

C H A P. 122

An Act to amend the act incorporating the Western Hospital of Montreal.

[Assented to 14th March, 1907]

Preamble.

WHEREAS the Western Hospital of Montreal, by its petition, has represented that it is desirous of amending its charter of incorporation, as hereinafter provided ; and whereas it is expedient to grant the prayer of the said petition ;

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

37 V., c. 40,
s. 1, replaced.

1. Section 1 of the act 37 Victoria, chapter 40, is replaced by the following :

Persons in-
corporated.

“ **1.** Hiram Mills, William Workman, Henry Mulholland, Hugh McLennan, A. W. Ogilvie, George Stacey, W. Meacock, Henry Judah, A. F. Gault, William MacDonald, M. D., James Coristine, A. Cantin, C. A. Cantin, J. B. Cantin, C. W. Woodford, R. W. Forsyth, F. Wolferstan Thomas, J. Molson, Thomas Cramp, Alex. A. Stevenson, H. D. Cowley, T. Crathern, D. H. Henderson, Henry Starnes, Joseph Tiffin, Henry J. Tiffin, William Gardner, M. D., Horatio A. Nelson, Anthony Kerry, E. K. Greene, George Wilkins, M. D., Francis W. Campbell, M. D., William Smith, E. H. Trenholme, M. D., James Ewan, William Ewan, Joseph Hickson, Jno. L. Hardman, John C. McLaren, C. J. Bridges, Reverend Geo. H. Wells, all of the city of Montreal, Esquires, and all such other persons who shall hereafter contribute to the institution hereby created by a donation respectively of at least one hundred dollars, and who shall regularly continue to pay annually to its support not less than ten dollars, and their successors, are hereby created a body corporate and politic at the city of Montreal, in the Province of Quebec, under the name of ‘ The Western Hospital of Montreal.’ ”

Name.

Id., s. 3,
replaced.

Corporation
may receive
property, &c.,
for purposes
for which
created, &c.

2. Section 3 of the said act is replaced by the following ;

“ **3.** The said corporation shall have the right to take, hold and possess all real or immovable property, and all money or moveable property, which may legally have been or may be hereafter given, granted, purchased, appropriated, devised, or bequeathed, in any manner whatever for, to, or in favor of the said The Western Hospital of Montreal, for the purposes for which the said corporation is hereby created, and upon such

terms and conditions not inconsistent with the purposes hereof, as the donor or testator thereof may impose.

The said corporation shall have the power to sell and convey, let or lease the immoveable property appertaining to it; and the said corporation shall also have the power to borrow money and to issue bonds or debentures therefor, and to pledge, hypothecate or mortgage its real or immoveable property to secure such loans or debentures.”

May sell
same, &c.

May borrow
and issue
mortgage,
bonds, &c.

3. Section 4 of the said act is replaced by the following :

Id., s. 4,
replaced.
Objects.

“**4.** The intents and purposes for which the said corporation is hereby created are declared to be :

The admission and care of sick persons, subject to such limitations and charges as may be hereafter determined upon and settled by the by-laws of the said corporation ;

Admission,
&c., of sick.

The reception of sick persons as pauper patients, subject to such limitations and regulations as may be determined by the said by-laws ;

Reception of
pauper
patients.

The granting of relief to persons requiring the same from sudden accident ;

Relief in case
of sudden
accident.

The giving of medical advice and medicines to the poor subject to such regulations as may be determined by said by-laws ;

Medical ad-
vice, &c.
to poor.

The giving of instruction in medicine, surgery and nursing.”

Medical in-
struction, &c.

4. Section 5 of the said act is replaced by the following :

Id., s. 5,
replaced.

“**5.** The said Hiram Mills, William Workman, Henry Mulholland, Hugh McLennan, A. W. Ogilvie, George Stacey, Wm. Moccock, Henry Judah, A. F. Gault, William MacDonald, M. D., James Coristine, A. Cantin, C. A. Cantin, J. B. Cantin, C. W. Woodford, R. W. Forsyth, F. Wolferstan Thomas, J. Molson, Thomas Cramp, Alex. A. Stevenson, H. D. Cowley, T. Crathern, D. H. Henderson, Henry Starnes, Joseph Tiffin, Henry J. Tiffin, William Gardner, M. D., Horatio A. Nelson, Anthony Kerry, E. K. Greene, George Wilkins, M. D., Francis W. Campbell, M. D., William Smith, E. H. Trenholme, M. D., James Ewan, William Ewan, Joseph Hickson, Jno. L. Hardman, John C. McLaren, C. J. Brydges, and Reverend Geo. H. Wells, are hereby created governors for life of the said hospital, subject only to the condition of their contributing and continuing to contribute to its funds the yearly sum of ten dollars or more ; and any other persons who shall have contributed by donation to its funds one hundred dollars or more at one time, may be constituted such life governors, by vote of the corporation, subject to the like condition of contributing such yearly sum of ten dollars or more.”

Life gov-
ernors of
hospital.

Id., s. 6,
replaced.
Committee of
management.

5. Section 6 of the said act is replaced by the following :

“**6.** The affairs of the said corporation shall be managed by a committee of management which shall be composed of the officers of the corporation, and of fifteen governors elected annually at the annual meeting of the corporation as hereinafter provided.”

Id., s. 7,
replaced.
Replacing in
case of death,
&c.

6. Section 7 of the said act is replaced by the following :

“**7.** In case of the death, resignation or disqualification of any member of the committee of management, it shall be in the discretion of the committee of management to name another qualified member of the said corporation to serve in his stead for the unexpired remainder of the term for which he was elected.”

Id., s. 8,
replaced.
Election of
officers.

7. Section 8 of the said act is replaced by the following :

“**8.** The corporation shall, at its annual meeting, elect from among the qualified members of the corporation : (a) one or more honorary presidents ; (b) a president ; (c) two vice-presidents ; (d) a treasurer ; (e) a secretary ; (f) the committee of management ; (g) a medical board.”

Id., s. 9,
replaced.
Votes of
members.

8. Section 9 of the said act is replaced by the following :

“**9.** At all meetings of the said corporation, whether the same be general or special, every member thereof who has paid the current year's subscription, shall be entitled to one vote ; said vote shall be given in person, and all questions shall be determined by the majority of votes so given.”

Id., s. 10,
repealed.

9. Section 10 of the said act is repealed.

Id., s. 11,
replaced.

10. Section 11 of the said act is replaced by the following :

Powers of
committee of
management.

“**11.** The said committee of management shall have full power in all things to administer the affairs of the corporation, and may make, or cause to be made for the corporation, any description of contract which the corporation may by law enter into ; and may from time to time, make by-laws not contrary to law, nor to this act, to regulate the appointment, functions, duties, and removal of all physicians, surgeons and apothecaries, and all agents, officers and servants of the said corporations, the security (if any) to be given by them to the corporation ; the time at which and place where the annual meetings of the corporation shall be held, the calling of meetings regular and special of the committee of management and of the corporation, the quorum and the

By-laws
thereof.

procedure in all things at such meetings, the management and disposition of the funds and charities, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; the appointment and removal of clinical lecturers, the attendance of students in medicine at the hospital, the government, limitations, and rules to be observed in the admission of the sick persons, the granting of relief to out-door patients, and the conduct in all other particulars of the affairs of the said corporation; and may, from time to time, repeal, amend, or re-enact the same; but every such by-law, and every repeal, amendment or re-enactment thereof, unless, in the meantime, confirmed at a general meeting of the corporation, duly called for that purpose, shall only have force until the next annual meeting of the said corporation, and in default of confirmation thereat shall, at and from that time only, cease to have force; provided, always, that ten or more of the members of said corporation, shall have the right at all times, to call a special meeting thereof for the trans-^{Special} action of any business specified in such written requisition ^{meetings of} and notice, as they may issue to that effect; and such by-^{members.} laws, rules and regulations shall have the same force and effect as if they were embodied in this act, and copies thereof, ^{Certified co-} under their seal, and purporting to be signed by the presi-^{pies of by-} dent and secretary of the said corporation, shall be received ^{laws prima} as *prima facie* evidence thereof in all courts of justice.” ^{facie evi-} ^{dence.}

11. Section 12 of the said act is replaced by the following: ^{Id., s. 12,} ^{replaced.}

“**12.** The said corporation may, from time to time, invest ^{Investment} any surplus funds or moneys appertaining thereto, in bank ^{of funds.} stock, bonds or stock of any legally constituted corporation, public securities including the stock or bonds of the city of Montreal, or in mortgages or hypothecs upon immoveable property, but the provisions hereof shall not prevent them from accepting and taking personal security in addition to the security hereinbefore provided for.”

12. The following section is added to the said act: ^{Id., s. 13,} ^{added.}

“**13.** The deed of loan and hypothec passed between the ^{Deed of loan,} said corporation and the *Crédit Foncier Franco-Canadien* ^{&c., Dec. 10,} before R. A. Duntou, notary public, on the 10th day of ^{1906, ratified.} December, 1906, is hereby ratified and confirmed.

13. This act shall come into force on the day of its sanc-^{Coming into} tion. ^{force.}

SCHEDULE

Before M^{re}. ROBERT A. DUNTON, the undersigned public notary for the Province of Quebec, residing and practising in the city of Montreal,

APPEARED :

LE CREDIT FONCIER FRANCO-CANADIEN, a corporation having its seat of business at the city of Montreal and herein acting by MARTIAL CHEVALIER, of the city of Montreal, the general manager of the said corporation, hereinafter styled the "Lender "

Of the one part ;

AND

THE WESTERN HOSPITAL of Montreal, a body corporate and politic duly incorporated, having its head office and place of business in the said city of Montreal, herein acting and represented by Charles F. Smith, Esquire, merchant, the president, and George T. Ross, Doctor of Medecine, the honorary secretary of said corporation, duly authorized for the purposes hereof by a resolution passed at a quarterly meeting of the life governors of said corporation held on the seventeenth of July last (1906), a certified copy whereof is hereto annexed, identified by the signature of said officers and the undersigned notary, hereinafter called the "Borrower,"

Of the other part ;

Who have entered into the following agreement :

Article first.—The lender has agreed to lend the borrower the sum of forty thousand dollars, which the borrower acknowledges to have received from the lender to its satisfaction at the execution hereof, whereof quit.

Article second.—This loan will bear interest from this date until repayment, at the rate of five per centum per annum.

Article third.—The borrower obliges itself to repay the said loan in twenty years from the first of December instant (1906), and until repayment to pay the interest to the lender half-yearly on the first days of June and December of each year at the office in Montreal of the lender. The first payment of interest for the period from this date will become due on the first of June next, with liberty to said borrower to repay an amount annually during said term not exceeding five thousand dollars per annum.

Article fourth.—As security for the repayment of the said sum of forty thousand dollars and the interest thereon, and also for the costs for the preservation or recovery of the debt, the borrower affects and hypothecates specially in favor of the lender the following property, to wit :

That certain block of land situate partly in the said city of Montreal and partly in the town of Westmount, in the district of Montreal, described as follows :

That portion, being the larger portion, situate within the limits of the city of Montreal, being known and designated as the south-west portion of lot number sixteen hundred and fifty-one (No. 1651) on the official plan and book of reference of St. Antoine ward ; and the remaining portion, being the south-west corner of said block of land and forming a small strip at the corner of Dorchester street and Atwater Avenue, being known and designated as lot number three hundred and eighty-one (No. 381) on the official plan and book of reference of the municipality of the parish of Montreal, and which said block of land is bounded as follows :—In front to the south-east by Dorchester street, in rear towards the north-west by Tupper street, on one side to the south-west by Atwater Avenue and on the other side to the north-east by Essex Avenue and containing a superficial area of seventy-nine thousand four hundred and sixty-eight feet, English measure

With the large hospital building thereon erected, together with the large four-story brick building as a wing to said hospital now in course of erection by Messrs. Peter Lyall & Sons, contractors, with the rights, members and appurtenances belonging thereto.

Article fifth.—Any interest payment not paid at maturity will render the entire capital of the loan exigible, if the lender think proper, and in any event will bear interest at the rate stipulated for the said loan in favor of the lender from maturity, the whole of right, without any *mise en demeure* being necessary. Likewise any advances made by the lender, especially those for insurance premiums paid to the insurance companies and for costs to preserve or for the recovery of the debt, will bear interest in like manner. This interest will run from the date of the advance.

Article sixth.—In the event of any anticipated reimbursement, voluntary or enforced, the company will be entitled as a compensation for the loss of the investment and the risks and delays attending a new investment as well as for liquidated damages, to an indemnity of three months' interest on said reimbursement, at the rate stipulated for the loan ; but the borrower renounces all right to make any such reimburse-

ment before the expiration of ten years from the first of December instant.

Article seventh.—If the repayment be partial and made with moneys borrowed for the purpose, the subrogated creditors must acknowledge the priority of the debt of the present lender for the portion not repaid; any partial repayment must be made by hundreds and will give rise to a proportionate reduction in the amount of interest.

The payments of capital and interest can only be effected in current money of Canada and not in paper or other representative of money (to the benefit of which the borrower formally renounces.)

These payments shall be made at the office, in the city of Montreal, of the lender.

Article eighth.—In case of the forced sale of the whole or any part of the hypothecated property and as an indemnity for loss of interest from the date of adjudication to that of payment by sheriff, prothonotary, syndic or liquidator, the lender will be entitled to an indemnity of six months' interest at the above mentioned rate on the amount due at the time of the sale, in capital, interest, costs and other accessories as liquidated damages.

Article ninth.—As security for the payment of the accessories of the loan such as insurance premiums, interest on overdue interest, advances made by the lender and interest thereon in case of prepayment either voluntary or on account of forced sale, interest beyond two years and the current year, liquidated damages, costs and travelling expenses to attend judicial sale of property and any commission or percentage imposed by the Government, sheriff or syndic, which shall be borne by the borrower, the borrower specially hypothecates the above described property in favor of the lender to the extent of the additional sum of four thousand dollars.

Article tenth.—As additional security the borrower obliges itself to insure against fire the buildings erected upon the hypothecated property in favor and in the name of the lender and to keep this insurance in force until the repayment of the loan. The insurance must be effected in a company approved of by the lender. It shall be established by the production and deposit of the policy or policies in the hands of the lender and each subsequent year by the delivery to the lender of the receipts for the renewal of such insurance.

Should the borrower fail or neglect to effect or renew such insurance or to produce the renewal receipt therefor, the lender will have the right to effect such insurance in such company as it may think proper, at the cost of the borrower. In any case whether the insurance be effected by the

borrower or by the lender, the premium or premiums for the renewal of the insurance may be paid by the latter and may in consequence be added to the amount of the interest payment next maturity unless the lender prefer immediately to exact the payment thereof.

In case of loss by fire the insurance money shall be paid over to the lender to the extent of its claim.

The lender reserves the right to apply the insurance money wholly or in part either in deduction of the borrower's debt or towards the reconstruction or repair of the hypothecated property, without, by the reception of such moneys, reducing or affecting its rights, privileges and hypothecs in any way whatsoever.

Article eleventh.—If a tax should be imposed on hypothecary loans, the lender reserves the right to demand payment of the amount of the loan and the interest thereon within one month after the creation of such a tax unless the borrower prefer to pay the said tax in order to avail itself of the delays, rights and faculties granted hereunder.

Article twelfth.—For the execution of this contract of loan, election of domicile is made by the lender at its seat of business in the city of Montreal, and by the borrower at the office in Montreal of the prothonotary of the Superior Court for the district of Montreal.

This election of domicile shall be attributive of jurisdiction, in conformity with article 85 of the Civil Code of Lower Canada: consequently all notices, demands and suits in connection with this loan may be given, made or taken at the covenanted domicile and before the judge or tribunal of such domicile. The lender may also, without being bound thereto, serve an additional copy of its demand at the real domicile of the borrower and at the borrower's expense.

Article thirteenth.—The debt of the lender is stipulated indivisible and may be claimed in its entirety from any heir, legatee, representative or purchaser from the borrower in conformity with article 1123 of the Civil Code of Lower Canada.

Article fourteenth.—The title deeds of the property mortgaged shall remain in the hands of the lender until complete repayment of the loan.

The contract of loan will become null and void if not completed within the delay of one month from the date of the application, without any *mise en demeure* being necessary, unless the lender prefer to demand the execution of the contract. The borrower obliges itself to make known to the lender, within the delay of one month from the date thereof, any sale total or partial he may effect, and, in default, of his

making known such sale as well as in default of the holder consenting in favor of the lender, an election of domicile agreeably with clause twelfth above, the loan, in capital, interest and indemnity, shall become exigible. The loan shall also become exigible in the same manner if any hypothecary claims or rights be discovered other than those made known to the lender prior in rank to the hypothec hereby created, or if the borrower or holder of any part of the hypothecated property permit it to deteriorate or if he reduce the value or security thereon. The lender is entitled to pay out of the present loan all hypothecary claims or privileges prior to its own and for this purpose the amount of the present loan is constituted a deposit in the hands of the lender until the hypothecary situation is cleared.

The borrower declares the hypothecated property to be charged with no other hypothec than that mentioned in the "description of property" annexed to its application.

Article fifteenth.—The said borrower expressly undertakes and obliges itself to have the present deed of loan and hypothec ratified by the Legislature of the Province of Quebec, within one year from this date, specially ratifying and confirming the hypothec created on said property as security for said debt.

Article sixteenth.—The borrower declares that the above described properties belong to it in virtue of the following title deeds, viz :

Deed of sale from William Workman, in his lifetime of Montreal, to said borrower, dated and executed before T. Doucet, notary, the first of April, eighteen hundred and seventy-five, and registered in the registry office for Montreal under No. 86942.

Article seventeenth.—Inasmuch as Messrs. Peter Lyall & Sons, Montreal, general contractors, who are builders and contractors in the erection of the large new four-story wing to said hospital now in course of erection, have registered a lien on said property as security for the payment of the contract price for said building, as appears by memorial registered in Montreal West Registry Office under No. 143,107, and by memorial registered in the registry office for the counties of Hochelaga and Jacques Cartier under No. 127,678, the borrower hereby requests and authorizes the said lender to pay the amount of the present loan to said contractors Peter Lyall & Sons, and to take subrogation from them of their right, privileges and liens under and virtue of the said memorials and of all their rights and privileges as builders or contractors in the erection of said building; and it is further stipulated and agreed that should said borrower neglect

or fail to have the present deed ratified by the Quebec Legislature within said delay as above mentioned, that said lender notwithstanding the delays hereinbefore stipulated for the repayment of said capital sum shall be entitled to take action under said contractor's or builder's liens, in which it will be subrogated as above set forth in order that the privilege or hypothec subsisting under the said memorials and the registration thereof may be confirmed and become permanent by a judgment of the Superior Court.

WHEREOF ACT ;

Executed at the city of Montreal, this tenth day of December nineteen hundred and six, and of record in the office of the said Mtre Dunton under No. twenty-five thousand five hundred and fifteen.

And after due reading hereof the parties signed in presence of said notary.

(Signed) GEO. T. ROSS, M.D., *Hon. Secretary*,
 “ CHAS. F. SMITH, *President*,
 “ *Le Directeur Général*, M. CHEVALIER,
 “ R. A. DUNTON, *N. P.*

A true copy of the original hereof remaining of record in my office.

R. A. DUNTON, N. P.

CHAP. 123

An Act to amend the charter of The Alexandra Hospital

[Assented to 14th March, 1907]

WHEREAS the Alexandra Hospital of the city of Mon-Preamble
 treal has by its petition represented:—

That by the act 3 Edward VII, chap. 116, it was incorporated as a body politic and corporate ;

That by section 4 of the said act it is provided that there shall be fifteen governors in the corporation, three of whom, namely: The president of the society of the Montreal General Hospital, the president of the Royal Victoria Hospital and the president of the Western Hospital of Montreal, shall hold office by reason of their official position ;

That it is desirable in the interest of the hospital, that the number of governors shall be increased to sixteen, and that