

Provincial Statutes of Canada, passed in the year 1845. Montreal: Stewart Derbishire & George Desbarats, 1845.

8 Victoria – Chapter 84

An Act to amend the Act authorizing the Establishment of Mutual Fire Insurance Companies, and the Act to continue and amend the same. (29th March, 1845.)

Whereas the President and Directors of the Mutual Fire Insurance Company for the County of Montreal, have, by their Petition to the three branches of the Legislature of this Province, applied for certain amendments to the Act of the Legislature of the former Province of Lower Canada, passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled, “An Act to authorize the Establishment of Mutual Fire Insurance Companies,” and to the Act of the same Legislature, passed in the sixth year of the Reign of His said late Majesty William the Fourth, intituled, “An Act to continue for a limited time and to amend a certain Act therein mentioned, relative to the Establishment of Mutual Fire Insurance Companies, in virtue and by the authority of which said two Acts, the said Mutual Fire Insurance Company for the County of Montreal, has been established and exists; and whereas it is expedient to grant the said Petition: Be it therefore enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, “An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,” and it is hereby enacted by the authority of the same, That from and after the passing of this Act, all and every the provisions of the two Acts cited in the preamble of this Act, which are hereinafter altered, or shall be inconsistent with the provisions of this Act, shall be and the same are hereby repealed in so far as regards the said Mutual Fire Insurance Company for the County of Montreal only, and not with regard to any other Company established under the said two Acts, with regard to which said other Companies all and every the provisions of the said two Acts shall be in entire force as if this Act had not been passed.

II. And be it enacted, That from and after the passing of this Act, the Directors of the said Company shall have ten days instead of five to make such answer in writing as is mentioned in the eleventh Section of the Act first above cited as aforesaid.

III. And be it enacted, That when any Member of the said Company shall have suffered any loss by fire, and it shall appear to the Directors that, by reason of such loss, such Member has no sufficient means or property to answer the amount of his promissory note deposited with the said Company; then, unless such Member shall otherwise secure the payment of his proportion of dividends or assessments which might be declared on his promissory note, pending the duration of his policy of Insurance or of its renewal, it shall be lawful for the Directors of the said Company to keep and retain in their hands, front and out of the amount allowed to such Member for such loss so by him suffered, the amount, of the said promissory note, as a guarantee and security for the payment of such dividends or proportion of such assessments as might be declared on such promissory note, pending the duration of the policy, or a renewal, and the balance remaining on

such promissory note, after the payment of such dividends, if any, shall be returned, and paid over to such Member, within thirty days after the expiration of his policy, or of the period for which it shall be renewed.

IV. And be it enacted, That it shall be lawful for the Directors of the said Company to oblige any Member thereof, who shall have given his endorsed note either to obtain a policy of Insurance or to renew the same, to furnish and give a new endorser to the satisfaction of the said Directors, in case of the death or insolvency of the party who shall have endorsed such note; and if such Member shall neglect or refuse to give such new endorser within thirty days after he shall have been requested so to do by the Secretary of the said Company, it shall be lawful for the said Directors to cancel the policy of Insurance or the renewal of a policy for which such note shall have been given; and such person whose said policy or renewal of policy shall have been so cancelled, shall cease to be a Member of the said Company, but shall nevertheless be liable for the payment of his proportion of the losses sustained by the said Company up to the time when his said policy or renewal of policy shall have been cancelled, and after the payment of such proportion of the said losses, his promissory note shall be returned to him.

V. And be it enacted, That all extracts and copies of the minutes of the Proceedings of the Directors of the said Company, and of the Registry kept by the said Company, and all copies of the entries of the same, and in general all certificates and papers signed by the President and under the Seal of the said Company, and countersigned by the Secretary thereof, shall be received in all Courts of Justice in this Province as prima fade evidence of the facts mentioned in such extracts, copies, certificates, and papers, respectively.

VI. And be it enacted, That this Act shall be considered a public Act, by all Judges, Justices of the Peace, and Officers of Justice, and by all other persons whomsoever, and shall be judicially taken notice of without being specially pleaded.