

Provisions applicable. The rights arising from such hypothees and pledges shall be determined by articles 6119*a*, 6119*b*, 6119*c* and 6119*d* of the Revised Statutes, 1909, enacted by the act 4 George V, chapter 51, section 1, article 6119*a* being amended by the act 5 George V, chapter 66, section 2.

Signatures. Promissory notes shall be signed by the procurator and another member of the board.

Report to Lt.-Gov. in C. **8.** The corporation shall, on demand by the Provincial Secretary, furnish the Lieutenant-Governor in Council with a list of its moveable and immoveable property, a copy of its by-laws and the names of its officers.

Provisions repealed. **9.** The acts 37 Victoria, chapter 39, and 5 Edward VII, chapter 102, are repealed.

Coming into force. **12.** This act shall come into force on the day of its sanction.

CHAP. 106

An Act to amend the act 39 Victoria, chapter 74, and to settle the title to the property known as St. Edward's Church, in the city of Montreal.

[Assented to 16th March, 1916]

Preamble. **W**HEREAS by deed of donation executed before James Smith, notary, on the 21st of June, 1875, the late John Harris thereby conveyed to the then Rector of the parish of St. Stephen in the city of Montreal, and his successor and successors in office, the property known as lot cadastral No. 1817 of St. Ann's Ward, in the city of Montreal, in trust, to erect or cause to be erected and maintained on the said lot of land a church to be devoted to the performance of divine worship therein, according to the rites and ceremonies of the Church of England in Canada;

Whereas by the act known as 39 Victoria, chapter 74, the rector and wardens of the said parish of St. Stephen were authorized by and with the consent of the Lord Bishop of Montreal to sell the property therein described, and out of the proceeds thereof to erect a church on the said lot number No. 1817, so donated by the said late John Harris, and, in virtue of the authority so granted, the said property was sold and the church erected as therein provided;

Whereas it was further provided in and by said act that the property so acquired, and also the church and other buildings thereon erected should be vested in the rector and churchwardens of St. Stephen's Church and their successors in office in trust for the uses and purposes ecclesiastical of the said parish of St. Stephen;

Whereas the said parish of St. Stephen was by episcopal decree, dated the 18th day of May, 1896, enlarged by detaching a portion of the parish of St. James the Apostle therefrom and adding it to the said parish of St. Stephen, and by subsequent episcopal decree of date the 12th day of January, 1911, the territory so added to the said parish of St. Stephen was detached therefrom, and erected into a new, separate and distinct parish under the name of the parish of St. Stephen, and the former parish of St. Stephen re-named and to be thereafter known as the parish of St. Edward;

Whereas there subsequently occurred litigation between the said parishes respecting the ownership and property of the lot so donated by the late John Harris and the church building erected thereon, and by final judgment of the Supreme Court of Canada, it was held and adjudged that the said property was not, as claimed, the property of the said parish of St. Stephen, but that the said parish had certain equitable and moral rights therein;

Whereas by memorandum of agreement duly made and entered into between the representatives of the said two parishes on the 11th day of June, 1912, it was agreed that the said lot so donated and church erected thereon should be sold for a sum of not less than seventy-five thousand dollars, and out of the proceeds of such sale the said parish of St. Stephen should receive the sum of fifteen thousand dollars, and a fifth of any greater sum that might be realized;

Whereas it is expedient for the purpose of carrying the said agreement into effect, and providing for certain liabilities of the said parish of St. Edward, that authority should be given to sell the said property and to carry out the said settlement, pay the said liabilities and vest the residue of any sum so realized for the uses and purposes ecclesiastical of the said parish of St. Edward, as by law and custom provided;

Whereas there is presently no rector duly named and appointed to the said church and parish of St. Edward;

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

Title vested. **1.** Notwithstanding anything to the contrary contained in the said deed of donation of the late John Harris of the 21st June, 1875, or in the act 39 Victoria, chapter 74, or in any other act, deed or disposition whatever, the title to the said lot number 1817, St. Ann's Ward, and the buildings thereon erected, shall be vested in the Lord Bishop of Montreal and the wardens of the said church of St. Edward, for the time being, in trust for the purposes in and by this act set forth.

Authoriza-
tion to sell. **2.** The said trustees shall have power to sell and dispose of the said property so vested in them for a sum of not less than seventy-five thousand dollars, unless the incumbent and wardens of the church of St. Stephen should consent to any lesser sum being received, such consent being evidenced by written resolution of the said incumbent and wardens duly signed by each of them.

Payment
to parish
of St.
Stephen
out of
proceeds. **3.** Out of the seventy-five thousand dollars so received, the said trustees shall cause to be paid to the incumbent and wardens of the church of St. Stephen the sum of fifteen thousand dollars, and the same proportion of any sum in excess of seventy-five thousand dollars for which the said property may be sold, in full satisfaction of all claims, legal and moral, which the church and parish of St. Stephen may have in and to the said property, and, in the event of the sale occurring for any lesser sum than seventy-five thousand dollars, such proportion of the said sum of fifteen thousand dollars as may be agreed to and approved by the vestries of both the said churches.

Price of
sale. **4.** The said sale may be for a price to be paid wholly in cash, or partly in cash and the balance to be secured by such good and sufficient hypothec upon the property or other security as the said trustees may approve, the said balance to be paid at such term or terms, and bearing such rates of interest, as the said trustees may approve.

Payment
to Synod. **5.** Out of the balance or residue of the price or consideration received for such sale, the trustees shall cause to be paid to the Synod of the Diocese of Montreal any sum that may be due to it in principal and interest, and any other lawful indebtedness of the said church and parish of St. Edward.

Use of
balance. **6.** As to the balance or residue of the price to be received from the sale of the said property, the said trustees shall pay over the same to the incumbent and wardens of

the said church and parish of St. Edward, to be held and applied by them and their successors in office for the uses and purposes ecclesiastical of the said parish of St. Edward, and subject to the provisions of the act known as the "Temporalities Act."

7. In the event of the trustees deeming it expedient so to do, and being thereto authorized by the vestry of the said church and parish of St. Edward, they may mortgage the property hereby vested in them in trust, for such sum and upon such conditions as may be deemed proper, for the purpose of paying any liabilities of the said church and parish, including any sum payable to the said church and parish of St. Stephen in virtue of any agreement entered into between the said churches.

Trustees may mortgage property in lieu of sale.

8. Nothing contained in this act shall be held to apply to the bells, windows, organ or other church furnishings contained in and upon the property to be vested as aforesaid, all of which shall be vested in the incumbent and wardens of the said parish of St. Edward for the uses and purposes aforesaid, nor shall the said trustees or any of them be personally liable in respect of any matter or thing contained herein, always provided that they shall have acted with reasonable diligence, care and prudence.

Title to furnishings, etc.

9. In the event of any liability to the said church and parish of St. Stephen, and to the said synod, having been paid, compromised or settled, by mutual agreement or otherwise, then the trustees shall assign and transfer the property hereby vested in them to the incumbent and wardens of the said church and parish of St. Edward, to be held and used by them and their successors in office for the uses and purposes ecclesiastical of the said parish under the provisions of the Temporalities Act.

Property to be transferred to parish of St. Edward in certain case.

10. The purchaser or mortgagee of the said property shall in no wise be responsible for the uses or disposition of any moneys received by the said trustees as the proceeds of the sale or mortgage of the said property, and payment made to the said trustees shall constitute a good and valid acquittance to such purchaser or mortgagee.

Purchaser, etc., not responsible for use of money.

11. Section 3 of the act 39 Victoria, chapter 74, is hereby repealed.

39 Viet., c. 74, s. 3, repealed.

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

Coming into force.