

1. The Protestant Hospital for the Insane, in addition to the powers appertaining thereto in respect to investments, are hereby authorized to invest their funds in loans secured by hypothec or mortgage on immoveable property or real estate in Canada, and in bank shares, and bonds or stock of any legally constituted corporation. Hospital authorized to make certain investments.

2. All investments in stocks, shares, bonds and debentures, made by the said hospital before the passing of this act, shall be held to have been made within the powers of the said hospital, and the same are hereby ratified and confirmed. Certain investments rendered valid.

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

CHAP. 91

An Act to incorporate the Church of the Messiah (Unitarian), Montreal, and to ratify a certain deed of sale and transfer made by said church

[Assented to 9th March, 1906]

WHEREAS the congregation of the church of the Messiah (Unitarian), Montreal, has, by its petition signed by Edward Archibald, of the city of Montreal, merchant, J. S. N. Dougall, of the city of Montreal, merchant, and James Morgan, of the city of Montreal, merchant, represented that, by an act passed by the late Province of Canada, 8 Victoria, chapter 35, the said congregation, then denominated "Christian Unitarians," was, among other things, empowered to take a conveyance of the lot of land situated at the place called Beaver Hall, and to hold the same for the uses of the said congregation by the trustees to be appointed under the said act and their successors in office; Preamble.

Whereas the said congregation have since that time held, used and occupied the said property by trustees as therein provided;

Whereas the said congregation are desirous of selling and disposing of the said property, and have, in fact, sold and disposed of the said property to Caroline Rose Foote, wife of Robert Newton Smyth, carrying on business as S. B. Foote and Co., but, as in virtue of said before mentioned act, there are doubts as to the power of the said congregation and of the trustees by whom the said property is held as aforesaid, to sign a transfer, of the same, either by themselves or by the said trustees, and are, moreover, desirous of obtaining incorporation with all the powers usually granted to incorporated bodies in the Province of Quebec;

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

Persons incorporated.

Name and powers.

Certain deed of sale ratified, &c.

Coming into force.

1. The said Edward Archibald, J. S. N. Dougall and James Morgan, together with all others, the members, wardens and trustees of said congregation and their successors, are hereby constituted and declared to be a body corporate and politic by the name of the "Church of the Messiah," with power to acquire, hold and possess such property as may be necessary for the uses of the said congregation as such, in perpetual succession, to dispose of the same and acquire other property in lieu thereof whenever they may find it necessary or expedient so to do, and to commence, maintain and defend any action or actions at law for the protection of or in any way concerning their rights of property therein.

2. The deed of sale and transfer, schedule to this act, of the property on Beaver Hall and now known as cadastral No. part 1149, St. Antoine Ward, hitherto held and owned by the said congregation, made before Cameron, notary, on the fifth day of January instant, by J. C. McArthur, G. W. Stephens, E. Archibald and J. Morgan, the trustees for the said congregation, to Caroline Rose Foote, wife of Robert Newton Smyth, carrying on business as S. B. Foote and Co., as above set forth, is hereby ratified, confirmed and declared valid to all intents and purposes.

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

SCHEDULE

Before JOHN ALEXANDER CAMERON, the undersigned notary for the Province of Quebec, residing and practising at the city of Montreal,

APPEARED:

JAMES C. MCARTHUR, merchant, GEORGE WASHINGTON STEPHENS, esquire, EDWARD ARCHIBALD, merchant, and JAMES MORGAN, merchant, all of the said city of Montreal, acting in their quality and as being a majority of trustees appointed by and in accordance with the rules and constitution of a religious congregation at Montreal, formerly denominated the *Christian Unitarian Society of Montreal*, or Christian Unitarians, but now and for some time past known as "The Church of the Messiah," under and by vir-

tue of an act of the Parliament of the late Province of Canada, chapter thirty-five of the statutes passed in the eighth year of the reign of Her late Majesty, Queen Victoria, and herein acting by and with the consent and authorization of the said congregation, as appears by the annexed certified copy of a resolution thereof, passed at a special meeting duly called and held for that purpose on the sixteenth day of November, one thousand nine hundred and four

Hereinafter styled the "Vendors."

Who have by these presents sold and conveyed, with legal warranty,

Unto DAME CAROLINE ROSE FOOTE, wife common as to property of ROBERT NEWTON SMYTH, of the said city of Montreal, manufacturers' agent, in her quality as a public trader, carrying on business at Montreal as a printer and publisher under the name and style of "S. B. Foote and Co.," by her said husband hereto present duly authorized; the said Dame Caroline Rose Foote, hereinafter styled the "purchaser," hereto present and accepting and acquiring for the said business, the following immoveable property, namely:

DESCRIPTION

An emplacement at the northerly corner of Beaver Hall Hill and Lagauchetiere street, in the St. George Ward of the city of Montreal, forming part of the lot known and designated as number eleven hundred and forty-nine (1149) of the official plan and book of reference of the St. Antoine Ward of said city; bounded in front to the south-east by Lagauchetiere street, in rear by another portion of the same official lot belonging to William Bentham, on one side to the southwest by Beaver Hall Hill, and on the other side to the northeast partly by official lot number eleven hundred and fifty and partly by the passage-in-common hereinafter mentioned, also forming part of said official lot number eleven hundred and forty-nine; and contained, said emplacement hereby sold, within the following lines, viz:—

Commencing at a point on the northwest side line of Lagauchetiere street, being the point of intersection therewith of the prolongation of the outer line or face of the northeast wall of the church hereinafter mentioned; thence running in a northwesterly direction a distance of ninety-three feet, six inches, to a point; thence turning and running in a northeasterly direction along the rear line of the said passage a distance of seven feet, six inches, to the southwest side line of official lot eleven hundred and fifty; thence turning and running in a northwesterly

direction along the last mentioned line a distance of twenty-nine feet, three inches, to another point; thence turning and running at right angles with the last mentioned line, a distance of sixty-five feet to Beaver Hall Hill; thence turning and running in a straight line along the northeast side of Beaver Hall Hill, a distance of fifty-six feet; thence following the curving line of Beaver Hall Hill and Lagauchetiere streets to the point of commencement, the whole as shown, colored green, on the plan made by Joseph Rielle, P.L.S., dated the fifteenth day of December last (1905), hereto annexed, signed for identification by the parties hereto in presence of said notary.

With the building heretofore used as a church thereon erected.

Together with the right of way, in common with others having rights therein, in, over and upon the said passage, which forms part of the said official lot number eleven hundred and forty-nine, containing a width of five feet, two inches, in front, gradually increasing to a width of seven feet, six inches, in rear, by ninety-three feet, six inches, in depth, and bounded in front by Lagauchetiere street, in rear and on one side by the emplacement hereby sold, and on the other side by said lot number eleven hundred and fifty.

The foregoing measurements are English measure and more or less.

Together with the servitude heretofore created in favor of the emplacement hereby sold on the land comprised in the said passage hereinbefore described of a right of view for ever upon and over the said passage from and out of the windows presently existing in the northeast wall of the said church, as the said windows now exist or at any time hereafter may be in anywise, enlarged or altered, and from and out of any other window or windows which at any time hereafter may be opened in or through the said wall or in or through any other wall, which at any time hereafter may be built in place thereof on or within the line of said present wall; provided always, in regard to said right of view, that the owners for ever of said official lot number eleven hundred and fifty shall never be hindered nor interfered with by the owners forever of the emplacement hereby sold, as touching the walls presently existing along a part of the northeast line of said passage, or any window or windows therein, or any raising of the height of such walls or any part thereof, or any alteration of any such windows, or any making or opening of any other window or windows or other opening or openings in or through the same, nor as touching any wall or walls, or fence or fences, hereafter erected in place thereof or in line therewith or any windows or openings in the same.

The vendors reserve the right to remove the pulpit, organ,

pews, stained-glass windows, mural tablets and all other furniture of the said church, which are excluded from this sale.

As the said sold property now subsists with all its rights, members and appurtenances, without reserve of any kind on the part of the vendors.

TITLE

The said property was acquired by Benjamin Holmes and others, the then trustees of said congregation, as follows:

Partly from John Young, Asa Burroughs and William Workman, by deed of sale executed before I. J. Gibb and colleague, notaries, on the twenty-eighth day of October, eighteen hundred and forty-five; who acquired from James Dougall by deed of sale executed before Ovide Leblanc and colleague, notaries, on the twelfth day of December, eighteen hundred and forty-three; who acquired from the executors of Thomas Phillips by deed of sale executed before William Ross and colleague, notaries, on the thirteenth day of November, eighteen hundred and forty-three.

And partly from William Workman by deed of exchange and agreement executed before W. Easton, N.P., on the fifteenth day of September, eighteen hundred and fifty-one; who acquired from the executors of Thomas Phillips by deed of sale executed before William Ross and colleague, notaries, on the twenty-second day of July, eighteen hundred and forty-four.

POSSESSION

The purchaser will be the absolute owner of the said property from this date and will take possession thereof forthwith.

VENDORS' DECLARATIONS

The vendors declared and covenanted:

1st. That said property is held under the tenure of *franc aleu roturier*, and is free and clear of all assessments and rates general and special to the date hereof and of all encumbrances;

2nd. That the present sale has been made for the purpose of re-investing the proceeds in the acquisition of another church property.

CONDITIONS

This sale is thus made subject to the following conditions to the fulfilment whereof the purchaser obliges herself namely:

1st. To pay the costs of this deed and its registration and a copy for the vendor;

2nd. To pay all assessments and rates for which the said property may become liable from and after this date.

PRICE

This sale is thus made for the price and sum of twenty-three thousand dollars, which the vendors acknowledge to have received from the purchaser at the execution hereof, whereof quit.

INTERVENTION

And hereto intervened the said James C. McArthur, George Washington Stephens, Edward Archibald and James Morgan, acting in their own personal behalf.

Who, for the purpose of facilitating the present sale, agreed with the said purchaser and jointly and severally bound themselves towards her and her assigns and undertook that they would cause this deed of sale to be ratified by a special act of the Legislature of the Province of Quebec at the next ensuing session thereof, and that, until the coming into force of said act, they would and do hereby guarantee that the said purchaser shall be the absolute owner and have quiet possession of said sold property, free from all troubles, encumbrances and evictions whatsoever; and that, failing such ratification, they would refund and pay to said purchaser or her assigns the said price and sum of twenty-three thousand dollars.

WHEREOF ACTE

THUS DONE AND PASSED, at the city of Montreal, on this fifth day of January, one thousand nine hundred and six, and of record in the office of the undersigned notary under number five thousand three hundred and thirteen.

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

(Signed) GEORGE W. STEPHENS.

“ JAS. C. MCARTHUR.

“ EDW. ARCHIBALD.

“ JAMES MORGAN.

“ CAROLINE R. SMYTH.

“ ROBERT N. SMYTH.

“ J. A. CAMERON, N.P.

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

J. A. CAMERON, N.P