

Laws of Her Majesty's Province of United Canada, passed in the year 1847. Montreal:
Stewart Derbishire & George Desbarats, 1847.

10 & 11 Victoria – Chapter 57

An Act to incorporate the Trustees of the Toronto Hospital. 28th July, 1847.

Whereas by Letters Patent under the Great Seal of the Province of Upper Canada, bearing date the twenty-sixth day of April, in the year of Our Lord one thousand eight hundred and nineteen, certain lands in the Town and Township of York were granted to the Honorable William Dummer Powell, the Honorable James Baby, and the Reverend John Strachan, and their heirs and assigns for ever, in trust to observe such directions and to consent to and allow such appropriations and disposition of such parcels of land or any part thereof, as the Governor, Lieutenant-Governor, or person administering the Government, and the Executive Council of Upper Canada for the time being, should from time to time make and order, pursuant to the purposes for which the said parcels of land or either of them were originally reserved as in the said Letters Patent is expressed, and to make such conveyance or conveyances of the said land, or any part thereof, to such person or persons, and upon such trust, and to and for such use or uses as the Governor, Lieutenant-Governor or Person administering the Government, and the Executive Council, should from time to time by order in writing appoint, and upon further trust to perform, observe and abide by the several provisos, limitations and conditions expressed and declared in and by the said Letters Patent, of and concerning the said parcels or tracts of land; And whereas after the making of the said Letters Patent, that is to say, on the nineteenth day of October in the year aforesaid, an order was made by His Excellency Sir Peregrine Maitland, then Lieutenant-Governor of Upper Canada, and the Executive Council of the said Province, by which the lots of land on each side of the road from the Town of York to the Don Bridge were granted in trust to the Honorable William Dummer Powell, Chief Justice, the Honorable James Baby, and the Honorable and Reverend Doctor John Strachan, to sell, lease or otherwise dispose of the same towards raising a revenue for the support of the Town and County Hospital in the Town of York, the proceeds whereof to be paid into the hands of the person constituted Treasurer of the Hospital, to be expended under the sanction of the Governors thereof, and accounted for to the Executive Council of the Province annually when required, and certain other portions of the said lands so granted in trust as first aforesaid, were by the like authority directed to be sold and conveyed to certain individuals in trust for the Roman Catholic Church in the Town of York for a consideration specified, which consideration was subsequently remitted: And whereas on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and thirty-five, an Order was made by His Excellency Sir John Colborne, then Lieutenant-Governor of Upper Canada, and the Executive Council, by which the land remaining unsold of the said lands so granted in trust as aforesaid, called in the said Order "Park Lots," together with the funds unappropriated arising from past sales were constituted a part of the endowment of the Hospital of the City of Toronto: And whereas the said Trustees and the survivors or survivor of them after the making of the said Orders of the said several Lieutenant-Governors and the Executive Council of Upper Canada, in order to provide funds for the support of the said Hospital, sold and disposed of various parcels of the said lands so set apart and appropriated as aforesaid, and executed deeds of conveyance for the same to the purchasers

thereof or their assigns, in cases where the whole of the purchase money was paid by such purchasers, but in many instances where part of such purchase money remained due and has been paid to the present Trustees, such deeds of conveyance have been executed by the present Trustees: And whereas in consequence of the death of the Honorable William Dummer Powell and the Honorable James Baby, two of the original Trustees, and the desire of the survivor, to be relieved and discharged from his trust, His Excellency Sir George Arthur, then Lieutenant Governor of Upper Canada, and the Executive Council, appointed the Honorable Robert Sympson Jameson, the Honorable Archibald McLean and the Reverend Henry James Grasett, Trustees of the endowment of the said Hospital, and the lands remaining unsold have been duly conveyed by the said survivor of the original Trustees to them the said Robert Sympson Jameson, Archibald McLean and Henry James Grasett, and their heirs and assigns, subject to the trusts contained in the Patent, and subject to the further trust to fulfil, perform, and make valid and effectual all such deeds, leases, bargains and agreements for the sale or leasing of any part or parts of the said several parcels or tracts of land, as at any time theretofore had been duly executed, made or entered into by the said William Dummer Powell, James Baby and John Strachan, or the survivors or survivor of them: And whereas it is expedient to establish a Corporation, to be composed as hereinafter provided, for the better management and disposition of the lands and property now or hereafter held in trust for the said Hospital, and to make such rules and by-laws for the internal management and regulation of the said Hospital as shall to them from time to time seem expedient and necessary: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Mayor of the City of Toronto for the time being, the President of the Board of Trade of the said City for the time being, three persons resident in the said City, to be from time to time appointed by the Governor in Council, and also the two Senior Professors of any School of Medicine to be hereafter established in the said City, and in default or until the establishment of such School, any such medical men resident in the said City as shall be nominated and appointed as vacancies shall occur by the Common Council of the said City in Common Council assembled at any meeting of such Common Council and their successors to be appointed in the same manner, shall from and after the passing of this Act be a body corporate by the name of The Trustees of the Toronto Hospital, and as such shall have perpetual succession in manner herein mentioned, and shall and may as such have a common seal, and have and hold all such parcel or parcels of land and premises as may have been heretofore assigned or conveyed to any former Trustees of the said Hospital by Letters Patent, or by any person or persons whatever, for the use and support of the said Hospital, and shall and may be capable of receiving and taking from any person or persons, or any body corporate or politic, by grant, devise or otherwise, any lands or interest in lands, or any goods, chattels or effects, which any such person or persons, or body corporate or politic may be desirous of granting or conveying to them for the use or support of the said Hospital; and also shall and may from time to time make such by-laws and rules for the internal management and regulation of the said Hospital as shall to them seem meet and expedient: Provided always, that such by-laws or rules shall be laid before the Governor in Council within thirty days after the same shall have been

so made as aforesaid, and may be by him disallowed within one month thereafter, and any five of such Trustees shall form a quorum for the transaction of business.

II. And be it enacted, That the said Trustees by the name aforesaid, shall have power to appoint a Clerk or Secretary and Agent, and to remove him at their pleasure, and to appoint another in the place of the person so removed; and that it shall be the duty of the said Trustees to invest in good and sufficient securities, all monies which may at any time come into their hands for the use and support of the said Hospital which may not be required for the immediate expenditure of the said Hospital, and from time to time when required so to do by the Governor in Council, to render an account in detail of all monies received by them as such Trustees, specifying the sources from which the same have arisen or been received, and the manner in which the same have been invested and expended, and all such particulars as may be necessary to shew the state of the funds and endowment of the said Hospital, and the said Trustees shall also lay an annual statement of their affairs before both branches of the Legislature within thirty days after the commencement of each Session.

III. And be it enacted, That the said Trustees, by the name aforesaid, shall have power to sue in any of the Courts of this Province having competent jurisdiction, for any cause of action touching the property of the said Trustees, and for any monies due or payable to them or their predecessors for the purchase money or rents of any land or buildings, or on any account whatever; and to distrain for such rents when the same are in arrear and unpaid, and to act in all matters touching the collection and control of the funds of the said Hospital and the management and disposition of any lands belonging to the same, as to them or a majority of them shall appear most conducive to the interests of the said Hospital, and no individual of the said Trustees shall be held responsible for any act or acts of the said Trustees which shall be done or determined upon at any meeting at which he shall not have been present or from which he shall dissent, such dissent being entered and signed by him in the minutes to be kept by the said Trustees of their proceedings as hereinbefore mentioned.

IV. And be it enacted, That the said Trustees, in all cases where sales have been heretofore effected of any of the lands set apart by the Government of the late Province of Upper Canada, and the purchase money thereof hath been, or shall be hereafter paid and satisfied with the interest which shall have accrued thereon, shall have power to execute a deed, by the name aforesaid, to the purchaser or purchasers thereof, or person or persons entitled to demand the same, which deed may be signed by the President or Chairman for the time being, sealed with the seal of the said Trustees, and countersigned by the Secretary or Agent of the said Corporation for the time being.

V. And be it enacted, That it shall and may be lawful for any Medical Student in the said City of Toronto to visit the Wards of the said Hospital and attend them upon the payment of such fees, and under such regulations and restrictions, as the said Trustees shall and may by any By-law from time to time direct and appoint.

VI. And be it enacted, That the Trustees for the time being shall have power and authority to sell and dispose of any lot or parcel of land which may belong to the said Hospital, and which it may be deemed advantageous to sell and dispose of.

VII. And be it enacted, That the words "Governor in Council," wherever they occur in this Act, shall be understood to mean the Governor, Lieutenant-Governor, or Person administering the Government of this Province, acting by and with the advice of the Executive Council thereof.

VIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially noticed by all Judges, Justices of the Peace, and others whom it may concern, without being specially pleaded.