

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 50 (Session 5)

An Ordinance to incorporate the Quebec Library.

Whereas it hath been represented to His Excellency the Governor General of this Province, by the Reverend Daniel Wilkie, Doctor of Laws. William Walker, Henry Jessopp, William Bristow and Robert Hunter Gairdner, Esquires, Trustees of the Quebec Library, and others holding shares as proprietors therein, that the said Library was established at the City of Quebec, in the year one thousand seven hundred and seventy-nine, and has been in active operation ever since; that the management thereof is vested in Trustees appointed annually by a majority of votes, but that from the want of power in the said Trustees to compel payment of the sums of money due to the said Library, great inconvenience and loss are sustained; and that it would tend greatly to the advantage, instruction and improvement of the inhabitants of Quebec and its vicinity that the said Institution should be incorporated; and it is expedient to accede to the prayer of the said Trustees, subject to the provisions and enactments hereinafter made and contained:—Be it therefore Ordained and Enacted by His Excellency the Governor of this 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 said Acts of Parliament, that there shall be, and there is hereby constituted and established at the city of Quebec aforesaid, a body politic and corporate under the name of “The Trustees of the Quebec Library,” which corporation shall until the first Tuesday in the month of April in the year one thousand eight hundred and forty-one, consist of the Trustees hereinbefore mentioned, and shall thereafter consist of five of the Proprietors of the said Library, to be elected annually on the first Tuesday of April, in each and every year, (or if any such Tuesday be a holiday, or if the election be not for any cause then had, then on such day as shall be appointed in the manner hereinafter mentioned) by a majority of votes of Proprietors of the said Library not in arrears of subscription, present at a meeting to be called by the Trustees for the time being, for the purpose of such election, by an advertisement inserted during two weeks in some newspaper published in the said city of Quebec, specifying the day, hour, place and object of such meeting; and such Corporation shall have perpetual succession, and shall be in law capable of suing and being sued,

pleading and being impleaded, defending and being defended, in all courts of law within the said Province; and shall be in law capable of purchasing, holding and conveying any estate real or personal for the use of the said Library; provided such real or personal estate at any one time held by the said Corporation, shall not together exceed the value of three thousand pounds; and shall have a common seal, with full power to alter, change or break such seal at their pleasure; and the said Corporation shall have full power and authority to make and establish such rules, orders and regulations (not being contrary to the laws of this Province or the provisions of this Ordinance,) as shall by them be deemed useful or necessary for the management of the said Library; and to impose upon and exact from the proprietors and subscribers to the said Library, such fines and penalties for the breach or contravention of such rules, orders and regulations as to them shall appear requisite; Provided always that the said Corporation shall not impose or exact fines of a higher or larger amount than those heretofore and now exacted by the Trustees of the said Library in like cases; nor shall any such fine or forfeiture for any one breach or contravention of such rules, orders or regulations exceed the sum of ten shillings currency; and the said Library and all the property and estate, real or personal, now belonging to or hereafter to be acquired by the said proprietors thereof as such, and all debts, claims and rights whatsoever due to them in that quality, shall be and are hereby vested in the Corporation hereby established, in trust for and to the use of the said proprietors, and to and for the purposes of this Ordinance; and each and every act of any majority of the members of the said Corporation, shall in law be deemed and held to be the Act of the Corporation, and shall have force and effect accordingly.

II. And be it further Ordained and Enacted by the authority aforesaid, that any proprietor in the said Library, residing in the said City of Quebec and, its vicinity, who shall refuse or neglect to pay his or her annual subscription to the said Library for three consecutive years or upwards, may be notified by the said Corporation by a notice in writing to be served either personally on such proprietor, or at his or her domicile, that unless the arrears so due be paid to the said Corporation within one month after such notice, the share or shares of such proprietor so in arrears will be sold by auction at a certain place and time in the said notice to be specified; and if after such notice the said proprietor so in arrear do not pay to the said Corporation, or to the person authorized by them to receive the same, the arrears so due within the delay in the said notice mentioned, then and in that case, it shall be lawful for the said Corporation, and they are hereby authorized to sell by auction, to the last and highest bidder, at the time and place in such aforesaid notice specified, the share or shares of such proprietor, and to apply the proceeds of such shares so sold, to the payment of any debt due by the said corporation for the general expenses of the said Library; and the balance, if any, specially to the purchase of books, maps or charts to be added to the said Library.

III. And be it further Ordained and Enacted by the authority aforesaid, that the said corporation, on a requisition to them presented, signed by not less than eleven proprietors of the said Library, not in arrears of subscription, shall, by a notice to be inserted for not less

than one week, in one or more newspapers published in the said city of Quebec, call a meeting of the proprietors of the said Library, to be held in the building containing the said Library, and shall submit to such meeting all rules, orders and regulations by the said corporation made by virtue of the powers vested in them by this Ordinance; and the said proprietors not in arrears as aforesaid, assembled at such meeting, or the majority of them, shall have full power to revise, alter or rescind any such rules, orders and regulations (which shall nevertheless remain in full force and virtue until so altered or rescinded) or other rules, orders or regulations to make and establish in lieu of those so altered or rescinded, or in addition to those theretofore made; provided always that the said meeting shall not consist of less than twenty-one proprietors of the said Library, not in arrears as aforesaid.

IV. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be a public Act or Ordinance, and as such shall be judicially noticed by all Judges, Justices of the Peace and other persons whom it shall concern, without being specially pleaded.

V. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be and is hereby made permanent, and shall be and 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.