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No. 124.

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4th Session, 3rd Parliament, 14 Victoria, 1851.

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## **BILL.**

An Act to provide for the incorporation  
and better management of Library  
Associations and Mechanics' Insti-  
tutes.

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Received and read a first time, Thursday, 12th  
June, 1851.

Second reading, Wednesday, 18th June, 1851.

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Mr. BELL.

**BILL.**

An Act to provide for the incorporation and better management of Library Associations and Mechanics' Institutes.

**WHEREAS** it is expedient to encourage the es-  
tablishment 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 it therefore enacted, &c.

Preamble.

That any number of persons not less than *ten*, having subscribed or holding together not less than *twenty-five pounds* in money or moneys' 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 moneys' 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 By-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; and one duplicate of such declaration shall then be fyled 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 fying the same, with a certificate of the same having been so fyled and the execution attested before him; and such duplicate or any copy thereof certified by such Registrar, shall be *prima facie* evidence of the facts alleged in such declaration and certificate.

Declaration to be made by persons desirous of taking advantage of this Act.

Declaration to be fyled, &c.

**II.** And be it enacted, That when the formalities aforesaid have been complied with, the persons having signed such declaration as aforesaid, and their successors shall be a body corporate and politic, and shall have the powers,

Institution incorporated.

Value of real property limited. rights and immunities, vested in such bodies under the Interpretation Act and by law; but the yearly value of the real property to be held by any such Corporation shall never exceed pounds, currency.

Affairs of corporation to be managed by Trustees.

III. And be it enacted, That the affairs of such corporation shall be managed by the Trustees thereof for the time then being, 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.

By-laws how made.

Trustees to appoint officers, &c.

IV. And be it enacted, That the Trustees 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.

Failure to elect not to operate dissolution.

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-law, 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.

Fines may be imposed by by-laws.

VI. And be it enacted, That any such Corporation shall have power by its by-laws to impose a fine not exceeding 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 Cor-

Recovery of fines and moneys due to the Corporation.

poration 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  
 5 by-law, and of his 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 re-  
 10 such action or any other to which such Corporation may be a party, any member or officer of the Corporation shall be 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 purport-  
 15 ing to have affixed such seal by authority of the Corporation, shall be *prima facie* evidence of such by-law; and all fines so recovered shall belong to the Corporation for the use thereof.

Members, &c. may be witnesses.

VII. And be it enacted, That any such Corporation  
 20 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  
 25 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 apper-  
 30 taining to such business and for no other.

Business of the Corporation limited.

VIII. And be it enacted, That if it be provided in such  
 30 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  
 35 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  
 40 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.

As to transfer of shares.

IX. And be it enacted, That provision may be made  
 54 for the dissolution of such Corporation, by the declaration aforesaid, or it may be therein provided, that such provi-  
 50 sion 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.

As to dissolution of Corporation.

Proviso.