

The Provincial Statutes of Canada, passed in the year 1841. Kingston: Stewart Derbishire & George Desbarats, 1841.

4 & 5 Victoria – Chapter 90

An Act to Incorporate the Montreal Board of Trade.

18th September, 1841.—Presented for Her Majesty's Assent and reserved "for the signification of Her Majesty's pleasure thereon."

19th March, 1842.—The Royal Assent signified by the Proclamation of His Excellency Sir Charles Bagot, Governor General.

Whereas John Thomas Brondgeest, Thomas Cringan, Robert Armour, John M. Tobin, James Logan, and others hereinafter named, Merchants, resident and carrying on trade in the City of Montreal, have by their Petition to the Legislature, represented that they have associated themselves together for some time past for the purpose of promoting such measures as they might upon due consideration deem calculated to advance and render prosperous the lawful trade and commerce of this Province and of the said City of Montreal more especially, and have further represented that having already experienced the good effects of their said association, and being convinced that the advantages arising from it would be greatly extended and increased if they and their associates and successors were incorporated, and if certain powers were conferred on them, they pray the Legislature so to incorporate them, and grant them such powers: and whereas it is expedient to grant the prayer of their said Petition; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled *An Act to Re-unite the Provinces of Upper and Lower Canada and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the said J. T. Brondgeest, Thomas Cringan, Robert Armour, John M. Tobin, James Logan, with the Honorable Peter McGill, the Honorable Austin Cuvillier, the Honorable Adam Ferrie, J. B. Greenshield, James Henderson, Harrison Stephens, Orlin Bostwick, Joseph Shuter, Theodore Hart, E. T. S. Maitland, S. Bagg, S. Hort, G. Rhynas, A. Edmonstone, J. Scott, John Glass, J. W. Dunscomb, James Millar, Thomas Kay, J. Mathewson, J. G. McKenzie. H. L. Routh, J. E. Mills, D. Ross, John Frothingham, John Black, D. Torrance and William Cowan, J. A. Perkins, A. Lymon, R. H. Perkins, A. H. Vass, A. J. Phillips, Joseph McKay, Jean Bruneau, W. Smith, R. Froste, S. S. Ward, T. B. Anderson, J. Cuthbertson, W. Bradbury, Struthers Strang, John Moore, H. Jones, J. Scott, J. T. Barrett, H. Vennor, D. Mack, John Molson, D. McPherson, Chas. Brooke, J. Dougall, F. H. Heward, D. Murray, C. Dorwin, H. Corse, J. Rhodes the younger, G. W. Warner, N. Hall, M. Ogden, W. C. Ogden, R. Latham, C. Carlton, Jos. Vallée, J. M. Blackwood, A. Peddie, J. Millar, T. McAdam, A. H. Armour, J. D. Gibb, J. Gibb, A. McIntosh, S. Greenshields, J. Peck, William Thomson, E. C. Tuttle, B. Ansell, J. D. Bernard, John Carter, J. R. Orr, John Keller, J. Gauthier, Manna Buck, François St. Jean, Nicolous. W. J. M. Kurczyn, J. Dyde, A. Gilmour, H. Mathewson, T. Musson, W. McFarlane, Wm. Cormack, Nathan Benjamin, F. Farish, W. Creelman, A. Furniss, J. C. Cushing, J. Teasdale, J. Smith, Js. Dougall, Js. Jackson, J. Pratt, and such other persons, being inhabitants of and using trade and commerce within the said City of

Montreal, as shall be associated with the persons above named for the purposes of this Act, in the manner hereinafter provided, and their successors shall be and are hereby constituted a body politic and corporate by the name of "The Montreal Board of Trade" and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all Courts of Law and places whatsoever, and by that name they and their successors shall have perpetual succession and may have a Common Seal, may break, change, alter, or renew the same at pleasure, and shall have power to purchase, take, receive, hold and enjoy any estate whatever, real or personal, and to alienate, sell, convey, lease, or otherwise dispose of the same or any part thereof from time to time, and as occasion may require, and other Estate real or personal to acquire instead thereof: Provided always, that the clear annual value of the real and personal Estate together held by the said Corporation, at any one time shall not exceed two thousand pounds currency, and provided also, that the said Corporation shall not have or exercise any corporate powers whatsoever except such as are expressly conferred on them by this Act, or are necessary for carrying the same into effect according to its true intent and meaning.

II. And be it enacted, that the funds and property of the said Corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the just and lawful trade and commerce of this Province and of the said City of Montreal, more especially, or as may be necessary for attaining the objects for which the said Corporation is constituted, according to the true intent and meaning of this Act.

III. And be it enacted, that the usual place of meeting of the said Corporation shall be held to be the legal domicile thereof, and service at such place of any notice or process of any kind, addressed to the said Corporation, shall be held to be sufficient service of such notice or process on the Corporation.

IV. And be it enacted, that for the management of the affairs and business of the said Corporation there shall be a Council to be called "The Council of the Board of Trade," which shall from and after the first Election hereinafter mentioned, consist of a President, a Vice President, a Treasurer and eight other Members of the Council, all of whom shall be Members of the said Corporation and shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council.

V. And be it enacted, that the said John Thomas Brondgeest shall be the President, the said Thomas Cringan shall be Vice President, the said John William Dunscomb the Treasurer, and the said Honorable Adam Ferrie, the Honorable Austin Cuvillier, Haviland LeMesurier Routh, John Easton Mills, Edward James Snow Maitland, William Edmonstone, David Torrance, John Gordon McKenzie, John Michael Tobin, and Orlin Bostwick, the other Members of the Council until the first Election to be had under the provisions of this Act: and the Council hereby appointed shall, until the said Election, have all the powers assigned to the Council of the said Corporation by this Act.

VI. And be it enacted, that the Members of the said Corporation shall meet annually at some place within the City of Montreal (of which due notice shall be given by the Council for the time

being or which shall be fixed by the By-Laws of the Corporation) on the first Monday in the month of April, and they or a majority of them shall then and there choose by separate ballot, or in such other way as shall be fixed by the By-Laws of the Corporation, elect from among the members of the Corporation, one President, one Vice President, one Treasurer and eight other Members of the Council who with the said President, Vice President, and Treasurer shall form the Council of the said Corporation, and shall hold their offices until others be elected at the next annual meeting in their stead, or until they shall be removed from office, or shall vacate the same under the provisions of any By-Laws of the Corporation: Provided always, that if the said Election shall not take place on the first Monday of April in any year, the Corporation shall not thereby be dissolved, but such Election may be had at any General Meeting of the Corporation to be called in the manner hereinafter provided, and the Members of the Council then in office shall remain so until the Election shall be had.

VII. And be it enacted, that if any Member of the said Council shall die, resign his office, or be absent for six months continuously from the said City of Montreal, it shall be lawful for the said Corporation, if they shall see fit, at any General Meeting to elect a Member of the Corporation to be a Member of the Council in the place of the Member so dying or resigning or being absent, and the Member so elected shall hold office until the next Annual Election and no longer.

VIII. And be it enacted, that at any Annual or other General Meeting of the Corporation whether for the purpose of electing Members of the Council or for any other purpose any twelve or more Members of the Corporation shall form a Quorum and shall be competent to do and perform all acts which either by this Act or by any by-law of the Corporation are or shall be directed to be done at any such General Meeting: and all General Meetings of the Corporation shall be held at the place then appointed by the by-laws thereof for the Annual Meeting aforesaid.

IX. And be it enacted, that each and every person then resident in the City of Montreal, and carrying on Banking, Trade or Commerce of any kind therein, and having so resided continuously for not less than two years shall be eligible to become a Member of the said Corporation: and at any General Meeting of the Corporation it shall be lawful for any Member thereof to propose any such person, as aforesaid, as a Candidate for becoming a Member of the Corporation, and if such proposition shall be seconded by any other Member of the Corporation then present, such Candidate shall be again proposed and balloted for at the next General Meeting not being less than one week after he shall be so proposed, and in the mean time the name of the person proposed and of the proposer and seconder shall be posted in a conspicuous part of the usual place of Meeting of the Corporation, and if at the Meeting at which such Candidate shall be balloted not less than three fifths of the Members present shall vote for his admission, he shall thenceforth be a Member of the Corporation, and shall have all the rights and be subject to all the obligations which the other Members possess or are subject to and be bound by all the by-laws of the Corporation.

X. And be it enacted, that it shall always be lawful for the Council of the said Corporation, or a majority of them, by a notice inserted at least one week in one Newspaper published in the said City of Montreal, and posted during the same time in a conspicuous part of the place where the

meetings of the Corporation are then held, to call a general meeting of the Corporation for any of the purposes of this Act.

XI. And be it enacted, that each of the Members of the Council of the said Corporation whether hereby appointed or hereafter to be elected, shall, before entering upon the discharge of their duties as such, take and subscribe an oath that they will respectively, faithfully and truly perform their duty as such Members, and will in all matters connected with the discharge of such duty, do all such things and such things only as they shall truly and conscientiously believe to be adapted to promote the objects for which the said Corporation is constituted, according to the true intent and meaning of this Act: and such oath shall be administered to the President and Vice President hereby appointed, by the Mayor of the said City of Montreal, and shall remain among the records of the Corporation of the said City, and by the said President and Vice President, or either of them, to the other Members of the Council hereby appointed, or who shall be hereafter elected, and shall remain among the papers of the Corporation hereby constituted.

XII. And be it enacted, that the said Council shall, in addition to the power hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law, of the Corporation, except only the power of enacting or altering any by-law, or of admitting any Member, which shall be done in the manner provided by this Act and no other; and any five or more Members of the Council lawfully met, and of whom the President or Vice President shall be one, shall be a Quorum, and any majority of such Quorum may do all things within the powers of the Council: and at all meetings of the said Council and all General Meetings of the Corporation, the President, or in his absence the Vice President, or if both be absent, any Member of the Council then present who may be chosen for the occasion, shall preside, and shall in all cases of equality of votes upon any division have a double or casting vote.

XIII. And be it enacted, that it shall be lawful for the said Corporation or the majority of them present at any General Meeting to make and enact such by-laws, rules and regulations for the Government of the said Corporation, its Council, Officers and affairs, and for the guidance of the Board of Arbitration hereinafter mentioned as such majority shall deem meet: Provided that no such by-law be contrary to, or inconsistent with the provisions of this Act, or the laws of this Province: and such by-laws shall be binding on all Members of the Corporation, its Officers and servants, and all other persons whomsoever lawfully under its control.

XIV. And be it enacted, that it shall be the duty of the Council hereby appointed as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations as they shall consider best adapted to promote the welfare of the said Corporation and the purposes of this Act, and to submit the same for adoption to a General Meeting of the Corporation, called for that purpose in the manner hereinbefore provided.

XV. And be it enacted, that all subscriptions of Members due to the Corporation under any by-law, all penalties incurred under any by-law by any person bound thereby, and all other sums of money due to the Corporation shall be paid to the Treasurer thereof, and in default of payment

may be recovered in any action brought by him in the name of the Corporation in any Court of Competent Civil Jurisdiction.

XVI. And be it enacted, that the Meetings of the Members of the Council shall be open to all other Members of the Corporation who may attend at the same, but who shall take no part in any proceedings thereat: and minutes of the proceedings at all such Meetings and at all General Meetings of the Corporation shall be entered in Registers to be kept for that purpose by a person or persons appointed to keep the same; and the entry shall be signed by the person or officer who shall have made the same, and by the officer or person who shall have presided at the Meeting: and such Registers shall be open at all seasonable hours to any Member of the Corporation free of any charge, and also to all other persons on payment of a fee of one shilling to the officer or person having charge of the Register.

XVII. And be it enacted, that at the same time and times as are hereby appointed for the Election of the Council, and in the same manner, it shall be lawful for the Members of the said Corporation to elect from their number twelve persons who shall form a Board which shall be called "The Board of Arbitration" and any three of whom shall have power to arbitrate upon and to give their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned: and wherever any such parties shall agree and bind themselves by Bond, or otherwise, to submit the matter in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any three Members of the said Board who may either by the special order of the said Board, or by virtue of any general rule adopted by them or under any By-law of the Corporation with regard to the consideration of cases so submitted to them be appointed to hear and arbitrate upon the case, and shall be understood to bind the parties to submit to the decision of the said Board, and any such submission may be in the form of the Schedule to this Act or in other words to the same effect.

XVIII. And be it enacted, that the several Members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or Vice President of the Corporation, an oath that they will faithfully, impartially and diligently perform their duties as Members of the said Board of Arbitration, and will in all cases submitted to them give a true and just award according to the best of their Judgment and ability, without fear, favor or affection, of, or for any party or person whomsoever, and this oath shall be kept among the documents of the Corporation in the manner provided with regard to the oath taken by the Members of the Council.

XIX. And be it enacted, that any Member of the Council of the Corporation may be at the same time a Member of the said Board of Arbitration.

XX. And be it enacted, that the three Members appointed to hear any case submitted for arbitration, as aforesaid, or any two of them, shall have full power to examine into the facts of such case, and to examine on oath (which oath any one of such three Members is hereby empowered to administer) any party or witness who appearing voluntarily before them shall be willing to be so examined, and shall give their award thereupon in writing: and their decision, or

that of any two of them, given by such award shall bind the parties according to the terms of the submission and the provisions of this Act.

XXI. And be it enacted, that from and after the first day of January, one thousand eight hundred and forty two, the several persons composing the Boards of Examiners to examine applicants for the offices of Inspector or Assistant Inspector for, or within the City of Montreal, of Flour and Meal, or of Beef and Pork, or of Pot and Pearl Ashes, or of any other article subject to inspection, shall cease to be Members of the said Boards, and thereafter the Members of the said Boards, respectively, shall be such persons only as shall from time to time be appointed to be such Members by the Council of the said Corporation, any law to the contrary notwithstanding: but the number, powers and duties of such Boards, and of the Members thereof respectively, shall be in all respects the same as they now are, and they shall be sworn to the due performance of their duty in like manner: Provided always that nothing herein contained shall prevent any person who shall, under the provisions of this section, cease to be a Member of any such Board, from being re-appointed a Member thereof by the said Council, if they shall deem it expedient, nor shall any thing herein contained prevent any Member of the said Corporation, not being a Member of the Council, from being appointed a Member of any of the said Boards: but no Member of the Council shall be so appointed.

XXII. And be it enacted, that any person who may by law in other cases make a solemn affirmation, instead of taking an oath, may make such solemn affirmation in any case where by this Act an oath is required; and any person hereby authorised to administer an oath may in such cases, as aforesaid, administer such solemn affirmation, and any person who shall wilfully swear or affirm falsely, in any case where an oath or solemn affirmation is by this Act required or authorized, shall be guilty of wilful and corrupt perjury.

XXIII. And be it enacted, that the Members of the Council and of the Board of Arbitration, shall, during the time they respectively remain in office be exempt from serving as Jurors in any case Civil or Criminal.

XXIV. And be it enacted, that nothing in this Act shall affect any rights of Her Majesty, Her Heirs or Successors, or of any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

XXV. And be it enacted, that this Act shall be a Public Act, and shall be judicially noticed as such by all Judges, Justices and other persons whomsoever, without being specially pleaded.

XXVI. And be it enacted, that this Act shall be and continue in full force and effect for ten years from the passing thereof, and from thence to the end of the then next Session of the Provincial Parliament and no longer.

Schedule.

Form of a submission to the award of the Board of Arbitration.

Know all men, that the undersigned _____ and the undersigned _____ (if there be more parties, that is, more separate interests, mention them) having a difference as to the respective rights of the said parties in the case hereunto subjoined, have agreed and bound themselves under a penalty of _____ Currency, to perform the award to be made by the Board of Arbitration of the Montreal Board of Trade in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award, to the party ready and willing to perform the same.

In witness whereof the said parties have hereunto interchangeably set their hands, at the City of Montreal on the _____ day of _____ 184_.

A. B.
C. D.
E. F.

Form of the Oath to be taken by the Members of the Council.

I swear, that I will faithfully and truly perform my duty as a Member of the Council of the Montreal Board of Trade, and that I will, in all matters connected with the discharge of such duty, do all such things and such things only, as I shall truly and conscientiously believe to be adapted to promote the objects for which the said Board was constituted, according to the true intent and meaning of the Act incorporating the same.

So help me God.

Form of the Oath to be taken by the Members of the Board of Arbitration.

I swear that I will faithfully, impartially, and diligently perform my duty as a Member of the Board of Arbitration of the Montreal Board of Trade; and I will, in all cases in which I shall Act as Arbitrator, give a true and just award according to the best of my judgment and ability, without fear, favor or affection, of or for any party or person whomsoever.

So help me God.