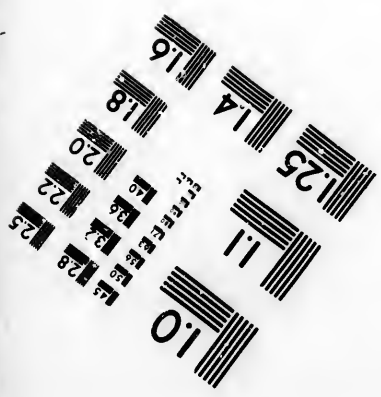
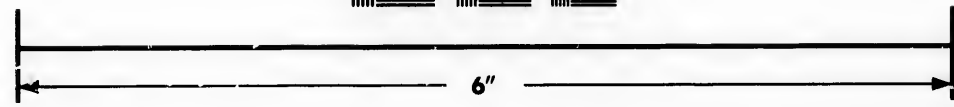
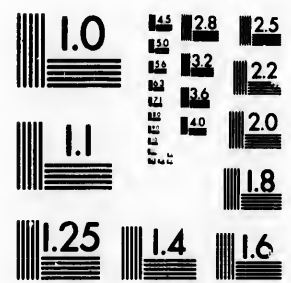


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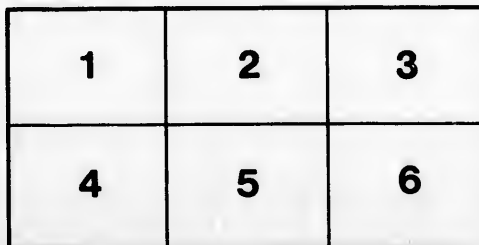
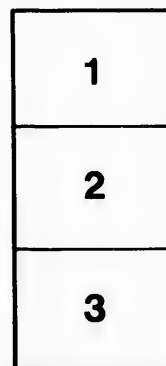
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[COMMON SEAL.]

ACT OF INCORPORATION,

RULES AND REGULATIONS,

AND

LIBRARY CATALOGUE

OF THE

Mercantile Library Association

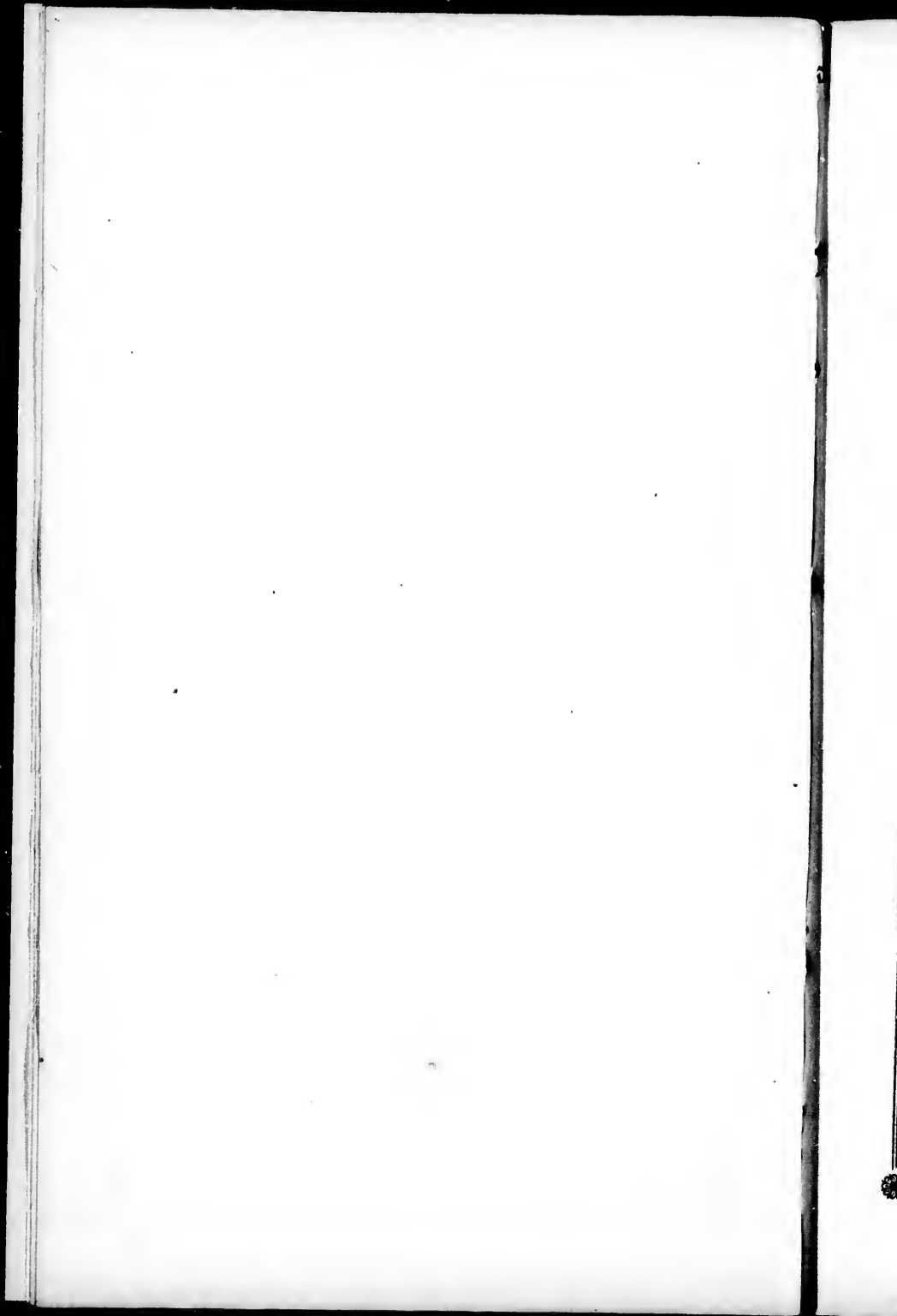
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MONTREAL.

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1844.



ACT OF INCORPORATION.

7 VICTORIA, CAP. XLVII.

(PASSED 9TH DECEMBER, 1843.)

An Act to Incorporate the Members of the Mercantile Library Association of Montreal.

WHEREAS an Association hath been formed Preamble.
in the city of Montreal, in this Province, by divers persons engaged as Mercantile Clerks and otherwise, resident in that City and the neighbourhood thereof, under the name of "The Mercantile Library Association of Montreal," for the purpose of forming a Library and Reading Room, and for organizing a system of instruction, by means of Lectures and Classes, for the use and benefit of the members of the said Association, and of such Mercantile Clerks and others as may hereafter become members thereof; And whereas the persons hereinafter named, Office-bearers of the said Association, and acting on behalf of the members thereof, have, by their petition to the legislature, represented that they have purchased and acquired a valuable collection of books, and other necessary property, and have, agreeably to the objects of the said Institution, caused lectures to be delivered and classes to be formed, for instruction

in various branches of knowledge necessary or advantageous to the said Associates in their pursuits in life ; and have further represented that the benefits derivable from such an Association to that class of the community of which they form part, would not only be secured, but be greatly enhanced, by the incorporation of the members thereof, and have prayed to be so incorporated ; and whereas it is expedient to grant the prayer of the said petitioners, subject to the provisions and enactments hereinafter set forth and made in that behalf ; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of, and under the authority of, an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that

Certain persons incorporated.

William Newhouse, Theodore Lyman, Thomas Malligaum Taylor, Alfred Phillips, George Bent, Theodore Davis Hall, James Wright Cumming, Hugh Edmonstone Montgomerie, William Henry Clare, George Henry Frothingham, William Charles Evans, Peter Roe, John Murray, Edward Brown, and Alexander Frederick Sabine, with all such

other persons as now are, or, being duly competent, may hereafter be associated with them for the purposes hereinbefore mentioned, and their successors for ever, shall be one body politic and corporate, in deed and in name, by the name and style of "**The Mercantile Library Association of Montreal,**" 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 soever, situate, lying and being within this 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 or benefactions whatsoever, and shall and may, by the same name, be able and capable to sue in law, and to be sued, implead and be impleaded, answer and be answered unto, in all Courts of Law and places whatsoever, in all and singular actions, causes

Corporate name.

Corporate powers.

Real property.

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 the 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 place where the Library of the said Corporation may be deposited, shall be sufficient to compel the said Corporation to appear and plead to such suit or suits; any law, custom or usage to the contrary in any wise notwithstanding.

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 first Monday of December, 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, ten Directors, and one or more Secretary or Secretaries, and such other officers and servants as they, or such major part of them, shall deem

Election of officers.

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 first Monday of December 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 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, Vice-President, Treasurer, ten 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 first Monday of December ; and the President and other officers of the said Corporation therefore elected, shall continue in office until others shall be elected in their stead, any thing hereinbefore contained to the contrary notwithstanding : Provided always, that the President, Vice-President, Treasurer, Directors and Secretary or Secretaries as aforesaid, to be elected at any general election of officers under and by virtue of the provisions of this Act, shall not enter upon, nor

Other things to be done at such meetings.

Provision made for the case of the failure of any election on the day appointed.

Proviso.

act in the discharge of, their respective offices, until the Monday next ensuing after such general election.

Present of officers continued until the first election shall take place.

IV. And be it enacted, that until the first election 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 Montreal, the Vice-President of the said Corporation, shall, within 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 Montreal, by public advertisement, to be published ten days at least previously in one or more newspapers at Montreal, to 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 President and of a Vice-President, Treasurer, ten Directors, 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 first Monday of December then next ensuing, and from thenceforth until others be chosen in their places in the manner aforesaid.

President to call a meeting.

First election of officers.

Period of service.

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 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 Corporation to fill the office or offices so vacated: **Provided** always, 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.

Vacancies
occurring
between the
elections
how filled.

Proviso.

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

Power to
make By-
Laws.

And to alter or repeal them.

Proviso as to repeals.

Proviso.

Act to be a Public Act.

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.

VII. And be it enacted, that this Act shall be held and considered to be a public Act, and as such shall be judicially taken notice of, held and considered, in all Courts of Justice, and by all Judges and Justices of the Peace, and by all others whom it may concern, without being specially pleaded.

RULES AND REGULATIONS.

SECTION I.

Of the Name and Seal of the Association.

*1. THE Association shall be known by the name of "THE MERCANTILE LIBRARY ASSOCIATION OF MONTREAL."

2. The object of the Association shall be to afford to its Members, and more especially to its Clerk Members, facilities for improvement in the various branches of Literary and Mercantile Education.

3. The ARMS of the Association shall be as follows : On a field *azure*, a *chevron or* ; in chief, two books displayed, and in base, a *Steamship passant* on the waves of the sea—all proper : CREST—A hand holding a pen : MOTTO—" *Vita sine literis Mors est.*"

4. The President, or, in his absence, the Vice-President, shall be authorised to sign all Acts, Deeds, and Papers appertaining to the affairs of the Association, (after the same shall have been approved of by the Board of Direction,) and to affix the Common Seal of the Association thereto.

N. B.—Those Rules marked thus (*), being provisions of the Act of Incorporation, cannot be altered by any vote of the Association.

SECTION II.

Of Members.

1. Any person, engaged in mercantile pursuits as a Clerk, may become a Member of this Association, on adding his name to the Register of Members, and paying his subscription as in the next Article.

2. Senior Clerk Members (*i. e.* those receiving salaries of £25 or over,) shall pay an annual subscription of twenty shillings; and Junior Clerk Members (*i. e.* those receiving no salary, or salaries under £25,) shall pay an annual subscription of ten shillings.

3. Merchants, and others not engaged in mercantile pursuits, may become Members of the Association, by signing the Register, and paying an annual subscription of one pound five shillings.

4. On any individual making a donation to the Association, to the value of twelve pounds ten shillings, or upwards, the same may be accepted in lieu of any further subscription or contribution, and his name enrolled as a Life Member of the Association.

5. Persons may be elected Honorary Members at any meeting of the Board of Direction, by the votes of two-thirds of the members present; and such persons shall be entitled to all the privileges of regular membership, except the right to vote and to hold office.

6. Any Junior Clerk obtaining a salary upwards of £25, and any Clerk Member becoming a Merchant, shall inform the Superintendent thereof, within six months thereafter; and any Member, failing to do so,

shall be subject to the forfeiture of double the additional subscription incurred by the change.

7. No one shall be allowed a vote in the Association, unless he has been a Member thereof for at least a month, and has paid his subscription for the past year; and a Membership of at least six months shall be requisite to render any one eligible to office.

8. If the dues of any Member remain unpaid for the term of six months, and, on his being notified thereof by the Secretary, the same be not liquidated within the space of one month, his privileges of Membership shall be forfeited, unless circumstances exist which may allow of his being excused by the Board of Direction.

9. Any Member wishing to withdraw from the Association, must inform the Superintendent thereof, before the termination of the year, and pay up all dues and fees owing by him, otherwise he will be considered as continuing a Member.

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**SECTION III.**

**Of Meetings.**

1. Meetings of the Association shall be held on the first Monday of May and the fourth Monday of November, for the purpose of receiving Reports of the Board of Direction, and for the transaction of such other business as may be presented.

\* 2. A meeting shall be held on the first Monday of December in each year, for the election of Office-bearers, and the transaction of other business.

\* 3. If, from any reason, the election shall fail to be held on the first Monday of December as above, the President or Vice President for the previous year shall call a meeting by public advertisement, at which the said election may be completed.

4. The President, at the request of the Board of Direction, or at the written request of one-tenth of the Members, stating the reasons therefor, shall call a meeting of the Association, ten days notice thereof having been given.

5. At any general meeting of the Association, twenty Members shall form a quorum.

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SECTION IV.

Of the Office-bearers.

1. The Office-bearers of the Association shall be a President, Vice-President, Corresponding Secretary, Recording Secretary, Treasurer and Ten Directors, to be elected annually by ballot, from among the Clerk Members of the Association.

*2. The Office-bearers shall enter upon the discharge of their respective duties, on the Monday succeeding their election.

3. The President shall preside at the Meetings of the Association, or of the Board of Direction, and preserve order therein; in either case, he shall only be entitled to a casting vote.

4. The Vice-President, during the absence or illness of the President, shall perform all the duties of that officer.

5. The Corresponding Secretary shall, under the superintendence of the Board of Direction, conduct the correspondence of the Association, of which he shall keep a record.

6. The Recording Secretary shall keep an accurate record of the transactions of the Association, and of the Board of Direction.

7. The Treasurer shall receive all dues and donations of money; pay all drafts on him, when signed by the President; and shall keep a regular account of the financial concerns of the Association, an abstract of which, accompanied by satisfactory vouchers, he shall exhibit at each semi-annual meeting, and at each monthly meeting of the Board of Direction, if required.

8. The Treasurer shall be empowered, with the consent of the Board of Direction, to sue, in the name of the Association, for all sums due to it.

SECTION V.

Of the Board of Direction.

1. The President, Vice-President, Secretaries, Treasurer and Directors, shall constitute a Board of Direction, with full power to appropriate funds, and conduct generally the affairs of the Association.

2. The Board shall meet on the first Monday of each month, and at such other times as they may be called together by the President, after due notice; five members of the Board to form a quorum.

3. The President shall convene a Meeting of the Board for any special purpose, on receiving a written request to that effect, from any five Members of the Board.

4. In case of flagrant official or personal misconduct, the Board of Direction shall have power, by a vote of three-fourths of its members, to expel any member of the Board, two weeks notice of the charges against him having been previously given him, in writing, by the Secretary.

5. In case of the absence or illness of the Treasurer, or either of the Secretaries, the Board shall be authorised to fill these offices, *pro tempore*, from its own body.

*6. Should any vacancies occur in the Board of Direction, the remaining members thereof shall have full power to fill such vacancies till the next annual election, and notice of such election shall be given to the members.

7. The Board of Direction, on their first meeting after election, shall divide themselves into five committees, of three members each, who shall severally have charge, under the Board, of the following departments—Library, Reading-Room, Lectures, Classes and Museum.

8. One of the members of each Committee shall be appointed Convener, who shall at any time call a meeting of the said Committee, on the requisition of any member thereof, or of the President of the Association.

SECTION VI.

Of the Library.

1. The Library shall be in charge of the Superintendent, under the control of the Library Committee. He shall be in attendance to receive and deliver books from ten till twelve o'clock, A. M., from three till five, and from half-past seven till half-past nine o'clock, P. M., every lawful day ; but at no other hours shall it be incumbent on him so to do.

2. No Member shall be entitled to draw a book from the Library, until he shall have paid all sums due by him to the Association, and made good all damages and losses that he may have occasioned.

3. Every qualified Member may receive, on application to the Superintendent, one volume at a time ; and such volume may be retained for two weeks, if it be a *folio*, or *quarto*—one week, if it be an *octavo*, or book of less size, or pamphlet.

4. Any Member who shall detain a book longer than the time above limited, shall forfeit and pay to the Superintendent, one penny for each day a book or pamphlet is so detained ; and if such book or pamphlet be kept one week beyond the time above limited, the forfeiture for each day thereafter shall be two pence.

5. If any Member lose or injure a book, he shall make the same good to the Library ; and if the book lost or injured be one of a set, he shall pay to the Superintendent, for the use of the Association, the full value of said complete set, and may thereupon receive the remaining volumes as his property.

6. No Member shall lend a book, belonging to the Association, to any person out of the dwelling-house or counting-room of said Member, under a penalty of two shillings and six pence for each offence.

7. The Library Committee shall examine the books and report on their condition to the Board of Direction, a month previous to each Annual Meeting; and the holders of all books not returned for the purpose of this examination, after due notice, shall be liable, at the discretion of the Board, to have their names exposed at the Annual Meeting as defaulters.

8. Any Member may be allowed the perusal of a book in the Rooms of the Association; but such book must be at once resigned to any Member drawing it from the Library, for perusal at home.

9. No number of any periodical work shall be taken from the Rooms, until the succeeding number has been received.

10. The books marked in the Catalogue with an asterisk (*), and such others as may from time to time be specially designated by the Library Committee, shall not be taken from the Rooms except by express permission of the said Committee.

11. No person, except Members of the Board of Direction, shall remove a book from its place in the Library, without the permission of the Superintendent.

SECTION VII.

Of the Reading Room.

1. The room will be open from 7 A. M. until 10 P. M.

from the first of May to the first of November, and from 8 A. M. until 10 P. M. during the remaining six months, Sundays and Holidays excepted.

2. No Member shall sit in the Reading Room with his hat on; no conversation shall be allowed otherwise than in a whisper; and no person shall be permitted to smoke in the rooms, damage or injure the furniture thereof, or conduct himself in any way inconsistent with decorum.

3. Any person injuring any of the periodicals or papers placed in the Reading Room, shall be liable to a fine equal to double the cost thereof.

4. Any Member may have the privilege of introducing a friend not resident in Montreal, to the Reading Room, for the term of four weeks; and the names of all persons thus introduced shall be registered in a book provided for the purpose.

SECTION VII:

Of Lectures.

1. A course of lectures shall be delivered each winter, on subjects in accordance with the objects of the Association.

2. It shall be the duty of the Lecture Committee to procure competent persons to deliver such lectures, so as to have, as far as possible, one lecture each week; from the middle of November till the middle of April.

SECTION IX.**Of Classes.**

1. Any twelve or more Members of the Association, joining together for the study of any branch of literature, arts, science, or commercial education, shall have the free use of the Class rooms, at any hour not previously engaged.

2. Each Class shall appoint a Secretary, through whom all communications must be held with the Class Committee, or the Board of Direction.

SECTION X.**Of the Museum, &c.**

1. All Philosophical Apparatus, Specimens of Natural History, and Curiosities of Nature or Art, of any kind soever, presented to, or purchased by, the Association, shall be placed under the charge of the Museum Committee.

2. A catalogue shall be kept of the contents of the Museum; stating how each article was acquired; mentioning the name of the donor, if it be a donation; and adding any interesting information that can be given concerning it.

3. None of the Philosophical Apparatus, or other articles belonging to the Museum, shall be taken from the

room, without the special permission of the Museum Committee, except such as may be required to illustrate any lecture, given in connection with the Association.

SECTION XI.

Of the Superintendent.

1. It shall be the duty of the Board to appoint a Superintendent, with such assistants as may be deemed necessary, and to require of him sufficient sureties, in a sum not less than one hundred pounds currency, for the faithful discharge of his duties.

2. The Superintendent shall have charge, under the Board, of the rooms of the Association, and shall take care that they, with the books, papers, furniture, &c. contained therein, are kept in good order.

3. He shall keep a full and accurate Catalogue of the books belonging to the Association, which shall, at all times, be open to the inspection of the Members.

4. He shall enter, in a book kept for the purpose, the number of every volume delivered by him, the name of the person to whom delivered, and the time of taking and returning the same, together with the forfeitures arising from every default.

5. He shall take care that the regulations relative to the loaning of books be strictly adhered to, and collect all forfeitures incurred by the Members, accounting for the same to the Treasurer at the close of each month.

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**SECTION XII.**

***Of the Alteration of Rules.***

1. No alteration shall be made in these Rules, unless at a General Meeting of the Association; and such alteration shall not be considered as carried, unless assented to by two-thirds of the Members present at such Meeting.

\* 2. Notice of any proposed alteration must be placed in some conspicuous part of the Rooms of the Association, for at least a month previous to the Meeting at which such motion shall be brought forward.

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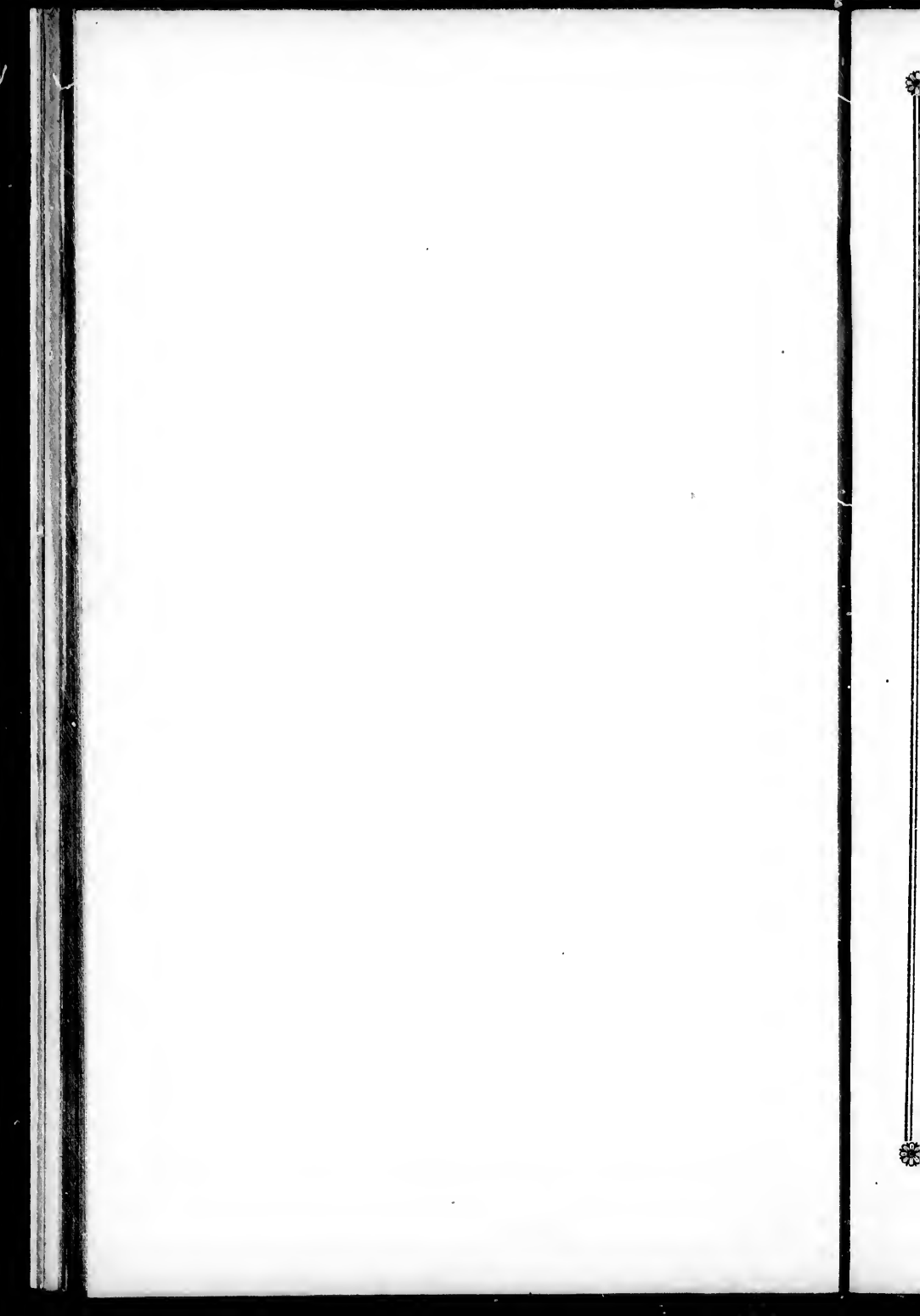
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