

C H A P. 158

An Act to authorize the appointment of a Board of Trustees
of the Presbytery of Montreal*[Assented to, 25th of February, 1921]*

WHEREAS although individual congregations of Presbyterians in connection with the Presbyterian Church in Canada are authorized, under the laws of this Province, to appoint trustees for the purpose of holding property on behalf of such congregations;

And whereas the Presbytery of Montreal, in connection with the said Presbyterian Church in Canada, has not such power;

And whereas, owing to the extraordinary growth and development of the city of Montreal, and of the social work in which Presbyterians as such are interested, many properties have, in recent years, been acquired in or near the city of Montreal, and are held by individual trustees;

And whereas the holding of property by individual trustees is irksome to the trustees, and moreover cumbersome, inconvenient and unsatisfactory;

And whereas it has not been found practicable in the city of Montreal for the Board of Trustees of the Presbyterian Church in Canada, as constituted under 63 Victoria, chapter 97 of the Statutes of Quebec to hold and administer the various properties so acquired;

And whereas persons desirous of making gifts and legacies to the various works or Missions under the control of Presbyterians in the city of Montreal have been deterred from making such gifts or legacies by reason of the fact that there was no corporate body or legally constituted board of trustees, having an intimate knowledge of local conditions and requirements, empowered to receive, administer and manage such gifts or legacies;

And whereas if such corporate body or legally constituted board of trustees, in touch with local matters, were created, such gifts and legacies would be greatly encouraged;

And whereas the Presbytery of Montreal has, by its petition, requested that it be empowered to appoint trustees to hold and administer property on its behalf, and it is expedient that the prayer of such petition should be granted;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Board of
trustees
created.

Name.

Objects, etc.

1. The Presbytery of Montreal, hereinafter called "the Presbytery", in connection with the Presbyterian Church in Canada, is hereby authorized to appoint three trustees, which trustees shall constitute a body politic and corporate, having its principal establishment in the city of Montreal, and shall be known as "The Board of Trustees of the Presbytery of Montreal", hereinafter called "the board of trustees", for the purposes and subject to the conditions following:

a. to acquire, by purchase, gift or testamentary disposition, moveable and immoveable property,—the annual value of the immoveable property so acquired not to exceed the sum of fifty thousand dollars without the consent of the Lieutenant-Governor in Council;

b. to sell or pledge moveable or immoveable property and to hypothecate immoveable property so acquired in the same manner as private persons, subject, however, to the provisions of paragraph *c*;

c. no purchase, sale or hypothecation of immoveable property, however, to be of effect without the previous consent or subsequent ratification of the Presbytery;

d. to borrow money from time to time upon such terms and conditions and at such rate of interest as it may deem advisable, but no single loan of more than one thousand dollars shall be effected without the consent of the Presbytery; and the Presbytery may restrict the borrowing powers hereby granted to the board of trustees in such manner as it may deem fit, with power to remove any restriction so made or to re-impose the same from time to time as occasion or necessity, in its judgment, may require;

e. moneys realized by the sale of property to be re-invested in accordance with the terms of the original grant, if any, otherwise to be applied for such purposes and charitable objects as the Presbytery has charge of or usually takes an interest in;

f. money borrowed to be used in payment of the debts of the board of trustees or for such purposes and charitable objects as the Presbytery has charge of or usually takes an interest in;

g. neither the purchaser of property nor the lender of money to be concerned as to the application of the purchase price or the money borrowed.

Removal,
etc., of
trustees.

2. The Presbytery may arrange for the removal or re-appointment of trustees from time to time as occasion or necessity may require.

Secretary-
treasurer.

3. The board of trustees may, if they think it advisable,

appoint one of their number or a third person as secretary-treasurer, but such appointment shall not be of effect until confirmed by the Presbytery. The duties of the secretary-treasurer shall be such as are usually assigned to such officer.

4. The General Assembly of the Presbyterian Church in Canada may at any time request the board of trustees to deliver to the Board of Trustees of the Presbyterian Church in Canada, as created under the act 63 Victoria, chapter 97, all property, moveable and immoveable, in the possession of the board of trustees, or, in other words, all its assets, subject, however, to the rights of creditors and third parties, and subject to the obligation of the Board of Trustees of the Presbyterian Church in Canada to respect the terms and conditions of any original grant, insofar as it may be possible.

May be called upon to hand over property to Trustees of Presbyterian Church in Canada.

5. A trustee may resign at any time.

Resignations.

6. The board of trustees may institute and defend all actions-at-law in connection with its rights and obligations, but no action shall be instituted without the previous consent of the Presbytery.

Board may *ester en justice*.

7. The board of trustees shall present annually to the Presbytery a financial statement, in such detail as the Presbytery may require. It shall also, when required by the Lieutenant-Governor in Council, make a full return of its assets and liabilities, with such further particulars as the Lieutenant-Governor in Council may require.

Annual financial statement.

8. Any person or persons holding property in trust on behalf of the Presbyterian Church in Canada may, with the consent of the Presbytery, convey such property to the board of trustees, and the board of trustees shall thereupon assume the obligations of such persons.

Property may be transferred to Board by other trustees.

9. This act shall come into force on the day of its sanction.

Coming into force.