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No. 91.

2nd Session, 6th Parliament, 22 Victoria, 1859.

(PRIVATE BILL.)

BILL.

An Act to incorporate the Beaver Fire
Insurance Association.

Received and read, first time, Monday, 28th
February, 1859.

Second reading, Wednesday, 2nd March, 1859.

MR. ROBINSON.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to incorporate the Beaver Fire Insurance Association.

WHEREAS Henry Rowsell, J. W. Brent, W. C. Chewett, Joseph Jackes, William Helliwell, William H. Smith, and others, have petitioned the Legislature, praying that an Association under the style and title of the Beaver Fire Insurance Association may be incorporated for the purpose of enabling the said petitioners and others more conveniently to manage the affairs of the said Association: And whereas the establishment of Fire Insurance Associations has been found of advantage to the Province, by encouraging habits of care and forethought: Therefore Her Majesty, &c., enacts as follows:

- 10 I. Henry Rowsell, Joseph Jackes, W. C. Chewett, W. H. Smith, John Fee, J. W. Brent, of Toronto, James Jones of Scarborough, Robert Smith of Chinguacousy, Richard Madden of Churchville, George Rutledge of Toronto, John Henrick, George Brown, Benjamin Ganton, and William Carruthers of Markham, John Woods of Vaughan, Fullarton Gibson and
 15 John Mustard of Markham, John Foggin of Richmond Hill, Mason Cogswell of Thornhill, J. J. Goodwin of Churchville, W. H. Doel and James H. Gerrie of Whitby; George M. Wilkinson of Kingston, Samuel Heath and Elias Snell of Chinguacousy; James Logie of St. Marys, James Bonthron of Osborne; Charles Upshaw of Brampton, George
 20 Sonley of Whitby, Patrick Barrie of Colborne, Thomas Ransom of King, Joseph Boggart of Whitchurch, Charles Hutchinson of Kingston, William McMullen of Napanee, John Cowieson of Queensville, James Sisler of Newmarket, W. D. McLeod, of Sharon, J. W. Waiblinger, A. M. Brown, Richard M. Horsoy, A. McChesney, Edward H. Smith, and
 25 Patrick Hyland of Kingston, William Bellas of Brampton, Richard S. Strong of Galt, John Flesher of Adjala, Wm. W. Barlow of Beverly, James Henderson, of Ingersol, Eli G. Irwin of Newmarket, George Suffel of Vienna, William Cornell of Otterville, Thomas Stevens of Norway, Edward Wheeler and Augustus Van Busick of Markham, Christian
 30 Lehman of Whitchurch, John Arnold, Thomas Bateman and John H. Thomas of Mount Brydges, H. Stinehoff and George Savage of Markham, John Holdsworth of Thornhill, Joseph Dillon and D. Chisachi of Kingston, Henry Waldrath and John S. Edgar of Napanee, Malcolm Laughton of St. Marys, William Helliwell of Scarborough, Richard Long of East
 35 Gwillimbury, J. Clement of Hamilton, Samuel H. Thompson and John Hirst of Toronto, John Pierce and William McMurtry of Bowmanville, John Parker of Dumbarton, James Skinner, Edwin Chown and John Mowat of Kingston, Allen P. McLean, John Speight and Richard L. Williams of Markham, Philip Kœhler of Ringwood, Samuel Humphrey
 40 and Nicholas Shepherd of Markham, Edward Long of St. Marys, Charles K. Oliver of Napanee, Edward Mihell of Mount Brydges, William

Certain persons incorporated as The Beaver Fire Insurance Association.

A. Johnson and John Eagle of Weston, James and John Hodge of New-
 market, John Watt and Thomas Holmes of St. Andrews, James Dyer of
 Centerville, William Munsie of Macville, Seth Holcomb of Beverly, John
 Vansickle of West Flamborough, Charles Newcombe of St. Marys, H. J.
 Miller and Joseph Wilson of Corunna, Farquhar McRae of Colborne, 5
 Andrew Misener of Houghton Centre, David J. George of Bradford,
 John A. Gairdner of Bayfield, John G. Bowes of Brougham, William H.
 Boyce of Warkworth, Philip D. Eckhardt of Unionville, George Feeley
 of Buttonville, James W. Barry of Bradford, Edward Brown, George
 Rysdale and F. C. Mewburn of Drummondville, John Bowman of Mark- 10
 ham, George Balfour of Newmarket, John Gleason of East Gwillimbury,
 Joseph Bingham of Bradford, John Collins of Sharon, Theodore Hutton
 of St. Marys, Charles White of Ayr, Isaac Fenton of Manilla, Aaron
 Cody and Allan Cody of Whitchurch, M. P. Emprey and J. B. Hilborn
 of Hawksville, Cyrus Allen of Mitchell, Samuel Holditch of Buttonville, 15
 Alfred M. Tomlinson of Markham, Joseph Holly of Weston, Donald G.
 Stevenson of Highland Creek, David L. Demorest of Haddington, William
 Laing of Whitby, Thomas M. Daly, M.P.P., of Toronto, David Thompson
 of Bradford, James Bates of Etobicoke, William Robson of Markham,
 William McCabe of Whitby, William Leany of Whitchurch, and such 20
 other persons as shall hereafter become members of the said Association
 and their several and respective heirs, executors, curators, administrators,
 successors and assigns, shall be, and are hereby constituted and de-
 clared to be a corporation, body corporate and politic, by and under the
 name and style of the "*Beaver Fire Insurance Association*," and that by 25
 the said name they and their successors shall and may have continued
 succession, and shall be capable in law of contracting and being con-
 tracted with, and of suing and being sued, pleading and being impleaded,
 answering and being answered unto in all courts or places whatsoever,
 either in law or equity in this Province or elsewhere; And they and 30
 their successors shall and may have a common seal, and may change,
 break or alter the same at their will and pleasure, and may also from
 time to time, at any general meeting of the Directors, by a majority of
 votes as hereinafter provided) ordain, establish and put in execution
 such by-laws, ordinances, rules and regulations (the same not being con- 35
 trary to this Act or to the laws in force in this Province) as may appear
 to them necessary or expedient, for the management of the said corpora-
 tion, its business and affairs, and may from time to time alter or repeal
 the same, or any of them, and shall also be in law capable of acquiring
 by purchase, lease, mortgage or otherwise, and of holding absolutely or 40
 conditionally any lands, tenements, real or immoveable estate, and the
 same to sell, alienate, let, release, transfer and dispose of, as to them may
 seem expedient: Provided always, that nothing herein contained shall be
 considered as permission to hold any real estate beyond what may be
 necessary for the said Corporation to hold for its own immediate accom- 45
 modation in relation to the convenient transaction of its business, or such
 as shall have been *bona fide* mortgaged to it by way of security, or con-
 veyed to it in satisfaction of debts previously contracted in the course of
 its dealings, or purchased at sales, upon judgments which shall have been
 obtained for such debts: And provided also, that it shall not be lawful for 50
 the said corporation to deal, or use, or employ any part of the funds or
 money thereof, in buying or selling goods, wares or merchandize; but
 it shall be lawful, nevertheless, for the said corporation to purchase and
 hold for the purpose of investing therein any part of their funds or
 money, any of the public securities of this Province, the stocks of any 55

of the Banks or other chartered companies, mortgages on real estate, and the bonds and debentures of any of the incorporated cities or towns, or municipal divisions, and also to sell and transfer the same: And provided further, that the said Corporation shall be bound to sell or dispose of any
 5 real estate so purchased or conveyed to them (except such as may be necessary as aforesaid for the convenient transaction of their business) within five years after acquiring the same.

II. The business of the said Corporation shall be conducted by a Board
 of twelve Directors, one of whom shall be chosen Chairman, one Deputy
 10 Chairman, one Manager, and three Trustees, and local Directors may be appointed in such places as the Board of Directors may consider advisable. Board of Directors.

III. A general meeting of the members of the said Corporation shall be
 holden in the City of Toronto, at the place of business of the said cor-
 poration, or at some more convenient place to be selected by the Directors,
 15 within three months after the passing of this Act, on a day to be appointed by the Directors, and thereafter on the same day in each and every year; and such meetings shall be called "General Meetings," and at such
 meetings the three Directors whose names stand first on the roll or list
 20 of Directors, shall be held to vacate their seats, and the members, either in person or by proxy, shall proceed to elect by ballot three members to serve as Directors for the ensuing four years, who shall upon election be placed at the bottom of the roll of Directors: Provided always, that
 nothing herein contained shall be held to render the retiring Directors
 ineligible for re-election: And provided further, that if a sufficient num-
 25 ber of members to form a quorum should be unable or neglect to meet on the day appointed, this charter shall not therefore be rendered void, but in such case some other day for the meeting shall be appointed by the Directors: Provided also, that until the election as aforesaid, and until a new Board of Directors shall be chosen as aforesaid, the following
 30 members, namely: Henry Rowsell, J. W. Brent, W. C. Chewett, Joseph Jackes, W. H. Smith, William Helliwell, John Mowat, Wm. Anglin, Asa A. Burnham, Wm. Green, Robert Smith, and George Blain, being the present Board of Directors, shall continue to be Directors. General meet-ings.
Retirement of Directors.
Proviso as to re-election.

IV. The said Board of Directors shall annually at their first meeting
 35 after the annual general meeting, elect by ballot from among themselves, a Chairman and Deputy Chairman, a Manager and three Trustees, of the said Corporation. Chairman, Deputy-Chairman.

V. No determination or resolution at any general meeting on any
 matters except such as are directed by this Act to be transacted at a
 40 general meeting, shall be binding upon the Association, unless either the same be confirmed by a subsequent meeting, of which meeting and of which determination or resolution reasonable notice shall be given by the manager of the said Corporation, or unless special notice of such
 extraordinary matter be given in the advertisement concerning such
 45 first mentioned general meeting. Certain de-cisions to re-quire confir-mation.

VI. Every meeting of the members, other than a general meeting, shall be called an "Extraordinary Meeting," and such meeting may be
 convened by the Directors at such times and in such places as they
 may think fit. Extraordinary meeting.

Notice of meeting.

VII. Fourteen days' public notice at least of all the meetings, whether general or extraordinary, shall be inserted at least in one newspaper published in the said city of Toronto, and by mailing at the Toronto Post Office, circulars addressed to the said several members respectively, which shall specify the place, the day and the hour of such meeting, and every notice of an extraordinary meeting shall specify the purpose for which the same is called. 5

Quorum for general meetings.

VIII. In order to constitute a meeting, whether general or extraordinary, there shall be present eight or more members, and the members present at any such meeting shall proceed in the execution of 10 the powers of the Association by this Act authorised.

Chairman at meetings.

IX. At every meeting of the said Association one or other of the following persons shall preside as Chairman; that is to say, the Chairman, or in his absence the Deputy-Chairman, or in his absence the Manager, or in the absence of all three, one of the Directors present, 15 who shall be elected by a majority of the members present, and such Chairman shall not only have a deliberative vote in all matters before the meeting, but also, in addition, a casting vote in case of equality.

Adjourned meetings.

X. Every meeting of the members may be adjourned from time to time, and no business shall be transacted at any adjourned meeting 20 other than the business left unfinished at the meeting from which such adjournment took place: Provided always, that it shall and may be lawful for the Directors to submit to any meeting whether general or extraordinary, the *interim* regulations agreed on by the Directors.

Proviso.

Powers of voting.

XI. At the annual general meeting, and at all extraordinary meet- 25 ings of the members of the said Corporation, each member shall be entitled to one vote, and every question shall be decided by a majority of votes present at any such meeting; each and every person or persons entitled to vote at any meetings may, by writing under his or their hands, (or if such persons be a corporation, then under their common 30 seal,) constitute any other member his, her, or their proxy to vote at any such meeting, and every such appointment shall be produced to the Manager and entered in a book to be kept by him: Provided always, that such authority shall bear date within twelve months of the time of the meeting at which it is produced. 35

Manner of voting by proxy.

Proviso.

Cases in which office of Directors shall become vacant.

XII. If any of the Directors, at any time subsequent to his election, become bankrupt or insolvent, or cease to be a member of the Association, then and in any of the cases aforesaid, the office of such Directors shall become vacant, and thenceforth the person in respect of whom the office of Director shall so have become vacant, shall cease from voting 40 or acting as a Director.

Occasional vacancies among Directors how supplied.

XIII. If any Director of the Association die, resign or become disqualified or incompetent to act as a Director, or cease to be a Director by any other cause than that of going out of office in rotation as aforesaid, the remaining Directors, if they think proper so to do, may elect 45 in his place any member duly qualified to be a Director, and the member so elected to fill up any such vacancy shall continue in office until the first yearly meeting after such vacancy, and the members then present shall elect a new Director, who shall hold office for the

same period as the Director would have done whose death, resignation or disqualification caused the vacancy.

XIV. And with respect to the exercise of the powers of the Association, be it enacted that the Directors shall have the management and superintendence of the affairs of the Association, and they may lawfully exercise all the powers of the Association, and amongst other powers to be exercised by the Directors they may use and affix, or cause to be used and affixed the seal of the Association to any document or paper which in their judgment may require the same, they may fix the salaries of all officers, they may decide the rates for premiums, they may make payments and enter into all contracts for the execution of the purposes of the Association, and do and perform all other matters and things necessary for the transaction of its affairs ; they may generally deal with, treat, sell and dispose of and exercise all other Acts of ownership over the lands, property and effects of the said Association for the time being, in such manner as they shall deem expedient and conducive to the benefit of the Association ; they may from time to time appoint and displace all such officers, agents or servants as they shall deem requisite for the management and care of the property and affairs, or for the efficient exercise of the powers of the said Association ; they may make By-laws for the regulation of the affairs of the Association, but all the powers so to be exercised shall be exercised in accordance with and subject to the provisions of this Act in that behalf, and the exercise of all such powers shall be subject also to the control and regulation of any general meeting specially convened for that purpose, but not so as to render invalid any act done by the Directors prior to any resolution passed by such general meeting.

Powers of the Directors.

XV. All policies, contracts, securities, deeds and writings, touching or concerning the said Association, shall be signed and executed by two Trustees and the Manager, or in case of the absence or death of the Trustees or the Manager, then by any three of the Directors of the said Association.

Two Trustees and the Manager to execute Policies.

XVI. The Directors shall hold meetings at such times and places as they shall appoint for that purpose, and they may meet and adjourn as they think proper from time to time, and from place to place, and at any time three of the Directors may require the Manager to call a meeting of the Directors, and in order to constitute such meeting there shall be present at least three of the Directors, and all questions, matters and things considered at any such meeting shall be determined by a majority of votes, and no Director, except the Chairman, shall have more than one vote at such meeting, but the Chairman, in addition to his vote as one of the Directors, shall have a casting vote as Chairman in case of equality, and at any such meeting or meetings the Chairman or Deputy Chairman, or in their absence the Director appointed by a majority of Directors present shall preside.

Meetings of Directors.

XVII. The surplus or profit realized each year shall be divided into two equal portions, one of which shall be invested to form a reserve fund to be used as occasion may require, and the other to be distributed periodically amongst the policy-holders, either in cash or by deduction from future premiums : The funds and property of the Association for the time being undisposed of shall alone be answerable for any claims

Distribution of profits.

under any policy, security or contract ; and no Director or Member of the said Association shall, upon any account or pretence whatever, be subject or liable to any demand in respect of such policy, security or contract ; Provided always that it shall be lawful at any time for the Directors, should they consider it advisable to do so, to raise either from the Members of the Association or otherwise, such sum or sums of money as may be sufficient, and in such amounts as may be convenient to form a guarantee fund, and may pay therefore such rate of interest as may be necessary. 5

As to shares of profits claimed in right of marriage, &c.

XVIII. Before any person claiming any part of the profits of or interest in the said undertaking in right of marriage shall be entitled to receive the same or to vote in respect of such interest, an affidavit, containing a copy of the register of such marriage, shall be made and sworn to by some credible person, before any one of Her Majesty's Justices of the Peace, or before the Mayor or Chief Magistrate of any city, borough, or town corporate, in any foreign country, and shall be transmitted to the Manager of the said Association, who shall file the same and make an entry thereof in a book kept for that purpose ; and before any person claiming by virtue of any bequest or will, or in the course of administration shall be entitled to any part of such profits or to vote as aforesaid the said will or the probate thereof, or the letters of administration, shall be produced and shown to the said Manager, who shall file and enter the same as before mentioned. 10 15 20

Yearly statement how submitted by Directors.

XIX. The Directors shall cause to be yearly prepared and submitted to the Members at the Annual General Meeting a full and correct statement of the accounts of the said Association, the receipts and expenditure of the past year, the number of policies issued, the amount covered by policies in force, together with a general abstract of the estimated liabilities and assets of the Association ; a copy of which statement, under the hand of the Manager, and countersigned by the Auditors, shall be transmitted to every Member and to the several branches of the Legislature. 25 30

Officers of the Company may be witnesses, &c.

XX. In all actions, suits, and prosecutions, in which the said Association may be at any time engaged, the Manager or other officer of the said Association shall be a competent witness, notwithstanding any interest he may have therein. 35

Interpretation clause.

XXI. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction ; that is to say, words importing the plural number shall include the singular number, words importing the masculine gender shall include females ; the word lands shall extend to messuages, lands, tenements and hereditaments of any tenure ; the expression, " the Association," shall mean The Beaver Fire Insurance Association in this Act mentioned and described ; the words, " the Directors " and " the Manager," shall mean the Directors and Manager respectively for the time being. 40 45

Public Act.

XXII. This Act shall be deemed a public Act.