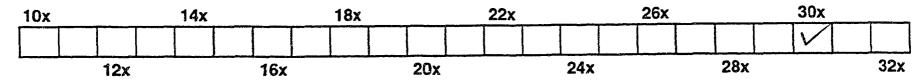
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No. 27%

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.

LOYELL AND GIBSON PRINTERS.

BILL.

An Act to incorporate The Hamilton Mercantile Library Association.

HEREAS 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 neigh-5 bourhood 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 10 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; Names of William Harvey, Treasurer; J. B. Ellison, Correspond-15 ing 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 20 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 25 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 30 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 35 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.

And it is hereby enacted by the authority of the same, 40 That the above-mentioned Office-bearers, with all such Certain perother persons as now are or may hereafter become porsed. 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 45 corporate, by the name of The Hamilton Mercantile Corporate

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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 capa- 5 ble to have, take, receive, purchase, acquire, hold, possess and enjoy to them and their sucsessors as aforesaid, to and for the uses and purposes of the said Corpo-Real property, ration, any messuages, lands, tenements and hereditaments of what nature, kind or quality whatsoever, situate, 10 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, 15 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 sucd, 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, 20 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

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.

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sued, impleaded or answered in any manner whatsoever, 25

General meetand where to be holden.

Election of officers.

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

III. And for the better accomplishment of the purings of the members when poses bereinbefore 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 35 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 40 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 45 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 compe- 50. tent 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 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, Proviso. 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.

20 of officers shall take place as herein provided, the present tinue until officers of the said association shall be and continue to be first election. the officers of the Corporation hereby created, and that President to the President or in his absence from the City of Hamilton, call a meeting. 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 First election such of them as shall be then present, shall, at the time of officers. and place so appointed, proceed to the election of a President, and of a Vice-President, Treasurer, Directors, 35 Secretary or Secretaries, and of such other officers and

IV. And be it enacted, That until the first election Present offi-

servants as to them shall seem meet, which said officers Period of from the time of their election to their respective offices service. shall continue therein until the second Monday of Feb-

V. And be it enacted, That if at any time or times it Vacancies ocshall happen that any of the persons chosen to fill the said tween the offices, respectively, shall die or be removed from the elections how 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

ruary then next ensuing, and from thenceforth until others

40 be chosen in their places in the manner aforesaid.

meeting to choose a member or members of the Corpora-50 tion to fill the office or offices so vacated: Provided al-Proviso. ways, 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.

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 5 according to the requirements and provisions of this Act. shall have power and authority to frame and make Bylaws, 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 rela- 10 tive 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 15 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

To alter or repeal them.

Proviso.

meeting of the said Corporation for at least one calendar 20 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,

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 30 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.