

The Provincial Statutes of Lower-Canada, Being the second session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1832.

2 William IV – Chapter 65

An Act to incorporate the Members of the Natural History Society, at Montreal.

25th February, 1832.—Presented for His Majesty's Assent, and reserved for the signification of His Majesty's pleasure thereon.

12th April, 1832.—Assented to by His Majesty in Council.

6th June, 1833.—The Royal Assent signified by the Proclamation of His Excellency the Governor in Chief.

Whereas Toussaint Pothier, Robert Piper, John Fleming, Jules Quesnel, J. Stephenson, M. D. A. F. Holmes, M. D. Henry Corse, H. H. Cunningham, Benjamin Holmes, William Belin, Guillaume Vallée, M. D. and William Hedge, for themselves and others, Members of the Natural History Society, at Montreal, have by their humble Petition, represented that they have procured a large collection of valuable Works, Instruments, objects of Natural History and Curiosities, and that it has become an object of solicitude with them to ensure the permanent continuance of the institution, thereby tending to promote the study of Natural History and General Science and Literature; and that to prevent the said valuable collection, being dispersed or divided they are desirous of being incorporated and subjected to such rules and regulations as the nature of their institution will require; and whereas the study of Natural History, is much connected with the wants, the comforts and the happiness of mankind; and whereas all laudable attempts to promote the progress of Science in this Province, ought to be encouraged: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making further provision for the Government of the Province of Québec, in North America,' and to make further provision for the Government of the said Province," and it is hereby enacted, by the authority of the same, that the several persons who now are or who from time to time may become Members, according to the rules and regulations of the said Society, shall be, and are hereby declared, ordained and constituted a body Corporate and Politic by the name of, "The Natural History Society of Montreal," and by that name they and their Successors shall, and may for ever hereafter have perpetual Succession, and by the same name be capable in Law to sue and be sued, implead and be impleaded, answer and be answered; and to defend and be defended in all Courts, and places whatsoever; and may have a Common Seat with power, to alter and change the same at their pleasure from time to time, and shall be capable of purchasing, holding and enjoying any real estate for the use

of the said Corporation; and any goods, chattels, or personal estate, and of selling, leasing or otherwise disposing of the said real or personal estate or any part thereof at their will and pleasure. Provided always that the clear annual value or income of such real or personal estate shall not at any one time exceed the sum of one thousand pounds currency, and provided also, that the funds of the said Corporation shall be used and appropriated to the promotion of the study of Natural History and General Science and Literature, and the other objects contemplated by the establishment and formation of the said Society and no other.

II. And be it further enacted by the authority aforesaid, that in all and every suit or suits at law, which may hereafter be instituted against the said Corporation, service of the Process at the place where the Museum and Library of the said Corporation are deposited, shall be sufficient to compel the said Corporation to appear and plead to such suit or suits, any law, custom, or usage to the contrary in any wise notwithstanding, and all and every suit or suits at law, which at any time may be instituted by or on behalf of the said Corporation, shall be instituted and prosecuted in the name of the Natural History Society of Montreal.

III. And be it further enacted by the authority aforesaid, that for the management of the affairs of the said Corporation, there shall be annually elected by separate ballots by the Members of the said Corporation, and by a simple majority of the Votes of the Members present at the Special and Annual Meeting hereinafter provided for, the following officers, a President, a First Vice President, a Second Vice President, a Third Vice President, a Corresponding Secretary, a Recording Secretary, a Treasurer, a Librarian, and Cabinet-keeper, as also five other Members, who together with the Officers hereinbefore named shall constitute and form the Council of the said Society or Corporation.

IV. And be it further enacted by the authority aforesaid, that the said Special and Annual Meeting for the Election of the Council of the said Corporation shall be held at the place in which the usual Meetings of the said Corporation are held, on the eighteenth day of May in each and every year. Provided always, that whenever the said eighteenth day of May shall happen on a Sunday or on a Holiday or Fête d'obligation, the said Annual Meeting shall take place on the nineteenth day of the said Month of May.

V. And be it further enacted by the authority aforesaid, that if at any time it shall happen that the Election of the Council as hereinbefore directed, shall not be made or take effect on the day when, in pursuance of this Act it ought to be made and take effect, the said Corporation shall not be deemed or taken to be dissolved, but it shall be lawful at any other time to make such Election at a Meeting of the Members of the said Corporation to be called for that purpose, and any twelve Members of the said Society assembling at the time and place designated for that purpose, either at the said Annual and Special Meeting or at the one substituted in lieu thereof, shall constitute a legal Meeting of the said Society, and be competent to proceed to the business of such Meeting.

VI. And be it further enacted by the authority aforesaid, that the said Society or Corporation shall consist of an indefinite number of ordinary Corresponding and Honorary

Members, all of whom shall be chosen by ballot, according to the forms and under the restrictions and conditions hereinafter prescribed, which said Ordinary Members shall pay and contribute to the funds of the said Corporation, such Annual Subscription or Life Subscription, as may from time to time be enacted by the By-Laws, Rules and Regulations of the said Corporation; the said Corresponding Members shall be those who reside at a distance from the City of Montreal, but who shall have no Vote at any of the Meetings of the said Corporation, and shall not be eligible to any of the Offices thereof; and the said Honorary Members shall be those only who are distinguished and celebrated for their scientific attainments, and shall enjoy all the privileges now enjoyed by the Ordinary Members, except in so far as respects the right of Voting for the Election of the Council of the Said Corporation.

VII. And be it further enacted by the authority aforesaid, that all propositions for the election of new Members of the said Corporation, whether Ordinary, Corresponding, or Honorary Members, shall be made in writing, at an Ordinary Meeting of the said Society, by a Member thereof, and seconded in writing by another Member thereof, and the name of the person so proposed, together with those of the proposer and seconder shall be placed in some conspicuous part of the room or place where the Meetings of the said Society usually are held, and there remain till the next ordinary Meeting, at which time the ballot on the said proposal shall take place. Provided always, that the affirmative Votes, of three-fourths of the Members present at any such Ordinary Meeting shall be requisite for the due election of any such Member, and the quorum necessary at any such Meeting to qualify it or render it competent to proceed to the election of an Ordinary Member shall be ten; for a Corresponding Member, twelve, and for an Honorary Member, sixteen.

VIII. And be it further enacted by the authority aforesaid that at all ordinary Meetings of the said Society, seven Members of the said Corporation shall be a competent quorum to proceed to all the usual business of the said Corporation, except in such cases as herein otherwise specially provided for, and whatever question, matter, or thing shall be proposed, discussed, or considered at any such Meeting or any other Meeting of the Society, shall be finely determined by the Majority of votes of the Members present at such Meeting, except as herein otherwise provided for.

IX. And be it further enacted by the authority aforesaid, that the said Corporation may hold extraordinary Meetings, to be called and summoned in such manner and form as may be agreed upon by the Members of the said Corporation; Provided always, that such extraordinary Meetings shall not be competent to proceed to the business to be submitted to the said Meeting unless twelve Members thereof are present.

X. And be it further enacted by the authority aforesaid that the said Society shall, from time to time, for ever hereafter have power to make, constitute, ordain, and establish such By Laws, Rules and Regulations as they shall judge proper for the mode of Election of their Council; for prescribing their functions and the mode of discharging the same; for the admission of new Members, for the Government of the Officers and Members thereof; for

collecting and appointing the time of payment of the annual contributions of the ordinary Members of the funds thereof; for regulating the times and places, and mode of summoning of the ordinary and extraordinary meetings of the said Society, for suspending or expelling such Members as shall neglect or refuse to comply with the By-Laws and Regulations and generally for the managing or directing of the affairs and concerns of the said Society. Provided always, that such By-Laws; Rules and Regulations shall in no wise be repugnant to the statutes, Customs or Laws of this Province, or to the express requirements of this Act; and provided further that such By-Laws shall have no effect, nor any alterations or additions be made thereto, unless such By-Laws, Rules and Regulations, or the proposed alterations and additions thereto shall have been announced and read at a Meeting of the said Society, at least four weeks previously to their being submitted for the adoption thereof by the said Society at a Meeting at which at least twelve Members shall be present, and unless the same shall be adopted at such further Meeting by at least three-fourths of the Members then present.

XI. And be it further enacted by the authority aforesaid, that the above-specified enactments shall be held and considered as the constitution of the said Society or Corporation and shall continue after the passing of this Act, to be the constitution thereof, and that no addition or alteration thereof can be made thereto except on the written motion of three Members of the said Society after four weeks notice thereof and after, publication of the proposed alterations and additions in at least two of the Newspapers published in the said City of Montreal during two weeks, and adopted by at least three fourths of an extraordinary Meeting called by public notice for that purpose, and at which not less than twenty-eight Members shall be present.

XII. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant-Governor, or person administering the Government of the Province for the time being, or for any or either Branch of the Provincial Parliament, from time to time, to require from the said Society or from the Council thereof, true statements under oath (which oath any Justice of the Peace is hereby authorized to administer) of the receipts and expenditure of the said Society and of the real and personal estate held and enjoyed by the said Society.

XIII. And be it further enacted by the authority aforesaid, that nothing in the present Act contained, shall affect or be construed to affect in any manner or way whatsoever the rights of His Majesty, his heirs or successors, or of any person or persons, or of any bodies politic and corporate, such only excepted as are herein mentioned.

XIV. And be it further, enacted by the authority aforesaid, that this Act shall be deemed and taken to be a public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and other persons whatsoever, without being specially pleaded.