

policies, ascertain and contingently apportion at least once in every five years reckoning from the date of the policies, to each class thereof, the share in such surplus or profits to which such class is contingently entitled. The total sum of the shares so ascertained and contingently apportioned shall be carried into the accounts and shall be kept separate and distinct from the undivided or unapportioned surplus and so shown. 5

Suits by policyholders against company.

**94.** Any suit, action or proceeding deemed necessary in the interest of the policyholders of any company licensed under this Act, or of any class of such policyholders, may with the consent of the Superintendent be instituted in any court of competent jurisdiction on behalf of such policyholders, by the Attorney General of Canada, against the company or the directors, trustees or other officers thereof, and any judgment recovered in any such suit, action or proceeding whether for an accounting or for any sum of money, shall enure and be applied for the benefit of such policyholders, or class thereof. 10 15

Proceedings to be instituted by Attorney General. R.S.C. 144.

2. Proceedings may at the request or with the consent of the Superintendent be instituted by the Attorney General of Canada under The Winding-up Act— 20

- (a) against any Canadian company licensed under this Act for the making of a winding-up order under said Act, to wind up the business of such company, or
- (b) against any company other than a Canadian company licensed under this Act for an order for the winding-up of its Canadian affairs and the distribution of the Canadian assets of such company pursuant to said Act. 25

Proceedings during continuance of license.

3. The proceedings mentioned in the preceding subsection may be instituted during the continuance of the license of the company upon any ground upon which such an order may be made under the provisions of The Winding-up Act, other than Part III, thereof, or after the company has become subject to the provisions of The Winding-up Act, pursuant to section 161 of the said Part III. 30

Form of policy to be approved.

**95.** On and after the first day of January, one thousand nine hundred and eleven, no policy of life insurance shall be delivered in Canada by any company licensed under this Act until a copy of the form of such policy has been mailed by prepaid registered letter to the Superintendent; and unless it contains in substance the following provisions:— 35 40

Days of grace for payment of premiums.

- (a) That the insured is entitled to a grace of thirty days within which the payment of any premium other than that of the first year may be made, subject at the option of the company to an interest charge not in excess of six per cent per annum for the number of days of grace elapsing before the payment of the premium, during which period of grace the policy shall continue in full force; but in the event of the policy becoming a claim during the said period of grace and before the overdue premium or the deferred premiums, if any, of the current policy year are paid, the amount of such premiums with interest on any overdue premium may in settlement of the claim be deducted from the sum insured; 45 50