

The Provincial Statutes of Lower-Canada, Being the first session of the fourth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1805.

45 George III – Chapter 16

An Act for erecting an Hotel, Coffee House and Assembly Room, in the City of Quebec. (25th March, 1805.)

Whereas Jean Antoine Panet, Angus Shaw, John Blackwood, John Painter, Jean Thomas Taschereau, James Irvine, John Taylor, John Coltman, John Paterson, John MacNider, George Symes, Benjamin Tremain, Francis Hunter, Frederick Grant, Joseph Planté, James Ross, Augustin Germain, Andrew Cameron, James Ward, Louis Levesque, William Hall, Daniel Fraser, Francis Duval, the younger, William Hunter, Edward Cannon, James Edie, James Gray, Joseph Bouchette, Benjamin Joseph Frobisher, Adam Lymburner, James Black, Treadway Thomas Odber, Robert Sturch, John Campbell, James Mitchell, Marianne De Lanaudiere, John Young, Jonathan Sewell, Mary Elmsley, James Stuart, John Craigie, John Mure, Felix Têtu, John Jones, William Edward Hossack, William Burns, David Munro, Thomas Scott, Charles Gray Stewart, John William Woolsey, John Ross the younger, John Chillas, Joseph Jones, Thomas White, James M'Callum, John Neilson, Samuel Phillips, Christina Loetutia Longmore, George Longmore, James Ker, Hutchison Lynd, Joseph Stilson, Joseph François Perrault, Phoebe Frost, Edward Bowen, George Pyke, Alexis Caron, John Conrad Just, John Reinhart, Jonathan Eckart, William Holmes, François Xavier Durette, Louis Marchand, Robert Lester, Robert Morrogh, Henry Caldwell, John Caldwell, Alexander Munn, Peter Brehaut, James Mason Goddard, Keable Sarjeant, Louis Delamare, Claude Dénéchaud, Ralph Gray, Robert Woolsey, Joseph Levasseur Borgia, Pierre Bedard, John Robinson, Anthony Anderson, James Voyer, Gabriel Elzéard Taschereau, William Grant, Charles William Grant, John Stewart, George Hamilton, Anthony Vanselson, Thomas Allison, Gilbert Ainslie, Olivier Perrault, Charlotte Ryland, Louis Joseph Fleury Dechambault, Pierre Edouard Desbarats, George Herriot, Henry Black, Charles Jourdain, William Jaques, James Orkney, François Huot, Jacob Danford, Alexander Spark, Xavier Lanaudiere, Lanaudiere Baby, John Cossin the younger, John Dapwell Hamilton, William Hullet, Alexander Skakel, by their humble Petition have represented, that they have become Subscribers to and have associated for the purpose of establishing in the City of Quebec, an Hotel, Coffee House and Assembly Room, and that each of the said Subscribers has undertaken and agreed to furnish and pay the sum of twenty five Pounds currency, for each, share which such subscriber shall hold in the said undertaking, and have subscribed together, the sum or five thousand Pounds currency, and therefore have further prayed, that for promoting the object of such association, as aforesaid, they the Subscribers and their assigns may be incorporated on principles as nearly correspondent with their original association as may be; 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 more effectual provision for the Government of the Province of Quebec in North America,’ and to make further provision for the Government of the said Province” And it is hereby enacted by the authority aforesaid, that the said Jean Antoine Panet, Angus Shaw, John Blackwood, John Painter, Jean Thomas Taschereau, James Irvine, John Taylor, John Coltman, John Paterson, John Munro, John MacNider, George Symes, Benjamin Tremain, Francis Hunter, Frederick Grant, Joseph Planté, James Ross, Augustin Germain, Andrew Cameron, James Ward, Louis Levêsqe, William Hall, Daniel Fraser, Francis Duval, theyounger, William Hunter, Edward Cannon, James Edie, James Gray, Joseph Bouchette, Benjamin Joseph Frobisher, Adam Lymburner, James Black, Treadway Thomas Odber, Robert Sturch, John Campbell, James Mitchell, Marianne de Lanaudiere, John Young, Jonathan Sewell, Mary Elmsley, James Stuart, John Craigie, John Mure, Felix Têtu, John Jones, William Edward Hossack, William Burns, David Munro, Thomas Scott, Charles Grey Stewart, John William Woolsey, John Ross the younger, John Chillas, Joseph Jones, Thomas White, James M’Callum, John Neilson, Samuel Phillips, Christina Loetitia Longmore, George Longmore, James Ker, Hutchison Lynd, Joseph Stilson, Joseph François Perrault, Phoebe Frost, Edward Bowen, George Pyke, Alexis Carron, John Conrad Just, John Reinhart, Jonathan Eckart, William Holmes, François Xavier Durette, Louis Marchand, Robert Lester, Robert Morrogh, Henry Caldwell, John Caldwell, Alexander Munn, Peter Brehaut, James Mason Godard, Keable Sarjeant, Louis Delamare, Claude Dénéchau, Ralph Gray, Robert Woolsey, Joseph Levasseur Borgia, Pierre Bedard, John Robinson, Anthony Anderson, James Voyer, Gabriel Elzéard Taschereau, William Grant, Charles William Grant, John Stewart, George Hamilton, Anthony Vanselson, Thomas Allison, Gilbert Ainslie, Olivier Perrault, Charlotte Ryland, Louis Joseph Fleury De Chambault, Pierre Edouard Desbarats, George Herriot, Henry Black, Charles Jourdain, William Jaques, James Orkney, François Huot, Jacob Dansord, Alexander Spark, Xavier Lanaudiere, Lanaudiere Baby, John Jones of Bandon Lodge, John Hale, Thomas Place, Henry Osborne, John Cossin, the younger, John Dapwell Hamilton, William Hullet, Alexander Skakel, their several and respective Successors, Heirs, Executors, Curators, Administrators and Assigns, shall be and are hereby ordained, constituted and declared, to be, one body corporate and politic, by the name of “the Union Company of Quebec,” and by that name, they and their Successors shall and may be for ever hereafter have perpetual succession, and shall and may by the same name, be persons capable in the Law, to sue, be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places, whatsoever, and of what nature and kind soever, and that they and their Successors may have a Common Seal, any may change and alter the same, at their pleasure and also, that they and their Successors, by the name of the Union Company of Quebec, shall be in Law, capable of purchasing, holding and conveying any Estate real or personal, for the use of the said Corporation; Provided, such real and personal Estate at any one time held by the Trustees of the said Union Company of Quebec, shall not exceed the value of ten thousand pounds Currency.

II. And be it further enacted by the authority aforesaid, that a share in the ten thousand Pounds currency so subscribed, as aforesaid or to be hereafter subscribed, as aforesaid, in the said undertaking, shall be, at the rate of twenty five Pounds currency, for each and every share; and such shares, as aforesaid, shall be and the same are hereby vested in the several

persons herein beforenamed, and in the several persons who shall become new Subscribers to the said undertaking, in manner aforesaid, and in their several and respective Successors, Heirs, Executors, Curators, Administrators and Assigns, proportionally to the sum which they and each of them now have severally and respectively subscribed, or hereafter shall severally and respectively subscribe and pay into the hands of the Treasurer of the said Company to be appointed in the manner herein after directed, and such Proprietors of each of such shares as aforesaid, severally and respectively, shall be entitled to receive, from and after the erection of the said Hotel, Coffee House and Assembly Room, the entire and neat distribution of one proportional part or share of and in the profit and advantage that shall or may therefrom arise, and accrue, and so in proportion, for any greater number of shares which such Proprietors may own, and such Proprietors shall have votes according to the number of Shares, which he, she or they are possessed of in the said undertaking, and no more, at every general meeting to be held, as herein after appointed, which vote or votes may be given by any such proprietor or proprietors as aforesaid, either in person, or by his, her, or their proxy or proxies appointed by writing or writings, under, his, her, or their hand or hands, and such vote by such proxy, shall be as effectual to all intents and purposes, as if the principal or principals had voted in person: and whatsoever question, election of Officers or other matter or thing, shall be proposed, discussed or considered in any public meeting, to be held in pursuance of this Act, the same shall be finally determined by the majority of votes and proxies, then present, and the Chairman at every such meeting, in case of a division of equal numbers, shall have the casting vote, although he shall have voted before. Provided always, that no person shall vote, as proxy, unless he be a Proprietor, and that a part or parts of a share or shares shall not entitle any person to vote in person or by proxy.

III. And be it further enacted by the authority aforesaid, that in case the said sum of five thousand Pounds current money of this Province of Lower Canada, so subscribed as aforesaid, shall be found insufficient for erecting the said Hotel, Coffee House and Assembly Room, and for completing the works and purposes hereby authorised to be done, then and in such case, and not otherwise, it shall be lawful for the Members of the said Union Company and their Successors, to raise and contribute among themselves, or by the admission of new Subscribers, in such shares as aforesaid, any further or other sum of money not exceeding the further sum of five thousand Pounds current money of this Province, for completing the said Hotel, Coffee House and Assembly Room, and other works and purposes aforesaid.

IV. And be it further enacted by the authority aforesaid, that all and every person or persons who shall be admitted by the said Union Company as a subscriber or subscribers, for the said further sum of five thousand Pounds, or any part thereof, not less than twenty five Pounds currency, as aforesaid, shall thereupon succeed as a constituent Member or constituent Members of the said Body Politic, incorporated by this Act, and as a Proprietor or Proprietors of the said Hotel, Coffee House and Assembly Room in the same manner to all intents, constructions and purposes, as if he, she or they had been declared, in this Act, to be a Member of the said Union Company.

V. And be it further enacted by the authority aforesaid, that at the first general meeting of the said Proprietors herein before directed, to be held, the Proprietors then assembled together, with such Proxies as shall then be produced or the major part of such Proprietors or Proxies shall choose, not more than fifteen nor less than seven persons, for the time being, Proprietors in the said undertaking, of whom, if fifteen be chosen, five shall form a Quorum, and if any number less than fifteen, three shall in like manner form a Quorum, which persons so chosen shall be a Committee to manage, direct and carry on the erecting of the said Hotel Coffee House and Assembly Room, in the said City of Quebec, and the affairs and business of the said Union Company for one year then next following, or until another Committee shall be appointed, and particularly such matters and things as are by this Act directed to be done by such Committees, and as shall, from time to time, be ordered by such general or special meetings as aforesaid. Provided always that the first Committee which shall be chosen at the first general meeting, as aforesaid, shall be a Committee for the purposes aforesaid, until the first Tuesday in the month of February, which will be in the year of our Lord one thousand eight hundred and six, and no longer: and at the said first meeting, the said Proprietors and Proxies or the major part of them, shall in like manner, choose and appoint a Treasurer and also a Clerk, who shall attend the several meetings of the said Proprietors, and the meetings of the said Committees and make entries of the proceedings in proper books to be kept by him for that purpose, and do whatsoever shall be ordered at such meetings respectively, for the purposes of this Act.

VI. And be it further enacted by the authority aforesaid, that the general meetings of the said Proprietors, shall be held in such place in the City of Quebec, as the said Proprietors, or the major part of them shall at some general meeting to be held in pursuance of this Act, appoint for the holding of such meeting; that the first general meeting of the said Proprietors shall be held in the Union Coffee House in the Upper Town of the City of Quebec, on the third Tuesday after the passing of this Act, and that the second general meeting shall be held on the first Tuesday in the month of February then next ensuing, and the like general meeting, shall be held on the first Tuesday in the month of February, in every year afterwards, at the hour of one of the clock in the afternoon.

VII. And be it further enacted by the authority aforesaid, that the said Committee of Proprietors shall be afterwards chosen at the general meetings of Proprietors to be holden as aforesaid, and shall meet in the said City of Quebec, constantly every month, (or oftener if the said Committee shall find it necessary,) at a day, hour and place to be appointed until the said Hotel, Coffee House and Assembly Room in the said City of Quebec, shall be completed, and as often afterwards at such place in the City of Quebec, to be by them appointed as occasion may require, and in order to defray the expence of the meetings of the said Committee, they are hereby allowed to expend or detain to themselves, such sums of money out of the capital stock or profits if the said Proprietors, for their expences, in attending such meetings, as at some previous general meeting of the said Proprietors shall be settled and allowed. Provided always, that no member of the said Committee shall have more than one vote in the said Committee, except the chairman, who shall be chosen by themselves, and who, in case of division of equal numbers shall have the casting vote

although he may have given one vote before. Provided also, that such Committee shall, from time to time, make reports of the proceedings to and be subject to the examination and controul of the said general meetings if the said Proprietors, and shall pay due obedience to all such orders and directions in and about the premisses, as shall from time to time be made by the said Proprietors at any general meeting, such orders and directions not being contrary to the express directions or provisions of this Act or to the Laws of this Province.

VIII. And be it further enacted by the authority aforesaid, that the said Committee shall keep just and fair accounts of all monies received by them from the aforesaid Proprietors, for their subscription aforesaid, and all penalties for delay or non payment thereof, and of all monies by them expended in the payment of the costs and charges of procuring and purchasing all estates, right and title in the said Corporation respectively, to be vested in pursuance of this Act, or by any other means, and in paying their several Officers by them to be appointed and the wages of the different artists, workmen and labourers by them to be employed, and for the materials and work furnished and done in the prosecution of the works projected by the said Union Company, and shall, once at least in every year, submit such accounts to the general meeting of the Proprietors as aforesaid, until the said Hotel, Coffee House and Assembly Room shall be erected, and until, all the costs, charges and expenses of effecting the same shall be fully paid and discharged: And the said Committee shall also keep just and true accounts of all and every the profits and advantages arising from the said undertaking, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted,) among all the Proprietors aforesaid, and shall, on every the first Tuesday in June and December, in every year, publish in manner aforesaid the half yearly dividend to be made of the said clear profits to and amongst the said Proprietors, and of the times and places when and where the same shall be paid, and shall cause the same to be paid accordingly.

IX. And be it further enacted by the authority aforesaid, that the said Committee shall have power and authority, from time to time, to fix the several sums of money which shall be paid by the Subscribers, or Proprietors of every share, in the said subscription money, respectively, in part of the sum subscribed, and the time when each and every of the dividends or parts thereof shall be paid, and the place whereby they shall be received, and shall give at least eight days notice in the Quebec Gazette, of the sum so to be paid, and the time and place for receiving the same, and if any Proprietor shall neglect to pay such proportions so fixed, at the place or places aforesaid, for the space of twenty days after the time so appointed, for paying the same, every such Proprietor shall, in addition, to the dividend so called for, pay after the rate of six per cent for every months delay, hereafter, of such payment, and if the same and the additional per centage shall not be paid within six months after the said dividend ought to have been paid, then and in such case, the said dividend with the additional per centage, shall any may be recovered in the due and common course of Law against the person or persons bound and neglecting or refusing to pay the same, by an action or suit at Law in any of his Majesty's Courts of Law in this Province, by and in the name of the said Union Company, in which all remedies, executions

and means, for the recovery of the same by Law now allowed in any action of debt, shall be allowed and granted, any Law, Usage, or Custom to the contrary notwithstanding.

X. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the committee to convene extraordinary general meetings of the said Proprietors, whenever such meetings shall to them appear necessary, giving at least eight days notice of such meeting in the Quebec Gazette.

XI. And be it further enacted by the authority aforesaid, that the said committee or quorum of such committee as aforesaid, being assembled at such places and times as shall be so fixed as aforesaid, shall have full power and authority to make, ordain and constitute such and so many Bye Laws, Rules and Orders, not repugnant to the Statutes, Customs of Laws of this Province, or the express regulations of this Act, as by the said Committee or such Quorum as aforesaid, shall be judged expedient and necessary, as well for the direction, conduct and government of the said Corporation, as of the property real and personal, moveable and immoveable by them held, and the same to revoke, alter and amend, as in their opinion will more effectually promote the purposes of this Act, and for enforcing the execution of the said Bye Laws, Rules and Orders, the said Committee or such Quorum thereof, as aforesaid, are hereby further empowered to impose and lay any Fine, not to exceed five Pounds currency, for the breach of any Bye Laws or Orders upon any person or persons, being members of the said Corporation, who shall be guilty of the breach of any such Bye Laws, Rules and Orders, as by the said Committee or the majority of them, or of the Quorum thereof, shall be judged fit and reasonable. Provided always, nevertheless, that no such Bye Laws, Rule or Order shall have any force or effect, until the same shall have been sanctioned and confirmed by some general meeting of the said Company, held in manner herein directed, and shall thereafter have been published in the Quebec Gazette.

XII. And be it further enacted by the authority aforesaid, that the Committee for the time being, shall have power to contract and agree on the behalf of the said Union Company for the purchase of a proper scite in the said City of Quebec, for the erection of the said Hotel, Coffee House and Assembly Room, to appoint such officers, agents, Clerks, workmen and others, under them, as shall be necessary for erecting or repairing the said Hotel, Coffee House and Assembly Room, and to allow to them such compensation for their services, respectively, by contract or otherwise, as the said Committee shall deem reasonable and proper, and shall be capable of exercising such other powers and authorities, for the well governing and ordering of the affairs of the said Corporation, as shall be described, fixed and determined, by the Laws, Regulations and Ordinances of the same, not contrary to or inconsistent with the Laws of this Province.

XIII. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said Union Company, and for the said Committee on behalf of the said Union Company, and to and for the Seigneur of the soil, upon which the said Hotel, Coffee House and Assembly Room, by virtue of this Act shall be erected, to agree and compound for any Lots et Ventres or other Seigneurial rights, due or to become due to such Seigneur, upon any mutation, sale or transfer or other Act, matter or thing, relating to the said soil, Hotel Coffee

House and Assembly Room, or either of them, or any part thereof, or otherwise howsoever, and such agreement or composition shall be valid in Law, between and binding upon the said Union Company, and the Members of the said Company for the time being, and upon such Seigneur and his heirs, successors, curators, administrators and assigns, any Law, Usage or Custom, to the contrary notwithstanding.

XIV. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for each and every of the Members, for the time being, of the said Corporation, his and her executors, administrators and assigns, to give, sell, alien, assign, devise, or dispose of his, her or their respective share or shares and interest in the said Hotel, Coffee House and Assembly Room, to any person or persons, being subjects of his Majesty; and the said person or persons, and their respective assigns, shall be Members of the said Corporation, and shall be entitled to all and every the same rights and privileges, in the said Hotel, Coffee House and Assembly Room, and in the profits and advantages therefrom arising, and in the said Corporation, as the Members in this Act named are intitled to, by virtue of this Act. Provided always, that a part of a share in the said Hotel, Coffee House and Assembly Room, shall not intitle the Proprietor or Owner thereof to any privilege whatsoever in the said Hotel, Coffee House and Assembly Room or Corporation.

XV. And be it further enacted by the authority aforesaid, that any purchaser or purchasers shall for his, her or their security, as well as that of the said Company, have a duplicate or duplicates of the Deed or Act of Transfer, made unto him, her or them, and executed by both parties, one whereof, so executed, shall be delivered to the said Company or their Clerk, to be filed and kept of record for the use of the said Company, and upon the filing thereof, an entry thereof shall be forthwith made in the Book or Books to be kept by the said Clerk, for that purpose, for which no more than two Shillings currency shall be paid, and until such Duplicate of such Deed or Act of Transfer, shall be so delivered, unto the said Company or their Clerk, and filed and entered as above directed, such purchaser or purchasers, shall not be held to be a Proprietor or Proprietors of such share or shares, and shall have no part of the profits of the said undertaking, paid unto him, her or them, nor any vote, as Member or Members of the aforesaid Corporation.

XVI. And be it further enacted by the authority aforesaid, that the Transfer of the said shares shall be in the following form, to wit: "I A.B. of – in consideration of the sum of – do hereby bargain, sell and transfer, to C.D. his, her or their heirs, executors, curators, Administrators and assigns – share or shares, (as the case shall be,) of the undertaking for establishing at Quebec in the Province of Lower Canada, a Coffee House, Hotel and Assembly Room, to hold unto the said C.D. his, her or their heirs, executors, curators, administrators and assigns, subject to the same Rules and Orders, and on the same conditions, that I now hold the same, and I the said C.D. do accept of the said share or shares of the said undertaking subject to the said Rules, Orders and conditions. Witness our hands, (or marks) as the case may be, the – day of – in the year of our Lord –

Executed in the presence of the

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undersigned Witnesses,