

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1849. Montreal: Stewart Derbyshire & George Desbarats, 1849.

12 Victoria – Chapter 109

**An Act to incorporate The Hamilton Mercantile Library Association. 30th May, 1849.**

Whereas an Association hath been formed in the City of Hamilton, in this Province, by divers persons engaged as commercial, mercantile, banking and professional clerks, resident in that city and the neighbourhood thereof, under the name of “The Hamilton Mercantile Library Association,” for the purpose of forming a Library and News Room for organising a system of instruction by means of lectures, and for other literary purposes connected therewith, for the use and benefit of the Members of the said Association, and of such commercial, mercantile, banking and professional clerks as may hereafter become Members thereof: And whereas D. A. Macnabb, President; C. J. Jones, Vice-President; William Harvey, Treasurer; J. B. Ellison, Corresponding Secretary; A. W. B. Swain, Recording Secretary; P. B. Spauhn, A. J. Mackenzie, Alexander Davidson, Colin Macrae and Andrew Parke, Directors, the present Office-bearers, acting in behalf of the said Association, have by their Petition to the Legislature, represented that the said Association have already acquired by purchase and by gift a valuable collection of books and other necessary property, and have established through the aid of the merchants and others of the city of Hamilton, a News Room adapted to promote the mercantile and other interests of the said City, and have agreeably to the objects of the said institution, caused lectures to be delivered for instruction in various branches of knowledge, necessary or advantageous to the said associates in their pursuits in life; and have further represented, that in order to obtain the advantages resulting from the said Association to that class of the community of which they form a part, as well as to meet the wants of the mercantile interests of the said City of Hamilton, it is necessary that the said Association be incorporated, and have prayed to be so incorporated: And whereas it is expedient to grant the prayer of the said Petition, subject, nevertheless, 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 the above-mentioned Office-bearers, with all such other persons as now are, or may hereafter become Members of the said Association in accordance with the provisions aforesaid, and their successors for ever, shall be and they are hereby constituted a Body Politic and Corporate, by the name of The Hamilton Mercantile Library Association, 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 whatsoever, situate, lying and being within the 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 and benefactions whatsoever, and shall and may by the same name be able and capable to sue in law and to be sued, to implead and to be impleaded, answer and to be answered unto, in all Courts of law and all 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 rooms of the said Corporation, shall be held a sufficient service for all purposes of law.

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 second Monday of February, 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 of ten in the forenoon and ten in the evening, and that they, or the major part of such of them as shall lie there present, shall choose one President, one Vice-President, one Treasurer, five 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 second Monday of February 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, 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 second Monday of February, 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 second 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 Hamilton, 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 Hamilton, by public advertisement to be published ten days at least previously in

one or more newspapers at Hamilton, 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, 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 second Monday of February 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 this Province or to the provisions of this Act.

VII. And be it enacted, That none of the Members of the said Corporation shall be personally liable for the debts of the said Corporation.

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