

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. York: Stewart Derbshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 86

**An Act to provide for the incorporation and better Management of Library Associations and Mechanics' Institutes. 30th August, 1851.**

Whereas it is expedient to encourage the establishment of Library Associations and Mechanics' Institutes, and for that purpose to provide for the incorporation of such Institutions, and to grant them certain powers enabling them better to protect their property and manage their affairs: 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 any number of persons, not less than ten, having subscribed, or holding together not less than Twenty-five Pounds in money or money's worth, for the use of their intended Institution, may make and sign a Declaration (in duplicate) of their intention to establish a Library Association or a Mechanics' institute, or both, (as the case may be,) at some place to be named in such Declaration, in which they shall also state the corporate name of the Institution, its purpose, the amount of money or money's worth subscribed by them respectively, or held by them for the use thereof, the names of those who are to be the first Trustees for managing its affairs, and the mode in which their successors are to be appointed, or new Members of the Corporation admitted, or in which Bye-laws are to be made for such appointment or admission, or for any other purpose, or for all purposes, and generally such other particulars and provisions as they may think necessary, not being contrary to this Act or to Law: or in case of a Mechanics' Institute or Library Association (or both united) already established or in existence, then, that the Directors, Trustees or the Office Bearers and Committee thereof for the time being, may make and sign a Declaration as aforesaid, of their wish or determination to become incorporated, according to the provisions of this Act, stating in such Declaration the Corporate Name to be assumed by such Institution or United Institutions,—and also with such Declaration, to file in the manner hereinafter provided, a copy of the Constitution and Bye-laws of such Institution or United Institutions, together with a general statement of the nature and amount of all the property, real or personal, held by or in trust for such Institution or United Institutions: and one duplicate of such Declaration shall then be filed in the Office of the Registrar of Deeds for the County by one of the subscribing parties, who shall, before such Registrar, acknowledge the execution thereof by himself, and declare the same to have been executed by the other parties thereto, either in person or by their Attorneys; and the Registrar shall then keep one of the said duplicates, and deliver the other to the person filing the same, with a Certificate of the same having been so filed, and the execution attested before him, and such duplicate, or any copy thereof certified by such Registrar, shall be primâ facie evidence of the facts alledged in such Declaration and Certificate.

II. And be it enacted, That when the formalities aforesaid have been complied with, the persons having signed such Declaration as aforesaid, or the Directors, Trustees or the Office Bearers and Committee for the time being, of any such Institution or United Institutions now established or in existence as aforesaid, and their successors, shall be a body corporate and politic, and shall have the powers, rights and immunities, vested in such bodies under the Interpretation Act and by Law, with power to such Corporation, in their corporate name, from time to time, and at all times hereafter, to have, take, acquire, hold, possess and enjoy to them, and to their successors, to and for the uses and purposes of such Corporation, any messuages, lands, tenements or hereditaments, of what nature or kind soever, situate within this Province; but the yearly value of the real property to be held by any such Corporation, shall never exceed One Hundred Pounds currency.

III. And be it enacted, That the affairs of such Corporation shall be managed by the Directors or Trustees thereof for the time then being, appointed as hereinafter, or by any By-law of such Corporation provided, who, or a majority of whom, shall have full power to exercise all the powers of the Corporation, and to act in its name and on its behalf, and to use its Seal, subject always to any provisions limiting the exercise of such powers in the Declaration aforesaid, or in any By-law of the Corporation; and such Trustees, or a majority of them, shall have power to make By-laws binding the Members and Officers thereof, and such others as shall agree to be bound by them, for all purposes relative to the affairs and business of the Corporation, except as to matters touching which it is provided by the Declaration aforesaid, that By-laws shall be made in some other manner.

IV. And be it enacted, That the Members of such Corporation, at their Annual Meeting, to be held on such day as may be provided by any By-law of the said Corporation, may choose from among themselves a President, and may appoint (except in so far as it may be otherwise provided in the Declaration or By-laws) a Librarian, Treasurer, Secretary, Lecturer, and such other Officers and servants of the Corporation as they may think necessary, and fix and pay their remuneration; and also a Board of Directors or Trustees of such Corporation, who shall hold office for one year, or such further time as may be hereinafter limited or permitted.

V. And be it enacted, That a failure to elect Trustees on any day appointed for that purpose by the Declaration aforesaid, or by any By-laws, shall not operate the dissolution of the Corporation, but the Trustees then in office shall remain in office until their successors are elected, which they may be (if no other provision be made therefor by the Declaration or By-laws) at any Meeting of the Members of the Corporation at which a majority of such Members shall be present, in whatever way such Meeting may be called.

VI. And be it enacted, That any such Corporation shall have power by its By-laws to impose a fine not exceeding One Pound, on any Member contravening the same, or on any person not being a Member of the Corporation, who shall in writing have agreed to obey the By-law for the contravention whereof it is imposed; and any such fine, if incurred, and any subscription or other sum of money which any Member or other person may have agreed to pay to the said Corporation, for his subscription to the funds of the Corporation for any certain time, or for the

loan of any book or instrument, or for the right of entry to the rooms of the Corporation, or of attending any lectures, or for any other privilege or advantage afforded him by such Corporation, may be recovered by the Corporation by action in any Court having jurisdiction in civil matters to the amount, on allegation and proof of the signature of defendant to some writing by which he shall have undertaken to pay such subscription, or to obey such By-law, and of this breach of such undertaking, which breach shall be presumed until the contrary be shewn, as regards any promise to pay any sum of money, and may be proved by the oath of any one credible witness, as regards the contravention of any such By-law; and in any such action, or any other to which such Corporation may be a party, any Member or Officer of the Corporation shall be a competent witness, and any copy of any By-law bearing the signature of the defendant, or bearing the Seal of the Corporation, and the signature of some person purporting to have affixed such Seal by authority of the Corporation, shall be primâ facie evidence of such By-law; and all fines so recovered shall belong to the Corporation for the use thereof.

VII. And be it enacted, That any such Corporation may, if it be so stated in the said Declaration, be at the same time a Mechanics' Institute and a Library Association, or either of them, and their business shall accordingly be the ordinary and usual business of a Mechanics' Institute or of a Library Association, or both, as the case may be, and no other, but may embrace all things necessary and useful for the proper and convenient carrying on of such business; and their funds and property shall be appropriated and used for purposes legitimately appertaining to such business, and for no other.

VIII. And be it enacted, That if it be provided in such Declaration as aforesaid, or by the By-laws of the Corporation, that the shares of the Members, or of any class of Members, in the property of the Corporation, shall be transferable, then they shall be transferable accordingly, in such way, and subject to such conditions, as shall be mentioned in such Declaration, or in the By-laws of the Corporation, if by such Declaration, such transfers are to be regulated by them; and all such shares shall be personal property, and by such Declaration or By-laws provision may be made for the forfeiture of such shares in cases to be therein named, or for preventing the transfer thereof to others than persons of some certain description, or resident within some certain locality.

IX. And be it enacted, That provision may be made for the dissolution of such Corporation, by the Declaration aforesaid, or it may be therein provided, that such provision may be made by the By-laws of the Corporation to be hereafter passed: Provided that no such dissolution shall take place until all the liabilities of the Corporation are discharged.

X. And be it enacted, That nothing in this Act contained shall prevent any Mechanics' Institute or Library Association (or both united) from being and becoming incorporated by a separate Act of Parliament, as if this Act had not been passed; nor shall this Act be held in any way to affect or extend to any Mechanics' Institute, or Library Association already incorporated.