

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."

And whereas, the said Honorable John Joseph Caldwell Abbott, and the Honorable Frederick William Torrance, have, by their petition, set forth that they have named three persons, conformably with the said will, to compose with them the first board of governors of the said "Fraser Institute," to wit: Thomas Workman, of Montreal, esquire, member of the House of Commons of Canada, Peter Redpath, of Montreal, esquire, and Alexander Molson, of Montreal, esquire, and have prayed that an act be passed authorizing the incorporation and establishment of the said institution, to be called by the said name, and to be composed and governed according to the said desire of the said late Hugh Fraser; and whereas, it is expedient to accede to the said request and grant the said charter; Now, therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The Honorable John Joseph Caldwell Abbott, the Honorable Frederick William Torrance, Thomas Workman, esquire, Peter Redpath, esquire, Alexander Molson, esquire, and their successors in office, are hereby created a body corporate and politic, at the city of Montreal, in the province of Quebec, under the name of the "Fraser Institute." Certain persons incorporated.

2. The said 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 shall think proper, and the said 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. Coporate powers.

3. The said Fraser Institute shall be administered, managed and conducted by a board of five governors, one of whom shall be the president, and the said Honorable John Joseph Caldwell Abbott shall be the first president, and shall retain that office during his life. And in case of vacancy in the said office, or in the office of governor of the said institute, the remainder of the board of governors hereby constituted, shall have power, by a vote taken in the usual manner, to appoint some person duly qualified under the said will to be governor or president of the said board, as the case may be. Board of Governors. Vacancies.

4. The said corporation shall have the right to receive, take, hold and possess all real or immovable property, and all money or movable property which may legally have been or may be hereafter given, granted, purchased, appropriated, devised, or bequeathed, in any manner whatever, for, to, or in favor of the said "Fraser Institute," for the purpose for which the said corporation is hereby created: and upon such terms and conditions not inconsistent with the purposes hereof, as the donor or testator thereof may Right to hold property.

impose, subject, nevertheless, to the restrictions hereinafter contained.

Proviso.

Provided always, that the immovable property to be held for permanent purposes by the said corporation shall not exceed, in annual value, the sum of thirty thousand dollars; and provided also, that no immovable property bequeathed to the said Fraser Institute in aid of the purposes thereof, and not intended to be permanently occupied or used by the said corporation, nor to be leased by them as a source of revenue, shall be retained by the said corporation for a longer period than five years from the acquisition thereof.

Power to sell and hypothecate.

And the said corporation shall have the power to sell and convey, let or lease the immovable property appertaining to them, and may also hypothecate any immovable property belonging to them, as security for the payment of the price of construction of any building erected thereon for their benefit, to an amount not exceeding the half of such price; and provided also that nothing in this act contained, shall in any manner whatever be invoked, construed or applied to affect, and shall in no manner whatever affect the claims of any party to any suit or action now pending before any courts of this province, respecting the will of the said late Hugh Fraser, wherein the validity of the devise and bequest in said will contained, is or can be put in question, and any such action shall be adjudged and determined in any court as if this act had not been passed; and moreover

Proviso.

this act shall not affect any action which the heirs of the said late Hugh Fraser may institute within two years after the passing of this act, to set aside said will or any part thereof founded upon the alleged incapacity of the said testator or any other legal cause of nullity of said will or any part thereof; and the executors and fiduciary legatees of the said will, shall not be authorized to alienate, convey or transfer, nor shall the trustees therein named, be in any manner whatever authorized to receive any part of the estate of the said Hugh Fraser, for the objects hereinabove mentioned, nor shall any of the powers, rights, privileges or authority hereby conferred take effect or be acted upon in any manner whatever in respect of the aforesaid devise and bequest, until the said suits shall be finally adjudicated in the court of last resort, irrespectively of the dispositions in this act contained; provided also, that nothing in this act contained shall be construed to deprive any heir, being a minor or absent from the country, from the right of contesting, within liberal delays, the validity of said will, the said executors and fiduciary legatees being declared not accountable for all they may have done *bonâ fide* in conformity with this act.

Actions pending and rights of heirs Fraser not to be affected.

Purposes of the corporation.

**5.** The intents and purposes for which the said corporation is hereby created, are declared to be :

The establishment, under the corporate name aforesaid, at Montreal, in Canada, of an institution to be called by the name aforesaid, 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 without pay or reward of any kind, but subject to such rules and regulations as may be made by the board of governors thereof, from time to time, for the preservation of the books and other matters and articles therein, and for the maintenance of order, the intention being to aid in the diffusion of useful knowledge by affording free access, to all desirous of it, to books and to scientific objects and subjects, and to works of art, and for that purpose to erect appropriate buildings, and to procure books, scientific objects and subjects, and works of art, making always the acquisition and maintenance of a library the leading object to be kept in view.

6. The said corporation may make by-laws, rules and regulations for the preservation of the books and other matters and articles appertaining to the said corporation, for the appointment and removal, from time to time, of the subordinate officers thereof, for the imposition of a fine upon any person wantonly or wilfully defacing, injuring or destroying any books or thing belonging to the said corporation entrusted to them, or temporarily in their possession, or under their control, or within the premises of the said corporation; such fine, however, not to exceed the sum of ten dollars, and to be without prejudice to the right of action of the corporation as proprietor of such book or thing, and for the maintenance of order in the premises of the said corporation, for the management generally of the business of the said corporation, and for the qualification and election of the governors thereof, and such by-laws, rules and regulations, not being contrary to law or to the provisions of this act, or to the conditions of the said will, shall have the same force and effect, as if they were embodied in this act, and copies thereof duly certified under the hand of the president and secretary, and the seal of the corporation shall be received as evidence thereof in all courts of justice in this province.

Power to make by-laws for certain purposes.

The said corporation may, from time to time, invest any surplus funds or moneys appertaining thereto, either upon public securities, including the stock or bonds of the city of Montreal, or upon mortgages or hypothecs upon immovable property; but the provisions hereof shall not prevent them from accepting and taking personal security in addition to the security hereinbefore provided for.

Power to invest in certain securities.

7. In the event of the Protestant board of school commissioners of the city of Montreal being willing to contribute to the support of the said "Fraser Institute," it shall be

Agreement may be made with Protestant board of school

commissioners. competent for the said board and for the board of governors of the said institute to agree, that so soon, after the said contributions shall be made, as a vacancy shall occur in the said board of governors, such vacancy shall be filled by selection by the said board of governors, from among the persons composing the said board of Protestant school commissioners, and the person so selected shall continue to hold office as governor of the said "Fraser Institute," so long as the said contribution shall continue, but shall cease to hold such office so soon as such contribution shall terminate.

## CAP. LI.

An Act to incorporate the "Montreal Medical Institute."

[Assented to 24th December, 1870.]

Preamble.

WHEREAS Philémon Laberge, B. Fagnant, Charles Filiatrault, Gasp. Archambault, N. Papin, O. Camirant, J. H. Larocque, A. Mathieu, E. Lalonde, A. Germain, and others, all members of the Medical Institute of Montreal, have, by petition presented to the legislature of this province, set forth that there exists in the said city of Montreal a literary and scientific society known as the "Medical Institute of Montreal," founded with the object of cultivating science and literature, and especially of ensuring to its members advancement in the sciences of medicine and surgery, by regulating their exertions, and providing them with the means of mutual instruction, through a common course of study and the discussion of scientific subjects, by lectures, public classes and other methods of education; and whereas, the said society cannot fully attain the objects thereof without enjoying all the benefits and privileges of corporate bodies, and more particularly the right of possessing real and personal estate, of passing by-laws for the management of its property, of regulating the scientific and literary studies, and the terms of admission and exclusion of its members, and of determining the rights and privileges which shall be coupled with the quality of member of the said institute; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain persons incorporated.

1. Philémon Laberge, B. Fagnant, Chas. Filiatrault, G. Archambault, N. Papin, O. Camirant, J. H. Larocque, A. Mathieu, E. Lalonde, A. Germain, C. Legris, V. Gosselin, J. Lacombe, J. O. Mousseau, L. Grenier, F. Gatién, H. Primeau, U. Pelletier, G. Cartier, E. Lesage, J. Bédard, J. LeDuc, O. Lamoureux, J. Martel, J. Dufour, with all such

