

No. 8

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 8

A Bill to Incorporate the Mennonite Mutual Relief Co. Ltd.

MR. DELDAY

BILL

No. 8 of 1960

An Act to Incorporate the Mennonite Mutual Relief Co. Ltd.

(Assented to _____, 1960)

WHEREAS the persons hereinafter named have by their Preamble
Petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said Petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. Jacob J. Klassen, Manager, Abraham Nikkel, Farmer, Incorporation
H. H. Siemens, Farmer, all of the town of Coaldale, in the Province of Alberta; George I. Penner, Farmer and Dietrich Dyck, Farmer, both of Rosemary in the Province of Alberta, together with such persons as become policyholders on the mutual system in the company, are incorporated under the name of "Mennonite Mutual Relief Co. Ltd." hereinafter called "the Company".

2. The persons named in section 1 of this Act shall be Provisional directors
provisional directors of the Company.

3. The head office of the Company shall be in the Town Head office
of Coaldale in the Province of Alberta.

4. The Company may make contracts of insurance with Objects of the Company
persons of Mennonite faith living in the Province of Alberta, which policies shall be in the nature of relief from disaster arising from fire damage, smoke damage and hail and windstorm damage to the following risks: urban dwellings and contents, farm buildings, farm home contents, automobiles, trucks, farm machinery, livestock, poultry and grain, hay and other farm products situate and within the Province of Alberta and owned by such Mennonite persons.

5. The Company may transact the business of insurance Commencement of business
when *bona fide* applications have been received for insurance on mutual system to an amount of at least one million dollars.

6. (1) There shall be elected at the first annual meeting and at each subsequent annual meeting of the Company Election of directors
a board of not less than nine or more than twenty-one directors, who shall hold office as hereinafter provided.

(2) The Company shall, by by-law passed not less than three months prior to the holding of its second annual meeting after the passing of this Act, determine the number of directors to be elected at the said annual meeting by the policyholders on the mutual system.

(3) The Company may by the said by-law provide that the directors shall be elected for one, two or three years and if the by-law provides for two years' or three years' term of office, it may also provide either

(a) that the term of office shall be continuous for all directors, or

(b) that a certain proportion, not less than one-third, shall retire annually.

(4) All retiring directors shall be eligible for re-election.

Qualification
of directors

7. Any policyholder on the mutual system who holds a policy or policies to the amount of at least one thousand dollars and who is not in default in respect of his premium note or any instalment or assessment on his premium note and who has paid in cash all liabilities incurred by him to the Company is eligible to be elected as a director, but shall cease to be such director if the amount of his insurance as aforesaid becomes reduced below the sum of one thousand dollars.

Voting at
meetings

8. (1) At all meetings of the Company each policyholder on the mutual system who is not in default in respect of his premium note or any instalment or assessment on his premium note shall be entitled to the number of votes on the basis of the amount of insurance held by him on the mutual system according to the following scale: under fifteen hundred dollars, one vote, fifteen hundred dollars or over, three votes.

(2) Such a policyholder may not vote by proxy unless the proxy himself is a policyholder on the mutual system and entitled to vote.

(3) The instrument appointing a proxy shall be in writing and shall not be valid unless executed within three months of the date of the meeting at which it is to be used, and unless filed with the secretary of the Company at least ten days before such meeting and shall be used at such meeting or any adjournment thereof, and may be revoked at any time prior to such meetings.

Notice of
meetings

9. (1) Notice of every annual or special general meeting of the Company shall be sent by post to every policyholder on the mutual system and shall be published in two or more daily newspapers published at or near the place where the head office is located at least fifteen days previous to the day of the meeting.

Annual
statement

(2) The directors shall at least seven days prior to the date of the annual meeting send to every policyholder on the mutual system by post the annual statement of the

year ending on the last previous thirty-first day of December, which statement shall be certified by the auditors of the Company.

10. (1) All the assets of the Company, including the premium note given by policyholders, shall be liable for losses occurring on all the policies of the Company. Liability of assets for losses on policies

(2) A policyholder of the Company on the mutual system 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.

11. In the event of the winding up of the Company, if the assets on hand at the date of winding up, exclusive of the unearned portion of the premium notes of the policyholders on the mutual system, are insufficient to pay all the liabilities of the Company in full, an assessment shall be made on the said policyholders in respect of their premium notes to an amount not exceeding the unpaid balance of such notes. Winding up

12. All premium notes and undertakings belonging to the Company shall be assessed under the direction of the board of directors at such intervals from their respective dates, and for such sums as the directors shall determine, and every policyholder on the mutual system who has given a premium note or undertaking shall pay the sums from time to time payable by him to the Company during the continuance of his policy in accordance with such assessment. Assessment

13. If the assessment on the premium note or undertaking upon any policy is not paid within thirty days after the day on which the said assessment becomes due, the policy of insurance for which the said assessment was made is null and void as respects all claims for losses occurring during the time of such non-payment, but the said policy shall be reinstated when such assessment is paid, unless the secretary gives notice to the contrary to the assessed party; but nothing shall relieve the assured party from his liability to pay such assessment or any subsequent assessments. Effect of non-payment of assessment

14. If any member or other person who has given a premium note or undertaking, for thirty days after the due date mentioned in the notice of assessment, neglects or refuses to pay said assessment of the Company, 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. Right to sue for amount of assessment

15. If there is any loss on property insured by the Company, the board of directors may deduct the amount of the premium note, less any paid assessments thereon, from the payment due under the loss and retain the amount so Power of the Company to deduct from payment due under loss

deducted until the time has expired for which insurance has been made, and at the expiration of the said time the insured shall have the right to demand and receive such part of the retained sum as shall not have been assessed against.

Distribution to policy-holders on mutual system

16. The directors may from time to time out of the earnings of the Company distribute equitably to the holders of policies issued by the Company on the mutual system such sums as in the judgment of the directors are proper and justifiable.

Power to acquire rights, etc., of certain unincorporated group

17. (1) The Company may acquire by agreement to insure or otherwise the whole or any part of the rights and property and may assume the obligations and liabilities of an unincorporated group known as the Mennonite Mutual Relief Committee and in the event of such acquisition and assumption the Company shall perform and discharge all such duties, obligations and liabilities of the Mennonite Mutual Relief Committee in respect to the rights and properties acquired as are not performed and discharged by the Mennonite Relief Committee.

(2) An offer by the Company to make such an agreement with the Mennonite Mutual Relief Committee shall be deemed to be a *bona fide* application for insurance for the purposes of section 5 of this Act.

Application of The Alberta Insurance Act
Short title

18. *The Alberta Insurance Act* and amendments thereto shall apply to the Company.

19. This Act may be cited as "*The Mennonite Mutual Relief Company Act*".

Coming into force

20. This Act comes into force on the day upon which it is assented to.

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to Incorporate the Mennonite
Mutual Relief Co. Ltd.

Received and read the

First time.....

Second time.....

Third time.....

MR. DELDAY
