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No. 41.

2nd Session, 1st Parliament, 32 Victoria, 1869

BILL

An Act to incorporate the St. Thomas, (Ont.)
Board of Trade.

PRIVATE BILL.

Mr. DOBBIE.

OTTAWA :
PRINTED BY HUNTER, ROSE & COMPANY.

An Act to incorporate the St. Thomas (Ont.) Board of Trade.

- W**HEREAS, Thomas Arkell, John King, John Ardagh Roe, James Carrie, William Coyne, Henry Brown, Marwood A. Gilbert, Charles G. Rich, James McAdam, Archibald McLachlin, Donald McKenzie, James H. Still, Thomas Eedson, Peter Couse, Alonzo J. Burns, John Blake, Wm. E. Youmans, George Rowley, J. Ord Kains, Peter Roe, John Midgley, W. F. Campbell, H. B. Pollock, Nelson W. Moore, Robert Pringle, John A. Kains, Charles W. Harte, and John R. Smellie, residents in the Town of St. Thomas, in the Province of Ontario, have by their petition represented that they have, as a Board of Trade, associated themselves together for some time past for the purpose of providing such measures as they have deemed important towards developing the general trade and commerce of Canada, and the town of St. Thomas, Ontario, in particular, and have further represented that the said Association would be more efficient in its operations, should an Act of Incorporation conferring 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:
- 1.** The said Thomas Arkell, John King, John Ardagh Roe, James Carrie, William Coyne, Henry Brown, Marwood A. Gilbert, Charles G. Rich, James McAdam, Archibald McLachlin, Donald McKenzie, James H. Still, Thomas Eedson, Peter Couse, Alonzo J. Burns, John Blake, Wm. E. Youmans, George Rowley, J. Ord Kains, Peter Roe, John Midgley, W. F. Campbell, H. B. Pollock, Nelson W. Moore, Robert Pringle, John A. Kains, Charles W. Harte, and John R. Smellie, and such other persons residents in the Town of St. Thomas, in the Province of Ontario, as are or shall be associated with the persons herein before named, for the purpose of this Act, in the manner hereinafter provided; and their successors shall be and are hereby constituted a body politic and corporate by the name of "The St. Thomas, Ont., 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 unto, defend and be defended, in all courts of law and equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may make, 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 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 shall not exceed five thousand dollars; and provided also, that the said Corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred on them by

Preamble.

Incorporation
and general
powers.Proviso as to
property.Proviso: cor-
porate powers
limited to
purposes of
Act.

this Act, or may be necessary for carrying the same into effect according to its true intent and meaning.

- Application of funds.** **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 St. Thomas, in particular, or as may be necessary to attain 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 of the Corporation.** **4.** For the management of the affairs and business of the said Corporation, 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-Treasurer and six other members of the said 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**
- Presiding officers and members of the Council.** **5.** The said Thomas Arkell, shall be President, the said Nelson W. Moore, shall be Vice-President, the said Thomas Eedson, the Secretary-Treasurer, and the said James McAdam, Charles G. Rich, John Midgley, John R. Smellie, James Carrie, and Archibald McLachlin, 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**
- General meeting and elections. Notice.** **6.** The members of the said Corporation shall hold a general meeting every three months, that is to say on the last Friday in January, April, July, and October, at some place within the Town of St. Thomas, of which, notice naming the time and place shall be given by the Secretary-Treasurer 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 on the last Friday in the month of April, the members of the said Corporation, 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 Secretary-Treasurer, and six other members of the Council, who, with the President, Vice-President and Secretary-Treasurer 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 April as aforesaid, or until they shall be removed from office or shall vacate the same under the provisions of any by-laws of the said Corporation; Provided always, that if the said election shall not take place on the last Friday in the month of April, 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 members until the election shall be had. **30**
- Term of office.** **7.** If any member of the said Council shall die or resign his office, or be absent for four 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 **45**
- Proviso: in case of failure of any election.** **8.** If any member of the said Council shall die or resign his office, or be absent for four 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 **50**
- Vacating seats in certain cases.** **9.** If any member of the said Council shall die or resign his office, or be absent for four 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 **55**
- New members.** **10.** If any member of the said Council shall die or resign his office, or be absent for four 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 **60**

absent, and such new member shall be so elected by a majority of the members of the said Council present at any meeting of the same, in case there is a quorum present at such meeting, and the member so elected shall hold office until the next annual election and no longer
5 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 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
10 by-law of the said Corporation are or shall be directed to be done at any such general meeting.

9. Any member of the said Corporation intending to retire there- from, or resign his membership may at any time do so, upon giv-
15 ing to the Secretary-Treasurer 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. Members re-
signing.

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,
20 rules and regulations for the government of the said Corporation, providing for the admission and expulsion or retirement of the members and for the management of its Council, officers and affairs, 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
25 be 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 given by one member and seconded by another member at a previous general meet-
30 ing, and duly entered in the books of the said Corporation as a minute of the said Corporation. Power of
making by-
laws for cer-
tain purposes.

Proviso:
Notice of by-
laws to be
proposed.

11. Each and every person ~~then~~ resident in the Town of St. Thomas, Ont., and being or having been a merchant, trader, mechanic, manager
35 of a bank, or insurance agent, 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 carried by a majority of two-thirds of the members of
40 the said Corporation then present, he shall thenceforth be a member of the said 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, mechanic, manager of a bank, or Insurance agent, shall be eligible to
45 become a member of the said Corporation in manner aforesaid, in case such person shall be recommended by the Council of the said Board of Trade at any such meeting. Members of
the Corpora-
tion, quali-
fication of.

Proviso: as
to others be-
coming
members who
&c.

12. It shall be lawful for the said Council, or a majority of them, by a notice inserted in one or more newspapers published in the said town
50 of St. Thomas, one day previous to the said meeting, or by a circular letter signed by the Secretary-Treasurer of the said Corporation addressed to each member, and mailed one day previous to the said meeting, to call a general meeting of the said Corporation for any of the purposes of this Act. Special gen-
eral meetings
how called,
&c.

Meetings of
the Council,
how called
&c,

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 Act or by the by-laws of the Corporation be assigned to them, and such meetings of the Council shall be convened by the Secretary-Treasurer at the instance of the President, or upon the request of any two members of the Council, and the said Council shall, in 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 in no other; and any five or more members of the Council lawfully met (and of whom the President or Vice-President shall be one, or in case of their absence any five or more members lawfully met) shall be a quorum, and any majority of such quorum may do all things within the power of the Council; and at all meetings of the said Council, and at all general meetings of the said Corporation, the President, or in his absence the Vice-President, or if both be absent any member of the Council then present who may be chosen for the occasion, shall preside, and shall in all cases of equality of vote upon any division, have a casting vote.

Quorum.

President and
casting vote.

Council to
frame by-
laws and
submit them
to Corpora-
tion.

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 regulations, as shall seem to the 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.

Receiving 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 Secretary-Treasurer thereof, and in default of payment, 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 arrears, on account of such subscriptions, penalty or otherwise, whereby an action hath accrued to the said Corporation by virtue of this Act.

Proof in such
case.

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 such subscription, penalty or otherwise, was standing unpaid upon the books of the said Corporation.

Meetings of
Council to be
open.

Minutes to be
kept,

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 they 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-Treasurer of the said Corporation; and the entry thereof shall be signed by the President of the said Council, or such other 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.

Board of Ex-
aminers of in-
spectors of
articles, sub-
ject to inspec-
tion.

18. From and after the passing of this Act, it shall be lawful for the Council of the said Corporation to appoint five persons to constitute a Board of Examiners for the Town of St. Thomas, for the year commencing on the first day of September then next, and ending on the thirty-first day of August following, to examine applicants for the office of Inspector of Flour and Meal, or of any other article subject to

inspection and the said Council may do all such other acts, matters and things connected with the inspection of Flour and Meal or any other article, and shall have as full power and be subject to the same conditions as those conferred upon and required of the Council of any Board of Trade, by virtue of any Act respecting the inspection of Flour and Meal or of any other article subject to inspection, and the said Examiners and Inspectors shall also be subject to all conditions, requirements, oaths, matters and things (touching their offices) set forth in the said Acts.

- 10 **19.** Any person who may by law, in other cases, make a solemn affirmative instead of taking an oath, may make such solemn affirmation ^{allowed in-} in any case, where by this Act, an oath is required; and any person ^{stead of oath.} hereby authorized to administer an oath may in such cases as afore-said, administer such solemn affirmation; and any person who shall
 15 wilfully swear or affirm falsely, in any case in which an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury.