

No. 27~~3~~⁴

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to Incorporate the Hamilton
Mercantile Library Association.

Received and Read a first time, Saturday, 28th
April, 1849.

Second Reading, Thursday, 3rd May, 1849.

SIR ALLAN N. MACNAB.

LOVELL AND GIBSON PRINTERS.

BILL.
An Act to incorporate *The Hamilton Mercantile Library Association.*

WHEREAS an Association hath been formed in the Preamble.
 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 organizing 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, &c.

Names of
Petitioners.

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*

Certain persons incorporated.
Corporate
2879.

Corporate powers.

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 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.

Where process may be served on Corporation.

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.

General meetings of the members when and where to be holden.

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 be 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

Election of officers.

Other things to be done at such meetings. Proviso for failure of any election.

be present at a meeting to be called by the President or Vice-President for the time being, in the manner herein-after prescribed, and held as soon after as shall be convenient, to proceed to and make the election of a President
 5 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 Corpora-
 10 tion 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-President, Treasurer, Directors
 and Secretary or Secretaries as aforesaid to be elected
 15 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
 20 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
 25 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
 30 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 Pre-
 sident, and of a Vice-President, Treasurer, Directors,
 35 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 Feb-
 ruary then next ensuing, and from thenceforth until others
 40 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
 45 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 Corpora-
 50 tion to fill the office or offices so vacated: Provided always, that the person or persons who may be thus elect-
 ed shall retain the said office or offices only until the next

Provido.

Present officers to continue until first election.

President to call a meeting.

First election of officers.

Period of service.

Vacancies occurring between the elections how filled.

Provido.

ensuing annual election of officers as hereinbefore provided, and no longer.

Power to make By-laws. 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, 25

Non-liability of members. 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.

Act to be a Public Act. 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. 30