

CAP. XLIX.

An Act to amend the Act 20th Victoria, Chapter 185, intituled : "An Act to incorporate a Grammar School at Frelighsburg, to be called "The Frelighsburg Grammar School."

[Assented to 24th December, 1870.]

WHEREAS the Reverend James B. Davidson, M.A., the Preamble, Reverend William Scales, William Mead Pattison, Oren B. Kemp, and Ambrose S. Spencer, in their capacities of trustees of the Frelighsburg Grammar School, have, by their petition, represented that in and by the last will and testament of the late Richard Van Vleit Freligh, in his lifetime of the said village of Frelighsburg, esquire, deceased, made at Frelighsburg aforesaid, before Richard Dickinson, notary public and witnesses, the twentieth day of November, eighteen hundred and forty-nine, it was provided, that should Jane Freligh, his daughter, die without leaving any lawful issue of her body, then and in such case the said testator did thereby give, devise and bequeath the reversion of his property, both real and personal, movable and immovable from and after the decease of the said Jane Freligh, in trust unto John Brush Seymour, his heirs and assigns forever, to apply the rents and revenues of the said real and personal property to the tuition and advancement of learning in the aforesaid village of Frelighsburg, wherein a Grammar School shall be established, the preceptor of which school shall be competent to instruct the scholars of the said school to be established as aforesaid, in the Greek and Latin languages, and to and for no other use, intent or purpose whatsoever; that under the provisions of the act above recited, the Frelighsburg Grammar School has been established with the consent of the said Jane Freligh, who petitioned for the same, but that the said Jane Freligh, being then alive, no provision was therein made to enable the said Frelighsburg Grammar School to take advantage of the bequest so made by the said testator; that on the twenty-third September, one thousand eighteen hundred and sixty-three, the said Jane Freligh departed this life without leaving any issue of her body, and by reason thereof, the said Frelighsburg Grammar School ever since her death, has become entitled to all the residue of the estate of the said late Richard Van Vleit Freligh, save and except the dividends, arising from the Bank Stock whereof he was possessed at the time of his death, and to all rents, issues and profits arising from the property real and personal movable and immovable of the said testator for the

purposes of promoting education and learning in the said Frelighsburg Grammar School ; and that it becomes necessary to amend the act herein recited so as to authorize the said Frelighsburg Grammar School to accept the bequest aforesaid, and to derive all benefits and advantages therefrom, with power to sue and recover in all courts whatsoever, all the property, real and personal of the said testator, and all the rents, issues and profits thereof accrued since the death of the said testator, save and except what by the said will may be otherwise specially disposed of, from all persons having possession of the same, or liable to account for the same, and to prosecute all actions necessary for that purpose, and any other proceeding at law that may be necessary for the preservation of the said estate, in the same manner and to the same extent as if the said Frelighsburg Grammar School had been incorporated at the time that such will was made, and had been specially mentioned by name therein as entitled to all the advantages conferred by the aforesaid bequest ; and have prayed that the said recited act be in this and in other respects, amended ; 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 :

Power to hold property and exercise rights under a certain will.

1. The said Frelighsburg Grammar School is hereby authorized and empowered to have, hold, possess and enjoy all the rights, privileges, benefit and advantages of the bequest contained in the last will and testament of the said late Richard Van Vleit Freligh, hereinbefore in part recited, for the purposes of promoting education and learning in the said Frelighsburg Grammar School, as contemplated by the said testator, and for that purpose, to sue and prosecute in all courts whatsoever all suits and actions at law necessary for the recovery of all the rents, issues and profits accrued from the property, real and personal of the said testator, since the death of the said testator, save and except what by the said will may be otherwise specially disposed of, from all persons having possession of the same, or liable to account therefor, and to prosecute all such actions to account, and every other proceeding at law that may be necessary for the preservation or recovery of the said estate, in the same manner and to the same extent as if the said Frelighsburg Grammar School had been specially mentioned by name in the said bequest as entitled to the same.

Power to obtain removal of future trustees and to act in their places.

2. The said Frelighsburg Grammar School is also empowered to adopt any proceedings at law that may be necessary to remove any trustee or trustees who now acts or may hereafter act as such trustee or trustees under said

will, if any be substituted in the place of the present trustee, from his or their office of trustee or trustees under said will should sufficient cause arise or have arisen therefor as recognized by law, and in the event of such removal, the said Frelighsburg Grammar School is hereby authorized and empowered to take possession of the said estate so bequeathed in trust, in the same manner as if the same had been directly bequeathed in the said will to the said Frelighsburg Grammar School, and for that purpose to institute all actions at law that may be necessary for the recovery of the same, and all the rents issues and profits accrued thereon since the death of the said testator, save and except what by the said will may have otherwise been specially disposed of.

3. Nothing in this act contained shall in any way affect any rights Ebenezer Marvin, of the village of Frelighsburg, may have under the last will of the said Jane Freligh, or otherwise as representing her, or as representing the said late Richard Van Vleit Freligh, if any such right by law exists, either as regards any actions brought, or to be brought, in the premises, within the period of two years from the passing of this act, and as regards any such actions, suits, remedies or recourse, begun or hereafter to be commenced, within the periods aforesaid, by the said Ebenezer Marvin or his representatives, this act shall be deemed not to affect or apply in any way; provided also, that nothing in this act contained shall affect the rights of any party or parties, if any have lawfully accrued, provided that such rights are enforced by action at law within the period aforesaid and not afterwards, nor shall this act affect any suit or suits now pending before the courts wherein the said estate is concerned.

Rights of Eb.
Marvin saved.

Proviso.

4. The said Frelighsburg Grammar School is authorized and empowered to hold any property, real and personal that it may acquire by donation, will or otherwise, and such real property to hypothecate, sell and otherwise dispose of, and to apply the proceeds thereof to the purposes of the said Frelighsburg Grammar School; provided always if the said Frelighsburg Grammar School shall become possessed of real estate exceeding the annual value of four thousand dollars, it shall be bound to sell such surplus property within five years from the acquisition of the same, and invest the proceeds thereof in public securities of the Province, stocks of chartered banks, mortgages, or other approved securities for the use of the said Frelighsburg Grammar School.

General power
to hold prop-
erty.

Proviso.

5. The lieutenant-governor of this province shall possess and exercise all the powers vested by the third section of the act hereby amended in the then governor of the province of Canada.

20 V., c. 185
amended,

Trustees to be competent witnesses in certain suits.

6. Any Trustee of the said Frelighsburg Grammar School shall be a competent witness in any action, suit or proceeding brought by it, or adopted by it, or in which it may be interested.

Trustees to account annually to the corporation.

7. The present trustee of the estate of the said Richard Van Vleit Freligh and any other trustee who may hereafter act as such, shall, subject to the foregoing provisions of this act and especially subject to the conditions and provisions contained in section three of this act, be obliged to render semi-annually to the corporation of the said Frelighsburg Grammar School on the first days of January and July in each year an account of his administration of the said estate so bequeathed, and to pay over to the said corporation semi-annually as aforesaid the balance in hand of all the rents, issues and profits of the said estate received by him as such trustee.

Corporation to furnish annual statement to Legislature.

8. The said Frelighsburg Grammar School shall be bound to make a return annually to the legislature containing a general statement of its affairs within the first twenty days of each session of the legislature.

C A P. L.

An Act to incorporate the Fraser Institute.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS the late Hugh Fraser, in his lifetime of the city of Montreal, merchant, by his last will and testament made, bearing date, and executed at Montreal aforesaid, the twenty-third day of April, one thousand eight hundred and seventy, before John C. Griffin and colleague, notaries public, expressed the desire, to cause to be established in Montreal aforesaid, an institution to be called "The Fraser Institute," to be composed of a free public library, museum and gallery, to be open to all honest and respectable persons whomsoever of every rank in life without distinction, and that a charter or act of incorporation should be obtained for the purpose intended by him, namely, for the diffusion of useful knowledge, by affording free access to all desiring it, to books, to scientific objects and to works of art, making always the acquisition and maintenance of a library the leading object to be kept in view; and that he desired in and by the said last will, that three persons should be named by the Honorable John Joseph Caldwell Abbott, of Montreal, esquire, Queen's Counsel, and the Honorable Frederick William Torrance, one of the judges of the Superior Court for Lower Canada, residing in the said city of Montreal, to compose with them the first board of governors of the said "Fraser Institute."

