

Provision of  
method.

**5.** The recovery of benefits, amounts, contributions and fines as well as the method and place of payment thereof shall be determined by by-law.

Evidence of  
members.

**6.** Every member of the corporation may be heard as a witness for or against it.

Coming into  
force.

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

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C A P. L X I V .

An Act to incorporate "The Sherbrooke Protestant Hospital."

[Assented to 12th July, 1888.]

Preamble.

**W**HEREAS the persons hereinafter named, and others, by their petition, have alleged and shown that a subscription has been set on foot to provide funds for the founding and erecting of an hospital in the city of Sherbrooke, to be known as "The Sherbrooke Protestant Hospital," and a parcel of land has been acquired for that purpose, and contributions and donations have already been subscribed, and that others may be expected in furtherance of said object; and whereas the said hereinafter named persons and others have prayed that they may be incorporated for the purposes of this act; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Persons incor-  
porated.

**1.** Richard W. Heneker, Andrew Paton, Thomas J. Tuck, William Farwell, John McIntosh, James Davidson, George G. Bryant, William A. Morehouse, Israel Wood, all of the city of Sherbrooke, Esquires, and all such other persons who shall hereafter contribute to the institution hereby created, either by a donation respectively of at least five hundred dollars, or who shall sign the constitution and regularly continue to pay annually towards its support, not less than five dollars each, and their successors are hereby created a body politic and corporate at the city of Sherbrooke, in the Province of Quebec, under the name of "The Sherbrooke Protestant Hospital."

Name.

General pow-  
ers.

**2.** The corporation shall have perpetual succession and may have a common seal, with power to change, alter, break, and renew the same as often as they think proper, and the corporation may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted in all courts and places whatever in this Province.

3. The corporation shall have the right to take, hold and possess all real or immoveable property and all money or moveable property which may legally have been or may be hereafter given, granted, purchased, appropriated, or devised or bequeathed in any manner whatever for, to and in favor of the said Sherbrooke Protestant Hospital for the purposes for which the corporation is hereby created, and upon such terms and conditions not inconsistent with the purposes hereof as the donor or testator thereof may impose, subject, nevertheless, to the restrictions hereinafter imposed; provided always, that the immoveable property held for permanent purposes by said corporation shall not exceed in annual value the sum of twenty thousand dollars, and provided also, that no immoveable property bequeathed to the said Sherbrooke Protestant Hospital, and not intended to be permanently occupied or used by the corporation, nor to be leased by them as a source of revenue, shall be retained by the corporation for a longer period than five years from the acquisition thereof.

Power to hold, &c., property.

Annual value of real estate limited.

Sale of surplus property within certain time.

The corporation shall have the power to sell and convey, let or lease, any immoveable property appertaining to them, as they may deem advisable for the interests of the corporation; provided always, that all moneys from time to time to be received by them on account of any real estate by them alienated, or to be alienated, or on account of the capital of any ground rent, or otherwise than by way of contribution not made for investment, shall be dealt with as capital only and not income, and shall be promptly invested, either in building or in real estate, for the occupation of the said hospital or in the securities hereinafter mentioned; but no person shall be bound to see to the application of the money by him paid to the corporation.

Power to sell &c., property.

Investment of proceeds thereof.

The deed of sale from Joseph Lee Terrill, Esquire, and others to Richard W. Henneker, Esquire, in trust for the corporation, passed before Edward B. Worthington, Esquire, notary public, on the twentieth day of June eighteen hundred and eighty-seven is hereby ratified and confirmed, and the property therein described is hereby declared to have been acquired for the corporation and is hereby vested in them subject to the conditions and stipulations of the said deed.

Certain deed of sale confirmed.

Property therein described vested in corporation.

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

Purposes of corporation.

1. The admission and care of sick persons without distinction of race or creed, subject only to such limitations and charges as may be hereinafter determined upon and settled by the by-laws of the corporation;

Admission of sick.

- Pauper patients. 2. The reception of sick persons as pauper patients subject to such limitations and regulations as may be determined by the by-laws:
- Relief. 3. The granting of relief to persons requiring the same from sudden accident ;
- Medical advice. 4. The giving of medical advice and medicines to the poor, subject to such regulations as may be determined by the by-laws.
- Composition of corporation. 5. The corporation shall be composed of life members and ordinary members.
- Life members. Ordinary members. All donors of five hundred dollars and upwards shall be life members, and all subscribers of five dollars a year and upwards per annum shall be ordinary members.
- Composition of board of management. Elections. Increase in numbers. 6. The affairs of the corporation shall be under the control and management of a board of nine governors, who shall be elected annually from among the persons qualified under the terms of the next following section ; which number, however, may be increased by by-law of the corporation as may be deemed necessary or expedient.
- Qualification of governors. 7. All life members and all ordinary members who are donors of one hundred dollars or upwards and subscribers to the funds of the hospital to the amount of at least ten dollars per annum, and not in arrear for any such subscription, shall be eligible as governors ; provided always, that such persons shall, at the time of their election, be connected with some one of the Protestant denominations in the Province of Quebec.
- Proviso. 7. All life members and all ordinary members who are donors of one hundred dollars or upwards and subscribers to the funds of the hospital to the amount of at least ten dollars per annum, and not in arrear for any such subscription, shall be eligible as governors ; provided always, that such persons shall, at the time of their election, be connected with some one of the Protestant denominations in the Province of Quebec.
- Elections by ballot. 8. The election of governors shall be by ballot taken at the annual meeting of the corporation; and shall be held in accordance with the rules and regulations prescribed by the by-laws.
- How held. 8. The election of governors shall be by ballot taken at the annual meeting of the corporation; and shall be held in accordance with the rules and regulations prescribed by the by-laws.
- Members' right to vote. In the balloting every life member shall have a right to cast five ballots, every donor of one hundred dollars and upwards, who is an annual subscriber of ten dollars or upwards, three ballots, and all other ordinary members, one ballot each.
- Term of office of governors. 9. The governors shall hold office for one year and until their successors shall be appointed.
- Vacancies in board. 10. In case of the death, resignation or disqualification of any elected governor, it shall be in the power of the board of governors of the corporation to appoint a qualified member to serve in his stead for the unexpired remainder of the term for which he was elected.

**11.** There shall annually be elected from the board of governors from amongst themselves, as soon as conveniently may be after each annual election of governors, a president and two vice-presidents of the corporation, who shall have such powers, and discharge such duties as by by-law in that behalf may be ordained, and who shall serve for the term of one year and until their successors shall be appointed; and in case of the death, or resignation or disqualification of such president, or either of the vice-presidents, the board, as soon as conveniently may be, shall elect another of themselves to serve as such for the unexpired remainder of his term of office.

President and vice-president, their election, powers and duties.

Term of office.

Vacancies in office.

**12.** At all meetings of the corporation, whether the same be general or special, every life member and every ordinary member thereof who has paid the current year's subscription shall be entitled to one vote on all questions other than the election of governors, and such questions shall be determined by the majority of votes given in respect thereof.

Members' right to vote at meetings other than at election of governors.

In case of an equality of votes the president, or in his absence the chairman of the meeting shall have the casting vote.

Casting vote of chairman.

**13.** The governors shall alone have power to elect and remove the matron and other officers, attendants and servants of every grade required in and about corporation, and all such appointments and removals shall be determined by a majority of the votes of the governors, present at a regular meeting of the governors.

Power of governors to appoint, &c., matron, officers, &c.

**14.** The governors shall have full power in all things to administer the affairs of the said corporation, and may make or cause to be made any contract which the corporation may by law enter into, and may, from time to time, make by-laws to regulate the term and service, the appointments, functions, duties and removals of all attendants, officers, servants and apothecaries, the management and disposal of funds and charities, the imposing and recovering of a penalty and forfeiture admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the corporation, and may, from time to time, repeal, amend or re-enact the same, but all such by-law, repeal, amendment or re-enactment thereof, unless in the meantime confirmed at the general meeting of the corporation duly called for that purpose, shall have force only until the next annual meeting of the corporation, and, in default of confirmation thereat, shall at and from that time only cease to have force; provided always, that twenty or more members of the corporation shall have the right at all times to call a

General powers to manage, &c.

By-laws for such purpose.

Proviso.

Proviso.

special meeting of the corporation for the transaction of any business specified in such writing, requisition or notice as they may issue to that effect; and such by-laws, rules and regulations shall have the same force and effect as if they were embodied in this act; and copies thereof, purporting to be signed by the president and secretary of the corporation, shall be received as *primâ facie* evidence thereof in all courts of justice.

Investment of surplus funds.

**15.** The corporation may, from time to time, invest any surplus funds or moneys belonging thereto, in public securities, and all such other securities as may be sanctioned by law for the investment of trust funds, but the provisions hereof shall not prevent them from accepting and taking personal security in addition to the security hereinbefore provided for.

Provisional board.

**16.** The several persons named in section 1 of this act shall be the provisional board of governors of the corporation, and as such shall administer the affairs of the corporation until the first meeting of the corporation, which shall be held within six months after this act shall come into force.

Their powers.

Term of office.

Further powers.

The said provisional board, during their tenure of office, shall have all the powers conferred by sections 10, 11, 13 and 14 of this act upon the governors of the corporation.

Business that may be transacted at first meeting.

It shall be lawful at the first meeting to transact, generally, any business connected with the corporation and to elect governors in accordance with the provisions of this act.

“Protestant” defined.

**17.** The word “Protestant” in this act shall be held to mean all persons other than those professing the Roman Catholic faith.

Qualification of ordinary members may be changed by by-law.

**18.** The qualification of ordinary membership as set forth in section 5 of this act may be changed by by-law of the corporation, as its wants or necessities may require.

Coming into force.

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

## SCHEDULE A.

### SALE AND CONVEYANCE

No. 365.

On the twentieth day of June in the year of our Lord one thousand eight hundred and eighty-seven.

Before me, E. B. Worthington, notary public, for that part of the Dominion of Canada, heretofore called Lower Canada, now the Province of Quebec, residing in the city of Sherbrooke, in the district of Saint Francis, in the said Province, personally came and appeared Joseph Lee Terrill, of the said city of Sherbrooke, Queen's Counsel, and Thomas Bailey Terrill, of the village of Lennoxville, in said district, merchant, both herein acting in their own name and right and also in their own capacities as two of the executors of the last will and testament and codicil of the late Miss Abigail Eliza Terrill, in her lifetime of Sherbrooke aforesaid : Of the one part ;

And Richard William Heneker, of the said city of Sherbrooke, esquire, Commissioner of the British American Land Company, herein acting as trustee for and on behalf of a body corporate and politic to be incorporated under the name of the Sherbrooke Protestant Hospital : Of the other part ;

Which said Joseph Lee Terrill and Thomas Bailey Terrill, acting as aforesaid, for the consideration hereinafter mentioned, did and do hereby grant, bargain and sell, assign, transfer, convey, and make over, with warranty against all gifts, debts, dowers, mortgages, troubles and incumbrances whatsoever, unto the said Richard William Heneker acting as aforesaid, hereof accepting as follows, that is to say :

“ That certain tract or parcel of land, situate and being in the said city of Sherbrooke, known and designated as that part of the lot number eight hundred and ninety nine (899) of the cadastral plan and book of reference of the East ward of the said city of Sherbrooke bounded and described as follows : beginning at a point in the centre of the brook which has heretofore been the southerly limit of the property of the vendors, to wit : the point in the centre of said brook which is the southerly corner of the lot of land belonging to the Eastern Townships' Agricultural Association ; thence following the westerly line of said Association's lot of land a distance of about five hundred and forty one feet to the first North-West corner of said Association's lot of land ; thence bearing to the right along the first northerly line of said Association's lot of land until it strikes the westerly side of that certain street or road now being laid out and established as a continuation of Pine Street, being a distance of about one hundred and thirty-two feet ; thence north westerly along the westerly side of said street or road a distance of about three hundred and ninety six feet and one inch to a post now being planted at a point, which is to be the northerly corner of the parcel of land hereby sold ; thence on a line running in a westerly or south westerly direction to a

post now being planted at a point near the property of J. H. Gendron and seventy-five feet distant from the centre of said brook ; thence following the course of said brook and at a distance of seventy-five feet from the centre thereof, till it reaches a point seventy-five feet distant from the point where the northerly line of said J. H. Gendron's property crosses said brook and from the point last reached and secondly last mentioned to the Saint Francis River on a line parallel to the said northerly line of said Gendron's property and at a distance of sixty feet therefrom ; thence along said bank of said River to the line of said Gendron's ; thence along the said line last mentioned till it strikes the centre of said brook ; thence along the centre of said brook up to the place of beginning, and of which said line hereinabove defined as the north westerly limit of the property hereby sold, a proces-verbal is to be made by a Provincial Land Surveyor."

The said parcel of land hereby sold containing thirteen acres and eight tenths of an acre and the other appurtenances and dependencies whatsoever, thereunto belonging or in any wise appertaining, together with the right to take and use water from the spring and springs mentioned in the deed from the said vendors to the said Eastern Townships' Agricultural Association, passed before E. P. Felton on the third day of August, eighteen hundred and eighty-five, but subject to the right of said Association as mentioned in the last mentioned deed.

The right of water hereby conferred is to extend to all such quantity as may be required for the purposes of said Hospital, reserving to the vendors the right to any surplus if such should be. And for the purposes of obtaining this water the vendors hereby grant to the said purchasers the right to lay such logs or pipes as may be required with the right of ingress and egress over the land of the said vendors to obtain access to said springs and to such logs which may be laid thereto ; and all the estate, right, title, interest, property, claim and demand whatsoever, of the said vendors, of, in, to and out of the tract or parcel of land and premises above described, bargained and sold, or mentioned, or intended so to be, as the same now are, without any exception or reserve, except such as are contained in the Letters-Patent from the Crown granting said land ; and with which the said purchaser doth hereby declare himself acquainted and satisfied.

To the said vendors in their capacities as executors of the last will and testament and codicil belonging, by virtue of said last will and testament, and to them individually by virtue of a deed executed between said vendors and the children of the late Rufus Wadleigh, before E. P. Felton on the nineteenth day of January 1886 :—

To have and to hold the said tract or parcel of land and premises above described, bargained and sold, or mentioned or intended so to be, together with all and singular the rights, members and appurtenances, thereunto belonging, or in any wise appertaining, thereunto and to the only proper use and behoof of the said purchaser and assigns henceforth and forever.

Should a public bridge at any time hereafter be constructed across the Saint Francis River abutting in whole or in part on the sixty feet of frontage hereinabove described, in such case, the purchaser shall have no claim for damage by reason of such abuttal, but shall permit all such frontage lying west of the public highway on the bank of the river to be used for the purposes of approach to said bridge, without prejudice however to the purchaser's proprietary rights in said frontage for drainage, sewage and other sanitary and police purposes.

The present sale and conveyance is thus made and granted for and in consideration of the price or sum of seventeen hundred and eighty dollars current money of this Dominion, in part payment whereof the said vendors hereby acknowledge to have received the sum of five hundred dollars, whereof quit ; and the balance or sum of twelve hundred and eighty dollars the purchaser promises to pay to said vendors in three months from this date without interest until after due, and if not paid when due, the said balance shall bear interest at the rate of six per centum per annum.

On the strip of land which is part of the property hereby sold (said strip being partly sixty feet and partly seventy five feet wide), the vendors reserve to themselves and their assigns a right of way to be used in common with the said purchaser from the public highway on the bank of the Saint Francis River up to a point one hundred feet west of the post planted at the easterly end of said strip.

The purchaser intending to be absent in Europe for several months hereby authorizes William White, of the said city of Sherbrooke, advocate, to sign on his behalf the procès-verbal hereinbefore referred to, and which said procès-verbal the said vendors hereby agree to become parties to, for the purpose of making a more exact description of the property hereby sold.

Thus done and passed at the said city of Sherbrooke, on the day and year first above written under the number three hundred and sixty-five of the *actes* of the said Notary :

In faith and testimony whereof the said parties have to these presents, first duly read, set and subscribed their

respective names and signatures with and in the presence of said Notary also subscribing :—

JOSEPH L. TERRILL,  
THOMAS B. TERRILL,  
R. W. HENEKER,  
E. B. WORTHINGTON. N. P.

A true Copy of the original hereof remaining of record in my office :

E. B. WORTHINGTON  
N. P.

No. 41.

I do hereby certify that this instrument was received in Sherbrooke Division Registry Office, at the hour of three in the afternoon, on the eighteenth day of the month of August, in the year of our Lord one thousand eight hundred and eighty-seven, and enregistered at full length in Register B. Volume 46, Number forty one page 56, et seq.

D. THOMAS,  
Reg'r.

C A P . L X V .

An act to consolidate and amend the act 12 Victoria, chapter 149, incorporating *L'Association Saint Jean Baptiste de Montréal.*

[Assented to 12th July, 1888.]

Preamble.

**W**HEREAS the "*Association Saint Jean Baptiste de Montréal*" has, by its petition, prayed that its act of incorporation be consolidated and amended and it is expedient to grant such prayer; Therefore, Her Majesty, by and with the consent of the Legislature of Quebec, enacts as follows :

Active members of association.

**1.** The active members of the Association shall consist of Canadians of French origin, either on their father's or on their mother's side, or citizens of other origins who marry French-Canadians, who are Catholics and who pay a subscription of at least one dollar, and they shall remain active members as long as they continue to pay their annual subscription and comply with the by-laws of the Association.

Ordinary members of association.

**2.** The ordinary members of the Association shall consist of all Canadians of French origin on their father's or on their mother's side or of citizens of other origins who marry French-Canadians, who are Catholics and who, on