CHAPTER 97

An Act respecting
The Kent County Roman Catholic Separate School Board

Assented to May 13th, 1976

WHEREAS The Kent County Roman Catholic Separate School Board hereby represents that Henry Neree Tisdelle, late of the Town of Tilbury, in the County of Kent, in the Province of Ontario, Canada, died on or about the 29th day of January, 1971, leaving a will dated the 25th of August, 1970; that probate of such will was duly granted out of the Surrogate Court of the County of Kent, on the 14th day of April, 1971; that by clause "K" of such will the testator gave the residue of his estate to St. Joseph Separate School of Tilbury, Ontario, Canada; that The Kent County Roman Catholic Separate School Board has vested in it the property set out in Schedule A hereto, which was received from or purchased with moneys received from the Executrix of the Estate of the late Henry Neree Tisdelle; and whereas the applicant hereby applies for special legislation to establish a trust fund consisting of the property set out in Schedule A hereto; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The property particularly set out in Schedule A hereto, together with any accumulated income thereon, is hereby established a trust fund under the name of "Henry Neree Tisdelle Trust".

2. The trustees of the Henry Neree Tisdelle Trust (herein after referred to as "the trustees") shall be those members of The Kent County Roman Catholic Separate School Board, who are from time to time elected as members of such Board.
3. The assets of the Henry Nerce Tisdelle Trust are, notwithstanding subsection 2 of section 166 of The Education Act, 1974, hereby vested in the trustees as herein provided for, and The Kent County Roman Catholic Separate School Board is authorized and directed to transfer, convey and pay over the said assets, together with any accumulated income thereon, to the trustees.

4. The trustees may postpone the realization of any of the assets in the said Schedule A set out which are not investments authorized by the laws of Ontario for the investment of trust funds and save as aforesaid, all funds of the Henry Neree Tisdelle Trust shall be invested and reinvested in investments authorized by the laws of Ontario for the investment of trust funds.

5. The net income in the hands of the trustees shall be paid and applied as follows:

1. The sum of $200,000 shall be maintained as a perpetual trust fund and shall be invested by the trustees, subject to the limitation on investments aforementioned, and the income therefrom shall be used and applied in the following manner, namely,

   (a) the trustees shall expend such amount or amounts, not exceeding the sum of $3,000 in each calendar year, as the trustees in their discretion shall deem appropriate to sponsor for the students at St. Joseph Separate School, Tilbury, such scholarships, merit prizes, trophies, awards, educational assistance and activities as the trustees deem advisable from time to time; and

   (b) to pay the balance of the income therefrom in each year to the respective treasurers for the Town of Tilbury, the Township of Tilbury North, the Township of Tilbury West and the Township of Tilbury East, subject to the provisions of this paragraph. The net balance of income available to be paid to the said municipalities shall be ascertained on or before the 1st day of March in each year next succeeding the calendar year in which the said income has been earned and the said net income shall be apportioned and paid between the said municipalities in the ratio that the assessment, as adjusted by the equalizing factor referred
to in subsection 1 of section 127, of The Education Act, 1974, directed to the support of Roman Catholic Separate Schools under the jurisdiction of The Kent County Roman Catholic Separate School Board in that part of each of the said municipalities within the area described in Schedule B hereto, bears to the total of such assessment, in the area defined in Schedule B hereto, as so equalized. Payment of the amounts as determined in accordance with this paragraph to each of the said municipalities shall be made in the year next succeeding the calendar year in which the income is earned at such time or times as the trustees may determine, provided that such payments shall be made not later than the last day appointed for the payment under subsection 1 of section 130 of The Education Act, 1974, of the rates and taxes collected by the said municipalities respectively for The Kent County Roman Catholic Separate School Board. The assessments and equalizing factors used for the said annual apportionment shall be determined in accordance with the current practices from time to time of The Kent County Roman Catholic Separate School Board based on the information available at the time of such determination. The said amounts paid to each of the said treasurers shall be applied by them in the year of receipt thereof in reduction of the amount required to be levied by each of the said municipalities in that year for Roman Catholic Separate School purposes by The Kent County Roman Catholic Separate School Board from supporters of such Board, within the area described in Schedule B hereto.

2. The remainder of the assets described in Schedule A hereto shall be held in trust by the trustees and invested, subject to the limitation on investments aforementioned, with the income to accumulate to the trust. The trustees shall have the power to invest accumulated income. At such time as the trustees in their discretion deem advisable, the said remainder of assets, investments and accumulated income shall be expended by the trustees for the purposes of providing educational equipment to St. Joseph Separate School, Tilbury, or for the purpose of constructing a building as an addition
to St. Joseph Separate School, Tilbury, or for both of the said purposes; provided that the equipment or building for which such funds are expended shall be such that no provincial grants would have been applicable or obtainable with respect to such equipment or building. At any time the trustees may declare that the purposes in this clause directed are terminated, whereupon any balance of trust funds subject to the provisions of this clause shall be added to and become part of the trust funds subject to the provisions, conditions and directions in clause b of paragraph 1.

6. The Henry Nerce Tisdelle Trust shall be audited each year by the auditor for The Kent County Roman Catholic Separate School Board, and the trustees shall furnish to such auditor all information and material required by him.

7. The trustees are authorized to appoint a secretary-treasurer and to engage the services of agents, accountants, investment counsel, solicitors and such other professional assistants as may be reasonably required in the administration of the trust and may pay proper remuneration for such services out of the income of the trust fund.

8. The trustees shall serve without remuneration but may be reimbursed out of the trust fund for reasonable expenses incurred in the performance of their duties as trustees.

9. For the purposes of this Act, the assets and accumulated income transferred to the trustees by The Kent County Roman Catholic Separate School Board shall constitute the original capital of the trust and the first payments as provided for in section 5 shall be paid in the year 1977, out of income earned in the year 1976.

10. This Act shall be deemed to have come into force on the 1st day of January, 1976.

11. This Act may be cited as The Kent County Roman Catholic Separate School Board Act, 1976.
## SCHEDULE A

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Certificate No. 99 for 1 share of Parker Brothers Company Limited

Certificate No. 85 for 999 6/10 shares of Parker Brothers Company Limited
value placed by Succession Duty Department: 17,010.20

Canadian Imperial Bank of Commerce, 99 King Street West, Chatham, savings account #95,29667 balance @ October 28th, 1975 2,273.50

$301,448.08
SCHEDULE B

All of the Town of Tilbury, in the County of Kent and those parts of the Townships of Tilbury North and Tilbury West in the County of Essex and the Township of Tilbury East in the County of Kent, which are butted and bounded as follows:

COMMENCING at a point on the southerly shore of the Thames River where the same is intersected by the line between Lots 18 and 19 in the Broken Front Concession, in the Township of Tilbury North;

THENCE southerly along the line between Lots 18 and 19, in the Broken Front Concession to the road between the first Concession and the Broken Front Concession;

THENCE westerly along said last mentioned road to the line between Lots 17 and 18;

THENCE southerly along the line between Lots 17 and 18 to the road between the Second and Third Concessions;

THENCE westerly along said last mentioned road to the line between Lots 16 and 17;

THENCE southerly along the line between Lots 16 and 17 to the road between the Third and Fourth Concessions;

THENCE westerly along the last mentioned road to the line between Lots 13 and 14;

THENCE southerly along the line between Lots 13 and 14 to the road between Concessions Four and Five;

THENCE easterly along said last mentioned road to the line between Lots 14 and 15;

THENCE southerly along the line between Lots 14 and 15 to the road between the Township of Tilbury North and the Township of Tilbury West;

THENCE westerly along said townline road to the line between Lots 12 and 13 in the Township of Tilbury West;

THENCE southerly along the line between Lots 12 and 13 to the road between Concessions 7 and 8.

THENCE easterly along the road between Concessions 7 and 8 in the Township of Tilbury West and Tilbury North to the townline road between the Township of Tilbury North and the Township of Tilbury East;

THENCE southeasterly along the line between Lots 24 and 25 in the Township of Tilbury East to the road between Concessions 7 and 8.

THENCE northeasterly along said last mentioned road to the line between Lots 23 and 24;

THENCE southeasterly along the line between Lots 23 and 24 to the road between Concessions 8 and 9;
THENCE easterly along the road between Concessions 8 and 9 to the line between Lots 15 and 16;

THENCE northwesterly along the line between Lots 15 and 16 to the road between the 7th Concession and the South Middle Road Concession;

THENCE easterly along the said last mentioned road to the line between Lots 20 and 21 in the South Middle Road Concession;

THENCE northerly along the line between Lots 20 and 21 in the south and North Middle Road Concessions to the road between the North Middle Road Concession and the 6th Concession;

THENCE easterly along the last mentioned road to the line between Lots 11 and 12 in the 6th Concession;

THENCE northerly along the line between Lots 11 and 12 to the road between the 5th and 6th Concessions;

THENCE northeasterly along the said last mentioned road to the line between Lots 7 and 8;

THENCE northwesterly along the line between Lots 7 and 8 to the road between the 4th and 5th Concessions;

THENCE northeasterly along the said last mentioned road to the line between Lots 6 and 7;

THENCE northwesterly along the line between Lots 6 and 7 to where the same intersects the southerly bank of Jeannettes Creek;

THENCE westerly and northerly downstream along the various turnings of the southerly bank of Jeannettes Creek to where the same intersects the bank of the Thames River;

THENCE continuing along the various courses of the southerly bank of the Thames River to the place of beginning.