

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 120

An Act further to amend the Act to establish Mutual Insurance Companies in Upper Canada. Assented to 19th May, 1855.

Whereas it is expedient to amend the provisions of the Act of the late Province of Upper Canada, passed in the sixth year of; the Reign of His late Majesty King William the Fourth, intituled, *An Act to authorize the establishment of Mutual Insurance Companies in the several Districts of this Province*, so as to allow of the establishment of Town and Village Mutual Insurance Companies in Upper Canada: 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 as follows:

- I. So much of the fifth section of the Act cited in the Preamble, as provides that there shall not be more than one Mutual Insurance Company in any one District, shall be and the same is hereby repealed.
- II. It shall be lawful at any time for any ten freeholders in any town or village in Upper Canada, to call a meeting of the freeholders of such town or village, for the purpose of considering whether it be expedient to establish in such town or village a Mutual Fire Insurance Company, which said meeting shall be called by an advertisement in the newspaper or newspapers published in or nearest to such town or village, mentioning the time, place and object of such meeting, and inserted in such newspaper or newspapers three weeks previous to such meeting.
- III. If at such meeting there shall not be fewer than thirty freeholders present, and a majority of them shall determine that it is expedient to establish such Company, they may elect three persons from among the freeholders of the town or village then present, to open and keep a book in which all freeholders in such town or village may sign their names, and enter the sums for which they shall be respectively bound to effect insurance with the Company.
- IV. Whenever the number of persons duly qualified who shall have signed their names in the said subscription book shall be forty or more, and the sums for which they shall have bound themselves to effect insurance shall amount together to ten thousand pounds currency, or upwards, such persons and all other persons who may thereafter become members of the said Company, by effecting insurance therein in the manner hereinafter provided, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by and under the name and style of "The Mutual Fire Insurance Company, of _____", naming the town or village for which the Company shall have been established; and by that name may mutually insure

their respective dwelling houses, stores, shops, and oilier buildings, household furniture and merchandize, against loss or damage by fire, whether the same shall happen by accident, lightning or any other means excepting that of design in the assured or by the invasion of an enemy or insurrection; and by that name they and their successors shall and may have continued succession, and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also they and their successors by their corporate name aforesaid, shall be capable of purchasing, having and holding, to them and their successors, any estate, real, personal, or mixed, to and for the use of the said Company, and of letting, conveying- and otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient.

V. Provided always, that any ten members of the Corporation, to be so formed as hereinbefore mentioned, may call the first meeting of any such Company, at such time and place within such town or village as they may determine upon for holding such meeting, by advertising the same in such of the Provincial newspapers printed and published within or nearest to such town or village as they shall think proper, giving at least thirty days' notice of the time, place and design of such meeting, for the purpose of choosing the first Board of Directors, of making and establishing By-laws, and of transacting any business necessary and proper to carry into effect the provisions and intentions of this Act: Provided, however, that no policy of insurance shall be issued by the Company until application shall be made for insurance on ten thousand pounds at the least:

VI. Each and every Mutual Insurance Company now established or hereafter to be established in this Province, under the provisions of the Act above cited or of this Act, shall have power to separate their business into two branches or departments, one for the insurance of isolated buildings and property not hazardous, and the other for insuring buildings and property hazardous and not hazardous, in towns and villages.

VII. It shall be the duty of the Directors of each such Mutual Insurance Company to make a scale of risks for each branch, and to direct that the accounts of each shall be kept separate and distinct the one from the other.

VIII. Members of any such Company insuring in one branch shall not be held liable for any claims on the other branch; and all necessary expenses incurred in the conducting and management of the said Companies shall be assessed upon and divided between each branch in proportion to the amounts insured in such branches respectively.

IX. Notwithstanding any thing contained in the sixteenth section of the Act above cited, no member of any Mutual Insurance Company established under the provisions of the said Act, or of this Act, shall be liable for any sum beyond the amount of his premium note.

X. Every such Mutual Insurance Company shall, when so established, be subject in every respect to the provisions and restrictions of the Act cited in the Preamble to this Act, as amended by this

Act, or by the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to amend an Act of the Parliament of the late Province of Upper Canada, intituled 'An Act to authorize the establishment of Mutual Insurance Companies in the several Districts of this Province,'* or by the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the Act relating to Mutual Insurance Companies in Upper Canada,* or by the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to amend an Act of the Parliament of the late Province of Upper Canada relating to Mutual Insurance Companies,* all which Acts shall extend and apply to the said Companies, save in so far as they are modified by this Act, as fully and effectually as to Companies established under the said Act cited in the Preamble, before the passing of this Act.