

*The Provincial Statutes of Canada*, passed in the year 1843. Kingston: Stewart Derbishire & George Desbarats, 1843.

7 Victoria – Chapter 47

**An Act to Incorporate the Members of the Mercantile Library Association of Montreal. 9th December, 1843.**

Whereas an Association hath been formed in the City of Montreal, in this Province, by divers persons engaged as Mercantile Clerks, and otherwise, resident in that City and the neighbourhood thereof, under the name of “The Mercantile Library Association of Montreal,” for the purpose of forming a Library and Reading Room, and for organizing a system of instruction, by means of Lectures and Classes, for the use and benefit of the members of the said Association, and of such Mercantile Clerks and others as may hereafter become members thereof; And whereas the persons hereinafter named, Office-bearers of the said Association, and acting on behalf of the members thereof, have, by their petition to the Legislature, represented that they have purchased and acquired a valuable collection of books, and other necessary property, and have, agreeably to the objects of the said Institution, caused lectures to be delivered and classes to be formed, for instruction in various branches of knowledge necessary or advantageous to the said Associates in their pursuits in life; and have further represented that the benefits derivable from such an Association to that class of the community of which they form part, would not only be secured, but be greatly enhanced by the incorporation of the members thereof, and have prayed to be so 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 in that behalf; 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 William Newhouse, Theodore Lyman, Thomas Malligaum Taylor, Alfred Phillips, George Bent, Theodore Davis Hail, James Wright Cumming, Hugh Edmonstone Montgomery, William Henry Clare, George Henry Frothingham, William Charles Evans, Peter Roe, John Murray, Edward Brown, and Alexander Frederick Sabine, with all such other persons as now are, or, being duly competent, may hereafter be associated with them for the purposes hereinbefore mentioned, and their successors for ever, shall be one body politic and corporate, in deed and in name, by the name and style of “The Mercantile Library Association 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 as aforesaid, 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 one thousand 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 unto, 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 a 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 be it enacted, that in all and every suit or suits at law, which may hereafter be instituted against the said Corporation, service of process at the place where the Library of the said Corporation may be 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 anywise notwithstanding.

III. And, for the better accomplishment of the purposes hereinbefore mentioned, be it enacted, that the members of the said Corporation and their Successors for ever, shall, on the first Monday of December, in each and every year hereafter, meet at some convenient place, to be appointed by the said Corporation (or the major part of those who shall be present at any general meeting), between the hours often in the forenoon and ten in the evening; and that they, or the major part of such of them as shall be there present, shall choose one President, one Vice-President, ten Directors, and 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 soever, the election so to be had and made on the first Monday of December 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 after as shall be convenient, to proceed to and make the election of a President, Vice-President, Treasurer, ten Directors, Secretary or Secretaries and officers and servants as aforesaid; and the elections so made shall be as valid and effectual as if they had been made on such first Monday of December; and the President and other officers of the said Corporation theretofore elected, shall continue in office until others shall be elected in their stead, any thing hereinbefore contained to the contrary notwithstanding: Provided always, that the President, Vice-President, Treasurer, Directors and Secretary or Secretaries as aforesaid, to be elected at any general election of officers under and by virtue of the provisions of this Act, shall not enter upon nor act in the discharge of their respective offices until the Monday next ensuing after such general election.

IV. And be it enacted, that until the first election of officers shall take place, as herein provided, the present officers of the said Association shall be and continue to be the officers of the Corporation hereby created; 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 Act, cause notice to be given to such of the members of the said Corporation as shall be then resident in the said City of Montreal, by public advertisement, to be published ten days at least previously in one or more newspapers at 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, ten Directors, 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 first Monday of December then next ensuing, and from thenceforth until others be chosen in their places in the manner aforesaid.

V. And be it enacted, 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 and competent for the remaining officers of the said Corporation, or the major part of such of them as may be present at any duly appointed meeting, to choose a member or members of the Corporation to fill the office or offices so vacated: Provided always, that the person or persons who may be thus elected, shall retain the said office or offices, only until the next ensuing annual election of officers as hereinbefore provided, and no longer.

VI. And be it enacted, that the members of the said Corporation, or the major part of those who shall be present at any general meeting of the said Corporation, held according to the requirements and provisions of this Act, shall have power and authority to frame and make By-laws, rules and regulations 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 By-laws, rules and regulations, 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 placed in some conspicuous part of the usual place of meeting of the said Corporation, for at least one calendar month previous to the general meeting at which such motion shall be made and considered: Provided also, that no such Statutes, By-laws, rules or orders shall be contrary or repugnant to the laws of His Province, or to the provisions of this Act.

VII. And be it enacted, that this Act shall be held and considered to be a public Act, and as such shall be judicially taken notice of, held and considered in all Courts of Justice, and by all Judges and Justices of the Peace, and by all others whom it may concern, without being specially pleaded.