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No. 54.

5th Session, 1st Parliament, 35 Victoria, 1872.

BILL.

An Act to incorporate the Sorel Board of
Trade.

PRIVATE BILL.

MR. BARTHE.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1872.

An Act to incorporate the Sorel Board of Trade,

- W**HEREAS the persons hereinafter mentioned, residents in Preamble.
the Town of Sorel in the District of Richelieu, have by
their petition to the Legislature represented that they have asso-
ciated themselves together for many years past for the purpose of
5 promoting such measures as they have deemed important towards
developing the general trade and commerce of this Dominion and
the District of Richelieu and the Town of Sorel in particular, and
have further represented that the said Association would be more
efficient in its operations should an Act of incorporation conferring
10 certain powers on them and their successors be granted; and
whereas it is expedient that the prayer of the said petition should
be granted; therefore, Her Majesty, by and with the advice and
consent of the Senate and House of Commons of Canada, enacts as
follows:—
- 15 **1.** R. H. Kittson, C. Labelle, G. I. Barthe, G. H. Bramley, J. B. L. Précourt, L. A. Senecal, J. B. Brousseau, Ed. O'Heir, A. Hib-
bard, A. A. Taillon, C. Mongeon, N. F. Patenaude, N. Paulet, N. Arsenault, H. Piché, J. O. Chalut, A. Germain, H. R. Turgeon, M.
Mathieu, L. Leduc, H. L. Bureau, E. G. Provost, Ed. C. Wurtele
20 Moise Beauchemin, A. Conlin, P. H. Wright, J. A. Chenevert, Jos.
Duguay, G. Dragon, V. Beaulac, G. Peltier, G. A. Pontbriand, Jas.
Sheppard, Jos. Rascony, Jules Chevallier, P. Bellefeuille, A.
Johnston, James Morgan, A. Gagnon, L. H. La Fleur, C. Gill, C.
Gelinus, E. Senecal, L. Senecal, William Foy, V. Gladu, William
25 Lunan, William J. Lunan, and Alfred Charland, and such other
persons resident in the Town of Sorel or District of Richelieu, as
are or shall be associated with the persons above named, for the
purposes of this Act, in the manner hereinafter provided, and their
successors, shall be and are hereby constituted a body politic and
30 corporate, by the name of "the Sorel Board of Trade," for the
purposes mentioned in the preamble and may by that name, sue
and be sued, implead and be impleaded, answer and be answered,
defend and be defended in all Courts of Law and Equity, and all
other places whatsoever, in all manner of actions, suits, complaints,
35 matters and causes whatsoever, and by that name they and their
successors shall have perpetual succession, and may have a Com-
mon Seal, and the same may break, alter and change at their will
and pleasure; and they and their successors by their corporate
name, shall have power to purchase, take, receive, hold, and enjoy any
40 estate whatsoever, real or personal, and alienate, sell, convey, lease
or otherwise dispose of the same, or any part thereof, from time to
time and as occasion may require, and other estate real or personal
to acquire instead thereof: Provided always, that the clear annual
value of the real estate held by the said Corporation at one time
45 shall not exceed Five thousand dollars.

Certain persons incorporated.

Corporate name.

Powers.

Value of Corporation real estate limited.

Corporation
restricted to
its constituted
object.

2. The funds and property of the said Corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful Trade and Commerce of this Dominion generally, and of the Town of Sorel and District of Richelieu in particular, or as may be necessary to obtain the objects for which the said Corporation is constituted according to the true intent and meaning of this Act. 5

Domicile.

3. The usual place of meeting of the said Corporation shall be held to be the legal domicile thereof, and service at such place of any notice or process of any kind addressed to the said Corporation, shall be held to be sufficient service of such notice or process on the Corporation. 10

Council.

4. There shall be a Council to be called "the Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a President, Vice-President, Secretary and eight other members of the Council, all of whom shall be members of the said Corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council. 15

First members
of Council.

5. The said R. H. Kittson shall be President, the said Cyrille Labelle shall be Vice-President, and the said A. A. Tison shall be Secretary, and the said G. I. Barthe, G. H. Bramley, J. Bte. L. Precourst, L. A. Senecal, J. B. Brousseau, Ed. O'Heir, L. Leduc and A. Hibbard, the other members of the Council, until the first election to be had under the provisions of this Act; and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council by this Act. 20 25

General
meetings.

6. The members of the said Corporation shall hold a general meeting every three months, that is to say, on the last Friday in June, September, December and March, at some place within the Town of Sorel, of which notice naming the time and place shall be given by the Secretary of the Council for the time being, at least three days previous to such meeting, through one newspaper or otherwise as may be thought necessary by the said Council; and at the general meeting in the month of June, the members of the said Corporation present or a majority of them, shall then and there elect in such way as shall be fixed by the By-Laws of the Corporation, from among the members of the Corporation, one President, one Vice-President and the Secretary, and eight other members of the Council, who, with the President, Vice-President and Secretary, shall form the Council of the said Corporation, and shall hold their offices until others shall be elected in their stead at the next general meeting in the month of June, as aforesaid, or until they shall be removed from office, or shall vacate the same under the provisions of any By-Laws of the Corporation: provided always, that if the said election shall not take place on the last Friday in the month of June, as aforesaid, the said Corporation shall not thereby be dissolved, but such election may be had at any general meeting of the said corporation, to be called in the manner hereinafter provided, and the members of the Council in office shall remain in office until the election shall be had. 30 35 40 45 50

Election of
officers and
council.

Provide if no
election had.

Filling
vacancies.

7. If any member of the said council shall die or resign his office, or be absent for three months continuously from the meetings of the said council, it shall be lawful for the said council, at

any meeting thereof, to elect a member of the said corporation to be a member of the said council in the place of the member so dying or resigning or being absent, and such new member shall be so elected by a majority of the members of the said council
 5 present at any meeting of the same, in case there is a quorum present at such meeting, and the members so elected shall hold office until the next annual election and no longer unless re-elected.

8. At any annual or general meeting of the said corporation, whether for the purpose of electing members of the council or for
 10 any other purpose, a majority of members present at such meeting shall be competent to do and perform all acts which, either by this Act, or by any By-law of the said corporation, are or shall be directed to be done at any such general meeting.

Majority to have full powers.

9. Any member of the said corporation intending to retire
 15 therefrom or resign his membership, may at any time do so, upon giving to the Secretary, in writing, ten days' notice of such intention, and discharging any lawful liability which may be standing upon the books of the said corporation against him at the time of such notice.

Resignation of members.

20 10. It shall be lawful for the said corporation or the majority of them present at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said corporation, providing for the admission, subscriptions, and expulsion
 25 council, officers, and affairs, and for the guidance of the board of arbitrators hereinafter mentioned, and fixing the date and place of the regular meetings of the said council, and all other by-laws in accordance with the requirements of this Act, or the laws of Canada, as such majority shall deem advisable, and such by-laws shall be
 30 binding on all members of the said corporation, its officers and servants, and all other persons whomsoever lawfully under its control: Provided that no by-law shall be made or enacted by the said corporation without notice, in writing, thereof having been
 35 given by one member and seconded by another member at a previous meeting, and duly entered in the books of the said corporation as a minute of the said corporation.

By-laws may be made for certain purposes.
 Proviso:— notice of proposed by-law.

11. Each and every person then resident in the Town of Sorel, or in the District of Richelieu, and being or having been a merchant, trader, mechanic, manager of a bank or insurance agent,
 40 shall be eligible to become a member of the said corporation; and at any general meeting of the said corporation it shall be lawful for any member of the said council or of the said corporation to propose any such person as aforesaid as a candidate for becoming a member of the said corporation, and if such proposition shall be
 45 carried by a majority of two-thirds of the members of the said corporation, then present, he shall thenceforth be a member of the corporation, and shall have all the rights and be subject to all the obligations which the other members possess or are subject to; provided always, that any person not being a merchant or trader,
 50 mechanic, manager of a bank, or insurance agent, shall be eligible to become a member of the said corporation in manner aforesaid, in case such person shall be recommended by the council of the Board of Trade at any such meeting.

Who may be members of Corporation and how.
 Proviso as to members not being traders, &c.

12. It shall be lawful for the said council, or a majority of
 Special general meetings.

them, by a notice inserted in one or more newspapers published in the said town of Sorel, one day previous to the said meeting, or by a circular letter signed by the Secretary of the said corporation, and mailed one day previous to the said meeting, to each member, or by notice sent to the residence or place of business of each of the members, to call a general meeting of the said corporation for any of the purposes of the said Act. 5

Meetings of council.

13. It shall be competent for the said council to hold meetings from time to time, and to adjourn the same when necessary, and, at the said meetings, to transact such business as may, by this **10** Act, or by the by-laws of the corporation, be assigned to them; and such meetings of the council shall be held in accordance with the by-laws of the said corporation, or shall be convened by the Secretary, at the instance of the President, or upon the request of any two members of the council, and the said council shall, in **15** addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the corporation, except only the power of enacting or altering any by-law, or admitting any member, which shall be done in the manner provided for by this Act, and no other; and any six or more **20** members of the council, lawfully met, shall be a quorum, and any majority of such quorum may do all things within the powers of the council; and at all meetings of the said council and at all general meetings of the corporation, the President, or in his absence, the Vice-President, or if both be absent any member of the council **25** then present who may be chosen for the occasion, shall preside, and shall in all cases of equality of votes upon any division have a casting vote.

Powers.

Quorum.

Who to preside

Casting vote.

Council to frame by-laws, &c.

14. It shall be the duty of the said council as soon as may be after the passing of this Act to frame such by-laws, rules and **30** regulations, as shall seem to the said council best adapted to promote the welfare of the said corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the said corporation called for that purpose, in the manner hereinbefore provided.

Recovery of subscriptions, &c.

15. All subscriptions of members due to the said corporation, under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the said corporation, shall be paid to the Treasurer thereof, to be appointed as hereinafter provided, and in default of payment, **40** may be recovered in any action brought in the name of the said corporation, and it shall only be necessary in such action to allege that such person is indebted to the said corporation in the sum of money, the amount of such arrearage, on account of such subscription, penalty or otherwise, whereby an action hath accrued to the **45** said corporation by virtue of this Act.

35

Proof on trial.

16. On the trial or hearing of any such action, it shall be sufficient for the said corporation to prove that the defendant at the time of making such demand, was or had been a member of the said corporation, and that the amount claimed by reason of **50** such subscription, or otherwise, was standing unpaid upon the books of the said corporation.

Meetings of council to be open.

17. The meetings of the members of the council shall be open to all members of the said corporation, who may attend at the

- same but who shall take no part in any proceedings thereat ; and minutes of the proceedings at all meetings, whether of the said council or the said corporation, shall be entered in books to be kept for that purpose by the Secretary of the said corporation ; Record thereof
- 5 and the entry thereof shall be signed by the president of the said council, or by the person who at the time shall preside over any such meeting ; and such books shall be open at all reasonable hours to any member of the said corporation, free from any charge.
- 10 **18.** At the same time and times as are hereby appointed Board of arbitration, for the election of the said council, and, in the same manner, it shall be lawful for the members of the said corporation to elect from their number twelve persons, who shall form a board, which shall be called "The Board of Arbitration," and any three of whom
- 15 shall have power to arbitrate upon and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned ; and whenever any such parties shall agree to bind themselves, by bond or otherwise, to submit the matter in dispute between them to the decision of the said
- 20 board of arbitrators, such submission shall be understood to be made to any three members of the said board, who may, either by especial order of the said board, or by virtue of any general rules adopted Powers. by them, or under any by-law of the said corporation touching the consideration of any cases so submitted, be appointed to hear,
- 25 arbitrate and decide upon the case or cases so submitted to them, and such decision shall be binding upon the said board and the parties making the submission ; and any such submission shall be Form of submission. according to the form set forth in the schedule to this Act, or in words to the same effect.
- 30 **19.** The several members of the said Board of Arbitration Members of board to be sworn, shall, before they act as such, take and subscribe before the President or Vice-President of the said corporation, an oath that they will faithfully, impartially and diligently perform their duties as members of the said Board of Arbitration, and this oath shall be
- 35 kept among the documents of the said corporation.
- 20.** Any member of the council of the said corporation may at the same time be a member of the said Board of Arbitration. Members of council may be arbitrators.
- 21.** The three members appointed to hear any case submitted Powers for hearing cases, for arbitration, as aforesaid, or any two of them, shall have full
- 40 power to examine upon oath (which oath any one of such three members is hereby empowered to administer) any party or witness who, appearing voluntarily before them, shall be willing to be so examined, and shall give their award thereupon in writing, and Award. their decision, or that of any two of them, given in such award,
- 45 shall bind the parties according to the terms of the submission and the provisions of this Act.
- 22.** From and after the passing of this Act, it shall be lawful Power to appoint board of examiners of inspectors, for the council of the said corporation to appoint five persons to constitute a Board of Examiners for the Town of Soré and the
- 50 District of Richelieu, for the year commencing on the first day of July then next and ending on the nineteenth day of June following, to examine applicants for the office of inspector of flour and meal or of any other article subject to inspection, and for the said council to do all such other acts, matters and things connected

- Certain Acts to apply.** with the inspection of flour and meal or any other article, and have as full power and be subject to the same conditions as those conferred upon and required of the councils of the Boards of Trade, by virtue of the Act chapter forty-seven of the Consolidated Statutes of Canada, and upon and of the Quebec Board of Trade in virtue of chapter forty-six of the said Statutes; and the said examiners and inspector shall also be subject to all the conditions, requirements, oaths, matters and things (touching their offices) set forth in the said Acts. 5
- Establishment of Library, &c.** **23.** It shall likewise be lawful for the said corporation to establish and keep open to the public, in the said Town of Sorel, a library and reading room, and make by-laws in relation to the same, for facilitating the working and maintenance thereof and for fixing the subscription to be paid by any person frequenting the same; and such person, whether he be or be not a member of the said corporation, shall be liable for the subscription so fixed, and to an action for the recovery of the same. 10
- Subscription.** 15
- Treasurer and Assist.-Sec.** **24.** The council of the said corporation may appoint, from among the members thereof, a Treasurer, and also an Assistant Secretary to act in case of the absence or illness of the Secretary. 20
- Oath and affirmation.** **25.** Any person who may by law, in other cases, make a solemn affirmation, instead of taking an oath, may make such solemn affirmation in any case where by this Act an oath is required; and any person hereby authorized to administer an oath may in such case, as aforesaid, administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely, in any case where an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury. 25
- Corporation to have same privileges with other Boards of Trade.** **26.** The said corporation shall be entitled to all the privileges and advantages, and shall be subject to all regulations affecting other Boards of Trade in the Dominion. 30

SCHEDULE.

Form of a Submission to the Board of Arbitration.

Know all men, that the undersigned and the undersigned (*if there be more parties, that is, more separate interests, mention them*), having a difference as to the respective rights of the said parties, in the case hereunto subjoined, have agreed and bound themselves under a penalty of dollars to perform the award to be made by the Board of Arbitration of the Board of Trade of the Town of Sorel, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award to the party ready and willing to perform the same. 35 40

In witness whereof the said parties have hereunto set their hands and affixed their seals at the Town of Sorel, on the day of A.D., 18 45

| | |
|-------|--------|
| A.B., | [L.S.] |
| C.D., | [L.S.] |
| E.F., | [L.S.] |

FORM OF OATH

To be taken by Members of the Board of Arbitration.

I swear that I will faithfully, impartially and diligently perform my duty as a member of the Board of Arbitration of the
5 Board of Trade of the Town of Sorel, and that I will in all cases in which I shall act as arbitrator, give a true and just award, according to the best of my judgment and ability, without fear, favor or affection, of or for any party or person whomsoever. So help me God.