

Laws of Her Majesty's Province of Upper Canada, passed in the year 1848. Montreal: Stewart Derbyshire & George Desbarats, 1848.

11 Victoria – Chapter 16

An Act to incorporate “The Toronto Athenæum.” 23d March, 1848.

Whereas an Association hath been formed in the City of Toronto, in this Province, by divers persons resident in that City and in the neighbourhood thereof, under the name of The Toronto Athenæum, for the formation of a Public Library and Museum, and other literary purposes in connection therewith, for the use and benefit of the members of the said Association and of such persons as may hereafter become members thereof; And whereas the persons hereinafter named being Office-bearers of the said Association, and acting in behalf of the Members thereof, have by their petition to the Legislature represented that they have by gift and purchase acquired a valuable collection of books, minerals and other necessary property, and have caused lectures to be delivered in various branches of knowledge advantageous to the said association in their pursuits in life, and have further represented that the benefits derivable from such an Association to the community of which they form a part, would be secured and 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, and 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 George Percival Ridout, William Henry Boulton, The Reverend Henry Scadding, The Honorable Samuel Bealy Harrison, William Botsford Jarvis, John Cameron, Clarke Gamble, Skiffington Connor, Thomas Champion, Alex. Murray, Donald Bethune, James Bovell, The Honorable John Elmsley, The Honorable John Hillyard Cameron, Frederick William Barron, The Reverend John Bardey, Charles Berczy, Captain Lefroy, R. A., William Hume Blake, Alexander Dixon, Thomas Dennie Harris, John; Mitchell; The Honorable Robert Baldwin Sullivan, Joseph C. Morrison, Joseph David Ridout, M. P. Hayes, Peter Patterson, David B. Read, George Brooke, Charles W. Cooper, and Samuel Thompson, 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 forever, shall be one body politic and corporate in deed and in name, by the name and style of The Toronto Athenæum, 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 aforesaid, to and for the use and purposes of the said Corporation, any messuages, lands, tenements and hereditaments of any nature, kind or quality whatever, situate, lying and being within this Province, not exceeding in yearly value the sum of fifteen hundred pounds, currency, and also to take, receive, purchase, acquire, lease, hold and possess 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 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 enacted, That the members of the said Corporation and their successors forever, shall, on the second Thursday of January in each and every year hereafter, meet at some convenient place to be appointed by the Corporation, (or the major part of those who shall be present at any General Meeting,) between the hours of twelve in the forenoon and twelve in the evening, and that they, or the major part of such of them as shall be there present, shall choose one President, four or more Vice-Presidents, a Treasurer, Secretary, and five or more Committee-men, and such other Officers and Servants as they or the major part of them shall deem expedient to serve in the said offices during the year then next ensuing, which said Officers, together with the Governors of the said Association hereinafter mentioned, shall be and form a Council for the management of the affairs of the said Corporation, 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 whatsoever, the election so to be had and made on the second Thursday of January 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 called by the President, or one of the Vice-Presidents for the time being, in the manner hereinafter prescribed and held, as soon as shall be convenient, to proceed to and make the election of a President, four or more Vice-Presidents, one Treasurer, one Secretary and five or more Committee-men, and other Officers and Servants as aforesaid, and the elections so made shall be as valid and effectual as if they had been made on such second Thursday of January, 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; Provided always, that the President, Vice-Presidents, Treasurer, Secretary and Committeemen 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 Thursday next ensuing after such General Election.

III. And be it enacted, That until the first election of Officers shall take place as herein provided, the present Officers of the 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 Toronto, any of the Vice-Presidents 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 City of Toronto, by public advertisement to be published ten days at least previously in one or more newspapers in Toronto, 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 present, shall at the time and place so appointed proceed to the election of a President, and of four or more Vice-Presidents, a Treasurer, a Secretary, and five or more Committeemen, 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 second Thursday of January then next ensuing, and from thenceforth until others be chosen in their places in the manner aforesaid.

IV. 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 and 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 thus be elected shall retain the said office or offices only until the next ensuing annual election of Officers, as hereinbefore provided, and no longer.

V. And be if enacted, That the said Corporation shall have power to appoint Governors of the said Corporation, who shall be Trustees during their natural lives, of the Museum and Library of and belonging to the said Corporation, and who shall have the sole control of the said Museum and Library, subject to such regulations as may be adopted from time to time by the said Corporation.

VI. And be it enacted, 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 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 this Province or to the provisions of this Act.

VII. And be it enacted, That nothing herein contained shall have the effect of rendering all or any of the said several persons hereinbefore mentioned, or all or any of the members of the said Corporation, or any person whatsoever, individually liable or accountable for any debts or obligations contracted for or in the name of the said Corporation.

VIII. 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.