

## CAP. XXXIV.

An Act respecting Benevolent and Mutual Benefit Associations and Mutual Insurance Companies.

[Assented to 21st December, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The following section and articles are added after article 5375 of the Revised Statutes :

Arts. added after R. S., 5375.

“ SECTION XVIII*a*.

BENEVOLENT AND MUTUAL BENEFIT ASSOCIATIONS AND MUTUAL INSURANCE COMPANIES.

“ **5375*a***. No foreign mutual benefit and aid association or mutual insurance company, which is not already, under the laws of Canada, obliged to make a deposit with the Federal Government, or which does not come under articles 5264 to 5375, inclusively, of these Revised Statutes, is allowed to carry on any business in the Province, unless it has obtained an authorization from the Lieutenant-Governor in Council.

Certain associations and insurance companies to procure authorization from Lieutenant Governor in Council.

**5375*b***. Such authorization is given upon petition, if the association or company :

How authorization is obtained.

1. Publishes a notice of such application in the *Quebec Official Gazette* during one month, and in a newspaper published in French and in one published in English in the locality in which the chief office is to be established ;

Notice of application.

2. Deposits in the office of the Provincial Secretary a copy of its charter, articles of association or other deed constituting the same as a corporation, certified by the officer having the custody of the original ;

Deposit of charter, &c.

3. Establishes that it is so constituted as to carry out the obligations which it may contract ;

Proof as to solvency.

4. Deposits in the office of the Provincial Secretary a power of attorney constituting a chief agent in the Province for the purpose of receiving services in any suit or proceeding against it, and declaring where the principal office of the association or company is to be established.

Deposit of power of attorney.

Declaration as to head office.

**5375*c***. The Lieutenant-Governor in Council may, according to circumstances, before granting the authorization, require the association or company to deposit, with the Provincial Treasurer, such sum of money as he may deem necessary to guarantee the carrying out of the engagements entered into in this Province; which sum may be in-

Deposit may be required before authorization granted.

Increase, &c., of deposit. Interest in favor of company.

creased or diminished, from time to time, by the Lieutenant-Governor in council, as circumstances may require.

Such deposit shall bear interest at the rate of three per cent per annum in favor of the association or company.

Notice of granting of authorization to be published.

**5375d.** Notice of the granting of such authorization shall be published by the Provincial Secretary in the *Quebec Official Gazette*, according to the form of the schedule A; and, from the date of such publication and of the deposit in the office of the prothonotary of the Superior Court of the district in which the principal office of the association or company is to be situated, of a copy of the *Quebec Official Gazette* containing such notice, such association or company may commence business.

Deposit of notice in prothonotary's office.

On receipt of such copy of the *Quebec Official Gazette*, the prothonotary shall transcribe the notice in a register kept for that purpose.

Duty of prothonotary as to notice.

Provisions if agent or chief office changed.

**5375e.** Whenever any such association or company changes its chief agent or the location of its chief office, it shall forward to the Provincial Secretary a copy of the new power of attorney concerning the same, and notice thereof must be given in the *Quebec Official Gazette*.

Deposit of notice, &c.

A copy of such Gazette must be deposited and the notice be transcribed in the manner prescribed by the preceding article.

Penalty on person doing business for association or company without complying with article 5375e.

**5375f.** Any person doing business for any association or company falling within the provisions of article 5375a, which has not complied with the formalities required before it could commence business in the Province or which has not complied with the provisions of article 5375e, is liable to a fine not exceeding one hundred dollars for each offence, and, in default of payment, imprisonment not exceeding three months.

Provisions governing prosecutions.

**5375g.** Prosecutions under this section shall be governed by the provisions of Part LVIII of the Criminal Code, 1892.

## SCHEDULE A.

### FROM MENTIONED IN ARTICLE 5375d.

The (*name*) association or company has been duly authorized to carry on business in the Province of Quebec.

Its principal place of business in the Province is in (*name of the city, town, &c.*)

Its principal agent for the purpose of receiving services in actions or proceedings taken against it is (*name and residence of the agent.*)

(*Date*)

Provincial Secretary."

2. The following section and articles are added after article 5376 of the said Revised Statutes:

Arts. added after R. S., 5376.

“ SECTION XIXa.

PAYMENTS OF AID OR ASSISTANCE BY MUTUAL AID AND BENEFIT ASSOCIATIONS.

“ 5376a. In mutual benefit and aid associations constituted under articles 3096 to 3104, or under a special charter or carrying on business under the authorization of the Lieutenant-Governor in Council, as provided by article 5375a, the aid or assistance paid to sick members cannot exceed the amount to be raised for that purpose, after deducting the costs of management chargeable to that service.

Limit of aid to be paid to sick members by mutual benefit associations, &c.

“ 5376b. The members of the committee of management or board of directors of the association are jointly and severally responsible for any payment made in contravention of the preceding article, and may be condemned to reimburse to the association any sum so paid upon suit brought by any member of such association.”

Responsibility of members of committee of management, if such payments are made.

3. Article 5390 of the said Revised Statutes is amended by adding after the word: “ Statutes,” in the second line the words: “ or under a special charter ”.

R. S., 5390, amended.

4. Articles 5391 and 5392 of the said Revised Statutes are repealed.

R. S., 5391 and 5392, repealed.

5. This act and the laws thereby amended apply as well to associations and companies now doing business as to those that may be hereafter formed.

Application of act.

2. Associations and companies falling under the provisions of article 5375a are granted a delay of six months, from the coming into force of this act, to comply with the provisions of this act.

Delay granted to comply with act.

6. This act shall come into force on the day of its sanction.

Coming into force.