

C H A P. 9 2

An Act to ratify a certain deed of donation of certain property from Sir George A. Drummond to the Royal Trust Company, as trustee, for a home for the incurable, the infirm, the sick and aged.

[Assented to 9th March, 1906]

WHEREAS Sir George A. Drummond, of the city and district of Montreal, senator, has, by his petition, represented that he, being interested in charitable works, and more particularly being desirous of providing a home for the incurable, the infirm, the sick, and the aged, acquired a certain property and buildings thereon erected in the city of Montreal for the purpose of such home, and, being desirous of providing for the maintenance and support in perpetuity of such home, has by deed of donation, of date the ninth day of January, one thousand nine hundred and six, before Marler, N.P., transferred and set over to the Royal Trust Company, as trustee, the said immoveable property, together with the furniture and equipment in and upon the said property, and a certain sum of money for the purpose of endowing the said home, and providing funds necessary to carry on and administer the said home, and has, by the terms of said deed of donation, empowered the said trustee to administer the said property and moneys itself, or to enter into such arrangement with charitable institutions for the carrying on of such work as it may desire, or to obtain the incorporation of a body for the purpose of carrying on the said work; whereas doubts have arisen as to the powers of the said Royal Trust Company to fulfil the delegations and responsibilities undertaken and assumed by the said deed, and the said Sir George A. Drummond has prayed for the passing of an act ratifying and confirming the said deed of donation and vesting the said property, together with the said sum of money therein donated or that may be hereafter donated for the purpose of endowing the said home, absolutely and in perpetuity, in the said Royal Trust Company, or such body as may be incorporated for the purpose of carrying out the objects of the said deed of donation, to whom the same may be transferred by the said Royal Trust Company, free from all claims or demands on the part of the heirs or representatives of the said Sir George A. Drummond or any other person or persons whomsoever; and

Whereas it is expedient to grant the prayer of the said petitioner;

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

Certain deed ratified and property vested in trustees for certain purposes.

1. The deed of donation, schedule to this act, from Sir George A. Drummond to the Royal Trust Company of date the ninth day of January, one thousand nine hundred and six, before Marler, N.P., is hereby ratified and confirmed, and the property therein mentioned and the moneys therein mentioned and such other sum or sums of money as may be hereafter donated to the said Royal Trust Company or other corporate body, its assignees or transferees, for the purpose of the carrying on and administration of the said home, are hereby declared to be the property of and vested in the said Royal Trust Company, its assignees and transferees, absolutely and in perpetuity, and the said donations and all donations made to supplement it shall be irrevocable by the said Sir George A. Drummond, his heirs and legal representatives.

Coming into force.

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

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SCHEDULE

Before M^{RE}. WILLIAM DE M. MARLER, the undersigned notary for the Province of Quebec, practising at the city of Montreal.

APPEARED :

THE HONOURABLE SIR GEORGE ALEXANDER DRUMMOND, of the city of Montreal, Knight Commander of the Order of St. Michael and St. George, and one of the Senators of the Dominion of Canada, hereinafter called the "donor;"

of the first part;

AND

THE ROYAL TRUST COMPANY, a body corporate, having its principal place of business at the city of Montreal, hereinafter called the "trustee," and herein acting by ARCHIBALD MACNIDER, a member of the executive committee, and by HUGH ROBERTSON, the manager of the said company, both of the city of Montreal;

of the second part.

Who declared unto the said notary:

That whereas the donor, being desirous of providing a home or institution for the care and maintenance of the incurable, the infirm, the sick and the aged, purchased and acquired certain property in the city of Montreal, hereinafter described, as a site for such home or institution, and erected certain buildings thereon;

And whereas the Montreal branch of "The Sisters of St. Margaret," as incorporated by 54 Victoria, Quebec, chapter 64, has, for a number of years past, carried on the said work in the said premises;

And whereas the donor is desirous of providing for the perpetual maintenance of such home or institution;

NOW, THESE PRESENTS, AND I, THE SAID NOTARY, WITNESS:

First.—That the donor hath, by these presents, given, by way of donation *inter vivos* and irrevocably, unto the trustee, thereof accepting:—

1. The property hereinbefore referred to, consisting of:—

(a) A lot of land situated in the St. Lawrence Ward of the city of Montreal, known and distinguished on the official plan and book of reference of the said ward by the No. one hundred and seventeen (117): bounded as follows: In front by Sherbrooke street, along which it measures one hundred and one feet, three inches; on the northeast side by a portion of official lot one hundred and eighteen (118), belonging to John Molson, along which it measures one hundred and seventy-seven feet; on the southwest side by a portion of official lot one hundred and sixteen, (116) along which it measures one hundred and sixty-six feet, nine inches, and in rear towards the northwest by another portion of the said official lot one hundred and eighteen (118) hereinafter described, in which line it measures one hundred and forty-six feet, three inches.

All of the above measurements are English measure and more or less: The said lot containing twenty thousand eight hundred feet, more or less, English measure, in superficies.

(b) Another lot of land situated in the St. Lawrence Ward, forming part of the unsubdivided portion of lot No. one hundred and eighteen (118) on the official plan and book of reference of the said ward: bounded as follows: To the southwest by the said official lot one hundred and seventeen (117); to the northeast by the portion of the said official lot one hundred and eighteen (118), belonging to John Molson; to the southwest by official lot one hundred and sixteen (116); and to the northwest partly by the present alignment of Milton street and partly by subdivision thirteen of the said official lot one hundred and eighteen (118-13), and containing one hundred and forty-six feet, three inches, in the southeast side line, one hundred and fifteen feet, six inches, in the northeast side line, one hundred and twenty-six feet, in the southwest side line, and one hundred and forty-four feet, six inches, in an irregular line along the northwest boundary, and a superficies of seventeen thousand six hundred and seventy-four feet.

All of the above measurements are English measure and more or less.

(c) A piece of land of triangular figure forming part of subdivision thirteen (13) of the subdivision plan, duly made and filed, of a portion of the said official lot one hundred and eighteen (118) of the St. Lawrence Ward: bounded towards the northwest by Milton street, in which line it measures seventy-five feet, three inches; to the southwest by another portion of said subdivision thirteen (13), belonging to N. B. Desmarteau, or his representatives, in which line it measures twenty-two feet, nine inches; and to the southeast by the portion hereinabove described of official lot one hundred and eighteen (118), in which line it measures seventy-two feet, six inches.

The said portion of land containing eight hundred and twenty four feet in superficies.

All of the above measurements are English measure and more or less.

With all the buildings erected thereon.

As the said property is more fully shown on the plan thereof made by J. Rielle, Provincial Land Surveyor, dated 26th April, 1892, whereof a copy is annexed to the donor's deed of acquisition from Mrs. William Notman, executed before the undersigned notary on the fourteenth of January, eighteen hundred and ninety-three, and registered in the registry office for the registration division of Montreal East under No. 33354.

2. The sum of twenty-five thousand dollars, which the trustee acknowledged to have received from the donor at the execution hereof, whereof quit.

Second.—The trustee shall be and remain henceforth the owner of the land above described and of the said sum of money, free and clear of all rights, claims and demands of any kind on the part of the donor or of his heirs, or legal representatives or other person or persons whomsoever, but nevertheless, in trust, for the following purposes, namely:

1. To use the said property and the revenues of the said sum of money and all other sums of money which may be given to or come into the hands of the trustee in aid of the said institution for the carrying on upon the above described property or elsewhere of a home or institution for the care and maintenance of the incurable, the infirm, the sick and the aged, and for such other and kindred purposes as may commend themselves to the judgment and sympathy of the trustee;

2. To invest the said sum of money and all other sums which which may come into its hands in aid of the said institution in such securities as it may deem proper, without its being bound to invest in the securities in which by law trustees are directed to invest, and without responsibility for any resulting loss, and,

from time to time, in its discretion to sell and vary its investments and reinvest the proceeds ;

3. To itself carry on the said work upon the said property under the management of such person or persons as it may employ for the purpose; or to enter into such arrangements, as it may deem proper, either with the Montreal branch of the Sisters of St. Margaret or with any other charitable or philanthropic institution carrying on a work of like character in the city of Montreal, preference being given, however, to the said Sisters of St. Margaret, unless the trustee should take the work into its own hands or the said Sisters decline to continue;

4. To use the revenues thereof, after payment of the ordinary expenses of maintenance and the trustee's remuneration, or so much of said revenues as the trustee may deem proper, in the carrying on of the said work, adding any surplus revenues to the capital, and with power to use such accumulations for any purpose connected with the said work.

Third.—The trustee shall, at all times, associate with itself, in the management and administration of the property, and particularly in the actual carrying on of the said charitable work, one of the donor's descendants, and shall give consideration to the wishes, opinions and suggestions of such descendant of the donor, in so far as the same may not, in the opinion of the trustee, prove inconsistent with or detrimental to the interests and objects of the institution.

Fourth.—The trustee will have the power to sell the above described property or any part thereof upon such terms and conditions as it may deem proper, and to receive the price, and to borrow money either for the purpose of building on the property or to provide funds to carry on the work of the said home, and to mortgage or hypothecate the said property as security for the payment of the sums borrowed and the interest thereon, without third persons, with whom the trustee may deal, being bound to see to the application of the money; and to purchase other property in lieu of that above described, and to deal in like manner with such other property.

Fifth.—The trustee is authorized, if it should deem advisable, to apply for and obtain the incorporation of a body for such purposes as it may consider most effective to carry out the donor's wishes and intentions as herein indicated, and, upon such incorporation being obtained, to convey and make over to such body corporate the land and moneys hereby given to the trustee or the property, moveable or immovable, then representing the same. The body so incorporated shall be known by such name as may be given to it by the trustee, and shall have at least five directors, of whom the Mayor of the City of Montreal, the President of the Board of Trade, and the President of the

Bank of Montreal shall be directors *ex officio*, and during tenure of their offices respectively, and the President of the Bank of Montreal shall be the *ex officio* president. Of the other directors there shall be at least one of the donor's descendants.

The wish of the donor is that the said institution shall always be under the management of persons who are business or financial men of the city of Montreal.

Sixth.—The trustee shall be entitled to a reasonable remuneration for such services as it may perform in connection therewith, but not less than twenty-five dollars *per annum*.

Seventh.—The trustee accepts the trust hereby imposed upon it, and undertakes to carry it out faithfully and to the best of its ability, stipulating, however, that it shall not be liable for the failure of any person or persons whom it may employ in the performance of the work, and that it shall not be liable to be called in question for any cause or reason or by any person, except for the due investment by it of the funds intrusted to it, and for the expenditure of the revenues of such funds, to the best of its judgment and in its uncontrolled discretion, in pursuance of the objects of the donor.

WHEREOF ACTE:

THUS DONE AND PASSED, at the city of Montreal, on this ninth day of January, one thousand nine hundred and six, and of record in the office of the said Mtre. W. de M. Marler, under the number twenty-seven thousand and fifty-six. And after due reading hereof the parties signed in the presence of the said notary.

(Signed) GEO. A. DRUMMOND,

“ The Royal Trust Company.

“ A. MACNIDER,
Member Executive Committee.

(L. S.) “ H. ROBERTSON,
Manager.

“ W. DE M. MARLER, N.P.

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

W. DE M. MARLER, N.P.