

signed by the trustees appointed for the purpose of administering the fund and forwarded to the Bishop of the Diocese at Antigonish—the decision of the meeting being in effect that the property purchased with this money should be held by the Episcopal Corporation of Antigonish, which means the Bishop, so that while the Sisters should remain they would have a home, and if they left sooner or later the property would be available for the use of the section. The three trustees of School Section No. 8 were Andrew Landry, the defendant, Kenneth Dunn and Albert A. Martell. It was proposed that these three men be appointed to administer the trust, that is, to dispose of this \$656 for the purchase of a home for the Sisters, which should be their's as long as they remained and occupied it, but to revert to the section in the event of their leaving. It is clear that Mr. Martell distinctly said that while he would be willing to act as one of the administrators of the trust he would not so act as a trustee of the school section, in which he was entirely right, for the school trustees, as such, could only take upon themselves responsibilities which were imposed or approved by a legal school meeting. It was, therefore, clearly understood that while the men chosen to administer this fund were *de facto* trustees of the section their functions in this regard were to be absolutely free from any functions as trustees of the school section. That after the determination had been reached that the money should be used to purchase a home for the Sisters, to be their's only so long as they occupied it and then revert to the section, Landry, Dunn and Martell were appointed a committee to co-operate with the priest in carrying out the resolution of the meeting. The priest actually had the resolution typewritten and thrown into the form of a memorial to the Bishop, and at 7 or 8 o'clock that evening the three appointed men, Landry, Dunn and Martell, went to the priest's house and signed the document which was duly forwarded by mail to the Bishop of Antigonish.

The document is in French, but I will give a literal translation of it, and the whole action turns on the effect of this document, (M. 5.)

“D'Escouse, C.B., January 20th, 1907.

To His Lordship, Bishop Cameron, of Antigonish:

Section 8 of D'Escouse represented at a general meeting of the ratepayers submits humbly to Your Lordship the following resolutions: