

# Canada Life Assurance Company

## STATEMENT OF CASE FOR OPINION OF COUNSEL

The Company was founded by a **Deed of Settlement** on **1st January, 1848**, which provided for the constitution and management of the affairs of the Company.

This Deed conferred on the Directors power to apply for an Act of Incorporation, and to alter or amend the constitution of the Company.

The Directors did apply for an Act, and **the Company was incorporated by Act 12 Vic. (1849) cap. 168**, with a capital of **£50,000**, with power to increase the capital to **£250,000**.

The powers conferred on the Company were the usual powers of a life insurance company to make contracts, etc.

The 31st clause of the Act enacts that this Act shall supersede the Deed of Settlement and it will therefore not be necessary to examine the provisions of the Deed of Settlement.

**An important question has arisen in regard to the distribution of the profits of the Company between the shareholders and the policyholders on the participation scale, and the opinion of Counsel is required upon this question.**

The rights and obligations of the shareholders and the participating policyholders depend upon the construction of the Act and the amendments to the Act.

The original Act—clause 18—enacts that the Directors shall have the management and superintendence of the affairs of the Company, and they may lawfully exercise all the powers of the Company; and, amongst others, they may allow and divide among the assurers on the participation scale so much of the profits realized