.—(1) A company which has ceased to transact business in Ontario and desires to obtain a return of its deposit may give written notice to that effect to the Superintendent, and shall publish in the *Ontario Gazette* a notice that it has applied to the Lieutenant-Governor in Council for the return of its deposit, calling upon all claimants, contingent or actual, who object to the return to file their objections with the Superintendent on or before a day named in the notice which shall not be less than three months after the first publication of it.

(2) Upon giving the notice to the Superintendent the company shall file with him a list of all its outstanding contracts of insurance including contracts in respect of which claims have accrued.

(3) After the day named in the notice, if the Minister is satisfied that the company has obtained a discharge of all such outstanding contracts, the Lieutenant-Governor in Council may direct that the deposit be returned.

(4) If the Minister is not satisfied that all such contracts have been discharged the Lieutenant-Governor in Council may direct that a sufficient amount be retained to meet the contracts unprovided for and that the remainder of the deposit be returned, and thereafter from time to time as such contracts lapse or proof is adduced that they have been satisfied further return of the deposit may be directed by the Lieutenant-Governor in Council. 2 Geo. V. c. 33, s. 61.

**Licensing of Insurance Companies.**

62.—(1) All insurance companies other than those mentioned in sections 69 to 75, before being registered shall obtain a license from the Minister.

(2) Before applying for license the company shall furnish to the Superintendent satisfactory evidence:

(a) Where the company undertakes fire, or fire and inland marine, or accident, or life, or life and accident, or sickness and accident insurance, or undertakes guarantee or suretyship insurance, that of the capital stock not less than $300,000 has been *bona fide* subscribed, and that $30,000 has been paid thereon;

(b) Where the company undertakes live stock insurance with or without insurance on vehicles, that of the capital stock not less than $150,000 has been *bona fide* subscribed, and that $15,000 has been paid thereon;

(c) Where the company undertakes bicycle or vehicle insurance, or plate glass insurance, that of the
capital stock not less than $12,000 has been *bona fide* subscribed, and that $6,000 has been paid thereon;

(d) Where the company undertakes insurance other than as mentioned in the preceding paragraphs against any loss of or damage to property from accidental causes including boiler or other explosions, or by reason of theft, housebreaking or burglary, that of the capital stock not less than $60,000 has been *bona fide* subscribed, and that $11,000 has been paid thereon;

(e) That the amount paid on the subscribed stock has been actually and *bona fide* paid by the respective persons by whom the stock was subscribed;

(f) That the payments have been made into a chartered bank of Canada to the credit of a named trustee for the company approved by the Superintendent at some office of such bank in Ontario.

(3) Every applicant for license shall file with the Superintendent the documents mentioned in sections 9 and 21, and also the documents required of an applicant for registry; and shall before being licensed make the prescribed deposit.

(4) As soon as the company has made the prescribed deposit, and has otherwise complied with the requirements of this Act, the Minister may issue the license.

(5) The license shall be in such form as may be determined by the Minister, and shall specify the business to be carried on by the company; and shall expire on the thirtieth day of June in each year, but shall be renewable from year to year.

(6) Where a company desires to extend its business to some other branch of insurance, and has complied with the law in respect of additional deposit and otherwise, the Minister may on the report of the Superintendent issue a supplementary license authorizing the company to undertake such other branch of insurance business.

(7) A record of the licenses and supplementary licenses shall be kept in the office of the Superintendent. 2 Geo. V. c. 33, s. 62.

**63.** The provisions herein enacted as to the continuance, renewal, suspension and cancellation of licenses shall apply to supplementary licenses. 2 Geo. V. c. 33, s. 63.

**64.** A license shall not be granted to a company for the transaction of both fire and life insurance. 2 Geo. V. c. 33, s. 64.
65. A company incorporated elsewhere than in Canada shall not be licensed unless it shows to the satisfaction of the Minister that it has carried on successfully for a period of at least five years the business for which a license is applied for. 2 Geo. V. c. 33, s. 65.

REGISTRATION OF INSURANCE CORPORATIONS.

Registers.

66. There shall be kept in the Department,

(a) A Register to be called "The Insurance Company Register," in which shall be registered the corporations mentioned in sections 68, 69, 70 and 71;

(b) A Register to be called "The Friendly Society Register," in which shall be registered the friendly societies authorized by certificate to undertake insurance contracts. 2 Geo. V. c. 33, s. 66.

67. The duty of determining and distinguishing those corporations which are required to be registered and are entitled to registry, and of granting registry, shall devolve upon the Superintendent or Registrar subject to appeal as hereinafter provided. 2 Geo. V. c. 33, s. 67; 3-4 Geo. V. c. 35, s. 4.

Insurance Company Register: What Corporations May be Registered.

68.—(1) A company shall, on the issue or the renewal of its license, be registered on the Insurance Company Register, without application and without additional charge and before delivery of the license, and the fact of such registration shall be indorsed thereon.

(2) Suspension, cancellation or non-renewal of the license shall, ipso facto, operate as a suspension or cancellation of registry.

(3) For the purposes of this section the license shall be deemed to be subsisting for thirty days after its expiry by effluxion of time. 2 Geo. V. c. 33, s. 68.

69.—(1) A company licensed by the Dominion of Canada, upon application and upon proof that its license has been issued, may be registered on the Insurance Company Register.

(2) Subsection 1 shall not apply to a company which has not made and kept up the deposit required by The Insurance Act, 1910 (Canada).

(3) Where a company registered under the provisions of this section contravenes any of the provisions of The Insurance Act, 1910 (Canada), for which its license may under that Act be suspended or cancelled, such company shall be liable to have its registry under this Act suspended or cancelled.

9 s.—II.
(4) Suspension or cancellation by the Dominion of Canada of the license of any such company shall, ipso facto, operate as a suspension or cancellation of registry under this Act.

(5) When any such suspension is withdrawn the Superintendent may reinstate the company on the register. 2 Geo. V. c. 33, s. 69.

70. Companies transacting inland or ocean marine insurance, companies not transacting insurance business in Ontario but investing surplus funds in Ontario and companies mentioned in section 102 of The Insurance Act, 1910 (Canada) may be admitted to registry. 2 Geo. V. c. 33, s. 70.

71. Upon due application of any underwriter of the society known as Lloyds, incorporated by the Imperial Statute, Lloyds Act, 1871, or upon due application of any such underwriter’s broker or broker’s agent, such underwriter, broker or agent may be admitted to registry for the undertaking and transaction of insurance, other than life insurance, and upon such terms and conditions as the Minister may deem expedient. 2 Geo. V. c. 33, s. 71.

Friendly Society Registers: What Corporations May be Registered.

72. In addition to friendly societies registered as such at the commencement of this Act, the following shall be admissible to registry on the Friendly Society Register:

(a) A society incorporated under the provisions of sections 36, 37, 39 or 40;

(b) A corporation not otherwise provided for in this Act which has by or under the authority of an Act of the Parliament of Canada an insurance and provident society or association, or an insurance or guarantee fund in connection with the corporation;

(c) A trade union in Ontario which, under the authority of its incorporating Act or charter, has an insurance or benefit fund for the benefit of its own members exclusively;

(d) A corporation which under the authority of an Act of the Parliament of Canada has created a fund for paying a gratuity on the happening of death, sickness, infirmity, casualty, accident, disability or any change of physical or mental condition;

(e) An association of the civil servants or employees of the Dominion of Canada incorporated by or under the authority of an Act of the Parliament of Canada. 2 Geo. V. c. 33, s. 72.
73.—(1) A friendly society incorporated in another Province of Canada which authorizes friendly societies of Ontario to transact business within its limits on conditions similar to those set forth in this Act may be admitted to registry.

(2) No such society shall be admissible to registry:

(a) Unless for five years next preceding its application for registry it has been continuously in actual operation as a solvent corporation of a Province of Canada under the law of which it was incorporated; or

(b) If it undertakes insurance or insurance benefit contracts with persons other than its own members; or

(c) If it insures or indemnifies against contingencies other than sickness, disability, or death, or funeral expenses, or if the sum or sums insured on the life of any one person exceed in all $3,000; or

(d) If it undertakes endowment insurance, or other endowment contracts, or annuities upon lives, or bond or tontine, or semi-tontine, or marriage aid contracts; or

(e) If it has upon its books less than five hundred members in good standing; or

(f) If it is in effect the property of its officers or collectors, or of any other person for his own benefit, or is conducted as a mercantile or business enterprise, or for the purpose of mercantile profit, or if its funds are under the control of persons or officers appointed for life and not under that of the assured; or

(g) Unless the society provides for its contracts upon lives at least to the extent of collecting from its members premiums not less than those set out in Schedule A, and such further sum as is sufficient to provide for the expenses of management.

(3) On proof that the society is entitled to registry, and on production of the certificate of registry of the proper officer of its own Province, if registry is required by the law of that Province, the society shall be entitled to registry upon making the prescribed deposit. 2 Geo. V. c. 33, s. 73.

74.—(1) Where two or more lodges or branches of a society, though separately incorporated, are under the financial or administrative control of a central governing body in Ontario, or a duly authorized Provincial representative of
the society, such governing body if incorporated or such Provincial representative of the society may, if the Registrar thinks proper be dealt with as the society.

(2) In the case of a friendly society incorporated elsewhere than in Ontario the central governing or controlling body in Ontario if incorporated by virtue of the law of Ontario may if the Registrar thinks proper be dealt with as the society. 2 Geo. V. c. 33, s. 74.

75. Where a bona fide trade union provides by its constitution, by-laws or rules for the assistance, relief or support of its members, the Registrar may, by writing, under his hand and the seal of his office, declare the organization exempt from the operation of this Act; and such declaration shall remain in force until in like manner revoked. 2 Geo. V. c. 33, s. 75.

76.—(1) The following shall not be entitled to register as a friendly society:—

(a) Any corporation mentioned in sections 69, 70, 71, or licensed or required by this Act to be licensed;

(b) Any corporation, except those mentioned in clause (d) of section 72, having charge of, or managing, or distributing charity, or gratuities, or donations only;

(c) A corporation which undertakes or offers to undertake contracts of insurance other than with its own members exclusively, or for more than $3,000 in respect of any one member, or any contracts of insurance with its members other than

(i) Insurance of the person; or

(ii) Contracts for the payment of mortuary or funeral benefits; or

(iii) Old age insurance;

(d) A corporation in which the persons insured number less than seventy-five, or in which the insurance fund is used for the purposes of a mercantile or business enterprise, or for mercantile profit, or a society formed on the lodge system, the insurance fund of which is held other than as a trust fund for the members insured;

(e) A society in which the persons insured do not exercise, either directly or through representatives elected for a term not exceeding three years, effective control over the insurance fund of the society; or in which the officers or other persons having the disposition, control or possession of the insurance fund are elected or appointed for a longer period than three years;
(f) Any corporation which undertakes contracts of insurance but is not formed exclusively for that purpose and which does not for the purposes of such contracts keep distinct and separate funds, securities, books and vouchers.

(2) Clause (c) shall not apply to contracts guaranteeing the fidelity of officers, servants, or employees of the branches or subdivisions of the corporation, and shall not disentitle to registry a friendly society which before the eleventh day of March, 1890, was bona fide transacting exclusively with its members endowment insurance in Ontario, and which has continued so to do up to the date of application for registry. 2 Geo. V. c. 33, s. 76.

77. Where, because of a provision in any of its rules, a society otherwise entitled to registry ought not, in the opinion of the Registrar, to be registered, it shall not be entitled to registry, until it has repealed or amended such rules in accordance with the direction of the Registrar. 2 Geo. V. c. 33, s. 77.

78. A society incorporated under any Act of this Legislature shall not be entitled to registry unless its head office is located and maintained in Ontario and the secretary and treasurer are bona fide resident in Ontario. 2 Geo. V. c. 33, s. 78.

Proceedings to Register: Duration of Registry.

79. Application for initial registry shall be made according to a form to be supplied by the Superintendent on request, and the applicant shall deliver to the Superintendent at his office the application duly completed, together with such evidence as the form by its terms requires, and shall furnish such additional information, material and evidence, and if the Superintendent deems it necessary shall give such public notice of the application as he may direct. 2 Geo. V. c. 33, s. 79.

80. The applicant, if not a corporation mentioned in sections 70 or 71, shall also deliver to the Superintendent a statement in the form required by him of the financial condition and affairs of the applicant on the 31st day of December in the year next preceding, or up to its usual balancing day, if such day is not more than twelve months before the delivery of the statement, and such statement shall be signed by the applicants' president and secretary or other proper officers, and shall be verified by their oath. 2 Geo. V. c. 33, s. 80.

81.—(1) A corporation having its head office elsewhere than in Ontario shall, with its application for initial registry, file with the Superintendent a power of attorney executed in
Sec. 81 (1).

Services on agent to be good service.

Duplicate, appointing a resident of Ontario as its attorney or agent to receive service of notices and of process in all actions and proceedings against the corporation in Ontario, and declaring at what place in Ontario the head office or chief agency is located at which service may be effected.

(2) Service upon such attorney or agent or upon an officer or clerk at such head office or chief agency shall be deemed service upon the corporation.

(3) Upon every change of attorney or agent or of the location of the head office or chief agency in Ontario, or if from any cause the power of attorney filed becomes invalid or ineffectual, notice thereof shall forthwith be given to the Superintendent and a new power of attorney filed in like manner and form. 2 Geo. V. c. 33, s. 81.

82.—(1) The Superintendent shall cause to be entered on the proper register the name of every corporation admitted to registry, the date of registry, the term for which the registry is to endure, the place where the head office is located, the name and address of the chief agent, and the class of insurance for which the corporation is registered.

(2) If during the term the registry is suspended, revived, revoked, or cancelled the date of and authority for the suspension, revivor, revocation or cancellation shall be entered on the register.

(3) The Superintendent shall issue under his hand and the seal of his office a certificate of registry setting forth that the corporation is registered for the term and for the purposes stated in the certificate.

(4) The term shall begin on the date of registry and shall end not later than the 30th day of June following, but in the case of the corporations mentioned in sections 69, 70 and 71 the term of registry shall end not later than the 30th day of April following the date of registry. 2 Geo. V. c. 33, s. 82.

83. Notwithstanding failure to comply with the provisions of this Act within the prescribed time the Superintendent may, upon payment of the prescribed fee, grant an interim certificate of registry or extend the currency of a subsisting certificate. 2 Geo. V. c. 33, s. 83.

Proof of Registry and of Other Matters: Notice Under the Act.

84.—(1) The Superintendent shall cause to be published in the Ontario Gazette, in July of each year, a list of the corporations which are registered at the date of the list; and shall cause notice of the registry of a corporation not there-
before registered and notice of suspension or cancellation or
revivor of registry to be given by publication in the Ontario
Gazette.

(2) A certificate under the hand and seal of office of the
Superintendent that on a stated day the corporation or per-
son mentioned therein was or was not registered under this
Act, or that any corporation or person was originally admitted
to registry, or that the registry of any corporation or person
was renewed, suspended, revived, revoked, or cancelled on
a stated day shall be prima facie evidence of the facts stated
in the certificate.

(3) A certificate of the filing of any document by this or
by any former Insurance Act required to be filed in the
office of the Provincial Registrar or of the Superintendent
or Deputy Superintendent shall be prima facie evidence of
the filing if signed or purporting to be signed by the Deputy
or Assistant Provincial Registrar or by the acting Deputy or
Assistant or by the Superintendent or Deputy Superintend-
ent as the case may be.

(4) The books, accounts and documents of a corporation
and the entries in the books of its officers or receiver or liqui-
dator shall be prima facie evidence of the matters to which
they relate as against the corporation, or any of its branches
or lodges, and as between any of the branches or lodges, or
their respective members, and as between contributories or
alleged contributories, and in a winding up as between an
alleged debtor or contributory and the corporation. 2 Geo.
V. c. 33, s. 84.

85.—(1) Subject to Statutory condition 7, delivery of any
written notice to a corporation for any of the purposes of
this Act, where the mode thereof is not otherwise expressly
provided, may be by letter delivered at the chief office of the
corporation in Ontario, or sent by registered post addressed
to the corporation, its manager or agent at such chief office,
or in any other manner to an authorized agent of the corpo-
ration.

(2) Subject to Statutory condition 15, any notice given
by a corporation for any of the purposes of this Act, when
the mode thereof is not otherwise expressly provided, may be
given in the case of a member or person insured by mailing
it to his post office address given in his original application
for insurance or otherwise notified in writing to the corpo-
ration; and in the case of a shareholder by mailing the notice
to his post office address as appearing in the register of share-
holders. 2 Geo. V. c. 33, s. 85.

86. Any oath required by this Act to be taken may be
administered and certified to by the Superintendent or
Deputy Superintendent or by any person authorized to
administer oaths in Ontario. 2 Geo. V. c. 33, s. 86.
SUSPENSION OR CANCELLATION OF REGISTRY: BRINGING ACTIONS: APPEALS FROM SUPERINTENDENT.

87.—(1) Upon proof of the happening of any of the following events and after notice to the corporation where the Superintendent deems notice necessary or proper he may cancel the registry of the corporation:

(a) The repeal or the expiry without renewal of its charter, instrument of association, or deed of settlement, or of its Act of incorporation; or

(b) The revocation of its corporate powers; or

(c) The cancellation, or the expiry without renewal of the license or other document of authority by which the corporation was authorized to exercise its corporate powers for the transaction of insurance; or

(d) The passing of a resolution by the corporation for its winding up; or

(e) The making of an order by any Court for the winding up of the corporation.

(2) Upon proof of the happening of any of the following events and after notice to the corporation, where the Superintendent deems notice necessary or proper, he may suspend the registry of the corporation:

(a) The suspension of the license or other document of authority by which the corporation was authorized to exercise its corporate powers for the transaction of insurance; or

(b) The suspension of the corporate powers of the corporation. 2 Geo. V. c. 33, s. 87.

88. Upon proof that registry or a certificate of registry was obtained by fraud or mistake, or that a corporation exists or is using its corporate powers for any fraudulent or unlawful purpose, is insolvent or is on the eve of insolvency, or has willfully contravened any of the provisions of this Act, or has ceased to exist, the registry of the corporation may, after notice to the corporation, where the Superintendent deems notice necessary or proper, be suspended or cancelled, subject to appeal as provided in section 92. 2 Geo. V. c. 33, s. 88.

89.—(1) No action shall be brought for the recovery of money payable under a contract of insurance until the expiration of sixty days after proof, in accordance with the provisions of the contract, of the loss or of the happening of the event upon which the insurance money is to become payable or such shorter period as may be prescribed by any enaet-
ment regulating the contracts of the corporation or as may be fixed by the contract of insurance.

(2) After such sixty days or shorter period any person entitled as beneficiary or by assignment or other derivative title to the insurance money, and having the right to receive the same and to give an effectual discharge therefor may sue in his own name, any rule, stipulation or condition to the contrary notwithstanding.

(3) If a corporation disputes a claim it shall give notice in writing to that effect to the claimant and to the Superintendent within such period. 2 Geo. V. c. 33, s. 89.

90.—(1) If notice of dispute is not given and the claim is not paid within such period, or if the claim is disputed and judgment is recovered thereon, and is not satisfied, the Superintendent, upon proof of non-payment, may suspend the registry of the corporation.

(2) If within sixty days after notice of the suspension the corporation has paid all undisputed claims and final judgments in full the Superintendent, upon proof of such payment, may revive the registry of the corporation and issue his certificate of such revivor, and unless such proof is furnished before the expiration of such period he shall cancel the registry of the corporation. 2 Geo. V. c. 33, s. 90.

91.—(1) Every decision of the Superintendent refusing, suspending, cancelling, or reviving registry shall be in writing and notice thereof shall be forthwith given to the corporation.

(2) The corporation or any person interested shall be entitled, upon payment of the prescribed fee, to a certified copy of the decision.

(3) The evidence and proceedings in any matter before the Superintendent may be reported by a stenographer who has taken an oath before the Superintendent to faithfully report the same. 2 Geo. V. c. 33, s. 91.

92.—(1) The corporation or any person who deems himself aggrieved by a decision of the Superintendent may appeal therefrom to a Divisional Court.

(2) The appeal shall be set down for argument at the first sittings of a Divisional Court which commences after the expiration of 30 days from the decision complained of.

(3) The practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a Judge of the Supreme Court, in an action. 2 Geo. V. c. 33, s. 92.
93. Before a license is issued or a company is admitted to registry the Superintendent shall be satisfied that the corporate name of the company is not that of any other known company incorporated or unincorporated, or any name liable to be confounded therewith or otherwise on public grounds objectionable. 2 Geo. V. c. 33, s. 93.

RIGHT OF SUPERINTENDENT TO ACCESS TO BOOKS, ETC.

94. The Superintendent, or any person authorized under his hand and seal of office, shall at all reasonable times have access to all such books, securities, and documents of a corporation as relate to its contracts of insurance, and any officer or person in charge, possession, custody or control of such books, securities or documents who refuses or neglects to afford such access shall be guilty of an offence against this Act and the corporation shall be liable to have its registry suspended; and, in case of continued refusal or neglect to afford such access, shall be liable to have its registry cancelled. 2 Geo. V. c. 33, s. 94.

SPECIAL AUDIT.

95.—(1) Upon proof to the satisfaction of the Superintendent that the accounts of a corporation have been materially and willfully falsified, or that for eighteen consecutive months there has been no bona fide audit of its books and accounts, or if there is filed in the office of the Superintendent a requisition for audit bearing the signatures, addresses and occupations of at least twenty-five members or shareholders of the corporation, or of claimants or persons entitled to claim or having insurable interests under contracts of the corporation, and alleging in a sufficiently particular manner to the satisfaction of the Superintendent specific fraudulent or illegal acts, or the repudiation of contracts or insolvency, the Superintendent may appoint one or more accountants who shall, under his direction, make a special audit of the books and accounts and report thereon in writing verified upon oath to the Superintendent.

(2) Where an audit is requested the persons requesting it shall, with their requisition, deposit with the Superintendent security for the costs of the audit in a sum not exceeding $300, and where the facts alleged in the requisition appear to the Superintendent to have been partly or wholly disproved by the audit he may pay the costs thereof partly or wholly out of the deposit.

(3) The corporation, its officers and servants shall facilitate the making of such special audit so far as it is in their power, and shall produce for the inspection and examination by the person so appointed such books, securities and documents as he may require.
(4) Subject to the provisions of subsection 2 the expense of such special audit shall be borne by the corporation, and the auditor's account, when approved in writing by the Superintendent, shall be paid by the corporation forthwith.

(5) Subject to appeal as hereinafter provided the Superintendent, upon proof of the fact, may cancel or suspend the registry of a corporation which fails to comply with the provisions of section 105, or refuses to permit an audit provided for by this Act to be made, or obstructs an auditor in the performance of his duties. 2 Geo. V. c. 33, s. 96.

96. Every trustee, director, officer, manager, agent, collector, auditor or employee of a corporation, or of any of its branches or lodges, who knowingly makes or publishes, or assists in making or publishing, any wilfully false statement of its financial affairs, or who makes or assists in making any untrue entry in any book of record or account, or who refuses or neglects to make any proper entry therein, or to exhibit the books, vouchers, securities and documents, or to allow the same to be inspected or audited either for the general purposes of the corporation or for the purposes of this Act, and extracts to be taken therefrom, shall be guilty of an offence, and upon summary conviction shall be liable to imprisonment for a term not exceeding twelve months. 2 Geo. V. c. 33, s. 96.

97.—(1) If the report made by the special auditor appears to the Superintendent to disclose any fraudulent or illegal act on the part of the corporation, or a repudiation of its contracts or insolvency, the Superintendent shall notify the corporation and furnish it with a copy of the report, and shall allow two weeks for a statement in reply to be filed with him.

(2) Upon consideration of the report and of the statement in reply, and of such further evidence as he may require, the Superintendent may, subject to appeal as hereinbefore provided, suspend or cancel the registry of the corporation and shall give his decision in writing. 2 Geo. V. c. 33, s. 97.

UNREGISTERED CORPORATIONS AND ILLEGAL CONTRACTS.

98.—(1) No insurance other than contracts of guaranty undertaken by a company registered under The Loan and Trust Corporations Act shall be transacted or undertaken in Ontario except by a corporation duly registered under this Act, and no corporation shall transact or undertake in Ontario any business not specified in its certificate of registry.

(2) Subsection 1 shall not apply to a superannuation or insurance or annuity fund, managed or controlled by the Government of Canada or of Ontario, for the benefit of the civil service thereof.
What deemed to be undertaking insurance.

(3) Any person who sets up or causes to be set up any sign containing the name of a corporation, or who distributes or publishes or causes to be distributed or published any proposal, circular, card, advertisement, printed form or like document in the name of a corporation, or who makes, or causes to be made, any written or oral solicitation on a corporation's behalf, or who collects or takes, or causes to be collected or taken, any premium of insurance on a corporation's behalf, shall be deemed to offer to undertake or effect a contract of insurance within the meaning of this section. 2 Geo. V. c. 33, s. 98 (1-3).

Printing of words "Assessment System."

(4) Every application, contract, or instrument, and every circular, advertisement or publication soliciting insurance of the person, issued or used in Ontario for the purposes of assessment insurance, shall bear the words "Assessment System" printed or stamped in large type at the head thereof. 2 Geo. V. c. 33, s. 98 (4); 3-4 Geo. V. c. 35, s. 5.

Statements as to capital.

(5) Where any advertisement, letter head, account or other document issued, published or circulated by a registered corporation or by any of its officers, agents or employees, purports to state the capital of the corporation, it shall state separately,

(a) The authorized capital;

(b) The capital actually and in good faith subscribed;

(c) The capital actually and in good faith paid up.

Penalty.

(6) Every person who in contravention of subsection 1 undertakes or effects or agrees or offers to undertake or effect any contract of insurance or who contravenes subsection 4 or subsection 5 shall incur a penalty of not less than $20 nor more than $200 recoverable under The Ontario Summary Convictions Act; and in ease of a second or any subsequent conviction shall be liable to imprisonment for any term not exceeding six months.

(7) The burden of proving registry shall be upon the corporation or person charged.

Application of fines.

(8) One-half of any fine imposed under the authority of this section shall, when received, belong to His Majesty and the other half to the prosecutor. 2 Geo. V. c. 33, s. 98 (5-8).

99. Every offence against this Act committed by a corporation or by a branch or lodge of a corporation shall be deemed to have been also committed by every officer of the same who by virtue of his office is bound to fulfil any duty whereof such offence is a breach, or if there is no such officer, then by every member of the Committee of Management of the same unless it is proved that he attempted to prevent the commission of such offence, and every default under this Act which is an offence if continued shall constitute a new offence in each week during which such default continues. 2 Geo. V. c. 33, s. 99.
100.—(1) Where the Minister is of opinion that insurance or sufficient insurance of property cannot be obtained with registered insurers at ordinary or reasonable rates of premium he may, from time to time, by license made for a term not in any case extending beyond the next ensuing 30th day of June, authorize an insurance broker named in such license, hereinafter in this section called the licensee, to effect such insurance with insurers approved by the Minister not registered under this Act, and not transacting business in Ontario other than such as is transacted under the authority of a license issued under this section.

(2) The licensee before transacting business under the license shall furnish to the Superintendent security to his satisfaction in the sum of not less than $5,000 that he will faithfully comply with all the requirements of this Act.

(3) The license shall in respect of insurance effected thereunder exempt the licensee, the insurer and such insurance from the operation of section 98.

(4) The Minister may at any time require a licensee to increase the amount of the security, and notice of such requirement may be sent by registered post addressed to the licensee at the address stated in the license, and if the licensee fails to comply with the requirement within eight weeks after the mailing of such notice the license shall ipso facto be cancelled.

(5) For non-compliance by the licensee with any of the requirements of this Act or for any other cause shown to the satisfaction of the Minister he may at any time, by notice in writing, which may be given as provided by the next preceding subsection, suspend or cancel the license.

(6) The licensee shall, in the case of every insurance to be effected under this section, obtain from the person applying for such insurance a dated statement, signed by the applicant, describing the property to be insured, its location and the amount of insurance desired; also stating that there is no insurer in Ontario registered for the transaction of that kind of insurance; or that application was previously made for such insurance to named insurers registered under The Ontario Insurance Act and that a premium at the rate stated in the application per $100 for a specified term was offered to them, but that no insurance or only a stated part of the insurance so applied for was granted by such insurers.

(7) Every licensee shall keep a separate account of all insurances effected by him under his license in a book or books in the form prescribed by the Superintendent.
(8) Such book and the applications and statements mentioned in subsection 6 shall at all times be open to the Superintendent or to any officer of the Department.

(9) Within ten days after the end of each calendar month every licensee shall make to the Superintendent a return in the form and manner by him prescribed of the particulars of all insurances effected under this section by the licensee during such month; and such return shall be verified by the oath of the licensee.

(10) In respect of all premiums on insurance effected under a license the licensee shall pay to the Department such taxes as would be payable if such premiums had been received by a registered insurance company; and the licensee shall, in respect of such premiums, report to the Superintendent from time to time as by him required.

(11) On it being shown to the satisfaction of the Minister that all insurances effected under this section are no longer in force, or have been reinsured, the licensee shall be entitled to a release or cancellation of his security.

(12) For each license issued under this section a fee of $25 shall be payable to the Department, but where the term for which the license is to be issued does not exceed six months the fee shall be $12.50. 2 Geo. V. c. 33, s. 100.

REINSURANCE BY REGISTERED CORPORATION.

101. Nothing in this Act shall prevent a registered insurance company, which has lawfully effected a contract of insurance upon property in Ontario, from re-insuring the risk or any portion thereof with any insurer transacting business out of Ontario and not registered under this Act. 2 Geo. V. c. 33, s. 101.

BOOKS: PERIODICAL AUDIT: INVESTMENTS: VALUATION OF LIABILITIES: FINANCIAL STATEMENTS: INVESTMENT OF FUNDS.

(For special audit see section 95.)

102.—(1) Every registered corporation except those mentioned in subsection 1 of section 69 shall keep such a classification of its contracts, and such registers and books of account as may be prescribed by the Superintendent; and if at any time it appears to him that such books are not kept in such a way as to show properly the affairs and standing of the corporation he may appoint an accountant to audit such books under his direction, and to give such instructions as will enable the officers of the corporation to keep them correctly.

(2) The expense shall be borne by the corporation and shall not exceed $5 per day and necessary travelling ex-
penses, and the account shall, when approved under the hand of the Superintendent, be paid by the corporation forthwith. 2 Geo. V. c. 33, s. 102.

103.—(1) Where the corporation has a share capital the Transfer books required by the next preceding section shall include a register.

stock register in which transfers of shares shall be accurately registered, and which shall at all reasonable times be open to examination by any shareholder and the Superintendent.

(2) The entries in such register shall include the follow- Contents.
ing particulars: the number of shares transferred, the amount paid up on them, the names and addresses of the transferor and the transferee, the date of the transfer and the date of confirmation by the directors. 2 Geo. V. c. 33, s. 103.

104. Insurance companies which are required to make a deposit shall cause to be kept a policy register in which all policies issued by the corporation shall be entered, disting- Separate guishing those for which the deposit is answerable under record contracts section 57. 2 Geo. V. c. 33, s. 104.

105.—(1) The officers of every Provincial corporation shall at least once in every year have a bona fide audit of its Annual books of record and account made by at least two competent Auditors and auditors. Remunera-

(2) Every auditor shall be a qualified accountant, not qualification. holding or having held within two years prior to his becoming auditor any other office or employment under the corporation.

(3) The auditors shall be elected and their remuneration determined at a general meeting.

(4) An auditor shall hold office for not more than two years but shall be eligible to reappointment.

(5) The directors or executive officers may, by a vote of trustees of the members present, suspend an auditor for incapacity, misconduct or negligence, such suspension to remain in force until the next general meeting.

(6) If the office of auditor becomes vacant between general meetings the directors or executive officers may fill the vacancy until the next general meeting. 2 Geo. V. c. 33, s. 105.

106.—(1) Every Provincial corporation shall furnish to each shareholder or member at least two weeks before its annual meeting a summary statement in a form approved by the Superintendent, showing as the result of such audit the corporation’s assets, liabilities, receipts and expenditures, and the state of its insurance funds as they appear in the statement mentioned in section 108, and a copy of such sum-
mary statement signed and certified by the president and by
the manager or secretary and by the auditors shall be filed
in the office of the Superintendent with the statement required
by section 108. 2 Geo. V. c. 33, s. 106 (1); 3-4 Geo. V.
c. 35, s. 6.

(2) Where a copy of the official newspaper or journal of
a friendly society containing the statement is sent to a mem-
ber the statement shall be deemed to be furnished to him
within the meaning of subsection 1.

(3) Instead of furnishing such statement to each member
the society may transmit to each lodge or branch, for the
information and use of its members, at least ten copies of the
statement; and one copy shall be kept posted up at the head
office of the society in a place accessible and convenient to
the members until at least one month after the posting up of
the next succeeding statement, and one copy shall be kept
on record and shall be accessible to the members.

(4) In the case of fire insurance companies, other than
those transacting purely non-hazardous mutual business, a
copy of such summary statement shall be published in a
newspaper published in the county or district in which the
head office of the company is located on or before the fifteenth
day of February in every year and proof of publication shall
be filed with the Superintendent on or before the fifth day of
March next following, in default of which the Superintendent
shall cause such publication to be made at the expense of the
company.

(5) No statement purporting to show the financial con-
dition of any Provincial corporation which differs from the
statement filed with the Superintendent shall be published
or circulated. 2 Geo. V. c. 33, s. 106 (2-5).

107. In the case of an insurance corporation licensed
under section 62 every contract of annuity upon life and
every unmatured policy or contract of life, including endow-
ment, or tontine, or semi-tontine insurance, required to be
valued for a true showing of the corporation's liabilities shall
be valued as provided by Schedule C. 2 Geo. V. c. 33, s. 107.

108.—(1) The presiding officer and the manager or secre-
tary of every registered insurance corporation except those
mentioned in sections 69, 70 and 71 shall prepare and file
annually with the Superintendent as hereinafter prescribed,
on a printed form to be furnished by him on application, a
sworn statement of the financial condition and affairs of the
corporation.

(2) In case of fire insurance companies other than those
transacting a purely non-hazardous mutual business, the state-
ment shall show as a liability the unearned premiums on all
cash business in force on the 31st day of December then last
past, and shall not show as assets unpaid balances owing by
agents or by other companies which are over three months due or bills receivable on account of the same.

(3) In the case of a company transacting any form of guarantee insurance the statement shall show as a liability the unearned premiums on unexpired contracts computed pro rata as at the date of the statement.

(4) A corporation refusing or neglecting to file such statement, or to make prompt and explicit answer to any inquiries at any time put by the Superintendent touching the corporation's contracts or financial affairs, or which contravenes any of the provisions of section 106, shall be liable to suspension of registry.

(5) A friendly society may include in its annual statement a valuation, made by an actuary and verified by his oath, of any or all of the contingent liabilities of the society and the Registrar may in his annual report publish an abstract of such valuation as part of the society's statement.

(6) In the case of a registered Provincial licensee such statement shall be prepared annually on the first day of January, or within one month thereafter, and shall be filed with the Superintendent on or before the first day of February then next ensuing.

(7) In the case of a registered friendly society such statement shall be prepared annually on the first day of January or within one month thereafter and shall be filed with the Registrar on or before the first day of March then next ensuing.

(8) With such statement the corporation shall file a certified copy of the summary statement required by section 106.

(9) For every contravention of this section, the person in default shall incur a penalty of $50 for each day's default, but not exceeding in the whole $1,000, recoverable under The Ontario Summary Convictions Act.

(10) From the statements so filed the Superintendent shall in each year cause to be prepared, printed and distributed a report for the year ending on the 31st day of December next preceding, and such report shall include a list of registered insurance corporations. 2 Geo. V. c. 33, s. 108.

109.—(1) It shall be unlawful for any person to represent orally or in writing that the registry of an insurance corporation or the printing or publication of its annual statement in the report of the Superintendent or in any other publication of the Department is a warranty or guarantee of the financial standing of the corporation or of its actual actuarial solvency. 10 s.—II.
(2) For every contravention of subsection 1 the person offending shall incur a penalty of not less than $200 or more than $500, recoverable under The Ontario Summary Convictions Act.

(3) Where the constitution or rules of a corporation, branch or lodge prescribe the securities in which its funds shall be invested, nothing in this section shall enlarge the power of investment. 2 Geo. V. c. 33, s. 109 (1-3).

(4) Subject to its constitution or rules, any corporation registered under this Act, or any branch or lodge thereof, may hold absolutely for its own use and benefit such real estate as is necessary for the transaction of its business, and when so authorized by the Lieutenant-Governor in Council, may acquire or construct a building larger than is required for the transaction of its business, and may lease any part of such building not so required, and may hold such real estate as is acquired by it by foreclosure or in satisfaction of a debt, and may sell, mortgage, lease or otherwise dispose of the same; but the corporation, branch or lodge shall sell any such last mentioned real estate within seven years after it has been so acquired, otherwise it shall be forfeited to His Majesty for the uses of Ontario. 3-4 Geo. V. c. 35, s. 7.

(5) No insurance corporation, branch or lodge shall contract with any of its auditors, trustees, directors, or executive officers for any loan or credit, or borrowing of money, except in the case of a life insurance company, where a loan may be made on the security of its own policies.

(6) Where the trustees, directors or executive officers of an insurance corporation, or of a branch or lodge thereof, make an investment of any of the corporation's money not authorized by law, or lend any money of the corporation, or transfer the beneficial ownership of any of its property or assets to any one of themselves, or to any auditor, all of those who voted in favour of or assented to the investment, loan or transfer, shall be personally liable jointly and severally to repay or restore the money, property or assets so invested, loaned or transferred, with interest and if the Court so determines also with rests.

(7) An action for the recovery of such money, property or assets may at any time be brought by a member or shareholder of the corporation on behalf of himself and all other members and shareholders, and all trustees, directors or executive officers may be made defendants; and the burden of proof that he did not vote for or assent to the investment, loan or transfer shall be on every such defendant.

(8) If, in the opinion of the Court, the plaintiff has proved that the investment, loan or transfer was not authorized by law he shall be entitled to his costs out of the funds
of the corporation, and the corporation shall have the right
to recover such costs from the defendants personally or from
such of them as the Court may determine. 2 Geo. V. c. 33,
s. 109 (5-8).

110. Where, on or after the 14th day of April, 1892, a
friendly society having its head office elsewhere than in
Ontario had or has in the charge, possession, custody, or
power of officers or agents resident in Ontario a reserve
fund or funds for the security or assistance of members of
the society, such fund or funds shall be deemed to be a fund
held in trust for members in the jurisdiction of such officers
or agents, and they shall be deemed and shall continue to be
trustees of such fund or funds until other trustees thereof
resident in Ontario are appointed by competent authority;
and such trust fund or funds or as much thereof as from
time to time shall remain unexpended shall be invested as
provided by subsection 1 of section 111. 2 Geo. V. c. 33,
s. 109 (9).

111.—(1) The surplus insurance funds and the reserve
fund of a Provincial insurance corporation or of a branch or
lodge thereof shall be loaned or invested in the name of the
corporation, branch or lodge in

(a) Any securities in which, under The Trustee Act, Rev. Stat.
    trustees may invest trust funds, but not including debenture stock;

(b) Debentures of any municipal or school corporation
    in Canada; and

subject to the approval of the Lieutenant-Governor in Coun-
cil,

(c) In terminating debentures of companies registered under The Loan and Trust Corporations Act, or
    of incorporated companies which have, in the Do-
    minion of Canada, for at least five consecutive
    years been actually supplying gas, water, heat,
    light, power, or electricity to the public or to any
    municipal corporation; or of steam, electric or
    street railway or telegraph or telephone compan-
    ies in actual operation in Canada, but loans upon
    the security of, or the investment in the deben-
    tures of any of the companies mentioned in this
    clause shall not in the aggregate exceed one-fifth
    of the paid-up capital of the company.

(2) Any uninvested money shall be kept on deposit in the
name of the corporation, branch or lodge in a post-office sav-
ings bank, or in a chartered bank of Canada, or with a loan
company registered under The Loan and Trust Corporations
Act. 2 Geo. V. c. 33, s. 110.
112.—(1) Every officer or person appointed or elected to any office concerning the receipt, safe-keeping or proper application of money shall furnish security for the just and faithful execution of the duties of his office according to the bye-laws or rules of the corporation, and any person entrusted with the performance of any other service may be required to furnish similar security, and the securities so furnished and then subsisting shall be produced to the auditors at the annual audit.

(2) In the case of Provincial insurance companies the security given by the treasurer or other officer having charge of the money of the company shall not be less than $2,000. 2 Geo. V. c. 33, s. 111.

113.—(1) The books used by any auditor, officer, collector or agent for verifying or recording money received for the corporation, branch or lodge shall be the property of the corporation, branch or lodge, and none of the foregoing persons or any solicitor, counsel or other person shall have in them or in any other of the books of account or record of the corporation any ownership or proprietary right, or any right of lien upon them.

(2) Any person who withdraws, withholds or detains any of such books from the possession or control of the trustees, directors or executive officers, or from the receiver or liquidator of the corporation, branch or lodge shall be guilty of an offence and the procedure and penalty shall be as in the case of a contravention of section 98. 2 Geo. V. c. 33, s. 112.

(3) If a person appointed or elected to an office entrusted with and having in his possession books, money, securities, documents or other property or effects belonging to the corporation, branch or lodge, or relating thereto, dies, resigns, vacates his office or becomes incapacitated by mental or physical debility, or becomes bankrupt or insolvent, his legal representative or any other person having them in his possession or custody shall within fifteen days thereafter deliver the same to such person as the trustees, directors or executive officers may appoint. 2 Geo. V. c. 33, s. 113.

DIRECTORS—GENERAL PROVISIONS.

(All Provincial Insurance Companies.)

114. Sections 115 to 120 shall apply to all Provincial corporations registered on the Insurance Company Register. 2 Geo. V. c. 33, s. 114.

115.—(1) The directors may from time to time appoint a manager, secretary, treasurer, and such other officers, agents or assistants as they may deem necessary, prescribe their duties and fix their compensation or allowances, and shall
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prescribe the amount of and take such security from them as is required by this Act for the faithful performance of their respective duties.

(2) The directors may also, subject to the provisions of this Act, adopt a table of rates, premiums or premium notes, as the case may be, and vary such table from time to time, and may also prescribe the maximum amount of any risk to be undertaken.

(3) In the case of all insurance corporations heretofore or hereafter incorporated by or under the authority of this Legislature a regular meeting of the directors shall be held at least once in every three months, and oftener if necessary, for transacting the business of the corporation, and a special meeting may at any time be held on the call of the President or acting President, upon at least three days' notice in writing, stating the business for which the special meeting is called.

(4) The directors shall keep a record of their proceedings in a book to be known as the Minute Book of the corporation in which also shall be entered the proceedings of all general meetings of the shareholders or members. 2 Geo. V. c. 33, s. 115.

116.—(1) The directors may pass by-laws respecting the power as to funds and property of the corporation, the duties of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by this Act, the holding of the annual and other meetings, and all such other matters as appertain to the business of the corporation and are not contrary to law, and may from time to time alter and amend such by-laws, except where the repeal would affect the rights of others than the shareholders or members of the corporation or is prohibited by this Act.

(2) Every by-law shall be in writing and under the corporate seal, and shall be entered in a book called the By-law Book, and unless and until amended or repealed by the directors or amended or annulled by a general meeting of the shareholders or members or disallowed by the Superintendent shall be deemed to be a by-law of the corporation.

(3) A copy of every by-law certified by the manager or secretary to be a true copy shall be filed with the Superintendent within seven days after the passing thereof.

(4) A by-law may be disallowed by the Superintendent within one month after it is filed.

(5) Notice of such disallowance shall be forthwith given to the corporation. 2 Geo. V. c. 33, s. 116.

117. The directors shall superintend and have the management of the funds and property of the corporation, and of
all matters relating thereto and not otherwise provided for. 2 Geo. V. c. 33, s. 117.

118. The directors may make arrangements with any other registered corporation for the re-insurance of risks on such conditions with respect to the payment of premiums thereon as may be agreed upon. 2 Geo. V. c. 33, s. 118.

119.—(1) The directors may issue debentures or promissory notes for the loan of money, and may borrow money thereon for any term not exceeding twelve months, and on such conditions as they may deem proper, and may renew the same from time to time for any such term, and the whole of the assets of the corporation, including premium notes shall be liable for the payment of the same at maturity, but no such debenture or promissory note shall be for a less sum than $100.

(2) In the case of a mutual or cash-mutual insurance company the amount of all the debentures and promissory notes at any one time outstanding shall not exceed one-fourth of the amount remaining unpaid upon its premium notes. 2 Geo. V. c. 33, s. 119.

REMUNERATION OF DIRECTORS.

120. At any annual general meeting of the shareholders or members of a corporation, or at any special general meeting thereof, if such purpose was clearly expressed in the notice of the special general meeting, it shall be lawful to enact by-laws for the remuneration of the directors, and a certified copy of every such by-law shall, within seven days after its passing, be filed with the Superintendent. 2 Geo. V. c. 33, s. 120.

FAILURE TO ELECT DIRECTORS.

121. If an election of directors is not made on the day on which it ought to have been made the company shall not for that cause be dissolved, but the election may be held on a subsequent day, at a meeting to be called by the directors or as otherwise provided by the by-laws of the company, and in such case the directors then in office shall continue to hold office until their successors are elected. 2 Geo. V. c. 33, s. 121.

MUTUAL AND CASH-MUTUAL COMPANIES: THEIR INTERNAL MANAGEMENT.

122. Sections 123 to 153 shall apply only to mutual and cash-mutual fire insurance companies and to mutual live stock and mutual weather insurance companies. 2 Geo. V. c. 33, s. 122.
1. Admission and withdrawal of members.

123. The company may insure on the premium note plan any property within the scope of the company’s license, and the maker of the premium note shall from the date of the acceptance of the risk by the company be a member of it. Membership.

2 Geo. V. c. 33, s. 123.

124. Subject to section 125 every member shall be liable in respect of any loss or other claim or demand against the company to the extent of the amount unpaid upon his premium note and no more. 2 Geo. V. c. 33, s. 124.

125. Any member may with the consent of the directors withdraw from the company upon such terms as the directors may lawfully prescribe; and upon such withdrawal his policy shall be cancelled, but he shall nevertheless be liable to be assessed for and to pay his proportion of the losses, expense and reserve to the time of cancelling the policy, and on payment of the amount then payable he shall be entitled to a return of his premium note. 2 Geo. V. c. 33, s. 125.

2. General Meetings.

126.—(1) A meeting of the shareholders and members for the election of directors shall be held within the first two months of every year at such time and place as may be prescribed by the by-laws of the company.

(2) Before the election the statement mentioned in section 106 for the year ending on the previous thirty-first day of December shall be presented and read. 2 Geo. V. c. 33, s. 126.

127.—(1) Notice of every annual, general or special general meeting of the company shall be sent by post to every shareholder and member and shall be published in a newspaper published at or near the place where the head office is located at least two weeks previous to the day of the meeting.

(2) The directors may convene a general meeting of the company at any time. 2 Geo. V. c. 33, s. 127.

128.—(1) A member of the company shall be entitled at all meetings of the company to the number of votes in proportion to the amount of insurance held by him, according to the following scale: Under $1,500, one vote; $1,500 to $3,000, two votes; and $3,000 or over, three votes; but no member shall be entitled to vote while in arrear for any assessment or fixed payment due by him to the company.

(2) Where a policy on the premium note plan is made to two or more persons one only shall be entitled to vote, and the right of voting shall belong to the one first named on the persons.
register of policy holders if he is present, and if not present to the one who stands second and so on.

(3) Where the company is a cash-mutual company and has a share capital every shareholder shall be entitled to the same number of votes as he would be entitled to if the company had been incorporated under The Ontario Companies Act. 2 Geo. V. c. 33, s. 128.

129. No applicant for insurance shall be competent to vote or otherwise take part in the company’s proceedings until his application has been accepted by the directors. 2 Geo. V. c. 33, s. 129.

3. Directors, Qualification, Election, etc.

130.—(1) No person shall be eligible to be or shall act as a director unless he is a member of the company and insured therein for the time he holds office

(a) In the case of a live stock insurance company to the amount of $200 at least; and

(b) In the case of every other company to the amount of $800 at least.

(2) Where the company has a share capital at least two-thirds of the directors shall also be holders of shares each to the amount of not less than $1,000 upon which all calls have been paid.

(3) The President or a Director of a corporation which has the qualification which would qualify an individual to be a director shall be eligible to be a director of the company.

(4) Where a partnership has the qualification which would qualify an individual to be a director of the company one member of the partnership shall be eligible to be a director of the company. 2 Geo. V. c. 33, s. 130.

131.—(1) The board shall consist of six, nine, twelve or fifteen directors, as shall be determined by resolution passed at the meeting held under section 19.

(2) The number of directors may from time to time be increased or decreased if so determined at a special general meeting of the company called for the purpose, or at an annual general meeting, if notice in writing of the intention to propose a by-law for that purpose at such annual general meeting is given to the secretary of the company at least one month before the holding of the meeting; but the increased or decreased number of directors shall in any such case be six, nine, twelve or fifteen.

(3) Where such a notice has been given to the secretary that fact shall be stated in the notice of the annual general meeting.
(4) With the copy of the by-law filed with the Superintendent there shall be filed a list of the directors elected thereunder certified under the hands of the chairman and secretary of the meeting. 2 Geo. V. c. 33, s. 131.

132. One-third of the directors shall retire annually in rotation, and at the first meeting of the directors, or as soon thereafter as possible, it shall be determined by lot which of them shall hold office for one, two or three years respectively, and the determination shall be entered on the minutes of the meeting. 2 Geo. V. c. 33, s. 132.

133. At every annual general meeting thereafter one-third of the total number of directors shall be elected for a period of three years, to fill the places of the retiring directors, who shall be eligible for re-election. 2 Geo. V. c. 33, s. 133.

134. The manager of the company, although he has not the qualification required by section 130, may be a director of the company and may be paid an annual salary under a by-law passed as provided by section 120. 2 Geo. V. c. 33, s. 134.

135.—(1) No agent, or paid officer, or officer of the bank or of the company, or person in the employment of the company, other than the manager, shall be eligible to be elected as a director or shall interfere in the election of directors.

(2) Nothing herein shall apply to a person receiving fees of application, or taking to his own use the customary application, survey or policy fee, not exceeding $1.50 in respect of any one policy, or prevent a director from so doing. 2 Geo. V. c. 33, s. 135.

136.—(1) The election of directors shall be held and made by such shareholders and members as attend for that purpose in their proper persons, or in the case of a corporation or partnership by a person authorized in writing to represent it.

(2) The election shall be by ballot.

(3) If two or more members have an equal number of votes, so that less than the whole number to be elected appear to have been chosen directors by a majority of votes, the members present shall proceed to ballot until it is determined which of the persons so having an equal number of votes shall be the director or directors.

(4) The directors shall at their first meeting after any such election elect by ballot from among themselves a president and vice-president, and the secretary shall preside at such election. 2 Geo. V. c. 33, s. 136.
137. If a vacancy occurs among the directors during the term for which they have been elected by death, resignation, ceasing to have the prescribed qualification, insolvency, or by absence without previous leave of the directors, from three successive regular meetings which shall, ipso facto, create such vacancy, the vacancy, in the case of a board limited to six directors, shall be filled, and in the case of a board limited to a number of directors exceeding six, may be filled, until the next annual general meeting, by any person duly qualified chosen by a majority of the remaining directors as soon as may be after the vacancy occurs, and at the next annual general meeting the vacancy shall be filled for the portion of the term still unexpired. 2 Geo. V. c. 33, s. 137.

138.—(1) Three directors shall constitute a quorum for the transaction of business, and in the case of an equality of votes at any meeting the question shall pass in the negative.

(2) A director disagreeing with the majority at a meeting may have his dissent recorded with his reasons therefor. 2 Geo. V. c. 33, s. 138.

4. Premium Notes and Assessments.

139.—(1) The company may accept the premium note of the assured for insurance, and may undertake contracts in consideration thereof, and such notes shall be assessable for the losses, expenses and reserve of the company in the manner hereinafter provided.

(2) Nothing except the notice provided for by section 150 shall be written upon the same paper upon which a premium note is written and a violation of this section shall render the premium note absolutely void. 2 Geo. V. c. 33, s. 139.

140. The rate to be charged or taken by way of premium note for insuring first-class isolated non-hazardous property shall not be less than one dollar per one hundred dollars per annum, and the minimum rate of insurance upon other property shall be increased relatively with the increased risk according to the nature of such property; but a rate less than $1 per $100 of the amount insured per annum may be charged or taken when and so long as the total amount at risk exceeds $2,000,000, and the total assets of the company do not fall below two per centum of the total amount at risk, or so long as the company keeps on deposit with the Minister the full amount prescribed by this Act. 2 Geo. V. c. 33, s. 140.

141.—(1) The directors may demand in cash a part or first payment on the premium note at the time of the application for insurance, and such first payment shall be credited upon the premium note or against future assessments, but not more than sixty per centum of any premium note shall be paid in cash at the time of the application or of effecting the insurance.
(2) Instead of requiring the whole of the first payment to be made in cash at the time of the application for insurance, the directors may make the same payable in annual instalments, the first of which shall be payable at the time of the application for insurance, and the remaining instalments shall be respectively payable on the first day of each subsequent year of the term of insurance.

(3) Such annual instalments may be known and described numbered as "the first (or second, or as the case may be) fixed payment."

(4) Non-payment of any fixed payment subsequent to the first shall forfeit the insurance if the fixed payment remains unpaid for thirty days after notice of its non-payment has been mailed to the person by whom it is payable, directed to his post office address given in the original application, or otherwise given in writing to the company, or if such fixed payment is not made when it becomes due where thirty days’ notice in writing of its becoming payable has been so given.

(5) On every premium note taken for insurance by a mutual fire insurance company incorporated after the first day of June, 1904, there shall be payable at the commencement of each year of insurance a fixed sum amounting to at least one-fifth of one per centum of the sum insured; and the premium note shall, as to the residue thereof, be subject to assessment by the directors. 2 Geo. V, c. 33, s. 141.

142.—(1) All premium notes shall be assessed by the directors at such intervals from their respective dates for such sums as they may determine, and for such further sums as they may deem necessary and as are authorized by this Act, for losses, expenses and reserve during the currency of the policies for which such notes were given, and in respect of which they are liable to assessment; and every member of the company who has given a premium note shall pay the sums from time to time payable by him to the company during the continuance of his policy in accordance with the assessment, and the assessment shall become payable in thirty days after notice thereof has been mailed to the member who has given the premium note, directed to his post office address, given in the original application, or otherwise given in writing to the company.

(2) If the property insured has been mortgaged by the member and the company has assented to the mortgage it shall be necessary that the notices mentioned in subsection 4 of section 141 and subsection 1 of this section be also mailed to the mortgagee if his post office is known to the company. 2 Geo. V. c. 33, s. 142.
If an assessment is not paid within thirty days after notice mailed as provided by section 142 the contract of insurance in respect of which the assessment has been made shall be null and void as to all claim for loss occurring during the time of non-payment; but the contract shall be revived when the assessment has been paid unless the secretary gives notice to the contrary to the person assessed in the manner in this Act provided.

(2) Nothing herein contained shall relieve the assured from his liability to pay the assessment or any subsequent assessments, nor shall he be entitled to recover the amount of any loss or damage which happens to property insured under the contract while the assessment remains due and unpaid, unless the directors determine otherwise.

(3) A notice of assessment so mailed shall be sufficient if it states the register number of the contract, the period over which the assessment extends, the amount of the assessment, the time when and the place where it is payable. 2 Geo. V. c. 33, s. 143.

Subject to the provisions of section 140 the assessment shall always be in proportion to the amount of the premium notes, but where a company alters its premium note rate and still holds in respect of subsisting contracts premium notes at the prior rate the company, as between the respective premium notes so differing in rate may make and levy such differential assessments as will in risks of the same amount and of the same class of hazard equalize the cost of insurance to the makers of the respective premium notes. 2 Geo. V. c. 33, s. 144.

On the expiration of forty days after the term of insurance has ended the premium note given for the term shall be null and void, except as to the first payment or fixed payments remaining unpaid, and as to lawful assessments of which the prescribed written notice has been given to the maker of the premium note during the currency of the policy or within such period of forty days, and on the expiration of such period the premium note shall, upon application therefore, be given up to the maker, provided all liabilities with which the premium note is chargeable have been paid. 2 Geo. V. c. 33, s. 145.

If, for thirty days after notice of an assessment so mailed, a member who has given a premium note refuses or neglects to pay the assessment the company may sue for and recover the same with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment. 2 Geo. V. c. 33, s. 146.
147. Where an action is brought to recover the assessment the certificate of the secretary of the company, specifying the assessment and the amount due on the note in respect of such assessment shall be prima facie evidence thereof in any Court. 2 Geo. V. c. 33, s. 147.

148. The company may form a reserve fund, to consist of all moneys which remain on hand at the end of each year after payment of ordinary expenses and losses, and for that purpose may make an annual assessment not exceeding ten per centum on the premium notes held by the company, and the reserve fund may from time to time be applied by the directors to pay off such liabilities of the company as may not be provided for out of the ordinary receipts for the year, same or any succeeding year. 2 Geo. V. c. 33, s. 148.

149. If there is a loss on property insured the directors may retain the amount of the premium note until the time has expired for which insurance has been made, and at the expiration of such time the assured shall have the right to demand and receive such part of the retained sum as has not been assessed for. 2 Geo. V. c. 33, s. 149.

150. Any action upon any premium note or for an assessment thereon cognizable in a division court may be entered, tried and determined in the court for the division wherein the head office or any agency of the company is located, where and where only within the body of such note, or across the face thereof, there was at the time of the making of it printed in conspicuous type, and in ink of a colour different from any other in or on such note, the words following: "Any action which may be brought or commenced in a Division Court in respect or on account of this note, or any sum to be assessed thereon, may be brought and commenced against the maker hereof in the Division Court for the division wherein the head office or any agency of the company is located."

151. No premium note shall create a lien upon the land on which the insured property is situate. 2 Geo. V. c. 33, s. 151.

152.—(1) A registered cash-mutual fire insurance company may effect insurance upon the cash-premium plan, for a period not exceeding three years, on farm and other non-hazardous property, and for one year or less on any other class of property, but the amount of premiums received on cash insurances in any one calendar year shall not exceed four times the amount which the company has then on deposit with the Minister.

(2) If at any time the amount of such premiums exceeds the amount authorized by subsection 1 the company shall at
once increase its deposit to an amount sufficient to warrant the excess, and in default the Minister may suspend or cancel its license.

(3) All the property and assets of the company, including premium notes, shall be liable for all losses under contracts of insurance for cash premiums. 2 Geo. V. c. 33, s. 152.

5. Executions Against Mutual and Cash-Mutual Companies.

153.—(1) No execution shall issue against a mutual or cash-mutual company upon a judgment until after the expiration of sixty days from the recovery thereof, but this section shall not apply to a judgment recovered on a contract of insurance where more than sixty per centum of the premium, or premium note, was paid in cash at the time of the insurance or the application therefor.

(2) A Judge of the Supreme Court or the Master in Chambers, after the recovery of a judgment against the company, upon the application of the judgment creditor and upon notice to the company, may inquire into the facts, and if he finds that more than sixty per centum of the premium note was paid in cash at the time of the insurance, or upon the application therefor, he may direct that execution be issued forthwith upon such judgment. 2 Geo. V. c. 33, s. 153.

GENERAL PROVISIONS RELATING TO CONTRACTS OF INSURANCE.

154. Except where otherwise provided sections 155 to 158 shall apply to every contract of insurance. 2 Geo. V. c. 33, s. 154.

155.—(1) Where the subject-matter of a contract of insurance is property or an insurable interest in property within Ontario, or is a person domiciled or resident therein, the contract of insurance, if signed, countersigned, issued or delivered in Ontario or committed to the post office or to any carrier, messenger or agent to be delivered or handed over to the assured, his assign or agent in Ontario, shall be deemed to evidence a contract made therein, and the contract shall be construed according to the law thereof, and all moneys payable under the contract shall be paid at the office of the chief officer or agent in Ontario of the insuring corporation in lawful money of Canada.

(2) This section shall have effect notwithstanding any agreement, condition or stipulation to the contrary. 2 Geo. V. c. 33, s. 155.

156.—(1) Subject to the provisions of section 193 all the terms and conditions of the contract of insurance shall be set out in full on the face or back of the policy or by writing securely attached to it when issued, and unless so set out
no term of the contract or condition, stipulation, warranty or proviso modifying or impairing its effect shall be valid or admissible in evidence to the prejudice of the assured or beneficiary.

(2) Whether the contract does or does not provide for its renewal but it is renewed by a renewal receipt it shall be a sufficient compliance with subsection 1, if the terms and conditions of the contract were set out as provided by that subsection and the renewal receipt refers to the contract by its number or date.

(3) The proposal or application of the assured shall not as against him be deemed a part of or be considered with the contract of insurance except in so far as the Court may determine that it contains a material misrepresentation by which the insurer was induced to enter into the contract.

(4) A registered friendly society instead of setting out all the terms and conditions of the contract in the instrument may indicate therein by particular references those articles or provisions of the constitution, by-laws or rules which contain the material terms of the contract not set out in the instrument of contract, and the society, at or prior to its delivery, shall also deliver to the assured a copy of the constitution, by-laws and rules therein referred to.

(5) No contract of insurance shall contain or have endorsed upon it, or be made subject to, any term, condition, stipulation, warranty or proviso, providing that such contract shall be avoided by reason of any statement in the application therefor, or inducing the entering into of the contract by the corporation, unless such term, condition, stipulation, warranty or proviso is limited to cases in which such statement is material to the contract, and no contract shall be avoided by reason of the inaccuracy of any such statement unless it is material to the contract.

(6) The question of materiality in any contract of insurance shall be a question of fact for the jury, or for the Court if there is no jury; and no admission, term, condition, stipulation, warranty or proviso to the contrary contained in the application or proposal for insurance, or in the instrument of contract, or in any agreement or document relating thereto shall have any force or validity.

(7) Nothing in this section shall impair the effect of the provisions of sections 194 to 201. 2 Geo. V. c. 33, s. 156.

157. Every corporation shall furnish to the assured upon request a true copy of his application or proposal for insurance. 2 Geo. V. c. 33, s. 157.
158.—(1) Where several actions are brought for the recovery of money payable under a contract of insurance the Court may consolidate or otherwise deal therewith so that there shall be but one action for and in respect of all the claims made in such actions.

(2) Where an action is brought to recover the share of one or more infants all the other infants entitled, or the trustees, executors, or guardians entitled to receive payment of the shares of such other infants, shall be made parties to the action, and the rights of all the infants shall be determined in one action.

(3) In all actions where several persons are interested in the insurance money the Court or Judge may apportion among the persons entitled any sum directed to be paid, and may give all necessary directions and relief.

(4) In an action commenced in a Division Court or a County or District Court for any insurance or benefit alleged to be payable to the assured or any beneficiary, assignee, representative or guardian, when the insurance or benefit claimed is in the nature of an annuity, or other periodical or recurring payment, so that the present or capitalized value of the insurance or benefit amounts or may amount to a sum beyond the jurisdiction of the Court, the action may upon the application of the defendant be removed into the Supreme Court upon such terms and conditions as to costs and otherwise as the Court may direct.

(5) Where the person entitled to receive money due and payable under any contract of insurance, except insurance of the person, is domiciled or resides in a foreign jurisdiction and payment, valid according to the law of such jurisdiction, is made to such person, such payment shall be valid and effectual for all purposes. 2 Geo. V. c. 33, s. 158.

159.—(1) Where the contract of insurance has been delivered it shall be as binding on the insurer as if the premium had been paid, although it has not in fact been paid, and although delivered by an officer or agent of the insurer who had not authority to deliver it.

(2) The insurer may sue for the unpaid premium and may deduct the same from the amount for which he may become liable under the policy or contract of insurance.

(3) This section shall have effect notwithstanding any agreement, condition or stipulation to the contrary.

(4) Where the premium is paid by a cheque or a promissory note and the cheque is not paid on presentation or the promissory note at maturity the contract shall at the option of the insurer be void. 2 Geo. V. c. 33, s. 159.
GUARANTEE INSURANCE.

160.—(1) Every contract of title insurance shall be in writing, and in addition to the other requirements prescribed by this Act shall expressly limit the liability of the insurer to a sum stated in the contract.

(2) If any question arises as to the validity of the title insured, or as to the liability of the insurer, the insurer or the assured or any person entitled to proceed in right of either may by application have such question determined as provided in The Vendors and Purchasers' Act in the case of vendors and purchasers. 2 Geo. V. c. 33, s. 160.

161. No guarantee company incorporated under this Act shall undertake or transact title insurance or credit insurance unless expressly empowered to do so by the Letters Patent of incorporation. 2 Geo. V. c. 33, s. 161.

INSURANCE OF THE PERSON.

1. General provisions applicable to all Insurers.

162. Sections 163 to 190 shall apply to insurance of the person. 2 Geo. V. c. 33, s. 162.

163.—(1) In insurance of the person, "heirs," "legal heirs," "heirs" or "lawful heirs" shall in a contract of insurance mean and include all the lawful surviving children of the assured and also the wife or husband if surviving the assured, or where the assured died without lawful surviving children and unmarried it shall mean those persons entitled to take according to The Devolution of Estates Act.

(2) This section shall in the case of an assured dying after the 19th day of March, 1910, apply to insurance of the person effected on or before the 13th day of April, 1897 and to all such insurances thereafter effected. 2 Geo. V. c. 33, s. 163.

164.—(1) Where the money payable by way of premiums, dues or assessments, not being the initial premiums, dues or assessments under a contract, is unpaid, the assured or any beneficiary under the contract, or the executors, administrators or assigns of the assured or of any beneficiary may, within thirty days from and including the first day on which the money is due, pay, deliver or tender to the company at its head office, or at its chief agency in Ontario, or to the company's collector or authorized agent, the sum in default.

(2) The payment, delivery or tender may be by sending the money in a registered letter, and it shall be deemed to have been paid, delivered or tendered at the time of the registered delivery and registration of the letter at a post office in Ontario.

11 s.—II.
(3) On such payment, delivery or tender, the contract shall be *ipso facto* revived notwithstanding any agreement or stipulation to the contrary.

(4) Such thirty days shall run concurrently with the period of grace or credit if any allowed by the insurer for the payment of a premium or an instalment of premium.

(5) This section shall not extend the time allowed by subsection 1 of section 188 for the payment of contributions or assessments. 2 Geo. V. c. 33, s. 164.

**165.**—(1) Subject to the provisions of section 89 and of subsections 2 to 9, notwithstanding any agreement, condition or stipulation to the contrary, any action or proceeding against the insurer for the recovery of any claim under the contract of insurance may be commenced at any time within one year next after the cause of action arose and not afterwards.

(2) Where death is presumed from the person on whose life the insurance is effected not having been heard of for seven years any action or proceeding may be commenced within one year and six months from the expiration of such period of seven years, but not afterwards.

(3) Where the death of the person on whose life the insurance is effected is unknown to the person entitled to claim under the contract an action or proceeding may be brought within one year and six months after the death becomes known to him but not afterwards, but where the death is presumed as mentioned in subsection 2 this subsection shall not entitle the claimant to bring an action or proceeding after the time mentioned in that subsection.

(4) Where an action or proceeding brought within the prescribed period fails because of its having been prematurely brought, and on that ground only, the plaintiff shall be entitled to bring a new action or proceeding at any time within the prescribed period or within six months after the final determination of the first action or proceeding.

(5) Where a claim is made against an insurer on the ground that the person on whose life the insurance is effected is presumed to be dead by reason of his not having been heard of for seven years, and his death is the sole issue between the parties other than disputes as to the persons entitled, such insurer may, before or after action brought, upon at least ten clear days’ notice served on the claimant or his solicitor, apply to a Judge of the Supreme Court in Chambers for a declaration as to the presumption of the death.

(6) If the Judge is satisfied that a presumption of death has been established he shall so find and his finding shall, subject to appeal, be binding and conclusive upon all parties
interested as establishing the presumption of death, and he may make such order as to the payment of the insurance money as he may deem just.

(7) The payment by the insurer as so ordered shall discharge him from all liability under the contract of insurance.

(8) Where the Judge declares that the presumption of death has not been established he may make such other order as he may deem just.

(9) Unless otherwise ordered by the Judge the application shall operate as a stay of any pending action based upon such presumption. 2 Geo. V. c. 33, s. 165.

166.—(1) Where the age of a person is material to a contract of insurance and was given erroneously in any statement or warranty made for the purposes of the contract, such contract shall not be avoided by reason only of the age being other than as stated or warranted if it appears that such statement or warranty was made in good faith and without any intention to deceive, but the person entitled to recover on such contract shall not be entitled to recover more than an amount which bears the same ratio to the sum that such person would otherwise be entitled to recover as the premium proper to the stated age bears to the premium proper to the actual age, both being taken as at the date of the contract, but in no case shall the amount recoverable exceed the amount stated or indicated in the contract.

(2) Where the application for and contract of insurance expressly limit the insurable age, and the actual age at the date of the application exceeds the age so limited, the contract shall, during the lifetime of the person on whose life the insurance was effected and not later than five years from the date of the contract, be voidable at the option of the insurer within thirty days after the error comes to his knowledge.

(3) If the error includes a fractional part of a year exceeding a half year such fractional part shall be computed as a whole year, but if the fractional part does not exceed a half year it shall be disregarded in the computation.

(4) Where by the terms and for the purposes of the contract, the age was taken to be greater than the actual age the number of years added to such age shall, for the purposes of the calculation, be added to the actual age.

(5) Where an error is discovered in respect of a contract of insurance, or of any premium paid or to be paid upon such contract, nothing herein contained shall at any time before the maturity of the contract prevent an adjustment between the insurer and the assured of the amount of the insurance effected or of any premium paid or to be paid.

(6) For the purposes of this section "premium" shall mean the net annual premium as shown in or deduced from the Institute Tables of the Institute of Actuaries of Great Britain,
the rate of interest being taken at four and one-half per centum per annum. 2 Geo. V. c. 33, s. 166 (1-5).

(7) Subject to the provisions of the previous subsections of this section, every corporation registered under this Act shall send to every person with whom a contract is made, within one month thereafter, a printed notice mailed to the last known address of the insured in such form as the Superintendent shall approve, and annually thereafter until proof of age is admitted, stating that the age of the insured is material to the contract, and that evidence that the age stated in the application is the true age of the insured will be required before the policy is paid; and such notice shall also be printed in red ink in type not smaller than 10 point upon all notices to the insured and upon all receipts for premiums.

(8) Subsection 7 shall not apply to contracts issued under the industrial plan.

(9) Subsection 7 shall not apply to a registered friendly society, provided that the notice mentioned therein is published on the first page of the official newspaper or journal of the society, in each issue thereof, and printed in red ink in type not smaller than 10 point upon all certificates issued by the society, and upon all receipts or pass-books issued to the members.

(10) Upon failure of a corporation to comply with the provisions of subsection 7, the corporation shall be deemed to have admitted the age mentioned in the application as the correct age. 3-4 Geo. V. c. 35, s. 8.

(11) This section shall apply not only to any future application for, or contract of insurance, but also to any application heretofore taken and to any contract heretofore made. 2 Geo. V. c. 33, s. 166 (6).

167. To facilitate the use of the said HM. Tables for any of the purposes of this Act such tables may be taken as they appear in any published edition or collection of standard actuarial or valuation tables, or in the appendices to the detailed reports of 1905 and 1906 of the Inspector of Insurance and Registrar of Friendly Societies printed by order of the Assembly. 2 Geo. V. c. 33, s. 167.

168. Where a contract of insurance provides in terms or in effect that the contract shall be indisputable or incontestable it shall not be disputable or contestable on the ground that the assured committed suicide unless in express terms it is so stipulated by the contract and is so stated in the application on which the contract is founded. 2 Geo. V. c. 33, s. 168.
Sec. 169 (7). INSURANCE. Chap. 183. 2019

169.—(1) It shall be necessary for the validity of a contract of insurance that the beneficiary under it, if he is not the person on whose life the insurance is effected, or the parent, or bona fide donee, grantee or assignee, or a person entitled under the will of such person, or by operation of law, shall have at the date of the contract a pecuniary interest in the duration of the life or other subject insured, but any otherwise lawful contract of annuity upon life shall not require for its validity that the annuitant has or at any time had an insurable interest in the life of the nominee.

(2) Where a pecuniary interest is necessary the insurer shall not be liable under the contract for more than the amount or value of the pecuniary interest.

(3) No corporation shall insure the life of a child whose age at the time of insurance is not at least one year, or insure or pay on the death of a child under ten years of age any sum which alone or together with any sum payable on the death of such child by any other corporation exceeds respectively—

\[
\begin{array}{cccc}
\text{Sums insurable at ages less than ten.} \\
\text{Years} & \text{Amount} \\
32 & 3 \\
40 & 4 \\
48 & 5 \\
56 & 6 \\
63 & 7 \\
70 & 8 \\
76 & 9 \\
80 & 10 \\
\end{array}
\]

(4) Nothing in subsection 3 shall apply to such insurances as were in force on the 14th day of April, 1892, or to an insurance on the life of a child of any age where the person effecting the insurance has a pecuniary interest in the life.

(5) Where the age of the child at the date of the contract is less than ten years and the insurer has knowingly or without sufficient inquiry entered into any contract prohibited by this section the premiums paid thereunder shall be recoverable from the insurer by the person paying the same together with interest thereon.

(6) Every corporation which undertakes or effects insurances on the lives of children under ten years of age shall print subsections 1 to 5 in conspicuous type upon every circular soliciting, and upon every application for, and every contract of such insurance; and any contravention of this subsection shall be punishable in the manner provided by section 98.

(7) Instead of printing the matter mentioned in subsection 6 the corporation may with the consent in writing of the Superintendent print or stamp the following words in lieu of printing subsections.
Chap. 183. INSURANCE.  Sec. 169 (7).

Any insurance undertaken or offered to be undertaken in Ontario in respect of the lives of children under ten years of age is subject to the restrictions prescribed by section 169 of The Ontario Insurance Act.”

(8) An insurance heretofore or hereafter effected by a parent upon the life of his child under twenty-one years of age shall not be invalid by reason only of the parent’s want of pecuniary interest in the life of the child.

(9) A person not of the full age of twenty-one years, but of the age of fifteen years or upwards, may effect insurance on his own life for his own benefit, or for the benefit of a preferred beneficiary or of a father, brother or sister, which, if he had been of full age he might have lawfully effected, and notwithstanding his minority he may surrender such insurance or give a valid discharge for any benefit accruing or for money payable under the contract. 2 Geo. V. c. 33, s. 169; 3-4 Geo. V. c. 35, s. 9.

170. Except in so far as the same are inconsistent with the provisions of this Act relating to contracts made or declared to be for the benefit of a preferred beneficiary or preferred beneficiaries, sections 171 to 182 shall apply to all contracts of insurance of the person and declarations whether made before or after the passing of this Act. 2 Geo. V. c. 33, s. 170.

171.—(1) Every person of the full age of twenty-one years shall have an unlimited insurable interest in his own life and may effect bona fide at his own charge insurance of his own person for the whole term of life, or any shorter term for the sole or partial benefit of himself, or of his estate, or of any other person, whether the beneficiary has or has not an insurable interest in the life of the assured, and the insurance money may be made payable to any person for his own use or as trustee for another person.

(2) If the premiums on such insurance were paid by the assured with intent to defraud his creditors they shall be entitled to receive out of the insurance money an amount not exceeding the premiums so paid and interest thereon.

(3) The assured may designate the beneficiary by the contract of insurance or by an instrument in writing attached to or endorsed on it or by an instrument in writing, including a will, otherwise in any way identifying the contract, and may by the contract or any such instrument, and whether the insurance money has or has not been already appointed or apportioned, from time to time appoint or apportion the same, or alter or revoke the benefits, or add or substitute new beneficiaries, or divert the insurance money wholly or in part to himself or his estate, but not so as to alter or divert the benefit of any person who is a beneficiary for value, nor so
as to alter or divert the benefit of a person who is of the class of preferred beneficiaries to a person not of that class or to the assured himself or to his estate.

(4) Where the instrument by which a declaration is made is a will such declaration as against a subsequent declaration by will, shall be deemed to have been made at the date of the will and not at the death of the testator.

(5) Where the declaration describes the subject of it as the insurance or the policy or policies of insurance or the insurance fund of the assured, or uses language of like import in describing it, the declaration, although there exists a declaration in favour of a member or members of the preferred class of beneficiaries, shall operate upon such policy or policies to the extent to which the assured has the right to alter or revoke such last mentioned declaration.

(6) The assured may, by the contract or by a declaration or by any writing under his hand, appoint a trustee or trustees of the insurance money and may from time to time revoke such appointment in like manner and appoint a new trustee or trustees and make provision for the appointment of a new trustee or trustees, and for the investment of the insurance money, and payment made to such trustee or trustees shall discharge the insurer.

(7) A beneficiary shall be deemed to be a beneficiary for value only when he is expressly stated to be so in the contract or in an endorsement thereon signed by the assured.

(8) Nothing in this Act shall restrict or interfere with the right to effect or assign a policy in any other manner allowed by law.

(9) Where there are several beneficiaries, if one or more of them die in the lifetime of the assured and no apportionment or other disposition is subsequently made by him, the insurance shall be for the benefit of the surviving beneficiaries, or beneficiaries, in equal shares if more than one; and if all the beneficiaries, or the sole beneficiary, die in the lifetime of the assured and no other disposition is made by him the insurance shall form part of the estate of the assured.

(10) Until the insurer has received the original or a copy of an instrument in writing affecting the insurance money or any part thereof, or of any appointment or revocation of an appointment of a trustee, the insurer may deal with and obtain a valid discharge from the assured, or with and from his beneficiaries, or with and from his trustees, executors, administrators or assigns in the same manner and with the like effect as if such instrument in writing, appointment, or revocation had not been made, but nothing in this subsection shall affect the right of any person entitled by virtue of such instrument, appointment, or revocation to recover insurance
What accident includes.

172.—(1) In every contract of insurance against accident or casualty or disability, total or partial, the event insured against shall include any bodily injury occasioned by external force or agency, and happening without the direct intent of the person injured, or as the indirect result of his intentional act, such act not amounting to voluntary or negligent exposure to unnecessary danger and no term, condition, stipulation, warranty or proviso of the contract varying the obligation or liability of the assured shall as against the assured have any force or validity.

(2) In any such contract and in any contract of insurance against sickness, if the insurer reserves the right to terminate it during its currency, the assured shall have the right to terminate it by giving seven days' notice to the insurer, in which case the insurer may retain the customary short rate for the time the insurance has been in force, and shall repay to the assured the residue of the premium paid by him notwithstanding any stipulation or agreement to the contrary. 2 Geo. V. c. 33, s. 172.

Where the event on the occurrence of which any benefit or insurance money is payable under the contract has happened, but the amount payable is in dispute, it shall prima facie be the maximum amount stated or indicated in the contract.

173.—(1) Where the event on the occurrence of which any benefit or insurance money is payable under the contract has happened, but the amount payable is in dispute, it shall prima facie be the maximum amount stated or indicated in the contract.

(2) If, when a claim accrues under a contract, the insurer offers the claimant a less sum than the maximum named or indicated in the contract, and either offers no explanation or alleges as a reason for not paying the maximum that the insurer's general contract fund or some other fund is insufficient, the claimant, on written notice to the insurer, shall be entitled, as of right, to inspect personally or by agent all books and documents relating to the contract funds generally or the fund alleged to be insufficient.

(3) If the insurer refuses or neglects to afford the claimant a reasonable opportunity of inspection the claimant may file with the Superintendent an affidavit to the effect that he rightfully claims under a contract of the insurer, giving particulars sufficient to identify the contract, and that the insurer has not afforded him such opportunity of inspection, and the Superintendent may, under his hand and seal, give the claimant or his agent an order to inspect on a day named; and neglect or refusal thereafter to afford him an opportunity of inspection shall be an offence punishable in the manner provided by section 98. 2 Geo. V. c. 33, s. 173.

174. When the insurance money becomes payable it shall be paid within the time mentioned in section 89; and where
the insurance money or part thereof is for the benefit, in whole or in part, of infants before paying the money to which they are entitled the insurer may require reasonable proof of the number, names and ages of such infants. 2 Geo. V. c. 33, s. 174.

175.—(1) If no trustee of the insurance money is named or appointed shares of infants may be paid to a trustee appointed by the Supreme Court upon the application of the widow of the assured, or of the infants or of their guardian, and such payment shall be a discharge to the insurer. 3-4 Geo. V. c. 35, s. 10, part.

(2) Where insurance money not exceeding $3,000 is payable to the wife and children of the assured, and some or all of the children are infants, the court may appoint the widow of the assured, if she is the mother of such infants, as their guardian without security and such insurance money may be paid to her as such guardian. 2 Geo. V. c. 33, s. 175 (3); 3-4 Geo. V. c. 35, s. 10, part.

(3) A trustee, subject to the terms of the trust instrument, or a guardian may invest the money received in any security in which trustees under the law of Ontario may invest trust funds, and may from time to time alter, vary and transpose the investments; and where the money is held for infants may also apply all or part of the annual income arising from the share or presumptive share of each of the infants in or towards his maintenance and education in such manner as the trustee or guardian thinks fit, and may also with the approval of the Supreme Court or a Judge thereof advance to and for any of the infants, notwithstanding his minority, the whole or any part of his share for his advancement or preferment in life or on his marriage. 2 Geo. V. c. 33, s. 175 (4); 3-4 Geo. V. c. 35, s. 10, part.

176.—(1) If there is no person competent to receive the share of an infant or lunatic at the time of the maturity of the contract, and the insurer admits the claim or any part thereof, he shall pay such share into the Supreme Court to the credit of the infant or lunatic, and such payment shall be a sufficient discharge to the insurer for the money paid, and the money shall be dealt with as the Court may direct. 2 Geo. V. c. 33, s. 176 (1); 3-4 Geo. V. c. 35, s. 11 (1).

(2) An order allowing the payment into Court shall not be necessary, but the payment shall be made with the privity of the Accountant of the Supreme Court.

(3) In the case of an infant the insurer shall at the time of payment into court file with the Accountant an affidavit showing the name and the date of birth of the infant.

(4) Notice of the payment into Court shall be forthwith given by the insurer to the official guardian.
(5) The insurer may deduct from the share of the infant or lunatic $5 for the costs of making the payment into Court. 2 Geo. V. c. 33, s. 176 (2-5).

(6) If the insurer does not within sixty days after the claim has been admitted either pay the insurance money to some person competent to receive it or pay it into Court, the Court or a Judge thereof may upon the application of a person competent to receive the money on behalf of the infant or lunatic, order the insurance money, or any part thereof, to be paid to any person competent to receive the same or to be paid into Court to be dealt with as the Court may direct, and any such payment shall be a discharge to the insurer. 2 Geo. V. c. 33, s. 176 (6); 3-4 Geo. V. c. 35, s. 11 (2).

177.—(1) Where under a contract made or by law deemed to be made in Ontario, or a contract made by a corporation having its head office or chief agency in Ontario, the insurance money is payable to the representatives of a person who at his death was domiciled or resident in a foreign jurisdiction, if no person has become his personal representative in Ontario, the money may on the expiration of two months after such death be paid to the personal representative appointed by the proper court of the foreign jurisdiction.

(2) Where such a contract provides that the insurance money shall be paid to the personal representative appointed by the court of the jurisdiction in which the deceased may be resident or domiciled at the time of his death, the money may be paid to such representative or according to the terms of the contract at any time after the death.

(3) Where under such a contract the insurance money is payable to the representatives of a person who at the time of his death was domiciled or resident in a foreign jurisdiction and died intestate, the money may after the expiration of three months after such death, if no person has become his personal representative in Ontario, be paid to the person entitled according to the law of the foreign jurisdiction to receive the money and give a discharge for the same as if such money were by the terms of the contract payable in such foreign jurisdiction.

(4) Where a testator domiciled or resident in a foreign jurisdiction disposes of the insurance money by a will valid according to the law of that jurisdiction such money may be paid according to the terms of the contract at any time after the death to the person entitled under such will to receive and give a valid discharge for money payable in such foreign jurisdiction.

(5) Where it appears by letters of guardianship or other like document, relating to persons under disability, issued by a court in a foreign jurisdiction, or by a certificate of the
Judge under the seal of such court, that it has been shown to the satisfaction of such court that the assured at the maturity of the contract was domiciled or resident within its jurisdiction, and it also appears that security to the satisfaction of such court in respect of and for the due application and account of the money payable under the contract has been given by the guardian or other like officer appointed by such letters or document, the Supreme Court or a Judge thereof upon application for the appointment of such guardian or like officer as trustee under this section may dispense with the giving of security if it is also shown that the infants or other beneficiaries under disability reside within the jurisdiction of the foreign court, and that the trustee is a fit and proper person.

(6) This section shall apply whether the death has or has not occurred before the passing of this Act. 2 Geo. V. c. 33, s. 177.

2. Provisions Applicable to Preferred Beneficiaries.

178.—(1) Preferred beneficiaries shall constitute a class Who shall constitute preferred beneficiaries. and shall include the husband, wife, children, grand-children and mother of the assured, and the provisions of this and the following three sections shall apply to contracts of insurance for the benefit of preferred beneficiaries.

(2) Where the contract of insurance or declaration provides that the insurance money or part thereof, or the interest thereof, shall be for the benefit of a preferred beneficiary or preferred beneficiaries such contract or declaration shall, subject to the right of the assured to apportion or alter as provided, create a trust in favour of such beneficiary or beneficiaries, and so long as any object of the trust remains the money payable under the contract shall not be subject to the control of the assured, or of his creditors, or form part of his estate, but this shall not interfere with any transfer or pledge of the contract to any person prior to such declaration.

(3) Where two or more beneficiaries are designated but no apportionment is made, all of them shall share equally, and where it is stated in the contract or declaration that the insurance money or any part of it is for the benefit of the wife of the assured only, or of his wife and children generally, or of his children generally, the word "wife" shall mean the wife living at the maturity of the contract and the word "children" shall include as well all the children of the assured living at the maturity of the contract, whether by his then or any former wife, as the children living at the maturity of the contract of any child of the assured who predeceased him, such last mentioned children taking the share their parent would have taken if living, and the like construction shall prevail where the insurance is effected by
Where assured has re-married after designation.

(4) Subsection 3 shall apply, whether or not the wife is designated by name; but where the wife is designated by name and predeceases him the assured may revoke or alter such designation as if the wife were not of the class of preferred beneficiaries.

(5) Where an unmarried man or a widower effects the contract or declares it to be for the benefit of his future wife, or of his future wife and children or of his children, but at maturity of the contract the assured is still unmarried, or is a widower without issue, the insurance money shall form part of his estate.

(6) Where an unmarried man or a widower effects or declares the contract to be for the benefit of his future wife, or future wife and children, and the intended wife is designated by name or is otherwise clearly ascertained in the contract, but the intended marriage does not take place, all questions arising on such contract shall be determined as in the case of a beneficiary not belonging to the preferred class.

2 Geo. V. c. 33, s. 178 (1-6).

(7) If one or more or all of the designated preferred beneficiaries, whether an apportionment has been made or not, die in the lifetime of the assured or if a sole preferred designated beneficiary dies in his lifetime, he may by a declaration provide that the share or shares of the person or persons so dying shall be for the benefit of the assured or of his estate or of any other person, whether or not such person belongs to the preferred class; and in the absence of any such declaration the share or shares of the person or persons so dying shall be for the benefit, in equal shares, of the survivor or survivors of such designated preferred beneficiaries, except where the person so dying is a child of the assured, and leaves a child or children surviving him, in which case his share and any share to which he would have become entitled if he had survived shall be for the benefit of his child or children, in equal shares, and if there is no such surviving beneficiary and no such child entitled to take, the insurance shall be for the benefit in equal shares, if there is more than one person entitled, of the wife and children of the assured living at his death and the child or children of any deceased child who shall be entitled to the share which the parent if then living would have taken, and if there is no surviving wife, child or grandchild the insurance money shall form part of the estate of the assured. 2 Geo. V. c. 33, s. 178 (7); 3-4 Geo. V. c. 35, s. 12.
more persons of the class of preferred beneficiaries to the exclusion of any or all others of the class or wholly or partly to one or more for life, or any other term, with remainder to any other or others of the class, but the assured shall not except as provided by subsection 7 of section 178 revoke or alter any disposition made under the provisions of this Act in favour of any one or more of the preferred class except in favour of some one or more persons within the preferred class so long as any of the persons of the preferred class in whose favour the contract or declaration is made are living.

(2) Where it is proved to the satisfaction of the executive officers of a friendly society that a preferred beneficiary is leading a criminal or an immoral life, and there is no other person to whom the assured may under the provisions of this Act divert the benefit, the assured may, with the consent of such executive officers, by a declaration, provide that all right, title and interest of such beneficiary is forfeited and annulled; and thereupon such right, title and interest shall be forfeited and annulled accordingly; and the assured may then or thereafter make a new appointment in accordance with the provisions of this Act and the lawful rules of the society.

(3) Where the contract is made by an insurer other than a friendly society, upon petition, and upon the like facts as in subsection 2 mentioned being proved to the satisfaction of the Supreme Court or a Judge thereof the Court or Judge may make an order annulling the benefit and granting such other relief as under the circumstances appears proper.

180.—(1) Where the assured finds himself unable to continue to meet the premiums he may surrender the contract to the insurer and accept in lieu thereof a paid-up contract for such sum as the premiums paid would represent, payable as the money insured by the original contract, if not surrendered, would have been payable; and the insurer may accept the surrender and issue the paid-up contract notwithstanding any declaration in favour of a preferred beneficiary.

(2) Notwithstanding the designation of a preferred beneficiary the assured may, from time to time, borrow from the insurer or from any other person on the security of the contract such sums as may be necessary and shall be applied to keep it in force, and on such terms and conditions as may be agreed on; and the sums so borrowed, with such interest as may be agreed on, shall be a first lien on the contract and on all moneys payable thereunder.

(3) Nothing in this section shall authorize anything to be done to the prejudice of a beneficiary for value.
181.—(1) Notwithstanding that the insurance money may be payable to preferred beneficiaries or to a trustee for preferred beneficiaries the assured may, in writing, require the insurer to pay the bonuses or profits, or portions thereof, accruing under the contract to the assured, or to apply the same in reduction of the annual premiums payable by him in such way as he may direct or to add such bonuses or profits to the benefit; and the insurer shall pay or apply such bonuses or profits as the assured directs and according to the rates and rules established by the insurer; but the insurer shall not be obliged to pay or apply such bonuses or profits in any manner contrary to the stipulations in the contract or the application therefor.

(2) Where a contract of insurance is made or declared to be for the benefit of one or more preferred beneficiaries and all of them are of full age they and the assured may surrender the contract or may assign the same either absolutely or by way of security.

(3) Where such preferred beneficiaries include children or grandchildren it shall be sufficient so far as their interests are concerned if all then living are of full age and join in the surrender or assignment.

(4) Where a person is entitled to a benefit only in the event of the death of another person named as a beneficiary it shall be sufficient for the purposes of this section if such last-mentioned person joins in the surrender or assignment.

2 Geo. V. c. 33, s. 182.

183. The provisions contained in sections 184 to 190 shall apply only to registered friendly societies. 2 Geo. V. c. 33, s. 183.
(3) The rules and any revision or amendment thereof so certified shall, notwithstanding the declaration or other instrument filed under any general or special Act, be deemed to be the rules in force on and after the date of the certificate until a subsequent revision or amendment is in like manner certified and filed, and so from time to time, and shall be binding and obligatory upon all members of the society.

(4) A copy of all rules of a society relating to its insurance contracts and to the management and application of its insurance funds shall be delivered by the society to every person on demand on payment of twenty-five cents.

(5) If an officer or agent of a society, with intent to mislead or defraud, gives to any person a copy of rules other than the rules then in force on the pretence that the same are the rules then in force, he shall incur a penalty of not less than $20 nor more than $200 recoverable under The Ontario Summary Convictions Act, and in the case of a second or any subsequent conviction shall be liable to imprisonment for any term not exceeding six months. 2 Geo. V. c. 33, s. 184.

185.—(1) Where by the constitution and rules of a society provision is made for the payment of an ascertained or ascertainable sum to a member of the society in the event of his becoming totally disabled, or of his reaching a stated age, or upon the concurrence of both events, whether such provision is combined with other life insurance or not, such society may with the approval of the Registrar so amend its constitution and rules as to provide for the payment of such sum in equal consecutive annual instalments without interest, the payment of such instalments to be completed within a period not exceeding ten years from the happening of the event.

(2) All such amendments which have heretofore been or which may hereafter be made by any society pursuant to the provisions of the constitution and rules shall be valid and binding upon all its members and upon all their beneficiaries and legal personal representatives and upon every one entitled, notwithstanding anything to the contrary in the instrument of incorporation of the society or the previous provisions of its constitution and rules.

(3) If a member of such society dies after becoming totally disabled or reaching the stated age, but before the payment of all instalments, the instalments unpaid shall form part of the insurance money or benefits payable upon the death of such member.

(4) No unmatured policy or contract of insurance shall create any claim or liability against the society while a going society, or against the estate of the society in a winding up or liquidation under this Act, but in a winding up or
liquidation the person assured or beneficiary for value under such unmatured policy or contract shall be entitled to share in the surplus assets of the society. 2 Geo. V. c. 33, s. 185.

186. Notwithstanding anything to the contrary contained in its instrument of incorporation, or in any Act under which it was incorporated, any society, when so authorized by its constitution and rules, may hold its meetings annually or otherwise at any place it may from time to time select in Ontario or in any other Province of Canada in which it has a subordinate lodge or branch. 2 Geo. V. c. 33, s. 186.

187.—(1) The liabilities of a member under his contract shall at any date be limited to the assessments, fees and dues which became payable within the preceding twelve months and of which at such date notice had been given in accordance with the constitution and rules of the society.

(2) A member may at any time withdraw from the society by delivering or sending by registered post to the society notice in writing of his intention to withdraw and paying or tendering the assessments, fees and dues mentioned in subsection 1.

(3) After such withdrawal the member shall become thereby released from all further liability under his contract.

(4) This section shall be subject to the provisions of any rules to the contrary assented to by the Registrar and filed with the Provincial Registrar as hereinbefore provided. 2 Geo. V. c. 33, s. 187.

188.—(1) No forfeiture or suspension shall be incurred by reason of any default in paying any contribution or assessment, except such as are payable in fixed sums and at fixed dates, until after notice to the member stating the amount due by him, and that in case of default of payment within a reasonable time, not less than thirty days, to the proper officer, who shall be named in such notice, his interest or benefit will be forfeited or suspended, and default has been made by him in paying his contributions or assessment in accordance with such notice.

(2) "Fixed dates" in subsection 1 shall include any numbered day, or any Monday, Tuesday, or as the case may be, numbered, alternate or recurring, of a stated month or months.

(3) Where under the constitution or rules or by-laws of the society a defaulting member is entitled to be reinstated on payment of arrears, after a stated number of days' default, this section shall not prejudice the rights of such member. 2 Geo. V. c. 33, s. 188.
189.—(1) Where it is stipulated that the benefit of the contract shall be suspended or reduced or forfeited for any other reason than for non-payment of money such condition shall not be valid unless it is held to be just and reasonable under the circumstances of the case.

(2) In any contract of which total abstinence from intoxicating liquors is made an express condition, such condition shall be deemed to be just and reasonable. 2 Geo. V. c. 33, s. 189.

190. Any notice required to be given to a member for any purpose of this Act or of the rules of the society may be effectually given if written or printed notice is delivered, or is sent by registered post to the member, or is left at his last known place of abode or of business. 2 Geo. V. c. 33, s. 190.

CONTRACTS OF FIRE INSURANCE.

General Provisions.

191.—(1) Every company licensed and registered for the transaction of fire insurance may, within the limits and subject to the restrictions prescribed by the license and registry, insure or reinsure any property in which the assured has an insurable interest against damage or loss by fire, lightning, or explosion, whether the same happens by accident or any other means except that of design on the part of the assured.

(2) A company registered under this Act for the transaction of fire insurance, and insuring any mercantile or manufacturing risk, may either by the same or by a separate contract insure the same risk against loss or damage arising from defects in or injuries to sprinklers or other fire extinguishing appliances. 2 Geo. V. c. 33, s. 191.

192.—(1) Contracts shall not exceed the term of three years; and the insurance of mercantile and manufacturing risks shall, if on the cash system, be for a term not exceeding one year, but contracts of mutual fire insurance by any mutual or cash-mutual fire insurance company incorporated before the first day of June, 1904, may be for any term not exceeding four years.

(2) Any contract made for one year or any shorter period on the premium note system, or for three years or any shorter period on the cash system may be renewed at the discretion of the directors by renewal receipt instead of by policy on the assured paying the required premium, or in the case of a contract on the premium note system by giving a new premium note; and any payment by cash or premium note for renewal shall be made at or before the end of the period for 12 s.—II.
which the policy was granted or renewed, otherwise the policy shall be null and void.

(3) In case of an assignment of a policy on the premium note plan a new premium note made by the assignee shall be taken, and the former note, after all arrears are paid, shall be surrendered by the company. 2 Geo. V. c. 33, s. 192.

193.—(1) On the face of a policy of fire insurance there shall appear the name of the insurer, the name of the assured, the name of the person or persons to whom the insurance money is payable, the premium or other consideration for the insurance, the subject matter of the insurance, the maximum amount or amounts which the insurer contracts to pay, the event on the happening of which payment is to be made and the term of the insurance.

(2) A policy may contain a co-insurance clause, but any such policy shall have printed or stamped across its face in large type and in red ink the words, “This policy contains a Co-insurance Clause,” and if these words are not so printed or stamped such clause shall not be binding on the assured.

(3) Any stipulation or term of the contract, other than those above stated, if held by a Court or a Judge before whom a question relating thereto is tried to be not just and reasonable, shall not be binding on the assured. 2 Geo. V. c. 33, s. 193.

Statutory Conditions and Provisions Relating Thereto.

194. The conditions set forth in this section shall, as against the insurer, be deemed to be part of every contract in force in Ontario with respect to any property therein or in transit therefrom or thereto, and shall be printed on every policy with the heading Statutory Conditions, and no stipulation to the contrary, or providing for any variation, addition or omission, shall be binding on the assured unless evidenced in the manner prescribed by sections 195 and 196. 2 Geo. V. c. 33, s. 194.

Statutory Conditions.

DIVISION I.

1. If any person insures property, and causes the same to be described otherwise than as it really is to the prejudice of the company, or misrepresents or omits to communicate any circumstance which is material to be made known to the company, in order to enable it to judge of the risk it undertakes, such insurance shall be of no force in respect to the property in regard to which the misrepresentation or omission is made.
2. Any change material to the risk, and within the control or knowledge of the assured, shall avoid the policy as to the part affected thereby, unless the change is promptly notified in writing to the company or its local agent; and the company when so notified may return the unearned portion, if any, of the premium which has been paid for the unexpired period and cancel the policy, or may demand in writing an additional premium, which the assured shall, if he desires the continuance of the policy, forthwith pay to the company; and if he neglects to make such payment forthwith after receiving such demand, the policy shall be no longer in force.

3. If the property insured is assigned without a written change of property, permission indorsed hereon by an agent of the company duly authorized for such purpose, the policy shall thereby become void; but this condition does not apply to change of title by succession or by the operation of the law, or by reason of death.

4. Money, books of account, securities for money, and evidences of debt or title, are not insured.

5. If the assured now has any other insurance on any property covered by this policy which is not disclosed to the company or hereafter effects any other insurance thereon without the written assent of the company, he shall not be entitled to recover in excess of sixty per cent. of the loss or damage in respect of such property; but if for any fraudulent purpose the assured does not disclose such other insurance to the company, this policy shall be void.

(a) If within two weeks after written notice of such other insurance or of any intended insurance, or after that time and before such other insurance is effected, the company does not dissent by notice in writing to the assured, it shall be deemed to have assented thereto.

6. The company is not liable for the losses following, that is to say:

(a) For the loss of property owned by any other person than the assured, unless the interest of the assured is stated in or upon the policy;

(b) For loss caused by invasion, insurrection, riot, civil commotion, military or usurped power;

(c) Where the insurance is upon buildings or their contents—for loss caused by the want of good and substantial brick or stone or cement chimneys; or by ashes or embers being deposited, with the knowledge and consent of the assured, in wooden vessels; or by stoves or stovepipes being, to the knowledge of the assured, in an unsafe condition or improperly secured;
(d) For loss or damage to goods destroyed or damaged while undergoing any process in or by which the application of fire heat is necessary;

(e) For loss or damage occurring to buildings or to their contents while the buildings are being altered or repaired by carpenters, joiners, plasterers or other workmen, and in consequence thereof, unless permission to execute such repairs has been previously granted in writing, signed by a duly authorized agent of the company, but fifteen days are allowed in each year for incidental alterations or repairs, without such permission;

(f) For loss or damage occurring while petroleum, or rock, earth or coal-oil, camphene, gasoline, burning fluid, benzine, naphtha or any liquid products thereof, or any of their constituent parts (refined coal oil for lighting purposes only, not exceeding five gallons in quantity, or lubricating oil not being crude petroleum nor oil of less specific gravity than required by law for illuminating purposes, not exceeding five gallons in quantity, excepted), or more than twenty-five pounds weight of gunpowder is or are stored or kept by the assured or to his knowledge by any other person under his control, in the building insured or containing the property insured, unless permission is given in writing by the company.

7. Any written notice to the company may be delivered at the head office or chief agency of the company in Ontario, or sent by registered post addressed to the company, its manager or agent, at such head office or chief agency or may be delivered or sent by registered post to an authorized agent of the company.

DIVISION II.

8. After application for insurance it shall be deemed that any policy sent to the assured is intended to be in accordance with the terms of the application, unless the company points out in writing the particulars wherein the policy differs from the application.

9. In the event of there being any other insurance on property herein described at the time of the happening of any loss or damage in respect thereof, then this company shall be liable only for the payment of a rateable proportion of such loss or damage or of such amount as the assured shall be entitled to recover as provided by Condition No. 5.

10. The company will make good loss or damage caused by the explosion of coal or natural gas in a building not forming part of gas works, and loss or damage by fire caused by
any other explosion or loss or damage caused by lightning, whether fire ensues therefrom or not, but if dynamos, exciters, lamps, switches, motors, or other electrical appliances or devices are insured any loss or damage to them caused by lightning on other electrical currents, artificial or natural, is expressly excluded, and the company is liable only for such loss or damage to them as may occur from resultant fire originating outside the machines themselves.

11. The insurance may be terminated by the company by giving seven days' notice to that effect, and, if on the cash plan, by tendering therewith a rateable proportion of the premium paid, for the unexpired term, calculated from the termination of the notice, and the policy shall cease after such notice or notice and tender as the case may be, and the expiration of the seven days.

12. The insurance, if on the cash plan, may also be terminated by the assured by giving written notice to that effect, to the company or its authorized agent, in which case the company may retain the customary short rate for the time the insurance has been in force, and shall repay to the assured the balance of the premium paid.

13. No condition of the policy, either in whole or in part, shall be deemed to have been waived by the company, unless the waiver is clearly expressed in writing, signed by an agent of the company.

14. Any officer or agent of the company, who assumes on behalf of the company to enter into any written agreement relating to any matter connected with the insurance, shall be deemed prima facie to be the agent of the company for the purpose.

15. Any written notice to the assured may be by letter delivered to the assured or by registered letter addressed to him at his last post office address notified to the company or where no address is notified and the address is not known, addressed to him at the post office of the agency, if any, from which the application was received.

DIVISION III.

16. Where property insured is only partially damaged, no abandonment of the same will be allowed unless by the consent of the company or its agent; and in case of removal of property to prevent damage thereto, the company will contribute to the loss and expenses attending such act of salvage proportionately to the respective interests of the company or companies and the assured; and that part of this policy in excess of its proportion of any loss and of the value of the property remaining in the original location, shall, for the ensuing seven days only or for the unexpired term of the policy if less than seven days, cover the property so removed.
in the new location or locations in the proportion that the value in any one such new location bears to the value in all such new locations.

17. Subject to condition 19 proof of loss must be made by the assured, although the loss is payable to a third person.

18. Any person entitled to make a claim under this policy shall

(a) Forthwith after loss give notice in writing to the company;

(b) Deliver, as soon after as practicable, as particular an account of the loss as the nature of the case permits;

(c) Furnish therewith a statutory declaration declaring, That the account is just and true; When and how the loss occurred, and if caused by fire how the fire originated, so far as the declarant knows or believes; That the loss did not occur, or if caused by fire, that the fire was not caused through any wilful act or neglect, or the procurement, means or contrivance of the assured; The amount of other insurances; All liens, and incumbrances on the subject of insurance; The place where the property insured, if movable, was deposited at the time of the fire;

(d) If required and if practicable, produce books of account, warehouse receipts and stock lists, and furnish invoices and other vouchers, verified by a statutory declaration in support of his claim, and furnish copies of the written portion of all policies, separate as far as reasonably may be the damaged from the undamaged property and exhibit for examination all that remains of the property which was covered by the policy. The evidence furnished under this clause shall not be considered proofs of loss within the meaning of condition 22.

19. The above proofs of loss may be made by the agent of the assured, in case of the absence or inability of the assured himself to make the same, such absence or inability being satisfactorily accounted for, or in the like case or if the assured refuses to do so, by a person to whom any part of the insurance money is payable.

20. Any fraud or false statement in any statutory declaration, in relation to any of the above particulars, shall vitiate the claim of the person making the declaration.
21. If any difference arises as to the value of the property insured, the property saved, or the amount of the loss, such value and amount and the proportion thereof (if any) to be paid by the company shall, whether the right to recover on the policy is disputed or not, and independently of all other questions, be submitted to the arbitration of some person to be chosen by both parties, or if they cannot agree on one person, then to two persons, one to be chosen by the party assured and the other by the company, and a third to be appointed by the persons so chosen, or on their failing to agree, then by a Judge of the County or District Court of the County or District in which the loss has happened; and such reference shall be subject to the provisions of The Arbitration Act; and the award shall, if the company is in other respects liable, be conclusive as to the amount of the loss and the proportion to be paid by the company; where the full amount of the claim is awarded the costs shall follow the event; and in other cases all questions of costs shall be in the discretion of the arbitrators.

22. The loss shall be payable in sixty days after the completion of the proofs of loss, unless a shorter period is provided for by the contract of insurance.

23. The company, instead of making payment, may repair, rebuild or replace, within a reasonable time, the property damaged or lost, giving notice of their intention within fifteen days after receipt of the proofs herein required.

24. Every action or proceeding against the company for the recovery of any claim under or by virtue of this policy shall be absolutely barred, unless commenced within one year next after the loss or damage occurs. 2 Geo. V. c. 33, s. 194.

195. If the insurer desires to vary the statutory conditions, or to omit any of them, or to add any new condition, there shall be added immediately after such conditions words to the following effect, which with any such variation, addition or reference to omissions, shall be printed in conspicuous type and in red ink.

**VARIATIONS IN CONDITIONS.**

"This policy is issued on the above Statutory Conditions with the following variations, omissions and additions, which are, by virtue of The Ontario Insurance Act, in force so far only as they shall be held to be just and reasonable to be exacted by the company." 2 Geo. V. c. 33, s. 195.

196. No such variation, omission or addition, unless the same is distinctly indicated and set forth in the manner above prescribed, shall be binding on the assured; but on the contrary, the policy shall, as against the insurer, be subject to the statutory conditions only. 2 Geo. V. c. 33, s. 196.
197. Any such variation, omission or addition, unless held to be just and reasonable, shall be null and void. 2 Geo. V. c. 33, s. 197.

198. It shall be optional with the insurer to pay or allow claims, wholly or in part, which are void under any statutory condition. 2 Geo. V. c. 33, s. 198.

199. Where, by reason of necessity, accident or mistake, any condition of a policy of insurance on property in Ontario as to the proof to be given to the insurer after the occurrence of the event insured against has not been strictly complied with, or where after a statement or proof of loss has been given in good faith by or on behalf of the assured, in pursuance of any condition of such policy, the insurer through its agent or otherwise objects to the loss upon other grounds than for imperfect compliance with such condition or does not within a reasonable time after receiving such statement or proof notify the assured in writing that it is objected to, stating the particulars in which the same is alleged to be defective, and so from time to time, or where for any other reason it is held to be inequitable that the insurance should be deemed void or forfeited by reason of imperfect compliance with such condition no objection to the sufficiency of such statement or proof or amended or supplemental statement or proof, as the case may be, shall be allowed as a defence by the insurer or a discharge of his liability on such policy wherever entered into. 2 Geo. V. c. 33, s. 199.

200.—(1) After any loss or damage to insured property the insurer by a duly accredited agent shall have an immediate right of entry and access sufficient to enable him to survey and examine the property and to make an estimate of the loss or damage, but the insurer shall not be entitled to the disposition, control, occupation, or possession of the insured property, or of the remains or salvage thereof, unless the insurer undertakes reinstatement or accepts abandonment of the property.

(2) After any loss or damage to insured property it shall be the duty of the assured when and as soon as it is practicable to secure the insured property from damage, or from further damage, and to separate as far as reasonably may be the damaged from the undamaged property, and to notify the insurer when such separation has been made, and thereupon the insurer shall be entitled to entry and access sufficient to enable him to make an appraisement or particular estimate of the loss or damage.

(3) The insurer and the assured instead of proceeding by arbitration under statutory condition 21 may at any time after the loss or damage make a joint survey, examination, estimate or appraisement of the loss or damage, in which
case the insurer shall be deemed to have waived all right to make a separate survey, examination, estimate or appraisement thereof. 2 Geo. V. c. 33, s. 200.

201. Where proofs of loss are made by any person other than the assured the insurer shall be entitled to have the assured examined under oath touching the loss or damage before the Judge of the County or District Court of the County or District in which the assured resides, and the procedure shall be the same as that upon an examination for discovery in an action. 2 Geo. V. c. 33, s. 201.

(With regard to investigation of fires see The Coroners Act, R.S.O. c. 92.)

DUTIES OF THE SUPERINTENDENT.

202.—(1) The Superintendent shall personally or by deputy visit the head office or chief agency in Ontario of every company licensed under this Act, at least once in every year, and shall carefully examine the condition and affairs of the company. 2 Geo. V. c. 33, s. 202 (1); 3-4 Geo. V. c. 35, s. 13 (1).

(2) Instead of visiting the head office or chief agency the Superintendent may require the company to produce and thereupon the company shall produce its books and papers at the county or district town of the county or district in which the head office or chief agency is located, or at such other convenient place as the Superintendent directs.

(3) The officers of the company who have custody of the books shall be entitled to be paid by the company for the actual expenses of such attendance.

(4) The Superintendent shall from such inspection prepare and lay before the Minister an annual report of the condition of every company's business as ascertained from such inspection, and such report shall be printed and published forthwith after the completion thereof.

(5) Officers of the company shall cause their books to be open for the examination of the Superintendent, and shall facilitate the examination so far as may be in their power; and the Superintendent may examine under oath any officer or agent of the company as to its business.

(6) Where a special examination has been made a special written report stating the Superintendent's opinion of the condition and financial standing of the company, and all other matters which it is desirable should be made known shall be made to the Minister. 2 Geo. V. c. 33, s. 202 (2-6).

(7) Every director, manager, officer, agent, collector, auditor or employee of a company who knowingly makes or omits any untrue or omitted.
access in making any untrue entry in any of the company's books, or who does not make any proper entry therein, or does not exhibit or allow the same to be inspected and extracts to be taken therefrom shall be guilty of an offence, and punishable in the manner provided by section 96. 2 Geo. V. c. 33, s. 202 (7); 3-4 Geo. V. c. 35, s. 13 (2).

203.—(1) If at any time it appears to the Superintendent that the assets of a company are insufficient to justify its continuance in business, or that it is unsafe for the public to effect insurance with the company, he shall make a special report on its affairs to the Minister.

(2) If after consideration of the report and such notice to the company as the Minister deems reasonable, and such further inquiry, if any, as he may deem proper, the Minister reports to the Lieutenant-Governor in Council that he agrees with the report of the Superintendent, the Lieutenant-Governor in Council may suspend or cancel the license of the company, and in case of suspension it shall not be lawful for the company thereafter to transact any business in Ontario until the suspension is removed by the Lieutenant-Governor in Council.

(3) Notice of the suspension or cancellation of the license shall be published in the Ontario Gazette; and thereafter any person transacting any business on behalf of the company, except for winding up its affairs under this Act, shall be deemed to have contravened section 98. 2 Geo. V. c. 33, s. 203.

204. The Superintendent with the approval of the Minister may cause abstracts to be prepared of the books and vouchers of a company and a valuation to be made of its assets and liabilities; and the cost thereof upon the certificate of the Superintendent approved by the Minister shall be paid by the company. 2 Geo. V. c. 33, s. 204.

VOLUNTARY LIQUIDATION.

Provincial Insurance Companies.

205.—(1) Where a Provincial Company other than a Dominion licensee proposes to go into voluntary liquidation, at least one month's notice shall be given to the Minister and to the Superintendent, and shall also be published by the company in two consecutive issues of the Ontario Gazette and in one or more newspapers if the Superintendent so requires.

(2) The notice shall state the date at which contracts are to cease to be taken by the company, also the name and address of the company's liquidator, or the intention of the
company to apply on a stated day for the appointment of a liquidator.

(3) On the winding up of a Provincial Mutual or Cash-Mutual Fire Insurance Company, after the notice has been given, the directors may, out of the reserve or surplus funds, reinsure the unexpired contracts for which premiums or premium notes have been taken with a company registered under this Act and approved by the Minister.

(4) Where any company is wound up each person contracted with on the cash plan shall be entitled to a refund from the company of the unearned proportion of the cash premium calculated from the date at which the company, according to the notice, ceased to undertake contracts; but this shall not affect any other remedy which such person may have against the company.

(5) Every liquidator shall forthwith give such bonds or securities for his fidelity as may be required of a receiver under section 214; and in case of dispute the Master upon motion of any creditor or person interested, or of the Superintendent, shall determine the kind and amount of such bonds or securities.

(6) The bonds or securities shall be made and deposited as provided by subsection 7 of section 214.

(7) Every such liquidator, until the affairs of the company are wound up and the accounts are finally closed, within seven days after the close of each month file with the Court or other authority appointing him, and also with the Superintendent, detailed schedules showing, in such forms as may be prescribed, receipts and expenditures, assets and liabilities, and he shall, whenever so required by the authority appointing him or by the Superintendent exhibit the company’s books and vouchers, and furnish such other information respecting the company’s affairs as may be required; and any receiver, liquidator or assignee who does not furnish such information shall for each offence incur a penalty of not less than $50 and not more than $200, and shall also be liable to be removed. 2 Geo. V. c. 33, s. 205.

Friendly Societies, or the Insurance Funds thereof.

206.—(1) A registered Provincial friendly society or any insurance fund thereof, may be voluntarily wound up after resolution (hereinafter called the winding-up resolution) passed at a general meeting, ordinary or special, after at least one month’s notice of such intended resolution.

(2) The resolution when assented to by the Registrar and filed with the Provincial Registrar as provided by subsection 2 of section 184 shall be binding on all the members of the society.
(3) The resolution may provide for the transfer of the liabilities and assets of the society or of the fund to some other corporation.

(4) Where there are assets to be realized, distributed, disposed of or dealt with the winding-up resolution shall appoint a liquidator, and shall fix the amount of the security to be given by him, which shall be sufficient for the purposes of the liquidation, and shall state the amount and form of his compensation.

(5) Unless otherwise provided in the winding-up resolution the then executive officers, other than such one of them, if any, who is appointed liquidator, shall act as a committee of inspection and shall audit the liquidator's accounts at least once a month until his accounts are closed, and shall certify their audit.

(6) Preliminary to any winding-up or transfer under this section there shall be filed with the Registrar a statement made by one or more of the executive officers declaring upon oath the facts and circumstances of the case, and there shall be annexed to the statement a true copy of the winding-up resolution and also a financial statement showing in such form as shall be required by the Registrar the liabilities and assets of the society or of the fund, and such other information shall be furnished from time to time as the Registrar may require.

(7) The provisions of subsections 5, 6 and 7 of section 205 shall apply to a liquidator under this section.

(8) Where endowment or expectancy insurance is transferred and there exists an endowment fund separate and distinct from the life insurance fund then, by a resolution duly passed at a general meeting, ordinary or special, after at least one month's notice of such intended resolution, the society may determine that the endowment or expectancy insurance shall be discontinued, and that the endowment or expectancy fund shall be distributed pro rata among the members then in good standing who are contributors to such fund according to the total contribution of each member.

(9) After the resolution has been assented to and filed as provided in subsection 2 the executive officers may proceed to ascertain the persons entitled to rank upon the fund, and may distribute the fund among those so entitled; and such distribution shall discharge the society and all executive officers thereof from all further or other liability in respect of such fund and of the endowment or expectancy contracts undertaken by the society.

(10) If all the members interested in the endowment or expectancy fund are also interested as holders of life insurance contracts the general meeting instead of determining
that the endowment or expectancy fund shall be distributed
determine that such fund shall be converted into or
merged in a life insurance fund; and after the resolution has
been assented to and filed as provided in subsection 2 the
endowment or expectancy fund shall become and be a life
insurance fund.

(11) After the passing of the resolution mentioned in sub-
sections 8 or 10 the society shall not undertake or transact
any endowment or expectancy insurance. 2 Geo. V. c. 33, s. 206.

General Provisions as to Voluntary Liquidation.

207.—(1) In any winding-up, transfer or dissolution
under the next preceding two sections, if any doubt, difficulty
or dispute arises as to any matter the Superintendent, the
Registrar, the liquidator, any member of the committee of
inspection, or any person interested may apply to the Master
who shall finally dispose of the matter.

(2) The Master may on the application of any such per-
son remove the liquidator and appoint another liquidator, or
do any other matter or thing which the Court, Judge, or Mas-
ter might do in a winding-up under sections 211 to 231, or
may by order remove into his office the winding-up, transfer
or dissolution which shall thereafter proceed as if begun
under those sections. 2 Geo. V. c. 33, s. 207.

208. The duration of any winding-up under any of the
three next preceding sections shall not be prolonged beyond
one year from its commencement except for special and urgent
cause shown to the satisfaction of the Minister. 2 Geo. V.
c. 33, s. 208.

209. For the purpose of any application or other proceed-
ing under any of the four next preceding sections, it shall be
sufficient to entitle the proceeding in the matter of this Act
and of the insurance corporation or fund concerned; and at
least two clear days' notice shall be given unless otherwise
directed by the Master. 2 Geo. V. c. 33, s. 209.

210. Notwithstanding anything in this Act the Superin-
tendent may by writing under his hand and seal of office,
renew or extend the registry of any Provincial Insurance
Corporation for the purpose of its winding up; and during
the continuance of such registry or renewed or extended
registry, sections 211 to 231 shall not apply to the corporation;
but upon the expiry without renewal or upon the revocation
or cancellation of such registry those sections shall apply
unless the winding-up of the corporation has previously been
completed. 2 Geo. V. c. 33, s. 210.
211.—(1) Sections 212 to 231 shall apply to Provincial insurance corporations other than those being wound up under the six next preceding sections, and other than licensees of the Dominion of Canada within the meaning of section 69.

(2) Where the corporation is not constituted exclusively or chiefly for insurance purposes, and the insurance branch and fund are completely severable from every other branch and fund of the corporation, the word "corporation" for the purposes of sections 212 to 231 shall mean only the insurance branch of the corporation. 2 Geo. V. c. 33, s. 211.

212.—(1) The winding-up shall be deemed to commence at the beginning of the day on which the registry of the corporation expired or was cancelled, and where the corporation is constituted for the transaction of insurance exclusively its corporate powers shall thereupon cease and determine except for the sole purpose of winding up its affairs.

(2) After the date of the commencement of the winding up any transfer of shares unless made by authority of the Supreme Court, and any alteration in the status of members or shareholders of the corporation shall be void; and no action or other proceeding against the corporation shall be commenced or proceeded with except by leave of the Court; and every attachment, sequestration, distress or execution put in force against the property of the corporation shall be void.

(3) All contracts of employment entered into by the corporation shall ipso facto cease and determine at the commencement of the winding up.

(4) All the funds, assets and property of the corporation or of any liquidating branch or lodge thereof shall be deemed general assets of the corporation, branch or lodge, respectively, for the payment of all debts thereof, and shall not be applied to the payment of any particular debts, preferentially or exclusively, except as otherwise herein expressly provided. 2 Geo. V. c. 33, s. 212.

213.—(1) Upon notice given by the Superintendent of the corporation's registry being cancelled under subsection 1 of section 87, or where a corporation neglects to register or renew its registry, the liquidator in voluntary winding-up proceedings, if any, and if there is no liquidator the officer or officers of the corporation in Ontario having in charge, custody, possession or power the accounts, account books and insurance funds of the corporation shall ipso facto, become interim receiver or receivers, as the case may be, of the corporation, and officers of the Supreme Court subject to its control and direction, and shall so remain unless and until further order is made by the Court.
(2) If the treasurer or other officer does not become interim receiver he shall forthwith pay and deliver to the interim receiver all accounts, account books and insurance funds of the corporation in his charge, custody, possession or power.

(3) Every interim receiver shall forthwith deposit in a chartered bank in Ontario to the credit of the corporation all money and securities for money in the charge, custody, possession or power of the corporation or of himself as officer thereof, and shall from time to time so deposit all further money and securities that come into his possession or power as interim receiver unless and until otherwise ordered by the Court or a Judge, and the same shall not be withdrawn from the bank without leave of the Court or a Judge.

(4) The interim receiver, or person depositing the same, shall obtain from the bank a receipt in triplicate for the money and securities so deposited and one of the triplicates shall be forthwith filed by him in the office of the Superintendent.

(5) Notice from the Superintendent to any person that the registry of the insurance corporation has expired or has been cancelled, or that the corporation has become unregistered, shall be sufficient notice that the funds and securities of the corporation are subject solely to the order of the Supreme Court. 2 Geo. V. c. 33, s. 213.

214.—(1) After the deposit of the money and securities in the bank, the interim receiver or receivers shall forthwith file an application, Form 1, in the office of the Master.

(2) With the application there shall be filed one of the triplicate receipts given by the bank, and an affidavit, Form 2, in which all the receivers, if there are more than one, shall join.

(3) Until an interim receiver is discharged from his office or until new security is taken from him by order of the Court, any security given by him to the corporation and in force at the cesser of registry shall continue in as full force and validity as if the corporation had continued to be registered.

(4) On the filing of the documents mentioned in this section the Master shall issue to the interim receiver his certificate of the filing, and shall issue his order requiring any person having in his charge, custody, possession or power the security mentioned in the next preceding subsection to deliver the same forthwith to the Master for approval, and on any refusal, neglect or delay to obey the order such person shall be liable to be committed for contempt of Court.
(5) If there is no such security, or if the existing security is not in the opinion of the Master satisfactory or sufficient, the Master shall order the interim receiver within a time limited to give security or other or additional security, and if the interim receiver makes default the Master may remove him and appoint another interim receiver.

(6) The Master may accept as security the bond of a guarantee company registered under this Act.

(7) The security of every receiver under this Act shall be made to the Superintendent in his name of office, and all securities when approved by the Master shall be deposited with the Superintendent.

(8) All securities to which this section applies, whether made to him or not, may be enforced by the Superintendent for the time being in his name of office. 2 Geo. V. c. 33, s. 214.

215. On the application of the Superintendent or of any creditor or contributory upon proof to the satisfaction of the Court that all proceedings in relation to the winding up ought to be stayed the Court may at any time make an order staying the same either altogether or for a limited time on such terms and subject to such conditions as it may deem proper. 2 Geo. V. c. 33, s. 215.

216.—(1) The Master shall appoint a place and a time not less than twenty-one days from the date of the appointment to hear the application of the interim receiver for his confirmation or discharge, and upon hearing the application, may appoint the interim receiver as receiver or may discharge him from his office and may appoint another as receiver, or make such other disposition of the matter as he may deem proper.

(2) Notice of the application, Form 3, shall be published by the interim receiver in two issues of the Ontario Gazette, and once a week for two weeks in a newspaper published in the county or district in which the head office or chief office of the corporation is located, and a copy of the notice shall be delivered to the Superintendent at least ten days before the day appointed for the hearing of the application.

(3) At the place and time appointed the Master may appoint the interim receiver as receiver or may discharge him and appoint another person to be receiver, or with the consent in writing of the Superintendent may then or afterwards dispense with a receiver and generally make such order and give such directions as will best expedite the beneficial realization of the assets, the discharge of the liabilities, and the distribution of the surplus among the persons entitled.
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(4) Where a receiver is dispensed with, the assets shall be realized and distributed by or under the direction of the Master among the persons entitled thereto in the same way, as nearly as may be, as if the distribution were being made by the receiver.

(5) A Judge of the Supreme Court may direct how the books, accounts and documents of the corporation and of the receiver are to be dealt with or disposed of.

(6) There shall not be more than one receiver at any one time except with the consent in writing of the Superintendent.

(7) The Master may appoint as receiver any trust company approved by the Lieutenant-Governor in Council as one which may be appointed receiver under this Act or which has been heretofore so approved. 2 Geo. V. c. 33, s. 216.

217.—(1) If the interim receiver fails to comply with the provisions of section 213 within eight days after becoming interim receiver the Master may on the application of the Superintendent or of any policy or certificate holder or of any claimant or creditor, supported by an affidavit stating the facts, remove the interim receiver and appoint a new interim receiver, and may make such further order as he may deem necessary for securing the property of the corporation.

(2) An interim receiver appointed by the Master shall under his direction take immediate possession of the money and securities for money of the corporation, and shall thereafter perform all the duties required of an interim receiver, and on default of performance shall be liable to the penalties imposed by this Act.

(3) On non-compliance by an interim receiver or by any officer, agent or employee of the corporation with any provision of sections 213 or 214 or with any order made, or summons or direction issued by the Master under this Act, upon motion made as provided in subsection 1, the Master may issue his certificate of the default, and his certificate shall be conclusive evidence of such default for the purposes of any proceedings taken by any of such persons under sections 213 or 214, or under subsection 5 of this section.

(4) A motion to commit such defaulter may on two clear days’ notice be made before a Judge of the Supreme Court in Chambers.

(5) If any person made interim receiver by this Act or by order hereunder receives from the Superintendent notice under his hand and the seal of his office directing such person to comply with the provisions of section 213 or section 214, and the person so notified does not within ten days.—II.
days after the notice delivered comply accordingly such person shall incur a penalty of not less than $100 and not more than $500, recoverable under the Ontario Summary Convictions Act; and, in case of a second or any subsequent conviction, he shall be imprisoned for a term not less than three months and not more than twelve months.

Powers of the Master.

(6) Subject to the provisions hereinafter contained the Master shall

(a) Decide upon the security to be given by the receiver, and upon the mode and amount of his compensation;

(b) Fix the times for the submission and passing of his accounts;

(c) Settle advertisements;

(d) Determine what persons are entitled to notice of any matter or proceeding, and the time, mode and form of notice to be given;

(e) Settle and determine lists of the debtors and the contributories and the amounts which they are respectively liable to pay and contribute to the assets;

(f) Settle and determine the claims of creditors and the amounts to which they are respectively entitled, and all matters of set-off affecting or alleged to affect such debts, contributions or claims;

(g) Direct the realization of assets, the discharge of liabilities and the distribution of the surplus; and

(h) Make such orders and give such directions as will best give effect to the provisions of this Act; and generally shall have all the powers which might be exercised on a reference to him under a judgment or order of the Supreme Court.

(7) Orders and certificates made by the Master under this Act shall be appealable in like manner as orders and certificates of the Master made in a winding-up under the Winding-up Act of Canada, and so far as not inconsistent with the provisions of this Act the Rules of the Supreme Court shall apply to all proceedings under this Act.

(8) The duration of the winding up shall not be prolonged beyond one year from its commencement unless the Superintendent for special and urgent cause shown to his satisfaction consents in writing to an extension to a day named in his consent.

(9) Where the creditors are subjected to delay or the estate to expense by any want of care, diligence or efficiency
on the part of the receiver the Master, on motion of the Superintendent or of any creditor, contributory or other person interested in the estate, may impose a fine on the receiver of not less than $20 nor more than $200 and costs which shall be a debt due from the receiver to the estate, and execution may issue forthwith or the amount may be charged against any remuneration already earned by, but not yet paid to the receiver.

(10) The receiver shall as far as practicable act personally, under the direction of the Master, in all matters relating to the estate; he shall attend to the correspondence, give notices, file and copy documents, prepare schedules, make calls on persons found or adjudged subject thereto, and perform such other duties and services as may from time to time be proper and necessary.

(11) No costs shall be paid or allowed for the performance of duties or services which properly devolve upon the receiver personally either within the meaning of this Act or by virtue of any law or practice relating to receivers in force in Ontario. 2 Geo. V. c. 33, s. 217.

218.—(1) Every receiver shall be subject to the summary jurisdiction of the Court in the same manner and to the same extent as the ordinary officers of the Court; and the performance of his duties may be compelled by order of the Court.

(2) All remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, lien or right of property upon, in or to any effects or property in the hands, possession or custody of a receiver may be obtained by an order of the Court on summary petition, and not by action, suit, attachment, seizure or other proceeding of any kind.

(3) In the discretion of the Court a receiver may be removed, and with or without his removal the Court may order the amount of any damage, loss or costs, ascertained to have been occasioned to the estate by his misconduct, misfeasance, laches or neglect to be deducted from his remuneration earned or to be paid by him. 2 Geo. V. c. 33, s. 218.

219.—(1) The advertisement for or notice to creditors or claimants shall be according to Form 4.

(2) Upon the evidence mentioned in subsection 4 of section 84, and without the creditor or claimant filing further or other proof or making any formal claim or giving notice, the receiver shall prepare the three schedules next hereinafter mentioned with the amount for which or having relation to which each creditor or claimant appears entitled to rank on the assets, and upon such amount being verified to the satisfaction of the Master, and in the absence of contesta-
tion by any person interested, the creditor or claimant shall be collocated and ranked accordingly.

(3) The first of the schedules shall be the Schedule of Preferred Creditors and shall include the names, addresses and descriptions of the persons mentioned in section 231 and the total amount to which, on the evidence mentioned in subsection 2, particular reference being made to the book and page or as the case may be, such persons are severally entitled, and the amount for which they are severally entitled to rank as preferred creditors.

(4) The second of the schedules shall be the “Schedule of Ordinary Creditors,” and the schedule shall include those preferred creditors who, in respect of an unpreferred residue, are entitled to rank as ordinary creditors and the amount in each case of such residue; also all creditors entitled to claim under policies matured before the commencement of the winding-up or having at that date a fixed surrender value, or unmatured at the commencement of the winding up but secured by deposit under this Act, together with the following particulars in the case of each policy, viz.: The number and description of the policy, the date of issue (and in the case of life insurance policies the age of the assured at the date of issue), the name and address of the assured, and of his assignee, if any, the amount for which the policy was issued and the value of the policy or of the unearned premiums, as the case may be, taken as at the commencement of the winding up, and in the case of policies issued for a term of years the date of the expiry of the term.

(a) In the case of annuities on lives or of unmatured policies of life insurance so secured, including endowment and tontine insurance, such annuity or unmatured policy issued by a corporation licensed under section 62 shall if valid and subsisting at the commencement of the winding up, be entitled to rank for the value ascertained according to the rules mentioned in Schedule C;

(b) In the case of all other unmatured policies the policy if valid and subsisting at the commencement of the winding up shall be entitled to rank for the unearned premium if any.

(5) On the distribution of the assets the distributive sum payable in respect of any such annuity or unmatured policy shall be paid respectively to the annuitant or to the policy-holder, or the beneficiary for value, if any, or to their respective assigns.

(6) The second schedule shall also include particulars of the obligations other than policies issued by the corporation and outstanding at the commencement of the winding up.
with the names of the obligees and payees, and the value of such obligations taken as at that date, and shall also include the names and addresses, so far as known, of all other persons entitled to rank upon the assets not being persons and claims falling within the scope of the first and third schedules.

(7) The third schedule shall be a Schedule of Unmatured and Unsecured Policies, and shall include all policies in force at the commencement of the winding up, but not falling within the scope of the second schedule, and shall include the like particulars as therein mentioned, except as to the value of the policy, and shall further show the aggregate of the contributions made by the assured to the reserve or surplus fund, if any, of the corporation; and in any distribution of any surplus assets the share under any policy shall be proportionate to such aggregate of contributions by the assured, with or without interest thereon, as the Master under the circumstances may deem to be just.

(8) Where the registry of the corporation has been cancelled for insolvency or impending insolvency, or where the Master is of the opinion that the assets of the estate are insufficient or not more than sufficient to pay in full the claims entitled to rank in the first and second schedules the Master may dispense with the preparation of the third schedule.

(9) As soon as practicable after the commencement of the winding up the receiver shall prepare a "Schedule of Debtors" and a "Schedule of Contributories."

(10) The "Schedule of Debtors" shall show the names and addresses, so far as the addresses can be ascertained, of all persons actually indebted to the estate or against whom the estate holds obligations or accounts accruing due with particulars of the same, and of the securities if any held by the estate, reference being in every case made to the books or vouchers relating thereto, and such schedule shall be prima facie evidence of the indebtedness of any person whose name appears therein.

(11) The "Schedule of Contributories" shall show the names and addresses, so far as the addresses can be ascertained, of all members and shareholders and all persons who are subject to call, or otherwise liable to contribute to the assets, and the extent of such liability, giving the like reference to books and vouchers.

(12) The schedules mentioned in this section shall be prepared by the receiver in triplicate; one of the triplicates verified by his oath shall be filed in the Master's office, another shall be delivered to the Superintendent, and the third shall be kept in the receiver's office and shall be accessible on demand to all persons interested in the estate. 2 Geo. V. c. 33, s. 219.
220.—(1) After the expiration of the time limited by the advertisement for creditors or by the notice to claimants the Master shall settle and determine

(a) The list of creditors and the claims of alleged creditors, and the amounts to which those persons by him adjudged to be creditors are respectively entitled;

(b) The list of debtors and contributories and the amounts they are severally liable to pay or contribute to the assets; and

(c) All matters of set-off affecting or alleged to affect such claims against, or debts or contributions to the estate.

(2) The Master may disallow all claims of which notice was not given within the time limited; and thereafter shall report directing a distribution of the assets among the persons entitled thereto, having regard only to the claims of which the receiver had notice within the time limited.

(3) The Master may give special leave to prove a claim of which notice has not been given upon such terms as to costs and otherwise as the Master directs.

(4) The Master may make an interim report whenever deemed advisable; and when deemed necessary may direct the payment of an interim dividend.

(5) It shall not be necessary to procure an order for the payment of any dividend declared by the Master's report or interim report after such report becomes absolute by lapse of time, or is confirmed or is affirmed, or affirmed with a variation, on final appeal, as the case may be, but the receiver may pay such dividend upon the production of a certified copy of the report and a certificate of the Master certifying the date of its filing and that the report has become absolute by lapse of time or is confirmed or has been affirmed, and if affirmed with a variation how varied on final appeal as the case may be. 2 Geo. V. c. 33, s. 220.

221. Where in a winding-up or liquidation under this Act the liability of the corporation is admitted, but the person to whom the corporation is liable is in dispute or uncertain, or where in the opinion of the Superintendent no sufficient discharge for the liability can be had the amount of the liability or of the dividends payable in respect thereof shall be paid into court under the provisions of The Trustee Act. 2 Geo. V. c. 33, s. 221.

222.—(1) Where a report is made as to debtors or contributories the Master shall deliver it to the receiver who shall forthwith file the same in the Master's office.
(2) Notice of the filing of the report and of the date of filing shall forthwith be given by the receiver by publication in the Ontario Gazette and in a newspaper published at or nearest the place where the head office of the corporation is located and in two daily newspapers published in the City of Toronto.

(3) The receiver shall also forthwith deliver or transmit a copy of the report to the Superintendent having indorsed thereon notice of the date of filing, and shall also keep in his own office a copy of the report indorsed with the date of filing which shall be accessible on demand to all persons interested in the estate.

(4) At the expiration of fourteen days from the receipt of such indorsed copy of the report by the Superintendent the report shall become absolute unless notice of appeal is served within that time, and every person ascertained by the report to be indebted shall ipso facto and without further proceedings and as after final judgment be deemed to be a debtor to the corporation in the sum specified in the report, and thereafter the Master may under his hand certify that by his report dated and filed in on the day of 19 (supplying the necessary particulars) the person named in the certificate has been found indebted to the corporation (naming it) in the sum of $ with interest (if any) and $ costs (if any).

(5) A fee of 25 cents shall be payable to a Local Master in respect of each certificate together with 10 cents for each additional five names after the first.

(6) The receiver or the Superintendent may thereupon by transcript of judgment directed to the clerk of any Division Court or County or District Court which would have jurisdiction in an action for the recovery of a claim of the amount specified in the certificate, or to the proper officer of the Supreme Court, require the certificate to be entered as a judgment of the Court, and thereupon it shall be entered accordingly, and thereafter the receiver or the Superintendent may take any proceedings or cause to be issued any process for the enforcing of the judgment that could be had or taken for the like purpose upon any judgment of such Court.

(7) Where the certificate includes the names of more than one person residing in the same bailiwick or division, it may be entered as a judgment against all of them and only one writ of execution shall issue commanding the sheriff or bailiff to execute the writ against the goods and lands of each of the persons named therein in respect of the sum of money, damages or costs specified as payable by him; and thereupon the sheriff or bailiff shall execute the writ as he would if separate writs for the sum of money, damages or costs had been issued against each of such persons. 2 Geo. V. c. 33, s. 222.
223. Where in the course of the voluntary or compulsory winding up a corporation it appears that any past or present trustee, auditor, director, manager, officer, official, receiver or liquidator of the corporation has misapplied or retained in his own hands or become liable or accountable for any money, assets, or property of the corporation, or has been guilty of any misfeasance or breach of trust or duty in relation to the corporation, or that his conduct in the management of the affairs of the corporation has been such as to require investigation the Master, on the application of the Superintendent or the Registrar or of the receiver or of any creditor or contributory, and after at least ten days' notice served on the person whose conduct or dealings are to be investigated, may examine into the conduct and dealings of such person and may direct him to repay any money so misapplied or retained, or for which he has become liable or accountable, together with interest at such rate as the Master thinks just, or to contribute such sums of money to the assets of the company by way of compensation in respect of such misapplication, retention, misfeasance or breach of trust as the Master thinks fit, and may disallow his account, if any, for services or salary. 2 Geo. V. c. 33, s. 223.

224. The books, financial statements, schedules, accounts and vouchers of every receiver shall be accessible to the Superintendent and the Registrar and to any person authorized under the hand and seal of either of them; and if any receiver refuses or neglects to afford such access, or if he makes a willfully false statement or untrue entry he shall be guilty of an offence, and upon summary conviction thereof shall be liable to imprisonment for a period not exceeding twelve months. 2 Geo. V. c. 33, s. 224.

225. Unless and until otherwise ordered by the Court the receiver shall forthwith deposit at interest in a chartered bank in Ontario to the credit of the corporation all money by him from time to time received whenever the same amounts to $100. 2 Geo. V. c. 33, s. 225.

226. In case of default by any receiver or liquidator in leaving or passing any account, or in making any deposit or payment, or of laches or negligence in performing any other duty devolving upon him by virtue of his office, or of an order or direction of the Court, the Master either without motion or on motion by the Superintendent or any person interested may disallow any salary or compensation to the receiver or may charge him with interest upon his balances, or may remove him and appoint another, or make such other order as will best carry into effect the purposes of this Act. 2 Geo. V. c. 33, s. 226.

227. Where a corporation is being wound up every action, matter or proceeding relative to the estate of the corpora-
tion, or to a receiver or liquidator thereof, or to the sureties of or securities given by either, shall be brought and prosecuted by or in the name of the Superintendent by his name of office, and the Superintendent shall be a necessary party to every such action, matter or proceeding against the corporation or affecting the estate and to every taxation, retaxation, review or revision of costs affecting the estate. 2 Geo. V. c. 33, s. 227.

228. Vacations in the Supreme Court shall not apply to proceedings under sections 205 to 231. 2 Geo. V. c. 33, s. 228. 

Costs.

229.—(1) Except with the consent in writing of the Superintendent no counsel or solicitor shall be employed to act for the receiver or others at the expense of the corporation.

(2) A minute entered in the Master’s book shall have the same force as a formal order or direction; and except in special cases no costs shall be allowed for attending on or taking out a formal order or direction.

(3) A copy of any minute certified under the hand of the Master shall be prima facie evidence thereof, and for every such certificate a fee of 50 cents shall be payable.

(4) Consolidated Rule 678 or any rule substituted therefor shall apply to any bill of costs payable wholly or in part out of the estate.

(5) The costs of any matter or proceeding in the Master’s office under this Act shall be on the County Court scale.

(6) The taxed costs of any action, matter or proceeding by the Superintendent or by the receiver with the written consent of the Superintendent shall be paid out of the funds or estate of the corporation; and except with such consent, no costs shall be allowed out of the estate for separate or other representation of members or certificate holders of the corporation or for the representation of any class of members or certificate holders, and the costs of all other actions, matters, or proceedings shall be in the discretion of the Court.

(7) All costs, charges and expenses properly incurred in the receivership and winding up of the corporation, including the remuneration of the receiver, shall be payable out of the assets of the corporation in priority to all other claims. 2 Geo. V. c. 33, s. 229.

230.—(1) Every account to be passed or bill of costs to be taxed, payment of which is to be made out of the estate, shall be rendered in duplicate to the receiver and the receiver shall deliver or transmit one duplicate to the Superintendent.
at least ten days before the day appointed for the passing of the account or taxation of the bill of costs.

(2) The passing of the account or taxation of the bill of costs shall not be proceeded with until proof has been furnished by the production of the receipt of the Superintendent or otherwise to the officer before whom the account is to be passed or the bill of costs is to be taxed that the provisions of subsection 1 have been complied with. 2 Geo. V. c. 33, s. 230.

**PRIORITY OF CLAIMS FOR WAGES.**

**231.** Subject to the provisions of subsection 7 of section 229, the Master in distributing the assets of the corporation shall direct payment in priority to the claims of the ordinary or general creditors of the salary or wages of all clerks and wage-earners in the employment of the corporation due at the date when the corporation became unregistered or within one month before, not exceeding three months’ salary or wages, and such persons shall be entitled to rank as ordinary or general creditors for the residue of their claims. 2 Geo. V. c. 33, s. 231.

**PURCHASE OF ASSETS BY OFFICERS AND OTHERS.**

**232.** Any purchase of assets of an unregistered or liquidating corporation, or of any member's right to rank on the assets, or of a member's dividend by any person directing, managing, auditing, or employed by the corporation within three years next before receivership or liquidation, or any such purchase by any receiver, or liquidator, or by an inspector is prohibited, and any such pretended purchase or assignment shall be void. 2 Geo. V. c. 33, s. 232.

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**PART II.**

**PROVISIONS RELATING TO LIVE STOCK INSURANCE CONTRACTS.**

**233.—(1)** Ten owners of live stock in any municipality or association of municipalities may call a meeting of the owners of live stock to consult whether it is expedient to establish therein a live stock insurance company upon the mutual plan.

(2) The mode of calling such meeting and the proceedings for the formation of the company shall be the same *mutatis mutandis* as in the case of the formation of a mutual fire insurance company except that the determination that it is expedient to establish the company shall be by thirty residents of the municipality being owners of live stock in Ontario and that the meeting for the organization of the company shall not be held unless and until fifty owners of live stock
in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the company which in the aggregate shall amount to $50,000 at least. 2 Geo. V. c. 33, s. 233.

234. The company may within the limits prescribed by the license insure against loss of live stock by fire, lightning, accident, disease or any other means, except that of design on the part of the assured or by the invasion of an enemy or by insurrection. 2 Geo. V. c. 33, s. 234.

235. The following provisions of this Act relating to insurance contracts shall apply to live stock insurance contracts,—

(a) The provisions as to the form and contents of the policy;

(b) The provisions as to the conditions including the statutory conditions numbered 1, 3, 5, 6 (a), (b), 7, 8, 13, 14, 15, 16, 17, 18 (a), (b), (c), 19, 20, 21, 22 and 24;

(c) Subsection 3 of section 192.

The following additional condition shall form part of every live stock insurance contract:

The insurance may be terminated by the company by giving seven days' notice to that effect. 2 Geo. V. c. 33 s. 235.

236.—(1) Contracts of insurance shall not in any case exceed the term of two years. 2 Geo. V. c. 33, s. 236 (1).

(2) A contract made for one year or any shorter period may be renewed from time to time at the discretion of the directors by renewal receipt instead of by policy, on the assured paying the required premium or giving his premium note; and all payments for renewal by cash or premium notes shall be made at or before the end of the period for which the policy was granted or renewed, otherwise the policy shall be void. 2 Geo. V. c. 33, s. 236 (2); 3-4 Geo. V. c. 35, s. 14.

(3) No premium note taken under any contract of insurance shall exceed forty per centum or be less than ten per centum per annum of the sum insured, and no renewal receipt shall extend the contract beyond two years from the date of the policy. 2 Geo. V. c. 33, s. 236 (3).
PART III.

PROVISIONS RELATING TO WEATHER INSURANCE CONTRACTS.

237.—(1) In this Part,

(a) "Agricultural Property" shall include dwelling-houses, stables, barns, sheds and outbuildings, and their contents, waggon, carriages, and other vehicles; saddles and harness; agricultural engines, implements, tools, instruments, appliances and machinery; household goods, wearing apparel, provisions, musical instruments, and libraries; live stock; growing crops, and crops severed from the land; fruit and ornamental trees, shrubs and plants; and live or standing timber, being upon farms as farm property, and owned by members of the company in which the property is insured;

(b) "Weather Insurance" shall mean and include the insurance of any kind of agricultural property against loss or injury arising from such atmospheric disturbances, discharges or conditions as the contract of insurance shall specify. 2 Geo. V. c. 33, s. 237.

238.—(1) Ten owners of agricultural property in any municipality or association of municipalities may call a meeting of the owners of agricultural property to consult whether it is expedient to establish therein a weather insurance company upon the mutual plan.

(2) The mode of calling such meeting and the proceedings for the formation of the company shall be the same mutatis mutandis as in the case of the formation of a mutual fire insurance company except that the determination that it is expedient to establish the company shall be by thirty residents of the municipality being owners of agricultural property in Ontario, and that the meeting for the organization of the company shall not be held unless and until fifty owners of agricultural property in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the company which in the aggregate shall amount to $50,000 at least. 2 Geo. V. c. 33, s. 238.

239.—(1) The following provisions of this Act relating to fire insurance contracts shall apply to weather insurance contracts:

(a) The provisions as to the form and contents of the policy;

(b) The provisions as to conditions including the statutory conditions numbered 1, 3, 5, 6 (a), (b), 7, 8, 13, 14, 15, 16, 17, 18 (a), (b), (c), 19, 20, 21, 22 and 24;
Subsection 3 of section 192.

(2) The following additional conditions shall form part of every weather insurance contract:

(i) The insurance may be terminated by the company by Termination, giving seven days’ notice to that effect.

(ii) The company is not liable for loss or damage occurring to buildings or structures or to their respective contents where the buildings or structures have been weakened by subsequent alterations unless permission to make such alterations has been previously granted in writing signed by a duly authorized agent of the company. 2 Geo. V. c. 33, s. 239.

240. A contract of weather insurance shall not in any case exceed the term of three years. 2 Geo. V. c. 33, s. 240.

241. On every premium note taken by the company there shall be payable at the commencement of each year of insurance a fixed sum amounting to at least one-fifth of one per centum of the sum insured: and the premium note shall, as to the balance thereof, be subject to assessment by the directors. 2 Geo. V. c. 33, s. 241.

PART IV.

GENERAL PROVISIONS.

242.—(1) Until otherwise prescribed by the Lieutenant-Governor in Council the fees for Letters Patent of Incorporation under this Act shall be as mentioned in Schedule D. Where buildings or structures have been weakened by alterations made without consent.

(2) Until otherwise prescribed by the Lieutenant-Governor in Council the fees set out in Schedules E to H shall be payable in respect of the matters therein mentioned.

(3) The fees prescribed in Schedules D to H shall be payable to the Department of Insurance.

(4) When the fee for any term of license or registry under Schedules D to H exceeds $10 the fee for a certificate covering a period of six months or under shall be one-half of the fee payable for the full term. 2 Geo. V. c. 33, s. 242.

243. The fees payable upon an application or in respect of any document or instrument to be filed, examined or deposited shall be paid before the application is considered or the document or instrument is filed, examined or deposited; and in the case of registry or certificates of registry the fees shall be payable before the corporation is registered. 2 Geo. V. c. 33, s. 243.
244.—(1) The Lieutenant-Governor in Council may make regulations for

(a) Extending the provisions of this Act or any of them to any system of insurance not particularly mentioned herein;

(b) Generally for the better administration of the Department and the carrying out of the provisions of this Act.

(2) Every Order in Council made under this section shall be laid before the Assembly forthwith if the Assembly is then in session and if not then in session then within fifteen days after the opening of the next Session. 2 Geo. V. c. 33, s. 244.

245. Except where the provisions of this Act are inconsistent with them, sections 49, 51, 54 to 62, 72 to 77, 95 (1) and 98 of The Ontario Companies Act shall apply substituting for the words "Provincial Secretary" wherever they occur the word "Superintendent." 2 Geo. V. c. 33, s. 246.
# SCHEDULE A.

[SCHEDULE 73 (2) (a).]

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2 Geo. V. c. 33, Sched. A.
SCHEDULE B.

FORMS.

(Section 214 (1).)

FORM 1.

INTERIM RECEIVER'S APPLICATION FOR CONFIRMATION OR DISCHARGE.

In the Supreme Court of Ontario,

In the matter of The Ontario Insurance Act.

And in the matter of (name of corporation), an unregistered insurance corporation.

I, C.D., by virtue of The Ontario Insurance Act, (or of an order made under The Ontario Insurance Act as the case may be), interim receiver for the above named corporation, do on the grounds set forth in the annexed affidavit apply to the Court for my confirmation in the office of receiver (or for my discharge from the office of receiver, according as the interim receiver applies to be confirmed or discharged), and for an appointment of a day on which my application will be considered.

Dated at this day of , 19 .

C. D.

FORM 2.

(Section 214 (2).)

AFFIDAVIT OF INTERIM RECEIVER.

In the Supreme Court of Ontario,

In the matter of The Ontario Insurance Act.

And in the matter of (name of the corporation) an unregistered insurance corporation and the application of C.D., interim receiver, dated the day of , 19 .

I, C.D., by virtue of The Ontario Insurance Act, interim receiver for the (naming the corporation), make oath and say as follows:

1. The (naming the corporation) ceased to be registered under The Ontario Insurance Act, on the day of , 19 , and thereupon by virtue of the said Act I became interim receiver for the said corporation.

2. When the said corporation so ceased to be registered, I held therein the office of treasurer (or as the case may be) and as such officer I had in my custody, possession or power the funds (or if a corporation having funds separate and distinct from the funds of the insurance branch, then say insurance funds) of the corporation.

3. All the money and securities for money in my custody, possession or power when the said corporation ceased to be registered or subsequently and up to the time of making deposit in the bank as required by the said Act, are fully and truly set out in Schedule A. to this my affidavit; and the said deposit thereof is correctly vouched for by the bank's receipts hereto annexed.

4. The other assets of the said corporation, including money or securities for money which have come into my charge, custody,
possession or power since the time of making the said deposit are fully and truly set out in Schedule B, to this my affidavit.

5. As treasurer (or other officer as the case may be) of the said corporation, I gave securities for the faithful performance of my duties to the corporation as follows:

Here specify the securities given; if bonds, give names and addresses of the sureties and the sums in which they are severally bound.

6. The said securities are still in force and are now in the custody, possession or power of (here give the name and address of the custodian or bailee).

[Where the interim receiver was appointed by order the above paragraphs may be varied to suit the circumstances.]

7. I have filed herewith an application in the Master's office, praying the court to confirm me in my office as receiver (or to discharge me from my office as receiver, as the case may be), and the following are the material facts in support of the said application (here state shortly the material facts).

Sworn at this day of , 19 .

(Signature.)

before me, etc.

FORM 3.

(Section 216 (2).)

In the Supreme Court of Ontario,

In the matter of The Ontario Insurance Act.

And in the matter of the (naming the corporation) an unregistered insurance corporation.

Take Notice that C.D., interim receiver of the said corporation, has filed in the Master's office an application to be confirmed in his office (or to be discharged from his office) as receiver, and that the Master has appointed (place, day and hour) for the hearing of the said application, at which place and time the Master will make such disposition of the matter as may appear proper.

Dated at the day of , 19 .

C.D.,

Interim Receiver.

FORM 4.

(Section 219 (1).)

ADVERTISEMENT FOR CREDITORS.

Ontario Insurance Act.

In the Supreme Court of Ontario,

In the matter of The Ontario Insurance Act.

And in the matter of the (naming the corporation), an unregistered insurance corporation.

14 s.—II.
Pursuant to the judgment and direction of the Superintendent of Insurance herein, dated the day of , 19 , cancelling the registration of the above named corporation (or as the case may be).

The creditors and persons (other than holders of unmatured policies or certificates of the corporation) having claims against the corporation are, on or before the day of , 19 , to deliver or send by post, prepaid, to the Receiver of the corporation, an affidavit showing their Christian names and surnames, addresses and descriptions, the full particulars of their claims, a statement of their accounts and the nature of the security, if any, held by them; or, in default thereof, they will be peremptorily excluded from the benefit of such judgment and direction, and from all share in the assets of the estate; and the said creditors and claimants, if so required by notice in writing from the said Receiver, are to come in and prove their debts and claims and produce their securities, if any, before me at my chambers at o'clock in the noon, being the time appointed for hearing and adjudicating upon debts and claims, or, in default thereof, they will be excluded from the benefit of any distribution of assets.

The status and rights of persons interested under unmatured policies of the corporation will, in the absence of contestation and without any claim made, be determined by the books and records of the corporation or of its officers; a schedule showing the said status and rights may be seen in the office of the Receiver at the above address.

Notices and letters respecting the estate or any alleged right or interest therein, are to be addressed to the Receiver as above, and all letters requiring answer are to enclose a stamped and addressed envelope for reply.

Dated this day of , 19 .

Master.

2 Geo. V. c. 33, Sched. B.

SCHEDULE C.

(Sections 107 and 219 (4) (a.).)

RULE FOR VALUING AN ANNUITY.

(1) An annuity required or entitled to be valued under The Ontario Insurance Act shall (irrespective of the state of the health of the annuitant or nominee) be valued according to the table known as the Life Table of the Institute of Actuaries of Great Britain, interest being reckoned at the rate of four per centum per annum and the age of the life being taken as at the nearest birthday.

RULE FOR VALUING A POLICY OR CONTRACT OF LIFE INSURANCE.

(2) The value of a policy or contract of life insurance required or entitled to be valued under The Ontario Insurance Act is (irrespective of the state of health of the assured or policyholder) the difference between the present value of the reversion in the sum insured (including any bonus or addition thereto made before the commencement of the winding up), and the present value of the future net annual premiums.
(3) Such present value shall be computed according to both the tables and the rate of interest mentioned in subsection 5 of section 166 of The Ontario Insurance Act.

(4) The premium to be calculated is such net or pure premium as according to the said tables, and said rate of interest is sufficient to provide for the risk incurred by the insurer in issuing the policy or contract exclusive of any loading or addition for office expenses and other charges.

(5) The present value of the reversion at any age is the net single premium that, according to the said tables and said rate of interest, is equivalent to the present value of the net annual premium payable at that age and so long thereafter as required by the policy or contract.

2 Geo. V. c. 33, Sched. C.

SCHEDULE D.

(Section 242.)

Incorporation of Joint Stock Companies where the proposed capital stock is:

(a) $1,000,000 or upwards ........................................ $250 00
(b) $500,000 or upwards but less than $1,000,000 .... 200 00
(c) $300,000 or upwards but less than $500,000 .... 150 00
(d) Supplementary Letters Patent ................. 50 00

Unless the capital stock of the company is thereby increased, in which case the fee shall be payable upon the amount of the increase under the above scale (a), (b), (c), the minimum fee being $150.

2 Geo. V. c. 33, Sched. D.

SCHEDULE E.

(Section 242.)

Insurance Companies Licensed by the Province.

1. For examining and passing upon applications or documents under sections 9, 21, 27, 51, 61 ......... $10 00
2. For filing power of attorney under section 81 ...... 5 00
3. Application for change of name or of head office .... 10 00
4. For initial license to do business:—
   Joint Stock Company ........................................ 100 00
   Mutual .................................................. 25 00
5. For each annual renewal of license:—
   Joint Stock Company ........................................ 50 00
   Cash Mutual Company ........................................ 25 00
   Mutual .................................................. 5 00
6. For each supplementary license:—
   Initial .................................................. 20 00
   Renewal ................................................ 10 00
7. Fee on Petition for Order-In-Council under Sections 51, 52 or 61 ........................................ 25 00
8. For filing annual statements:—
   Cash Mutual Company ........................................ 5 00
   Joint Stock Company ........................................ 5 00

2 Geo. V. c. 33, Sched. E.; 3-4 Geo. V. c. 35, s. 15.
SCHEDULE F.

(FRIENDLY SOCIETIES.

1. In the case of Ontario corporations registered or applying for registry on the Friendly Society Register, the fees shall be as follows:—

Subdivision A.

Corporations or incorporated branches having in Ontario 500 members or less:—

(a) Application for initial registry ................ $2.00
(b) Extension of time for making application or delivering documents ............. 1.00
(c) Certificate of registry, original or renewed .... 3.00
(d) Interim Certificates or extension of certificates ... 2.00
(e) Revivor of registry after suspension .... 2.00
(f) Change of name or of head office .... 4.00

Subdivision B.

Corporations or incorporated branches having in Ontario over 500 and not more than 1,500 members:—

(a) Application for initial registry ................ $3.00
(b) Extension of time for making application or delivering documents ............. 2.00
(c) Certificate of registry, original or renewed .... 10.00
(d) Interim certificate, or extension of certificate ..... 3.00
(e) Revivor of registry after suspension .... 6.00
(f) Change of name or of head office .... 6.00

Subdivision C.

Corporations or incorporated branches having in Ontario over 1,500 and not more than 2,500 members:—

(a) Application for initial registry ................ $4.00
(b) Extension of time for making application or delivering documents ............. 2.00
(c) Certificate of registry, original or renewed .... 25.00
(d) Interim certificate, or extension of certificate ..... 4.00
(e) Revivor of registry after suspension .... 8.00
(f) Change of name or of head office .... 8.00

Subdivision D.

Corporations or incorporated branches having in Ontario over 2,500 members:—

(a) Application for initial registry ................ $5.00
(b) Extension of time for making application or delivering documents ............. 2.00
(c) Certificate of registry, original or renewed .... 25.00
(d) Interim certificate, or extension of certificate ..... 5.00
(e) Revivor of registry after suspension .... 10.00
(f) Change of name or of head office .... 10.00

In the case of extra-provincial friendly societies the fees in respect of powers of attorney shall be $5, and in other respects the fees shall be as in Subdivision D of this Schedule.

2 Geo. V. c. 33, Sched. F.
Corporations deriving their powers from an Act of Canada:—

(a) Application for initial registry .......................... 5 00
(b) Extension of time for making application or deliver-
ing documents .................................................. 2 00
(c) Filing power of attorney in case of extra-provincial
corporations ..................................................... 5 00
(d) Filing change of power of attorney ......................... 5 00
(e) Certificate of registry, original or renewed .............. 15 00
(f) Interim certificate of registry, or extension of certifi-
cate .............................................................. 5 00
(g) Revivor of registry after suspension ....................... 25 00

2. In the case of corporations licensed under The Insurance Act
(1910) of Canada to transact life insurance upon the assessment
plan the fees shall be as follows:—

(a) Application for initial registry .......................... $5 00
(b) Extension of time for making application or deliver-
ing documents .................................................. 2 00
(c) Filing power of attorney in case of extra-provincial
corporations ..................................................... 5 00
(d) Filing change of power of attorney ......................... 5 00
(e) Certificate of registry, original or renewed .............. 100 00
(f) Interim certificate of registry, or extension of certifi-
cate .............................................................. 5 00
(g) Revivor of registry after suspension ....................... 20 00

3. In the case of corporations mentioned in clauses (b), (d) and
(e) of section 72, the fees shall be as in Subdivision A. of Schedule
"F."

4. In the case of corporations mentioned in clause (c) of
section 72, the fees shall be as follows:—

(a) Application for initial registry .......................... $2 00
(b) Extension of time for making application or deliver-
ing documents .................................................. 1 00
(c) Filing power of attorney in case of extra-provincial
corporations ..................................................... 2 00
(d) Filing change of power of attorney ......................... 2 00
(e) Certificate of registry, original or renewed .............. 3 00
(f) Interim certificate of registry, or extension of certifi-
cate .............................................................. 2 00
(g) Revivor of registry after suspension ....................... 3 00

2 Geo. V. c. 33, Sched. G.
### MISCELLANEOUS.

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<td>Filing of certificate of incorporation or any other separate document required by this Act to be filed in the office of the Provincial Registrar</td>
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<td>For examining and passing upon applications of companies to have their suretyship bonds authorized by any of the Acts respecting the acceptance of certain corporations as sureties</td>
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<td>Order-in-Council authorizing such bonds</td>
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<td>Consent under section 169 (7)</td>
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<td>Fee for certificate of registry, original or renewed, in the case of corporations, companies, insurers or underwriters transacting inland or ocean marine insurance, also discontinuing corporations, and companies investing surplus funds</td>
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2 Geo. V. c. 33, Sched. H.