

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

## CAP. XLVI.

An Act to enable the Incumbent and Churchwardens of the Church of St. James, Hull, to dispose of certain immoveable property and to invest the proceeds thereof.

[Assented to 30th March, 1883.]

**W**HEREAS the Right Reverend the Lord Bishop of the Diocese of Montreal of the Church of England, in Canada, the Reverend Canon J. Johnston, Incumbent of the Church of St. James, in the Parish of St. James, in the city of Hull, Montague A. Anderson and G. J. Marsdon, Churchwardens of the said Church of St. James, have by their petition represented: *Preamble.*

That by deed of donation made and executed on the twenty-sixth day of January, eighteen hundred and twenty-four, at the city of Quebec, before Maitres Archibald Campbell and C. Huot, Notaries Public, Philemon Wright, of the township of Hull, in the District of Montreal, freely and absolutely gave, granted, assigned, transferred and made over unto the Right Reverend Jacob, Lord Bishop of Quebec, thereof accepting for the person who should be duly presented, instituted and inducted to the Church in the said deed mentioned, whenever a parish and rectory should be erected, of which the said Church should be the parish Church, and for the successors of such person, in trust for the uses and purposes in the said deed described, a certain lot of land, situate in the township of Hull, near the Chaudière Falls, which said lot of land is now known and described on the Official Plan and Book of Reference of the Cadastre of the county of Ottawa, for ward number three of the said city of Hull, as lots numbers five hundred and ninety five (595), five hundred and ninety six, (596), five hundred and ninety seven (597), five hundred and ninety eight, (598), five hundred and ninety nine, (599), six hundred (600), six hundred and one (601), six hundred and two (602), six hundred and three (603), six hundred and four (604), six hundred and five (605), six hundred and six (606), six hundred and seven (607), six hundred and eight (608), six hundred and nine (609), six hundred and ten (610), six hundred and eleven (611), six hundred and twelve (612), six hundred and thirteen (613), six hundred and fourteen (614), and six hundred and fifteen (615); together with all the appurtenances of, in and to the said lot of land, without any exception or reserve:

That the said gift was made upon the following trusts, to wit :

To have and to hold the said lot of land and appurtenances in trust for the person who should be duly presented, instituted and inducted to the said church and for his successors ; in trust that the building or church, thereon erected, should be used as a place of worship for members of the Church of England. And in this further trust and confidence that the minister, who should be appointed to take the charge and possession of the said lot of land and church, should and would preach and expound God's Holy Word therein to the congregation according to the doctrines of the Established Church of England ; and to the said church being built ;

That the said gift was moreover made upon the express condition and intent, that the said church was to be used and held for ever as a church or place of public worship, for the use of the members of the Established Church of England ; and upon the further trust, that a transfer and assignment of the said lot of land and appurtenances should be made by the said Right Reverend Jacob, Lord Bishop of Quebec, or by his successors, to the said person who should be duly presented, instituted and inducted to the said church and to his successors, whenever a parish and rectory should be erected, of which the said church should be the parish church ;

That no person was ever duly presented, instituted and inducted to the said church, which was at all times used and held as a place of public worship for the use of the members of the Church of England, from the time of its erection, in 1824, until the year 1866, when it was destroyed by fire ;

That after the burning of the said church, a new and more commodious church was built in the city of Hull, in a locality more convenient and suitable for the use of the members of the Church of England, which last mentioned church still exists, is known as the Church of St. James, Hull, and has been always and is now devoted to public worship, according to the doctrines of the Church of England ;

That the Reverend Canon Johnston, one of the said petitioners, has been for the past forty years, and is now the only clergyman of the Church of England, residing in Hull, and was the incumbent of the said church, built on the said land, given as aforesaid by Philemon Wright, and did at all times, during the existence thereof, comply with the conditions of the said trusts, respecting the preaching in the said church, of the doctrines of the Church of England ;

That the said lot of land given and granted by Philemon

Wright, as aforesaid, has been for many years and is now unused and unproductive of any revenue ;

That in the judgment of the petitioners and of the members of the said Church of St. James, it would be of great benefit to the Church of England, in Canada, and to the parishioners of the said Church of St. James, and would be in furtherance of the objects for which the trusts above recited were created and stipulated by the said Philemon Wright, if the incumbent and churchwardens were authorized to sell the said lot of land, and to invest the proceeds thereof in such manner as to form a fund for the endowment of the incumbent of the said church and his successors for ever ;

That the said lot of land and its appurtenances are now by law vested in the Right Reverend the Lord Bishop of the diocese of Montreal of the Church of England, in Canada, subject to the trusts aforesaid, and are free from all hypothecs, charges and incumbrances whatsoever.

That advantageous offers have been made to the petitioners for the purchase of the said lot of land, and that a considerable sum of money can be realized by the sale thereof or of parts thereof ; but that in consequence of the trusts hereinabove recited and of the other circumstances hereinabove set forth, it is necessary that special statutory authorization be had for such sale ;

And whereas the said petitioners have by their petition prayed for the passing of an Act, authorizing the Incumbent and Churchwardens of the said Church of St. James and their successors in office, to sell, by and with the consent of the Right Reverend the Lord Bishop of Montreal, the said lot of land or any part thereof, and to execute and convey an absolute title thereto to the purchaser or purchasers thereof, and to invest the proceeds, so as to form a permanent endowment fund for the payment of the interest and revenues thereof towards the salary of the said incumbent and his successors in office ;

And whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. If the consent of the Right Reverend the Lord Bishop of the Diocese of Montreal of the Church of England in Canada, be first obtained, which consent shall be evidenced by his signature to the deed or deeds of sale and conveyance executed in pursuance hereof, the said incumbent and churchwardens and their respective successors in office are hereby authorized to sell the said lot of land or any part thereof with the other appurtenances thereto

Power to sell  
property.

belonging, at public auction or private sale, for cash or on credit, or for part cash and part credit, secured in such manner as to them may seem fit and as they may deem most advisable, and to execute and convey an absolute title thereto to the purchaser or purchasers, thereof, and to grant discharges for the purchase money to and in favor of such purchaser or purchasers, and to do all other acts and things needful in the premises.

Persons purchasing not bound to see to application of price.

2. No person, who under the authority of this act pays any sum of money to the said incumbent and churchwardens or to their successors in office, shall be in any way bound to see to the application of or be answerable for the non-application of the said money or any part thereof.

Proceeds invested in incumbent, &c.

3. The moneys derived from any such sale are hereby vested in the said incumbent and churchwardens and in their successors in office, in trust for the payment of the interest and revenues thereof towards the salary of the said incumbent and his successors for ever.

Incumbent, &c., trustees under 42-43 Vic., c. 30.

4. The said incumbent and churchwardens and their successors in office shall be held to be trustees within the meaning of the act of this province 42-43 Victoria, chapter 30, intituled: "An Act defining the investments to be made by Administrators." If the consent and approval of the bishop of the said diocese be first obtained, they shall have power to change from time to time any investment made by them and to reinvest the proceeds in any manner sanctioned by the said act.

Power to change investment.

## CAP. XLVII.

An Act to authorize the Sisters of Providence and the St. Patrick's Orphan Asylum of Montreal to sell certain property.

[Assented to 30th March, 1883.]

Preamble.

WHEREAS the will of John McClosky of the city of Montreal, dyer, received at Montreal on the 11th June, 1860, before Maitre J. E. O. Labadie and colleague notaries, according to law, contains amongst others the following provisions :

"Fourthly. I give and bequeath unto the St. Patrick's Orphan Asylum of Montreal and to the Deaf and Dumb Girls' Institution, established in the said city of Montreal, under