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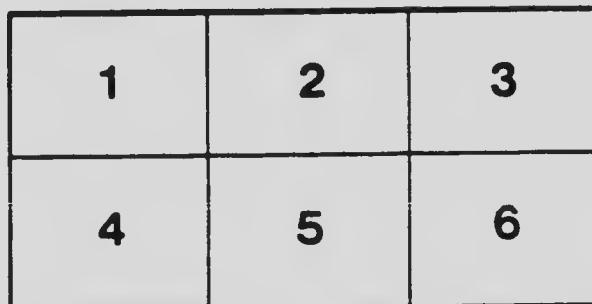
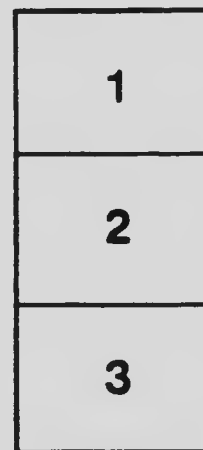
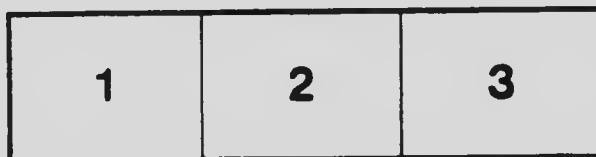
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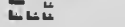
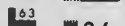
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**CONSTITUTION**

AND

**BY-LAWS**

OF THE

**Vancouver Island Fire Underwriters' Association  
of British Columbia**

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**ADOPTED APRIL 14TH, 1905**

1905

CONSTITUTION AND BY-LAWS

OF THE

VANCOUVER ISLAND  
FIRE UNDERWRITERS' ASSOCIATION  
OF BRITISH COLUMBIA

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ADOPTED APRIL 14TH, 1905

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# CONSTITUTION.

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## ARTICLE I.

1 This Association shall be known as the  
2 VANCOUVER ISLAND FIRE UNDERWRITERS'  
3 ASSOCIATION OF BRITISH COLUMBIA.

## ARTICLE II.

1 The objects of the Association shall be the  
2 establishment and maintenance of equitable  
3 rates; the regulation of policy forms, and of the  
4 payment of commission; the conservation of  
5 correct practices, and the promotion of Fire  
6 Underwriting interests generally on Vancouver  
7 Island and Islands adjacent within the Province  
8 of British Columbia.

## ARTICLE III.

1 All Fire Insurance Companies legally qualified  
2 to transact business in the Province of British

153180

3 Columbia shall be eligible for membership. Any  
4 Company wishing to become a member shall  
5 make application in writing to the Secretary-  
6 Treasurer, upon which a vote shall be taken at  
7 the first subsequent regular meeting of the  
8 Association or at a special meeting called for the  
9 purpose.

#### ARTICLE IV.

1 The Officers of the Association shall consist of  
2 a President, Vice-President, Secretary-Treasurer  
3 and Finance Committee of two members.

#### ARTICLE V.

1 The offices of the President, Vice-President  
2 and Finance Committee shall be honorary, and  
3 shall be filled at the first annual meeting, by the  
4 election, by ballot, of four members to the  
5 respective offices, who shall hold office until the  
6 next annual meeting, when an election shall  
7 again be held, and thereafter at each annual  
8 meeting in like manner; and the persons so  
9 chosen shall hold office for one year, or until

10 their successors are elected. In the event of any  
11 of the above mentioned offices, respectively, be-  
12 coming vacant from any cause during the year,  
13 an election shall be held at the next monthly  
14 meeting in the manner hereinbefore provided, to  
15 fill such vacancy for the balance of the term.  
16 The Secretary-Treasurer shall be engaged at  
17 such remuneration as shall be determined by the  
18 Association. If any question as to his appoint-  
19 ment or dismissal shall arise the confirmation of  
20 such appointment or dismissal shall be governed  
21 by a two-thirds vote of the Companies, members  
22 of this Association.

## ARTICLE VI.

1 It shall be the duty of the President to preside  
2 at all the meetings of the Association at which  
3 he may be present, to sign jointly with the Sec-  
4 retary-Treasurer cheques in payment of any and  
5 all expenses that may be incurred, when passed  
6 by the Finance Committee, and to exercise a  
7 general supervision over the working of the

8 Association and to be ex-officio, a member of all  
9 Committees, except the Joint Committee.

#### ARTICLE VII.

1 In the absence of the President, it shall be the  
2 duty of the Vice-President to act in his place in  
3 all matters as defined in Article VI. In the  
4 event of the absence of both the President and  
5 Vice-President from any meeting a chairman  
6 may be elected.

#### ARTICLE VIII.

1 It shall be the duty of the Finance Committee  
2 to attend at the offices of the Association on the  
3 first Wednesday of each month, or in case of  
4 emergency at the call of the Secretary-Treasurer,  
5 to pass on all accounts presented for payment  
6 and to authorize all necessary expenditure for  
7 the proper conduct of the Association.

#### ARTICLE IX.

1 It shall be the duty of the Secretary-Treasurer  
2 to take the minutes of all meetings of the Asso-

3 ciation, and to record same in a book provided  
4 for that purpose; to have a true copy of such  
5 minutes printed and distributed to each member  
6 of the Association, both local representatives and  
7 Head Offices; to attend to all the correspondence  
8 of the Association; to notify members of all  
9 meetings of the Association and to attend same  
10 himself; to collect all assessments, fines and  
11 dues; to keep an accurate and correct account of  
12 same; to deposit all moneys of the Association to  
13 the credit of an account to be opened with some  
14 chartered bank in the name of the Association;  
15 to sign cheques on such account jointly with the  
16 President in payment of all expenses when  
17 passed by the Finance Committee; to fix and  
18 adjust rates on all risks; to examine the reports  
19 of all business, and to discharge such other duties  
20 as usually pertain to the office of Secretary-  
21 Treasurer, and to furnish a bond in such amount  
22 and in such Company as the Association shall by  
23 resolution direct, premium thereon to be paid by  
24 the Association. Any exception taken by mem-  
25 bers as to the correctness of rulings or ratings of

26 the Secretary-Treasurer may be appealed to the  
27 Association for final decision. The Secretary-  
28 Treasurer, or any paid officer, or clerk, shall not  
29 be connected in any way directly or indirectly  
30 with any Insurance Company.

#### ARTICLE X.

1 The Association shall meet on the Third Friday  
2 of each month for the transaction of the general  
3 business of the Association. Meeting in May  
4 shall also be the annual meeting.

5 Special Meetings for the consideration of any  
6 business shall be called at any time by the Sec-  
7 retary-Treasurer on receiving a requisition for  
8 such meetings, signed by not less than six  
9 members of the Association, but twenty-four  
10 hours' notice shall be given of such Special Meet-  
11 ing, and the object thereof clearly stated in the  
12 notice. No business other than that specified in  
13 the notice shall be dealt with at such Special  
14 Meeting.

#### ARTICLE XI.

1 Seven representatives representing at least a

2 majority of Companies, members of the Associ-  
3 ation, shall constitute a quorum for the transac-  
4 tion of business, and a majority of votes of the  
5 Companies represented shall be necessary to  
6 decide any motion, not otherwise provided for.  
7 A division shall be had and a vote recorded  
8 upon the request of any member. All motions  
9 shall be in writing and shall be read before being  
10 put to the meeting. The chairman shall vote in  
11 his capacity as representative of his Company or  
12 Companies, and shall have the casting vote as  
13 well. Debates shall be deemed confidential, and  
14 the expressions and actions of the members at  
15 meetings shall not be divulged to any person not  
16 a member.

## ARTICLE XII.

1 The expenses of the Association shall be borne  
2 by the members in pro rata proportion to their  
3 premium income. At the close of each calendar  
4 year members shall furnish the Secretary-Treas-  
5 urer with a statement of their net premium  
6 income on business written within the territory

7 under the jurisdiction of this Association for the  
8 preceding year upon which the contributions of  
9 members shall be based and assessments made.

10 Net premiums are hereby defined to be gross  
11 premiums written, less return premiums and  
12 reinsurances effected with Companies members of  
13 this Association.

14 All assessments shall be made by and paid to  
15 the Secretary-Treasurer, who shall submit to the  
16 annual meeting a printed statement showing  
17 receipts and expenditure for the year ending  
18 March 31st. and the percentage ratio of expendi-  
19 ture to premium income.

20 The Association shall appoint at the Annual  
21 Meeting an Auditor (not one of its members) who  
22 shall be paid, and who shall audit the annual  
23 accounts of the Secretary-Treasurer before they  
24 are submitted to the Association.

### ARTICLE XIII.

1 A Company may withdraw from the Associa-  
2 tion upon giving three months' notice to the  
3 Secretary-Treasurer to that effect; but with-



4 drawal does not relieve it from liability for its  
5 proportionate share of expenses for the current  
6 year.

#### ARTICLE XIV.

1 All members of this Association and those who  
2 hereafter may become members shall be required  
3 to sign, through their duly qualified representa-  
4 tives, a copy of the Constitution and By-Laws in  
5 a book kept by the Secretary-Treasurer for that  
6 purpose, and such signature shall be considered  
7 binding on such member and representative to  
8 strictly observe the same.

9 The Constitution and By-Laws shall take effect  
10 and become operative from the date of their  
11 adoption.

#### ARTICLE XV.

1 Three representatives from this Association  
2 shall be elected annually to form, with three  
3 representatives similarly elected by the Mainland  
4 Fire Underwriters' Association, a joint committee  
5 to maintain harmony and mutual conformity of

6 rate and practice between the two Associations.  
7 and take such joint action as may be necessary  
8 on all matters affecting fire underwriting in the  
9 Province. Any matters of difference in the said  
10 joint Committee shall be referred to the Head  
11 Offices of the Companies for final decision.

#### ARTICLE XVI.

1 The Constitution and/or By-Laws may be altered  
2 or amended at any regular meeting by a two-  
3 thirds vote of the Companies represented at such  
4 meeting, provided that one month's notice of the  
5 intended alteration or amendment be given in  
6 writing by the Secretary-Treasurer to all mem-  
7 bers, and provided that any such alteration or  
8 amendment shall be approved and adopted by the  
9 Mainland Fire Underwriters' Association.

# BY-LAWS.

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## SECTION I.

1 All members shall submit to the Secretary-  
2 Treasurer a report of every policy, renewal or  
3 certificate wherever written covering property  
4 within the jurisdiction of this Association, or the  
5 application therefor ; also a report of every return  
6 premium or other endorsement on policies, and  
7 every cancelled policy or voucher for premiums  
8 refunded thereon, together with such references  
9 or reasonable verification of such transactions as  
10 may be required by the Secretary-Treasurer,  
11 which, if found to be in order, shall be stamped  
12 by him "correct." Should any errors or irregu-  
13 larities be found therein they shall be promptly  
14 rectified as the Secretary-Treasurer may direct.

## SECTION II.

1 Wherever the word "agent" appears in the  
2 Constitution and By-Laws, it is understood to

3 apply to a person, firm or corporation. A person,  
4 firm or corporation may act as agent in any city,  
5 town or village in which they are resident—pro-  
6 vided such person, firm or corporation shall  
7 immediately after appointment execute and file  
8 with the Secretary-Treasurer, through the  
9 appointing member or members, an agreement in  
10 form as prescribed by this Association. No com-  
11 pany shall appoint or retain more than one agent  
12 in any one city, town or village. Outside the  
13 city of Victoria such agent's compensation shall  
14 be by commission only, not exceeding 15 per  
15 cent. on their net premium income. The limita-  
16 tion of compensation to an agent shall not pro-  
17 hibit reimbursement to such agent of actual  
18 expenses for postage, telegrams, express, exchange  
19 and licenses. A commission may be paid to  
20 Agents or Managers of duly incorporated Loan  
21 Companies, Building Societies and Investment  
22 Companies, on business in which their companies  
23 have a direct proprietary or hypothecary interest  
24 and not otherwise.

25 In the City of Victoria only, the principal

26 representative of a Company, a member of this  
27 Association may appoint one city agent for such  
28 Company. No such appointment, however, shall  
29 be confirmed until the appointing representative  
30 shall have first submitted through the Secretary-  
31 Treasurer the name, address and occupation of  
32 the proposed city agent, who on being approved  
33 by the Association, shall be allowed to act.

34 City agents shall have no transaction with any  
35 Company or agent other than the agent appoint-  
36 ing them, except by consent of the latter; they  
37 shall not be allowed to issue policies nor shall  
38 they receive rates from the Association; they  
39 shall not report business to any Company or  
40 agent other than the appointing agent, or repre-  
41 sent any Company at Association meetings; their  
42 compensation shall be by commission only and  
43 shall in no case exceed 10 per cent. on their net  
44 premium income, and no other charge, pay-  
45 ment or allowance of any description will be  
46 admitted.

47 Agents will be held responsible for the actions  
48 of city agents appointed by them as regards rules

49 of the Association and penalties for infractions  
50 thereof.

### SECTION III.

1 The payment of commission in excess of that  
2 provided for in the preceding section, the pay-  
3 ment of, or offer to pay, directly, or indirectly,  
4 any rebate, discount, commission, abatement,  
5 pecuniary or other valuable consideration, to any  
6 insured person, firm or corporation, or to his, her,  
7 or their agent, or to any person not authorized  
8 by the terms of the Constitution or By-Laws  
9 to receive it; or the contravention of any By-  
10 Law, tariff rule, or regulation of the Association,  
11 shall be deemed an infraction, and the penalty  
12 provided shall be enforced.

### SECTION IV.

1 Every complaint against a member or its  
2 agents for violation of the Constitution or By-  
3 Laws of this Association shall be made in writing  
4 and filed with the Secretary-Treasurer, who shall  
5 immediately investigate the same. The findings

6 of the Secretary-Treasurer shall be conclusive  
7 unless an appeal therefrom is taken to the Asso-  
8 ciation at its first regular meeting after the  
9 decision is announced, in which event the action  
10 of the Association shall be final. Every member  
11 shall be held responsible for the good faith of its  
12 agents. The Secretary-Treasurer shall have the  
13 right to verify at any time the correctness of any  
14 report or statement made to him by examination  
15 of the books of the members and or of their  
16 agents. Upon conviction of a violation of any  
17 provision of the Constitution or By-Laws, or of  
18 any rule of the Association, a member or its agent  
19 shall pay to the Secretary-Treasurer a fine of not  
20 less than \$10.00 or more than \$100.00, or pay a  
21 penalty of cancellation of the policy or policies  
22 written, and be prohibited from writing or  
23 placing for one year the risk or risks covered, or  
24 both fine and penalty may be imposed. Any fine  
25 imposed must be paid to the Secretary-Treasurer  
26 within fifteen days after conviction, and, until so  
27 paid, no appeal can be taken therefrom. The  
28 failure to pay any fine imposed by the Secretary-

29 Treasurer, as provided, shall be deemed a second  
30 offence, for which another fine shall be required,  
31 and a failure to pay the two fines thus imposed  
32 within fifteen days after the second one is  
33 imposed will be deemed a third offence and the  
34 matter be then brought to the attention of the  
35 Association for action. The Secretary-Treasurer  
36 shall cause to be published on the first and  
37 fifteenth days of each month a complaint bulletin  
38 in which shall appear, together with a statement  
39 of its condition at the date of publication, every  
40 complaint which shall be on file with the  
41 Secretary-Treasurer at such date. Such com-  
42 plaint shall appear in each succeeding bulletin  
43 until finally disposed of, with a statement of its  
44 condition as of the date of each such publication.  
45 A copy of each bulletin shall be mailed to the  
46 head office of each member and to each of their  
47 local representatives.

#### SECTION V.

1 No Company, a member of this Association,  
2 nor its representative in any capacity, shall place



3 with or accept from a Company, not a member  
4 of this Association while represented in British  
5 Columbia, any business whether by re-insurance  
6 or otherwise. Any agent or sub-agent repre-  
7 senting a non-tariff Company shall be ineligible  
8 to represent a Company a member of this Asso-  
9 ciation.

#### SECTION VI.

1 No application for revision of a rate shall be  
2 considered unless the applicant is directly inter-  
3 ested in the risk at the date of application, or  
4 unless improvements or material changes in the  
5 risk have been made since the date of rating.

