

**5.** The acts hereby amended and the present act, shall be deemed to be but one and the same act, and may be cited under the short title of "The Masters and Servants' Act, 1870." Short title of this act and acts hereby amended.

## CAP. XXI.

An Act to extend the provisions of the act of the late province of Canada, passed in the twenty-ninth year of Her Majesty's reign, intituled : "An Act to secure to wives and children the benefit of assurances on the lives of their husbands and parents," and of the act of this province amending the same.

[Assented to 1st February, 1870.]

**W**HEREAS, by the act passed in the twenty-ninth year of Her Majesty's reign, for securing to wives and children the benefit of assurances on the lives of their husbands and parents, it is among other things provided that it shall be lawful for any person to insure his life for the benefit of his wife, or his wife and children, or for the benefit of his children only, and to apportion the same among such children, and it is thereby further provided that upon the death of the party assured, the insurance money shall be payable according to the terms of the policy; and whereas, it is expedient to extend the provisions of the said act and of the act of this province amending the same; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** In all cases where the party insured, under any policy, has directed, or shall hereafter direct, the insurance money, or any portion thereof, to be paid to his child or children, without naming any person to receive the same, on his or their behalf during his or their minority, it shall be competent to the assurance company granting such policy, to pay the amount due to such of the children as shall be minors, into the hands of the executor or executors of such insured person, whether such person shall have died before the passing of this act or not, who shall hold the same as trustees for such children, and the receipt of such executor or executors shall be sufficient discharge to the company. Insurance money payable to a minor, may be paid in trust to executor of the insured.

**2.** If the said insured shall have died, or shall hereafter happen to die, intestate and without having appointed in writing any person to whom such payment may be made on behalf of such infants; the payment to tutor or tutrix, or tutor *ad hoc*, or to any trustee appointed by any instru- If insured die intestate moneys payable to the minor may be paid instead to tutor, or to

trustee named  
by insured.

ment in writing executed by the insured, directing to whom such payment should be made, shall be a sufficient discharge to the insurance company for the money so paid, and the company shall not be bound to see to the application of the money, or be liable for the subsequent misapplication thereof.

How such  
money may be  
invested or  
applied.

**3.** It shall be lawful to the trustee or trustees named in the last two preceding sections, to invest the moneys so to be received upon government securities, Dominion or provincial stock, municipal permanent registered stock or municipal debentures, or on mortgage of real estate, with full power, from time to time, to alter, vary, and transpose the same, and to apply all or any part of the annual income arising from the share or presumptive share of each of the children, of and in the said trust funds, in or towards his or her maintenance and education in such manner as the trustee or trustees may think fit, and also to advance unto and for each or any of the said children notwithstanding his or her minority, the whole or any part of the presumptive share of the same child of and in the said trust moneys for the advancement or preferment in the world or in marriage of any such child.

Person insured  
under 29 V.,  
c. 17, if un-  
able to meet  
premiums may  
surrender  
policy in ex-  
change for a  
paid up policy.

**4.** If a person who has effected or shall hereafter effect an insurance in the terms of the said act, shall find himself unable to continue to meet the premiums, it shall be lawful for him to surrender the policy to the company granting the same, and to accept in lieu thereof a paid up policy for such sum as the premiums paid would represent, payable at death in the same manner as the original policy; and the said company may accept such surrender, and grant such said paid up policy notwithstanding any such declaration or direction in favour of the wife and children, or any or either of them, of the insured.

The insured  
may borrow  
upon the  
policy.

**5.** It shall be lawful for the person insured, from time to time, to borrow on the security of the policy such sums as may be necessary to keep the said policy in force, and the sums so borrowed shall be a first lien on the policy, notwithstanding any such direction in favor of the wife and children or any or either of them, provided that the sums so borrowed do not exceed the amount of one year's premium.

Proviso.

Provisions in  
case of parties  
interested dy-  
ing before the  
insured.

**6.** In the event of some of the parties for whose benefit the said insurance has been effected, dying before the insured, the money payable thereunder shall be payable to the survivor or survivors of such parties, or in case they shall also die, to the executors or administrators of the assured, but nothing herein contained shall be held to prevent the said assured from assigning the policy for the benefit of any future wife or children, or executing a de-

claration in their favor or in favor of some or one of them as hereinafter mentioned.

7. It shall be lawful for any person insured, by writing endorsed upon or referring to any policy which may have been effected before the passing of this act, or upon any such policy as in the last section is mentioned, to declare that such policy of insurance shall be for the benefit of his wife, or his wife and children, or some or one of them, or of his children only, or some or one of them, and the several provisions of the said recited act, and of this act shall apply to such insurance as fully as if the said insurance had been effected in favor of such appointees under this act.

Any person insured may apply the policy to the benefit of his wife or children.

8. It shall be lawful for a party who has effected such assurance, or made such declaration as aforesaid, at any time or times thereafter, by any deed or writing notified to the company, or by his last will and testament, to revoke the direction as to any one or more of the parties originally intended to be benefited, and to declare in the manner above mentioned that such policy shall be for the benefit of one or more of the parties so originally named, to the exclusion of the other or others of them, and the insurance moneys shall be payable to or for the benefit of the parties so named in such writing, or will, instead of as originally intended; provided always, that this clause shall not apply to insurances made in favor of any wife under marriage settlement or to any policy already transferred to any third party.

Such application may be revoked and another made.

Provided it was not made in favor of a wife under a marriage contract, or the policy has not been transferred.

Persons insured with profits may apply them either to premium or to insurance money.

9. Any person insuring with profits may apply the same either in payment of premiums, or direct them to be added to the insurance money, payable at death.

10. The second section of the act of this province, thirty-second Victoria, chapter thirty-nine, is hereby repealed.

Sec. 2, of 32 V., c. 39, repealed.

## C A P . X X I I .

An Act to amend the Act 27 Victoria, chap. 9, respecting the Sale of Lands by Municipalities.

[Assented to 1st February, 1870.]

**W**HEREAS it is expedient to amend the act 27th Victoria, chapter 9; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.

1. Section eleven of the said act is hereby amended by adding thereto the three following sub-sections, which shall be considered as forming part of the said act:

Sec. 11 of 27 Vic., c. 9, amended.

"1. No action to annul a sale made by any municipal council, under section sixty-one of the consolidated muni-

Limitation of action to annul or recover

