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No. 236.

1st Session, 6th Parliament, 21 Victoria, 1858.

B I L L .

An Act to incorporate the St. Andrew's
Society of Montreal.

As passed by the Legislative Council.

[Printed by order of the Legislative
Assembly.]

S. Derbishire & G. Desbarats, Queen's Printer.

BILL.

[As passed by the Legislative Council.]

An Act to incorporate the St. Andrew's Society of Montreal.

WHEREAS Alexander Morris hath, by Petition to the Legislature, represented that the Association known as the St. Andrew's Society of Montreal has for many years been formed for the benevolent purposes of affording pecuniary, medical and other relief, to such natives of Scotland and their descendants, as may from sickness or other causes have fallen into distress, and of aiding, directing and relieving the necessities of Scottish immigrants on their arrival in Canada, and have, for the said purposes, opened and maintained a building in the City of Montreal, known as the St. Andrew's Home, and which is used for the said purposes; and hath prayed that for the better attainment of the objects of the said Association, it may be invested with corporate powers; and by reason of the good effected by the Association, it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The said Alexander Morris, and William Edmondstone, David Brown, William Murray, Ewen McLennan, J. C. Beckett and George Templeton, and such other persons as are now members of the said Association or shall hereafter become members thereof, under the provisions of this Act, and the By-laws made under the authority thereof, and their successors, shall be and they are hereby constituted a body politic and corporate by the name of the "St. Andrew's Society of Montreal," 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 places whatsoever; and by that name they and their successors shall have perpetual succession, and may have a common seal, and may break, change, alter, or renew the same at pleasure, and shall have power to purchase, take, receive, lease or let, hold and enjoy any estate whatever, real or personal, and to 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 and personal estate together held by the said Corporation at any one time shall not exceed eight thousand dollars; and provided further that the real property

to be held by the said Corporation at any time shall be such only as shall be required for the actual use and occupation of the Corporation for the purposes hereinbefore mentioned, and that all the property of the Corporation real and personal shall be applied solely to the purposes aforesaid, and to no other use or purpose whatever.

II. Provided always, That the said Corporation shall have no power to hold any property except such as shall be derived from the following sources, or purchased with funds derived from the following sources, that is to say : The property of the Association of whatever nature consisting, by whomsoever held for and on behalf of the said Society, and which is hereby transferred to and vested in the said Corporation,—the life subscription of members, which shall in no case exceed twenty dollars,—the annual subscription of members which shall in no case exceed four dollars per annum,—the entrance fees, the subscriptions of members to the charitable or Home funds of the Corporation, donations, bequests or legacies, made to the said Corporation, and the moneys arising from fines and forfeitures lawfully imposed by the By-laws; and provided also, that the property and funds of the Association hereby transferred to the said Corporation, and all sums which may hereafter be received by the said Corporation for life subscriptions of members, or from legacies, bequests or donations, amounting to twenty dollars or upwards, not specially made for other purposes, shall constitute the permanent fund of the Corporation, no part of the capital amount of which shall be expended or paid away, but the whole shall from time to time be vested in real or immoveable property, (not exceeding the value aforesaid) in Bank Stock, or Provincial or other securities, and the rents, interests, or other income arising from such investments, together with the moneys derived from other sources, shall be applied to the following purposes, that is to say: to defraying the current expenses of the Corporation for the purposes of its institution, and the relief of immigrants or other persons whom the Corporation may deem proper objects of such relief, according to the By-laws of the Corporation then in force, and to the provisions of this Act, and to the maintenance and support of a Home or Refuge for poor Scottish Immigrants or other persons proper objects of relief as aforesaid.

III. The affairs and business of the said Corporation shall be managed by a Committee of Management, consisting of a President, a first and second Vice-Presidents, a Secretary and Assistant Secretary, a Treasurer, two Chaplains, one or more Physicians, five Managers, who shall be a Charitable Committee, and a Committee of Accounts, composed of five members, who shall be Auditors, and a Committee of Instalment, composed of two members, to be elected annually, at a General Meeting of the Members of the Corporation, held in conformity

to the By-laws thereof; and any five Members of the said Committee shall be a quorum for the dispatch of business.

IV. All deeds sealed with the common seal of the Corporation, and signed by the President or Vice-Presidents, and by some other Member of the Committee of Management, and countersigned by the Treasurer, and none other shall be held to be Deeds of the Corporation; provided always, that the Treasurer, for the time being, may receive all moneys payable to the Corporation, and grant valid receipts therefor.

V. It shall be lawful for the said Corporation to make By-laws, which shall bind the Members thereof, and all other parties who shall, in writing, agree to be bound by them, and to repeal or amend the same, from time to time; and such By-laws and amendments shall be proposed and seconded at a previous Quarterly Meeting. No number of Members, less than thirty-six Members of the Corporation (including the presiding Officer) shall form a Meeting for the purpose of altering such By-laws, nor shall any alteration be made therein, unless two-thirds of the Members present agree to it.

VI. The Annual and General Meetings of the said Corporation shall be held in such manner, after such notice, upon such requisition, and at such times, in the city of Montreal, as shall be directed by the By-laws of the Corporation.

VII. The By-laws of the said Association, in so far as they may not be repugnant to this Act or the Laws of this Province, shall be the By-laws of the Corporation hereby constituted until they shall be repealed or altered as aforesaid; provided always, that no By-law shall impose a penalty or forfeiture exceeding two dollars.

VIII. Until others shall be elected, according to the By-laws of the Corporation, the present Officers of the Association shall be those of the said Corporation, that is to say: Alexander Morris, President; the said David Brown shall be the first Vice-President; the said William Edmondstone shall be the second Vice-President; the said William Murray shall be the Treasurer; the said Ewen McLennan shall be the Secretary; the said George Templeton, Assistant Secretary; the Reverend William Snodgrass and the Reverend Alexander Ferrie Kemp, shall be the Chaplains; G. W. Campbell shall be the Physician; and the present Officers thereof shall be Members of the Charitable Committee, and of the Committee of Accounts respectively.

IX. No person otherwise competent to be a witness in any suit, action or prosecution in which the said Corporation may be engaged, shall be deemed incompetent to be such witness, by reason of his being or having been a member or officer of the said Corporation.

X. All subscriptions of members due to the 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 Corporation, shall be paid to the Treasurer thereof, and in default of payment may be recovered in any action brought by him in the name of the Corporation, in any Court of competent civil jurisdiction; Provided always, that nothing herein contained shall be construed to prevent any member from withdrawing at any time from the said Corporation, after payment of all arrears due to the funds thereof, including the annual subscription for the year then current, and giving notice in writing of such withdrawal.

XII. The said Committee of management shall yearly, in the month of December, insert in some newspaper published in the city of Montreal, a statement of the amount of the funds and property, debts and liabilities of the Corporation, certified by the Treasurer and two or more of the Auditors elected at any General Meeting of the Corporation.

XIII. Nothing in this Act shall affect any rights of Her Majesty, Her Heirs or Successors, or any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

XIV. This Act shall be deemed a Public Act.