

C H A P . 106

An Act to declare the dissolution of The Trustees of the St. Gabriel Church, to ratify the amalgamation of St. Gabriel church and Chalmers church and certain notarial deeds relating thereto, and to incorporate The First Presbyterian Church of Montreal.

[Assented to 4th June, 1910]

WHEREAS by act of the parliament of the Province of Preamble.

Canada, 27-28 Victoria, chapter 161 (1864) The Trustees of the St. Gabriel Church were constituted a body politic and corporate, and in them were vested all the property belonging to the church known as St. Gabriel Church, Montreal, then forming part of the Presbyterian Church of Canada in connection with the church of Scotland; and whereas the said Presbyterian Church of Canada in connection with the Church of Scotland did in the year 1875 unite with certain other Presbyterian Churches under the name of "The Presbyterian Church in Canada"; and whereas The Trustees of the St. Gabriel Church have continued to hold, use and administer the property of the said St. Gabriel Church, Montreal, for the benefit of the congregation thereof, in connection with the Presbyterian Church in Canada; and whereas in or about the year 1870 a congregation was formed in the city of Montreal in connection with the said Presbyterian Church in Canada, known as "Chalmers Church"; and whereas certain property, moveable and immoveable, has been acquired by and for the benefit of the said congregation; and whereas it has been decided by the members of both the said congregations that it is in the interests of both congregations to unite and amalgamate into one congregation, in connection with the Presbyterian Church in Canada; and whereas the terms and conditions of amalgamation have been agreed upon by the members of both congregations, and have been approved by the Presbytery of Montreal in connection with the said Presbyterian Church in Canada; and whereas the said united congregation is to be called "The First Presbyterian Church of Montreal"; and whereas, in anticipation of such amalgamation, the trustees of the St. Gabriel Church on or about the 16th day of June, 1909, by deed before R. B. Hutcheson, notary, sold to Jacob A. Jacobs a certain immoveable property situate in the city of Montreal on the terms and conditions disclosed in said deed; and whereas The Trustees of St. Gabriel Church have paid and discharged all their matured obligations; and whereas the said united congregation has assumed all the debts and liabilities of The Trustees of the St. Gabriel Church, and has undertaken to dis-

charge same, if any ; and whereas The Trustees of the St. Gabriel Church, by deed before J. A. Cameron, notary, on the 31st December last, 1909, assigned and transferred to Messrs. Albert E. Taylor and Purvis McDougall, in trust, all their property, moveable and immoveable, upon the terms and conditions set forth in said deed ; and whereas it has been agreed that all the properties, moveable and immoveable, of both the said St. Gabriel Church, or the trustees thereof, and the said Chalmers Church, or the trustees thereof, shall be transferred to The First Presbyterian Church of Montreal, which shall assume all the debts and liabilities of both said churches ; and whereas The Trustees of the St. Gabriel Church have fully performed and accomplished the object for which they were created, and have mutually consented to their dissolution as a body corporate ; and whereas by deed before Theo. Doucet, notary, on the 31st December 1909, Messrs. O. W. Barwick, D. S. Hislop, A. E. Taylor and P. McDougall, acting as trustees for The First Presbyterian Church of Montreal, purchased certain lots of land described and upon conditions set out in said deed ; and whereas it is desirable to declare the termination of The Trustees of the St. Gabriel Church, and their dissolution as a body politic and corporate, and to ratify and confirm the amalgamation of the congregations of St. Gabriel Church and Chalmers Church, and to confirm the agreements and to incorporate The First Presbyterian Church of Montreal ; and whereas Messrs. Albert E. Taylor, merchant, Purvis McDougall, stock-broker, J. Hector Mackay, insurance agent, Alec. C. Abernethy, bank clerk, John Beckingham, printer, William Blair, book-keeper, D. McLaren Brophy, manufacturers' agent, William Clelland, junior, insurance agent, James Cooper, insurance agent, Archibald McAllister, printer, John H. M. Robertson, manufacturer, and Robert S. Weir, manufacturer, herein acting both personally and in their quality of Trustees of the St. Gabriel Church, and Messrs. Oliver W. Barwick, merchant, Daniel S. Hislop, merchant, John H. Scott, merchant, Malcolm Thomson, gentleman, and Hugh M. Watson, accountant, all of the city of Montreal, have by their petition prayed that an act be passed as hereinafter set forth, and it is expedient to grant the prayer of the said petitioners ;

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

Dissolution
of certain
corporation,
&c.

1. The trust of " The Trustees of the St. Gabriel Church " is declared to be fulfilled and terminated and the dissolution of the body corporate created by the act of the Parliament of the Province of Canada 27-28 Victoria, chapter 161, is hereby declared.

2. Such dissolution shall not prejudice the rights of creditors, if any, of the said The Trustees of the St. Gabriel Church, who shall preserve all their recourses and rights against the property and assets of The First Presbyterian Church of Montreal hereinafter referred to. Rights of creditors not affected.

3. The union and amalgamation of the congregations of St. Gabriel Church and of Chalmers Church in the city of Montreal in connection with the Presbyterian Church in Canada is ratified and confirmed and declared to be irrevocable and binding. Union of certain congregations ratified, &c.

4. The said petitioners, Messrs. Albert E. Taylor, Purvis MacDougall, J. Hector Mackay, Alec. C. Abernethy, John Beckingham, William Blair, D. McLaren Brophy, William Clelland, James Cooper, Archibald McAllister, John H. M. Robertson, Robert S. Weir, Oliver W. Barwick, Daniel S. Hislop, John H. Scott, Malcolm Thomson and Hugh M. Watson, and such other persons as may have been heretofore members of St. Gabriel Church or of Chalmers Church in the city of Montreal, and who, with others, may now be or may hereafter become members of the congregation formed in the city of Montreal in connection with the Presbyterian Church in Canada out of the union of St. Gabriel Church and Chalmers Church, and their successors in the membership of the said Congregation, are hereby constituted a body politic and corporate under the name of "The First Presbyterian Church of Montreal." Persons incorporated.

5. The said corporation shall have perpetual succession, and may sue or be sued before the courts ; it may acquire, hold and possess such property, moveable and immoveable, as may be necessary for the uses of the congregation, and may dispose of, alienate or hypothecate the same and acquire other property in lieu thereof, provided that the annual value of the property acquired shall not exceed the sum of twenty-five thousand dollars; it may make and sign all such bills of exchange, promissory notes and other contracts as may be necessary for the purposes of the corporation. Powers.

6. The corporate seat of the corporation shall be in the city of Montreal. Corporate seat.

7. The property, estate and assets, moveable and immoveable, of both St. Gabriel Church or The Trustees of the St. Gabriel Church and of Chalmers Church or The Trustees of Chalmers Church in their said quality, are hereby declared to have been transferred and conveyed to, and to be now vested in The First Presbyterian Church of Montreal. Transfer of certain property, &c.

Debts, &c.,
assumed.

8. All debts or liabilities at any time legally contracted by the St. Gabriel Church or The Trustees of the St. Gabriel Church or by Chalmers Church or The Trustees of Chalmers Church in their said quality are and shall be assumed and made payable by The First Presbyterian Church of Montreal.

By-laws.

9. The members of the congregation of The First Presbyterian Church of Montreal, shall adopt such by-laws, rules or regulations for the government and administration of their affairs as shall be agreed upon by the members thereof in accordance with the rules and forms of procedure of the Presbyterian Church in Canada at a congregational meeting called for the purpose in accordance with such rules.

Certain sale
ratified, &c.

10. The agreement of sale between The Trustees of the St. Gabriel Church and Jacob A. Jacobs passed before R. B. Hutcheson, notary, on the 16th of June, 1909, is ratified and confirmed, and the said Jacob A. Jacobs is authorized to pay the balance of fifty thousand dollars remaining unpaid on account of the purchase price and all interest charges thereon, when the same becomes payable under the terms of said agreement, to The First Presbyterian Church of Montreal aforesaid, which is hereby empowered to obtain and receive payment of the said balance of purchase price and interest, and thereupon to grant to the said Jacob A. Jacobs a full discharge therefor.

Certain deed
of transfer
ratified, &c.

11. The deed of transfer and assignment between The Trustees of The St. Gabriel Church " and Messrs. A. E. Taylor and P. MacDougall, in trust, passed before J. Alexander Cameron, notary, on the 31st December, 1909, is ratified and confirmed, and all the property, moveable and immovable, transferred and assigned thereunder to the said A. E. Taylor and P. MacDougall, in trust, is hereby declared to be transferred to, and to be vested in The First Presbyterian Church of Montreal.

Certain deed
of sale rati-
fied, &c.

12. The deed of sale and purchase between Wilfrid T. Skaife *et al.*, *es-qual.*, and Messrs. Daniel S. Hislop *et al.*, *es-qual.*, passed before Theo. Doucet, notary, on the 31st December, 1909, is ratified and confirmed; and the purchasers under the said deed are declared to have acquired the lots of land therein set out for and for the benefit of The First Presbyterian Church of Montreal, to which the said lots of land are hereby declared to be transferred and in which they are now vested.

Transmission
of statement.

13. The corporation shall, when so required by the Lieutenant-Governor in Council, transmit a statement of the im-

moveables held by it, a copy of its by-laws and the names of its officers and trustees.

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

CHAP. 107

An Act respecting a deed of donation by the late Dame Ann Bain, widow of the late Charles Philipps, in favor of the late Patrick Maher

[Assented to 4th June, 1910]

WHEREAS Dame Bridget Henrietta Maher, wife separate Preamble.
as to property of James Anthony McShane, clerk ;
Mary Maher, spinster ; Catherine Maher, spinster, and Ann
Maher, spinster, all of the city of Montreal, have by their petition,
represented :

That the petitioners are the sole surviving daughters of the late Patrick Maher, otherwise, Meagher, in his lifetime, of Montreal aforesaid, gardener, either by his marriage with his first wife, the late Dame Elizabeth Murphy, or by his marriage with his second wife, the late Dame Honora Ryan ;

That by deed of gift dated the 8th August, 1882, before Herbert S. Hunter, notary, and duly registered on the 16th August, 1882, the late Dame Ann Bain, at that time the widow of the late Charles Phillips, both in their lifetime of Montreal aforesaid, gave to the said late Patrick Maher, otherwise Meagher, that certain immoveable property in the city of Montreal, now known and designated on the official plan and in the book of reference for St. Antoine ward, of Montreal, as the northeast part of subdivision K of the official lot No. 1625 ;

That the said deed of gift contained the following clause :

“ And it is hereby made an express condition and it is the essence of the present donation that the sons of the said Patrick Maher, otherwise Meagher, whether they be issue of his marriage with his present wife, Dame Honora Ryan, or of his marriage with his late wife, Dame Elizabeth Murphy, shall not in any wise have any right, title or interest in the said property on account of their relationship to the said donee, nor shall they or any of them under any pretence whatever have the right to claim a share therein by reason of any community, continuation of community or other matrimonial rights ;”

That the said Patrick Maher, died intestate on the 6th