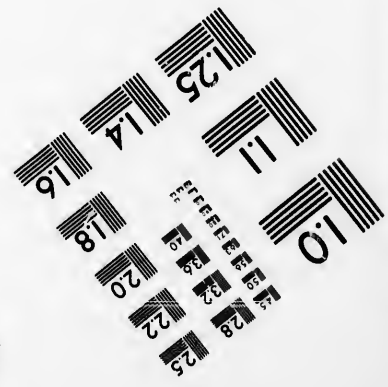
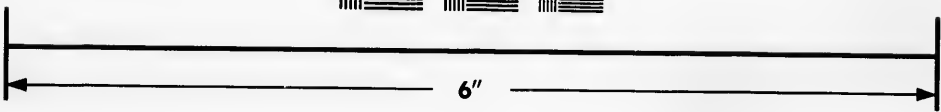
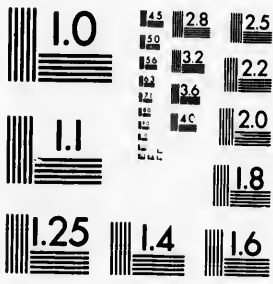


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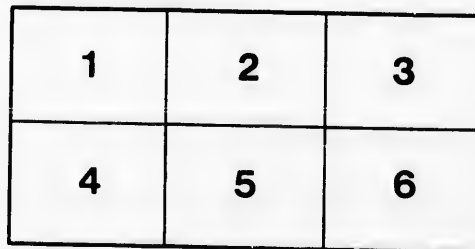
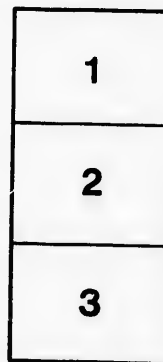
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STATEMENT

—AND—

DECLARATION

—OF—

JOHN FRASER

—ON—

MATTERS RELATING

—TO—

THE FRASER INSTITUTE.

TRUE COPY.

LIGHTHALL & MACDONALD,
Attorneys
for the said JOHN FRASER.

Langue
no is speaking

STATEMENT — AND — DECLARATION

— OF —

JOHN FRASER, of the City and District of Montreal, gentleman, formerly merchant, residing at No. 64 Drummond Street, Montreal, who claims that he has a legal right, under the law regulating Eleemosynary Corporations, to claim the whole estate of his brother, the late Hugh Fraser, as his heir: Because the Trust created by and under the will of the said late Hugh Fraser to establish the Fraser Institute has been broken, rendering said trust null and void as if not made: and, in such a case, when a trust is broken the law on corporations declares:

"That their lands and tenements shall revert to the person, or his heirs, who granted them to the corporation."

That, in creating the said trust, estimated at about \$500,000, the Testator says:

"And it is my will and desire that they (his Trustees) do hold the same, in trust, for the following intents and purposes, namely:

"To establish at Montreal, in Canada, 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: * * * * * namely: to the diffusion of useful knowledge by affording free access to all desiring it, to books, to scientific objects and subjects and to works of art."

"And to the procuring such books, subjects and objects, as far as the revenues of my estate will serve, after acquiring the requisite property and erecting appropriate buildings, etc."

That by the Founder's will the Fraser Institute is limited to the use of the revenues of his estate as far as they will serve:

That the will of the Founder constitutes the statutes of the foundation of the Fraser Institute, and the Legislative Charter is simply the authorization of the Crown to carry out the intentions of the Founder.

The law regulating corporations declares that:
"Eleemosynary corporations are distinguished from others in this: That they have no incidental power of legislation; they are the mere creatures of their Founder, and he alone has a right to proscribe the regulations according to which his charity shall be applied. His statutes are accordingly their laws, which they have no power to alter, modify or amend."

Extract from the Founder's will respecting the Board of Governors:

"And it is my desire that three persons should be named by my said Trustees to compose with them the first Board of Governors of the Fraser Institute, which it is my desire shall always be composed of five persons professing some form of the Protestant faith, with power to them to supply any vacancy caused by death or resignation, or by any crime or offence, the conviction whereof shall vacate the tenure of office of the offender."

Extract from the Founder's will respecting the Formation of the Fraser Institute:

"I desire that the residue of my estate and effects, after deduction of the expenses of the management thereof, shall be forthwith conveyed over to the corporation to be thereby formed to be called the Fraser Institute, for the purposes herein declared"

SOLEMN DECLARATION OF THE SAID JOHN FRASER:

I am a brother of the late Hugh Fraser, the Founder of the Fraser Institute, and heir to his estate:

That Riddell and Evans, public accountants, furnished the Trustees with full statements and a report of the affairs of the estate for the purpose of having the Founder's estate conveyed over to the Fraser Institute:

That those accounts of Riddell and Evans are referred to on pages 15 and 16 of the first Report of the Fraser Institute:

That the Fraser Institute caused their Secretary, John Henry Menzies, to make out other accounts:

That the Fraser Institute paid Riddell and Evans the sum of five hundred dollars to obtain their certificates to those accounts as made out by Menzies:

That the Founder's estate was conveyed over by his Trustees to the Fraser Institute under those false accounts as made out by Menzies, as per Deed No. 8913, passed before W. A. Phillips, Notary, on the eleventh day of December, 1874:

That it will be found on an inspection of that Deed, No. 8913, in the office of W. A. Phillips, Notary, that the accounts thereto attached, and upon which the Founder's estate was conveyed over to the Fraser Institute, are wholly and altogether in the handwriting of Menzies:

That those accounts of the Founder's estate as made out by Riddell and Evans were *suppressed* and *hidden* from the public by the Fraser Institute, and those false accounts of Menzies substituted in their stead:

That the present Governors of the Fraser Institute, namely: Richard B. Angus, Sir Donald A. Smith, John H. R. Molson, Hugh McLennan and E. S. Clouston, have and hold in their possession those *suppressed accounts* of the Founder's estate as made out by Riddell and Evans, and upon which said "suppressed accounts" the Founder's estate should have been conveyed over to the Fraser Institute:

That the Founder's estate has suffered a loss of fully *one hundred thousand dollars*, or thereabouts, as may be established by a comparison between those false accounts as made out by Menzies and the Books of Account of the Founder's estate, as made out by Hugh Brodie, Notary, on the Fraser Institute, on the 25th day of February, A.D. 1892:

That the present Governors of the Fraser Institute, to wit: R. B. Angus, et al, hold the said protest, No. 9117, in their possession, and therefore cannot plead ignorance of its contents:

That the conveyance of the Founder's estate to the Fraser Institute was an illegal conveyance, having been made upon false accounts, and should be declared null and void as if not made:

That the Fraser Institute was founded upon a *trust*, and when that trust became broken by the illegal conveyance of the Founder's estate, under false accounts, to the Fraser Institute:

Then the lands and tenements, etc., as contained in said trust, to establish said Fraser Institute, reverted to the Founder or his heir:

That the moment the said trust became broken—at that very moment the whole of said trust reverted to and became vested in the Founder or his heirs:

"For the law doth annex a *condition* to every such grant that if the trust "be broken or the corporation dissolved, the grantor shall have the lands again."

A FALSE ELECTION.

That the Fraser Institute made a *false election*, in direct violation of the Founder's will, by the election of Richard B. Angus, to be a governor when there was no vacancy either by death or otherwise, on said Board to be filled; making *six governors* instead of *five*, thereby forfeiting its charter.

That from the very beginning the Governors of the Fraser Institute have *misused* and *abused* with the Founder's estate, as herein above referred to; and the said Governors have handled the Founder's estate as if it were a mere *plurality* in their hands, and not, as it is, a *sacred public trust*, entrusted to their management as the said protest, No. 9117, charges them;

That the present Governors of the Fraser Institute are pursuing the same policy as their predecessors in their handling of the Founder's estate:

That, lately, I had occasion to read over their two last Reports, the 16th and the 17th, and the following extract from a letter written by me to R. B. Angus, the president, explains itself:

EXTRACT.

" 64 DREUMOND STREET,

" Montreal, 13th November, 1895.

" R. B. ANGUS, Esquire,

" *President of the Fraser Institute, Montreal.*

" Dear Sir,

" I, yesterday, carelessly picked up your *two last Reports*, the 16th and the 17th:

" And, I can assure you, I was quite unprepared for the discovery I made, namely:

" That under the nicely arranged and, apparently, carefully prepared "Schedules and Abstracts" of a "*Trust Deed*" there should be hidden an attempt "to defraud the estate of the late Hugh Fraser, the Founder."

" You attempt to show by those two last Reports, "*Unsettled Balances*" (\$3,811.83 and \$3,238.20) amounting to \$7,050.03, and which amount you charge "to the debit of the '*Capital Account*' of the Founder's estate.

" Whereas such balances never had any existence by your own showing and "by your own Reports.

" Therefore such a transfer of \$7,050.03 to the debit of the '*Capital Account*' "of the Founder's estate *is a fraud*, pure and simple, upon his estate.

" Yours respectfully,

" Signed, JOHN FRASER."

"It is to be noted that it does not appear by any of the Reports of said Fraser Institute that they have any such an account as a '*Capital Account*'; therefore this "*Capital Account*" is a *Myth* or a "*Grand Dumping Account*."

THE 17th REPORT.

What a farce! To be informed by the Governors of the Fraser Institute, at this distant day—by their 17th Report, after they have collected, during the past twenty-five years—over \$400,000, in cash, from the Founder's estate: that they now have, actually have ?? \$4,017.82 on *special deposit* in the Molsons Bank; being about one hundredth part of their total collections!

The farce is this:

They show they have \$4,017.82 on "special deposit" in the Molsons Bank: while, at same time, and on the same statement, of that 17th Report, they show that they owe the Molsons Bank \$6,008.69 on "General Account:" where, may I ask, does that "special deposit" exist?

While, at the same time, this 17th Report discloses the fact that the Founder's estate is at present mortgaged and pledged for debts illegally placed upon it by the Fraser Institute for over \$60,000:

That the Fraser Institute is the mere creature of its Founder: created by him under the trust as contained in his will, as aforesaid; and he alone, the Founder, has a right to prescribe the regulations according to which his charity shall be applied; his statutes are accordingly their laws, which they have no power to alter, modify or amend:

That the Founder, in creating the trust to establish the Fraser Institute, clearly and distinctly prescribed the regulations according to which his charity should be applied, namely:

" And to the procuring such books, subjects and objects, as far as the revenue "of my estate will serve, after acquiring the requisite property and erecting "appropriate buildings, etc."

That the said trust was broken and became forfeited when the Fraser Institute mortgaged or pledged the Founder's estate;

That when said trust became broken, then, at that very moment, the lands and tenements, as contained in the Trust Deed reverted, without the necessity of any action at law, to the Founder or his heirs, who granted them to the corporation:

That once the said trust was broken there was no power in existence that could *revive* or *restore* it: the Founder alone could do this—but he being dead—the whole of his estate reverted to and became vested in his heirs.

DISSOLUTION OF A CORPORATION.

The law regulating corporations says that:

A corporation may be dissolved, for it is created upon a trust, and if that be broken it is forfeited.

Corporations are dissolved by forfeiture, for non-user, mis-user, etc.

Corporations may be dissolved if they neglect to choose officers, or make a false election, etc., it is a forfeiture of their corporation.

Corporations may be dissolved in several ways, which dissolution is the *civil death* of the corporation; and, in such a case, "their lands and tenements shall revert to the person, or his heir, who granted them to the corporation."

That in addition to having mortgaged the Founder's estate, the said Fraser Institute has parted with a large portion of the real estate of the Trust Deed, without having given any public notice of their intention to sell; and at prices far below their present or prospective values; and for such action they have no authority under the will of the Founder—~~save only the 25% of the revenues of the estate as far as they will serve;~~ and, further, they have not *re-invested* the proceeds of such sales of the "Trust Deed," as they are bound by law to do, in other investments, as capital of equal value:

That the original of those false accounts, which are altogether in the *hand-writing* of John Henry Menzies, are to be found on file with Deed No. 8913, in the office of W. A. Phillips, Notary:

That those accounts are not the accounts of Riddell and Evans, as referred to on pages 15 and 16 of the First Report of the Fraser Institute; because Edward Evans, as a witness in that cause "Menzies vs. Fraser," swears that:

"It (the account) was not prepared by us (Riddell and Evans); it was certified by us: the account was prepared by Mr. Menzies."

This is conclusive proof that the accounts under which the Founder's estate was conveyed over to the Fraser Institute were those false accounts as made out by Menzies; and the said Fraser Institute paid Riddell and Evans five hundred dollars to obtain their certificate to those false accounts:

That protest No. 9117, above referred to, shows that the Hon. John J. C. Abbott, in his several capacities as Executor and Trustee of the Founder's estate and as President of the Fraser Institute; and John Henry Menzies, in his capacity of Agent of the Executors and Trustees, and as Secretary and Treasurer of the Fraser Institute; and Edward Evans, Auditor and Accountant, acted in collusion or had joined hands by which the estate and succession of the late Hugh Fraser suffered great loss and damage as shown on said protest No. 9117:

That these three men, the Hon. John J. C. Abbott, John Henry Menzies and Edward Evans, appear from protest No. 9117, to have had full control and direction of the Founder's estate until it was conveyed over to the Fraser Institute.

A COMPARISON OF ACCOUNTS.

That in those false accounts of the Founder's estate as made out by Menzies, the following charge of cash appears, namely:

"By cash paid J. H. Menzies, \$153.69."

The above is the only charge for cash paid to John Henry Menzies under those false accounts as made out by him, Menzies, during the four years and a half, between the 15th May, 1870, and the 5th December, 1874;

That to show the falsity of those accounts of Menzies;

Edward Evans, as a witness in that cause, "*Menzies vs. Fraser*," swears as follows:

"The amount Mr. Menzies is charged with in the *Ledger of the Fraser Estate*, from the date of the Testator's death (15th May, 1870,) to the 29th of April, 1871, is \$2,099.65."

That Edward Evans swears, as above, that in less than one year from the 15th May, 1870, to the 29th of April, 1871, Menzies is charged with \$2,099.65 in the Ledger of the Founder's Estate, being a ledger kept and posted by Menzies himself.

Whereas, in those false accounts by which the Founder's estate was conveyed over to the Fraser Institute, Menzies is only charged with \$153.69 during the four and a half years, from the 15th of May, 1870, to the 5th of December, 1874. NOTE.—Riddell and Evans certified to those accounts of Menzies as being correct; while Edward Evans, who had audited the ledger of the Founder's estate, knew them to be false!

FURTHER DEVELOPMENTS IN MENZIES' ACCOUNTS.

That Menzies had taken and used \$15,302.05 of the cash of the Founder's estate between the 15th of May, 1870, and the 5th of December, 1874, as given in detail below, and to be found in the cash book of the Founder's estate, and which is entirely suppressed, except that \$153.69, in those false accounts of Menzies.

JOHN HENRY MENZIES.

1870.		1873.	
June 6,	Cash paid him - - - \$100.00		<i>Forward</i> - - \$2,055.63
June 29,	" " - - - 100.00	June 30,	Cash paid him - - 2,500.00
July 30,	" " - - - 250.00		1874.
Sept. 1,	" " - - - 100.00	May 30,	" " - - 1,200.00
Sept. 23,	" " - - - 200.00		1872.
Nov. 10,	" " - - - 200.00	Jan. 31,	" M. & Co. 4,610.10
	1871.	March	" him - - 1,000.00
Feb. 4,	" " - - - 400.00	July 31,	" " - - 160.00
April 29,	" " - - - 400.00	July 31,	" " - - 3,776.32
April 29,	" " - - - 305.63		
			<u>\$15,302.05</u>
	<u>\$2,055.63</u>		

Here we have \$15,302.05, cash taken from the funds of the Founder's estate and charged to Menzies' account, to the full knowledge of the Hon. John J. C. Abbott, John Henry Menzies and Edward Evans, and that only \$153.69, out of this \$15,302.05, appears at the debit of Menzies in those false accounts under which the Founder's estate was conveyed over to the Fraser Institute.

As the said Fraser Institute was founded upon a trust—created by the will of the Founder—therefore, at the very moment the Founder's estate was conveyed over to the Fraser Institute under those false accounts of Menzies', the said trust became broken and forfeited, and the said Fraser Institute ceased to exist as a creation of the Founder.

Extract from the Founder's will, as before given, respecting the formation of the Fraser Institute: This was the last duty to be performed by the Trustees under the Founder's will, namely:

"I desire that the residue of my estate and effects, after deduction of the "expenses of the management thereof, shall be forthwith conveyed over to the "corporation to be thereby formed, to be called the Fraser Institute, for the purposes herein declared."

What did the Testator mean by the above extract from his will?

He certainly meant that properly authenticated accounts of his estate and effects should be made out, and that the residue of his estate should be forthwith conveyed over, on said accounts, to the corporation, to be thereby formed to be called the Fraser Institute, for the purposes declared in his will;

That such authenticated accounts were made out by Riddell and Evans, public accountants, which I believe to have been correct accounts;

Because the Fraser Institute refer to those accounts of Riddell and Evans on pages 15 and 16 of its First Report, as being in their possession;

That the two Trustees, Abbott and Torrance, who were at the same time governors of the Fraser Institute, must have joined hands with their co-governors to have those accounts of Riddell and Evans suppressed and hidden from the public, and caused their Secretary, John Henry Menzies, to make out other accounts, and for which the said Fraser Institute paid Riddell and Evans five hundred dollars to obtain their certificate to those accounts of Menzies, and upon which said false accounts of Menzies the Founder's estate was conveyed over to the Fraser Institute;

That, without question, the trust created to establish the Fraser Institute was broken by this illegal conveyance of the Founder's estate to the Fraser Institute; and at the very moment of said illegal conveyance of the Founder's estate, the lands and tenements contained in said Trust Deed reverted, without the necessity of any action at law, to the Founder or his heirs, and the said Fraser Institute *ceased to exist*;

That it is fortunate, in the interest of Justice, that wrong-doers generally leave *uncovered tracks* behind them; for had it not been for their reference to those "suppressed accounts" of Riddell and Evans, on pages 15 and 16 of their First Report, the public would have been ignorant of the existence of said "suppressed accounts" of Riddell and Evans;

That the true accounts of the Founder's estate as made out by Riddell and Evans, and referred to on pages 15 and 16 of the First Report of the Fraser Institute, have never been examined before any Court of Justice;

That in the several actions of "Evans vs. Fraser" and "Menzies vs. Fraser," and other cases, the only accounts which were submitted by said plaintiffs, Evans and Menzies, were those false accounts as made out by Menzies;

That both Menzies and Evans swore in each and every case—that those accounts as made out by Menzies—those false accounts—were the true and only accounts of the Founder's estate;

That I did not then know of the actual existence of those suppressed accounts of the Founder's estate; but I now know of their existence—and I declare that those suppressed accounts are now in the possession of the present Governors of the Fraser Institute—and that they should be called upon to produce them;

That in addition to the *omissions*, as before alluded to in those false accounts of Menzies', the following is to be added:

That while John Henry Menzies was Secretary and Treasurer of the Fraser Institute he was also the cashier of the now defunct MECHANICS BANK of Montreal;

That I now hold in my possession a statement of the deposits made in the Mechanics Bank of the funds of the Founder's estate, namely:

DEPOSITS AMOUNTING TO \$62,491.25.

This statement is certified to by James Court, Assignee.

And I declare that there is no *record, reference or entry* to be found in those false accounts of Menzies, under which the Founder's estate was conveyed over to the Fraser Institute to show as to how the above deposits of \$62,491.25 in the Mechanics Bank have been withdrawn and applied.

The only way to arrive at the truth is to have those false accounts of Menzies, and those suppressed accounts of Riddell and Evans, with the books of the Founder's estate, all produced and compared! Justice demands this! The Founder's estate, of about \$500,000 placed in trust, should not be trifled with after this fashion!

That the Fraser Institute conducted its business with such secrecy that it was nearly *ten years* after the Founder's death before it issued its First Report to the public.

MEMO.—The Founder, the late Hugh Fraser, died on the 15th day of May, 1870, and that First Report was not placed before the public until the 5th day of December, 1879;

That it was fully fifteen years after the Founder's death before I became aware that those accounts of Menzies were false accounts; and of the *actual existence* of those suppressed accounts of Riddell and Evans:

That the only portion of the Real estate of the Trust Deed which is now *intact* is that one farm on the Lower Lachline Road, known as the "King's Past Farm":

That twenty-five years have passed away since the Founder's death, and we have now before us the 17th Report of the Fraser Institute, bearing date the 10th day of October, 1895.

During the past twenty-five years the Fraser Institute has collected over \$490,000 in cash from the Founder's estate, and they have also received in subscriptions and donations \$65,914.68, and the whole of this large sum, nearly \$550,000, has disappeared without scarcely leaving a wreck behind.

True, they have \$1,917.82 on "special deposit" in the Molsons Bank; while they owe the same bank, at the same time, \$9,008.69 on "general account," and besides this they have the Founder's estate mortgaged and pledged for over \$60,000.

QUESTION.

The question now arises:

1st. Was the Fraser Institute ever a "legally organized corporation" in accordance with the trust contained in the will of the Founder?

2nd. Were not the two Trustees, Abbott and Torrance, appointed under the will of the Founder to hold his estate in *trust*, and finally to convey over the residue of his estate and effects to the corporation, to be thereby formed to be called the Fraser Institute, for the purposes declared in his will?

3rd. Did not Riddell and Evans, public accountants, furnish the Trustees with duly audited and certified accounts of the Founder's estate for the purpose of having his estate and effects conveyed over to the Fraser Institute, as referred to on pages 15 and 16 of the First Report of the Fraser Institute?

4th. Did not the Trustees, who were also governors of the Fraser Institute, cause their Secretary, John Henry Menzies, to make out other accounts of the Founder's estate?

5th. Did not the Fraser Institute pay Riddell and Evans five hundred dollars to obtain their certificate to those false accounts as made out by Menzies?

6th. Had not the Trustees, Abbott and Torrance, full knowledge of the character of Menzies' accounts, when they conveyed over the Founder's estate to the Fraser Institute under those false accounts of Menzies?

7th. Were the two Trustees, Abbott and Torrance, acting in collusion with their co-governors when they, as Trustees, conveyed over the Founder's estate, under those false accounts of Menzies, to themselves and to their co-governors—as governors of the Fraser Institute—on the 11th day of December, 1874, under Deed No. 8913, passed before W. A. Phillips, Notary?

To the 2nd, 3rd, 4th, 5th, 6th and 7th, of the above questions I answer, Yes.

And in answer to the 1st question I say:

That the Founder's estate having been conveyed over to the Fraser Institute under those false accounts of Menzies was a breach of the trust; by which the said trust to establish the said Fraser Institute became broken and forfeited—and rendered null and void as if not made.

And, to make this matter worse, this breach of trust was the *deliberate act* of the Trustees, by their causing those false accounts to be made out by their Secretary, Menzies; and then by their paying Riddell and Evans the sum of five hundred dollars, cash, of the funds of the Founder's estate, to obtain their certificate to those false accounts of Menzies:

A CRIMINAL ACT.

That it was a "Criminal Act" on the part of the Trustees, after they had received Riddell and Evans' accounts of the Founder's estate, to have suppressed those accounts and to have substituted those false accounts of Menzies in their stead!

LOSS \$100,000 TO THE FOUNDER'S ESTATE.

That protest No. 9117, as aforesaid, sets forth that the Founder's estate suffered a loss of nearly one hundred thousand dollars through those false accounts of Menzies.

THE HEIRS OF THE FOUNDER.

That at the very moment the said trust became broken, the Founder being dead, his whole estate reverted to and became vested in his heirs :

That, in this case, the Founder being dead—there was no *power in existence* which could have *revised* and *restored* the broken trust: the Founder alone could have done this:

That the Fraser Institute illegally holds possession of the Founder's estate, which belongs to his heirs:

That the said Fraser Institute concealed the fact from said heirs that the said trust had been broken: therefore the said heirs were *totally ignorant* for fully fifteen years that the said trust had been broken, and that the Founder's estate had reverted to and became vested in them, said heirs, who are alone entitled *by right* to claim the Founder's estate.

A RIGHT NEVER DIES.

"That of such an high estimation is Right, says Sir Edward Coke, that the law preserveth it from death and destruction: trodden down it may be, but never trodden out: and there is such an extreme enmity between an estate gained by wrong and an ancient Right, that the Right cannot possibly incorporate itself with the estate gained by wrong: a Right may sometime sleep, though "it never dies!"

Therefore, such is the Right the heirs of the late Hugh Fraser have to his estate, it ever lives; it may sometimes sleep, though it never dies!

TO SUM UP.

1st. The trust became broken and forfeited when the Founder's estate was conveyed over to the Fraser Institute under those false accounts of Menzies.

2nd. The trust became broken and forfeited when Richard B. Angus was elected a governor when there was no vacancy to be filled on said board.

3rd. The trust became broken and forfeited when the Fraser Institute first mortgaged and pledged the Founder's estate for over \$60,000.

4th. The trust became broken and forfeited when the Fraser Institute first sold or parted with any portion of the real estate of the *Trust Deed*, having only the right to use the revenue of the estate as far as they will serve.

THE ESTATE BELONGS TO THE HEIRS.

That I, as representing my co-heirs, claim that the whole of the estate of the late Hugh Fraser, the Founder of the Fraser Institute, reverted to and became vested in his heirs when the said trust became broken:

That I have a transfer from my co-heirs of all their rights and interests in the Founder's estate for any action I may take for the recovery of his estate:

That the Fraser Institute should be called upon:

1st. To produce those "suppressed accounts" of the Founder's estate as made out by Riddell and Evans, public accountants, which accounts are referred to on pages 15 and 16 of the First Report of the Fraser Institute.

2nd. To produce a copy of the Deed of Transfer, No. 8882, from the Executors to the Trustees, passed before W. A. Phillips, Notary, on the seventh day of December, 1874.

3rd. To produce a copy of the Deed of Transfer, No. 8913, from the Trustees of the Founder's estate to the Fraser Institute, passed before W. A. Phillips, Notary, on the eleventh day of December, 1874.

That, by the above, it may or can be established without question, whether the Founder's estate was conveyed over to the Fraser Institute under those false accounts of Menzies.

And should it be found that the Founder's estate was conveyed over to the Fraser Institute under those false accounts of Menzies: then, in that case, to have the said conveyance of the Founder's estate to the Fraser Institute declared illegal, null and void, as if not made!

That the present Governors of the Fraser Institute have rendered themselves each liable and accountable to the heirs of the late Hugh Fraser for the full value of his estate, with all interests, profits, etc., since and after his death, for the reasons herein set forth;

That the said Fraser Institute should be called upon *to show by what right* they hold the estate of the said late Hugh Fraser, and under what accounts the Founder's estate was conveyed over to the Fraser Institute?

Wherefore I pray for justice, for common British justice and British fair play in this cause, on behalf of myself and my poor co-heirs, who have been illegally deprived of their rights and interests in the estate of the late Hugh Fraser, the Founder, by the illegal acts of the Trustees of his estate and the Governors of the Fraser Institute, acting in collusion as herein set forth.

And I make this solemn declaration conscientiously, believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act of 1893.

JOHN FRASER.

Declared and acknowledged before me, the Mayor of the City of Montreal, at the City Hall, this seventh day of December, A. D. 1895.

J. O. VILLENEUVE, Mayor.



