

*The Provincial Statutes of Lower-Canada, Being the fifth session of the Special Council, begun and holden at the City of Quebec, in the said Province of Lower Canada, the eleventh day of November, 1839.* Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1839.

3 Victoria – Chapter 48 (Session 5)

### **An Ordinance to incorporate the Advocates' Library of Montreal.**

Whereas an Association hath been formed in the City of Montreal in this Province, by divers members of the profession of the Law, resident in that City and the neighbourhood thereof, under the name of "The Advocates Library and Law Institute of Montreal," and for the purpose of purchasing and procuring a good and sufficient Library for the use of the said Association and of such Barristers and Advocates as may hereafter become members thereof:—And whereas the members of the said Association have by their Petition represented that they have purchased and acquired, and now hold a large and valuable collection of Books with other property requisite and necessary for the purposes for which they are so associated as aforesaid; and have further represented that the advantages to arise from the said Association would be greatly increased and confirmed by the incorporation of the members thereof, and have prayed so to be incorporated: and whereas it is expedient to grant the prayer of the said Petitioners, subject to the provisions and enactments hereinafter set forth and made;—Be it therefore Ordained and Enacted by His Excellency the Governor of the said Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "An Act to make temporary provision for the Government of Lower Canada," and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, "An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada;" and it is hereby Ordained and Enacted by the authority of the same, that George Pyke, Samuel Gale, Charles Richard Ogden, John Boston, Alexander C. Buchanan, Dominique Mondelet, John Samuel McCord, Samuel Wentworth Monk, Frederick Grif-fin, James G. Scott, Robert Lester Morrogh, William Badgely, Campbell Sweeny, John Bleakley, Duncan Fisher, Come S. Cherrier, Hugh Taylor, Aaron P. Hart, Henry Ogden Andrews, John Platt, James Scott, Charles D. Day, William C. Meredith, Louis Thomas Drummond, Robert Easton, Samuel C. Monk, Robert McKay, Edward Barnard, Charles Sabrevois De Bleury and Francis Godshall Johnson, and their successors forever, to be elected in the manner hereinafter provided, shall be one body politic and corporate, in deed and in name, by the name and style of "The Advocates' Library of Montreal," and shall by that name have perpetual succession and a Common Seal, and shall have power from time to time to alter, renew or change such Common Seal at their pleasure; and shall by the same name from, time to time and at all times hereafter be able and capable to have, take,

receive, purchase, acquire, hold, possess and enjoy to them and their successors, to be elected in the manner hereinafter provided to and for the uses and purposes of the said Corporation any messuages, lands, tenements and hereditaments of what nature, kind or quality soever, situate, lying and being within this Province, not exceeding in yearly value the sum of five hundred pounds currency, and also to take, receive, purchase, acquire, have, hold, and possess, provided the same do not exceed a like sum in yearly value to and for the same uses and purposes, any goods, chattels, gifts or benefactions whatsoever, and shall and may by the same name be able and capable to sue in law, and to be sued, implead and be impleaded, answer and be answered in all Courts of law and places whatsoever, in all and singular actions, causes, pleas, suits, matters and demands whatsoever, in as large, ample and beneficial manner and form, as any other body politic or corporate, or any persons able and capable in law, may or can sue, implead or answer, or be sued, impleaded or answered in any manner whatsoever.

II. And for the better accomplishment of the purposes hereinbefore mentioned, be it further Ordained and Enacted by the authority aforesaid, that the members of the said Corporation and their successors for ever, to be elected in the manner hereinafter provided, shall, on the third Monday of June, in the year of our Lord one thousand eight hundred and forty-one, and each and every year thereafter, meet at some convenient place to be appointed by the said Corporation, (or the major part of them who shall be present at any general meeting) between the hours of ten in the forenoon, and five in the afternoon; and that they or the major part of such of them as shall be then present, shall choose one President, one Vice-President, one Treasurer, one or more Secretary or Secretaries, and such other officers and servants as they or such major part of them shall deem expedient, to serve in the said offices during the year then next ensuing; and may do and transact all matters and business relative to the interests of the said Corporation; and if by reason of any matter or thing the election so to be had and made on the third Monday in June as aforesaid shall be prevented; or shall not be had or made, then, and in every such case it shall be competent to the members of the said Corporation and their successors, or to the major part of such, of them as may be present at a meeting, to be called by the President or Vice-President for the time being in the manner hereinafter, prescribed, and held as soon afterwards, as shall be convenient, to proceed to and make the election of a President, Vice-President, Treasurer, Secretary or Secretaries, officers and servants as aforesaid; and the elections so made shall be as valid and effectual as if they had been made on such third Monday in June. and the President and other officers of the said Corporation theretofore elected, shall continue in office until others shall be elected in their stead; anything hereinbefore contained to the contrary notwithstanding.

III. And be it further Ordained and Enacted by the authority aforesaid, that until the first election of officers shall take place, the present officers of the said association shall be and continue to be the officers of the Corporation hereby erected; and that the President, or in his absence from the city of Montreal, the Vice-President of the said Corporation, shall within three months after the passing of this Ordinance, cause notice to be given to such of

the several members of the said Corporation hereinbefore mentioned as shall be then resident in the said City of Montreal, to meet at such place and time as he shall in and by such notice appoint; and the said members or the major part of such of them as shall be then present, shall at the time and place so appointed proceed to the election of a President and of a Vice-President, Treasurer, Secretary or Secretaries, and of such other officers and servants as to them shall seem meet; which said officers from the time of their election to their respective offices, shall continue therein until the third Monday in June, in the year of our Lord one thousand eight hundred and forty-one, and from thenceforth until others be chosen in their places in the manner aforesaid.

IV. And be it further Ordained and Enacted by the authority aforesaid, that if at any time or times it shall happen that any of the persons chosen to fill the said offices respectively, shall die or be removed from the said offices or resign the same during the period for which they shall have been respectively elected, then in every such case, it shall be lawful for the President, or in his absence from the City of Montreal, the Vice-President, to issue notice to the several members of the said Corporation to meet at the place where the meetings of the Corporation are usually held, at such time as shall be specified in the notice; and the members of the said Corporation who shall meet in pursuance of such notice, or the major part of them, shall and may choose an officer or officers in the room and place of the person or persons who shall have died or resigned, or shall have been removed from office as aforesaid.

V. And be it further Ordained and Enacted by the authority aforesaid, that the members of the said Corporation shall and may, on the third Monday in the month of October in each and every year, and at any other time at and for which a general meeting shall be called in the manner aforesaid by the President or Vice-President, on the requisition in writing of any five members of the Corporation, meet at the place at which the meetings of the Corporation shall be usually held and shall and may at any such meeting elect such persons, being Advocates and Barristers duly admitted to practise as such in this Province, or Judges or Justices or Prothonotaries of some Court or Courts, or Sheriffs of some District or Districts therein, to be members of the said Corporation, as they or the major part of them then present, shall think expedient: and may do and transact all matters and business relative to the interests of the said Corporation, not herein otherwise provided for: Provided that no meeting of the said Corporation under the provisions of this section shall be held to be a general meeting thereof unless one half at least of the members of the Corporation for the time being shall be present thereat.

VI. And be it further Ordained and Enacted by the authority aforesaid, that the members of the said Corporation or the major part of them who shall be present at any general meeting of the said Corporation, held according to the requirements and provisions of the second or of the fifth section of this Ordinance, shall have power and authority to frame and make statutes, bye-laws, rules and orders touching and concerning the good government of the said Corporation, and the income and property thereof, and any other matter or thing

relative to the same; which to them may seem fit or expedient for the effectual attainment of the objects of the said Corporation and the administration of its concerns; and also from time to time by such new statutes, bye-laws, rules and orders, as to them shall seem meet, to alter or repeal those so made as aforesaid: Provided always that no such repeal or alteration shall be valid unless notice of the motion for such repeal or alteration shall have been given at the general meeting next immediately preceding that at which such motion shall be made and considered: Provided also that no such statutes, bye-laws, rules or orders shall be repugnant to the laws of this Province, or to this Ordinance.

VII. And be it further Ordained and Enacted by the authority aforesaid, that it shall not be a valid cause for the recusation of any Judge or Justice in any prosecution, cause, suit or action, civil or criminal, to or in which the said Corporation shall be a party, that such Judge or Justice is a member of the said Corporation.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be held and considered to be a public Act or (Ordinance, and as such shall be judicially taken notice of, held and considered in all Courts of Justice, and by all Judges, Justices of the Peace, and by all others whom it may concern without being specially pleaded.

IX. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent authority.

C. POULETT THOMSON.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Twenty-sixth day of June, in the Fourth year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and forty.

By His Excellency's Command,  
W. B. LINDSAY,  
Clerk Special Council.