

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. Quebec: Stewart Derbishire and George Desbarts, 1852.

16 Victoria – Chapter 67

**An Act to incorporate the Trustees of The Hamilton Orphan Asylum. 10th November, 1852.**

Whereas an Association has been formed in the City of Hamilton for the purpose, among others, of providing for the destitute Orphans of the said City; and whereas certain members of the said Association, and others interested in its welfare, have by their petition represented that the said Association would be rendered more efficient by giving to it the character of a Corporation: 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 reunite 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 John Fisher, Edward Jackson, John Young, E. C. Thomas, M. Aikman, J. B. Dayfoot, Sir Allan N. MacNab, and all others who may from time to time be elected to succeed them as Trustees in the manner hereinafter mentioned, shall be and they are hereby nominated and constituted a body politic and corporate by the name and style of *The Trustees of the Hamilton Orphan Asylum*.

II. And be it enacted, That the said Corporation shall have perpetual succession, and may have a common seal with power to break, change and renew the same, when and as often as they shall think proper; and may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted, in all Courts and places whatsoever in this Province; and that, by the same name, they, the said Trustees, and their successors, from time to time and at all times hereafter, shall be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and maintain, to and for the use of the said Corporation, all lands and property, moveable and immoveable, which may hereafter be sold, ceded, exchanged, given, bequeathed, devised or granted to the said Corporation, and to sell, alienate, convey or lease the same, if need be; provided that, the annual income to be derived from such property shall not exceed the sum of fifteen hundred pounds: and the said Corporation shall enjoy all the rights and privileges enjoyed by other bodies politic and corporate recognized by the Legislature.

III. And be it enacted, That no act done by the said Trustees shall be valid and effectual unless four of such Trustees, at the least, shall be present, and the major part of them consent thereto.

IV. And be it enacted, That the said Trustees shall fill up all vacancies which may occur in their body, when and as often as the same shall happen, whether by resignation, absence for twelve months from the City, neglecting to attend to any of the business of the Corporation for six consecutive months, when not absent from the City, or by death.

V. And be it enacted, That the subscribers to the said Institution shall consist of females only; the amount of their subscriptions, and the conditions thereof, to be determined, in the first place, by the persons now acting as the Committee or Board of Management, and hereafter, from time to time, by the Ladies' Committee of Management hereinafter named.

VI. And be it enacted, That the said Trustees shall keep, or cause to be kept, in a book to be opened for that purpose, a list of all subscribers to the said Institution, and that a meeting of such subscribers shall be held within three months after the passing of this Act, also annually, at a period to be fixed at such first meeting, of the time and place of which meetings the Committee of Management hereinafter named, for the time being, shall give due notice in some newspaper published in the City of Hamilton; Provided always, that if from any cause such meeting shall not take place at the time so appointed, such meetings may be called as aforesaid at any subsequent time.

VII. And be it enacted, That at the said first meeting, and at each of the future annual meetings, the subscribers then present shall elect from among the subscribers a Ladies' Committee of Management, which shall consist of a President, two or more Vice-Presidents, a Treasurer and Secretary or Secretaries, and such other persons as the subscribers present at such meeting may appoint to the number, in all, of fifteen persons, five of whom shall be a quorum, and who shall continue in office until their successors are appointed.

VIII. And be it enacted, That the Ladies' Committee of Management shall have full power to frame and establish such By-laws, Orders and Regulations, (not being contrary to the laws of this Province or to this Act,) as they shall deem useful or necessary for the conduct or government of the Institution; and from time to time to alter, repeal and change the said By-laws, Orders and Regulations, or any of them.

IX. And be it enacted, That the said Ladies' Committee of Management shall, and may send out to service, and apprentice thereto, or to any healthy trade or business, all youths, male or female, having the protection or aid of the said Institution, to such person or persons, and upon such terms, as to the said Ladies' Committee of Management may seem fit and proper; and for that purpose shall have power, on behalf of and for such youths and themselves, to enter into and make with any person or persons with whom such youths may be placed by the said Ladies' Committee of Management, articles of apprenticeship and agreement: and that such articles of agreement may be enforced as well by action at law or in equity for breach thereof warranting any such action, as by summary application to a Magistrate or Justice of the Peace, (who is hereby authorized and empowered to act thereon,) on any such occasion as would, according to the laws of this Province, warrant the interference or adjudication of any one or more Justice or Justices of the Peace in disputes between masters and apprentices: Provided always, that a copy of the articles or indenture apprenticing such youth shall, within three days from the time when such articles or indenture were executed, be lodged with the Clerk of the Common Council of the City of Hamilton, who is hereby required to file such copies.

X. And be it enacted, That the persons now acting as the Committee or Board of Management of the said Institution, shall have the like powers and be considered as Managers of the Corporation, until such time as Managers shall be appointed under the provisions of this Act.

XI. And be it enacted, That the Ladies' Committee of Management shall have power to establish, in connection with the said Institution, a Benevolent Society and House of Industry, for the purpose of visiting and relieving the sick and destitute poor, and may frame By-laws and Rules for the management and government of the said Society.

XII. And be it enacted, That the said Trustees, on a requisition signed by not less than five subscribers to the Institution, may, at any time, by a notice to be inserted not less than eight days, previously, in one or more of the newspapers published in the City of Hamilton, call a general meeting of the subscribers to the Institution, specifying the hour, day, place and object of the said meeting; and the said subscribers, or the majority of them present at any such meeting, shall have full power to alter, suspend or revoke any By-laws, Orders or Regulations, for the management of the said Institution, after notice of any motion for any such alteration, suspension or revocation shall have been given at the general meeting next preceding that at which such motion shall be made and considered.

XIII. And be it enacted, That the Ladies' Committee of Management shall have power to appoint such officers and servants of the said Corporation as shall be necessary for the conduct and management of the Institution, and to allow them such compensation for their respective services as shall be reasonable.

XIV. And be it enacted, That should the subscribers, or the Ladies' Committee of Management, neglect or fail to make such By-laws, Rules or Regulations as may be necessary for the due government of the said Institution, or should such By-laws, Rules or Regulations, or any of them, be disapproved by the Trustees, or a majority of them, then and in every such case the Trustees shall have full power to make the same, and to alter or revoke any of the existing By-laws, Rules or Regulations.

XV. And be it enacted, That it shall not be necessary to the validity of any act performed by any married woman as a member of the said Ladies' Committee of Management, or as a subscriber to the said Corporation, that she be thereunto specially authorized by her husband, or that her husband join with her, any law, usage or custom to the contrary notwithstanding.

XVI. And be it enacted, That the said Corporation shall be bound to make Annual Returns to the Governor or person administering the Government of this Province, for the time being, shewing the amount of their receipts and expenditure during the last preceding year, and of the real and personal estate held and enjoyed by the said Corporation.

XVII. And be it enacted, That this Act shall be a Public Act.