

CAP. XVII.

An Act respecting the Royal Institution for the Advancement of Learning.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

CONSTITUTION, INCORPORATION, &c.

1. The Governor may, by an instrument under the great seal of this Province, appoint such and so many persons as he sees fit, to be Trustees of the Schools of Royal foundation in Lower Canada, and of all other institutions of Royal foundation, established for the advancement of learning therein, and for the administration and improvement of all estates and property, in any manner appropriated to the said schools and institutions, for the purposes of education and the advancement of learning in Lower Canada, and may remove, from time to time, the said Trustees or any of them, and appoint others in the place of those so removed, or who die or resign their trust. 41 G. 3, c. 17, s. 1.

Governor may appoint Trustees of Schools of Royal Foundation.

2. The said Trustees shall be a body corporate and politic, by the name of *The Royal Institution for the Advancement of Learning*; and by that name shall have perpetual succession and a common seal, and may alter, break and make new the same, when and as often as they judge the same to be expedient; and may by the same name, sue and be sued, implead and be impleaded, answer and be answered unto, in all or any Court of Record or places of judicature within this Province; and by the name aforesaid may purchase, take, hold and possess, without license in mortmain or *lettres d'amortissement*, all real or immovable property, money, and moveable property, paid, given, granted, purchased, appropriated, devised or bequeathed in any manner whatsoever, for and in favor of the said Schools and Institutions of Royal foundation, to and for the purposes of education and the advancement of learning, within Lower Canada, and may do all and every lawful act and thing which any other body politic or corporate, by law, may do. 41 G. 3, c. 17, s. 2.

Such Trustees to be a Corporation.

Their corporate name and powers.

3. All immovable property, and all rents and sums of money charged upon, and issuing or payable out of any immovable property, and all sums of money or moveable property, paid, given, granted, purchased, appropriated, devised or bequeathed in any manner whatsoever, for and in favor of the said Schools and Institutions of Royal foundation, to and for the purposes of education and the advancement of learning within Lower Canada, shall be vested in the said Trustees for the uses and purposes herein mentioned; And the said Trustees, or the major part of them, may demise, let and lease any immovable

All the property belonging to Institutions of Royal Foundation vested in said Trustees.

Their powers in respect of it.

immoveable property so given, granted, purchased, appropriated, devised or bequeathed, for any term of years not exceeding twenty-one years, and have, take and receive the rents, issues and profits thereof. 41 G. 3, c. 17, s. 3, and 16 V. c. 58, s. 7.

President of Corporation

4. The Governor may, by an instrument under the great seal of this Province, from time to time, appoint a President or Principal of the said Corporation hereby erected. 41 G. 3, c. 17, s. 4, *part*.

If President be absent, who to preside at meetings.

5. In the absence of the President or Principal, the member first or senior in order of appointment, present at any meeting of the said Corporation, shall preside. 16 V. c. 58, s. 1.

Officers.

6. The said Corporation may appoint, from time to time, its Officers and servants, and may remove them. 16 V. c. 58, s. 2.

By-laws, &c.

7. At any Meeting of the said Corporation, held according to law, the said Corporation may provide and fix by By-laws, Rules and orders, the place, times and manner in which the said Corporation shall assemble, and the number and description of members which shall be requisite for transacting the business and executing the trust of the said Corporation. 16 V. c. 58, s. 3.

By-laws for the management, &c., of Schools of Royal Foundation.

8. The President and the number of members of the Corporation so fixed, being assembled at the place and times, in the manner so fixed, may make by-laws, rules, orders, constitutions and ordinances, not repugnant to the customs or laws of Lower Canada or the express regulations of this Act, as by them or the greatest part of them, then and there present, are judged necessary and expedient, as well for the direction, conduct and government of the said Corporation of the free Schools of Royal foundation in Lower Canada, and all other institutions of Royal foundation for the advancement of learning established within Lower Canada, and of the masters, teachers, professors and students thereof, respectively, as for the management and administration, improvement and amelioration of all estates and property, real or personal in any manner paid, given, granted, purchased, appropriated, devised or bequeathed, in any manner or way for and in favour of the said Schools and institutions of Royal foundation, for the purposes of education and the advancement of learning within Lower Canada :

This Act not to affect religious communities or private Schools.

2. But nothing hereinbefore contained shall extend to, or shall prejudice, directly or indirectly, the religious communities existing *de facto*, at the time of the passing of the Act, 41 G. 3, c. 17, nor to any school or house of instruction then existing *de facto* in Lower Canada, nor to any Corporation legally established in Lower Canada, nor to any private school or other private establishment by individuals, for the purposes of education. 41 G. 3, c. 17, s. 4, *part*.

9. All By-laws, Rules, Orders, Constitutions and Ordinances, made by the said Corporation after the Tenth day of November, one thousand eight hundred and fifty-three, not being repugnant to any law of this Province, shall have full force and effect without being sanctioned or confirmed by the Governor ; But a certified copy thereof shall be sent to the Governor through the Post Office, and he may signify his disallowance of the same within sixty days thereafter. 16 V. c. 58, s. 4.

By-laws made since a certain date need not be sanctioned by the Governor.

10. The Governor may, by an instrument under his hand and seal at arms, appoint a fit and proper person to be the School-master of each free school of Royal foundation, established by virtue of this Act, and may, from time to time, remove such School-master, and appoint another in his stead, or in the stead of any master dying or resigning his trust,—and may fix the salary or annual stipend to be allowed to each such School-master ; and no such master shall teach in any free school of Royal foundation established after the passing of this Act, 41 G. 3, c. 17, without a commission for that purpose from the Governor, under his hand and seal at arms. 41 G. 3, c. 17, s. 10.

Governor may appoint Masters of Free Schools.

ADMINISTRATION AND DISPOSAL OF PROPERTY BELONGING TO
MCGILL COLLEGE OR OTHERWISE VESTED IN THE
SAID CORPORATION.

11. The said Corporation of the *Royal Institution for the Advancement of Learning* may alienate and dispose in perpetuity of all such portions of all lands or real estate by them held in trust for McGill College, or for any department or branch thereof, or for any Institution of Royal Foundation wholly or in part under their control, as they deem expedient for the ends of such trust, for a ground rent (*rente foncière*) or otherwise, subject to all such terms and conditions, whether in reference to time and mode of redemption of any such rent or otherwise, and with such formalities only of procedure, as they may deem advisable ; And no such rent which they thus stipulate shall be redeemable nor the capital thereof exigible, otherwise than at such time or times and in such mode and after such notice as may have been stipulated, any general provision in these Consolidated Statutes to the contrary notwithstanding ; except that if such rent be stipulated irredeemable, or not redeemable within at least thirty years, it shall *ipso facto* become and be redeemable and exigible at the expiration of such thirty years. 20 V. c. 53, s. 1.

Terms upon which Corporation may dispose of lands held by them in trust for McGill College.

12. The said Royal Institution for the Advancement of Learning may agree with any holder of land heretofore alienated by them under authority of the Act of the eighth year of Her Majesty's Reign, Chapter seventy-eight, in consideration of an irredeemable ground rent (*rente foncière*) subject to an increase of twenty-five per cent at the end of each twenty years up to one

Royal Institution may agree for redemption of certain *rentes foncières*.

one hundred, for the redemption of such rent, on such terms as they deem expedient, and may take in discharge thereof the redemption money as so agreed upon, and shall deal with such redemption money as though it were received in redemption of an ordinary ground rent. 22 V. (1859,) c. 53, s. 1.

May cancel
deeds hereto-
fore granted by
them.

13. The said Royal Institution for the advancement of Learning, if they deem it to the advantage of the said McGill College so to do, may cancel and annul any deed heretofore by them granted for the disposal of any portion of the said lands and real estate, upon such terms as by them and the other parties to such deed may be mutually agreed upon. 16 V. c. 58, s. 6, and 20 V. c. 53, s. 3.

How revenues
of Corporation
shall be dis-
posed of and
accounted for.

14. The rents, issues and profits, and sums of money by the said Corporation held, possessed or received, shall be received by the Treasurer of the said Corporation, and be by him deposited and disposed of in such manner as, from time to time, the said Corporation may direct; but the said Corporation shall, on or before the first day of February in every year, furnish to the Governor a detailed statement and account, affirmed by the Treasurer before a Magistrate or Commissioner authorized to receive affidavits, of the receipt and expenditure of such moneys during the year immediately preceding. 16 V. c. 58, s. 7.

How money
received as
purchase mo-
ney of real es-
tate shall be
dealt with.

15. All sums of money, from time to time to be received by the said Corporation, on account of purchase money of any real estate by them alienated, or on account of the capital of any ground rent, shall be by them dealt with as capital only, and not as income, and shall be invested either in productive real estate, or upon security thereof, or in public stocks or securities of the United Kingdom or of this Province, as soon as possible, and in such wise as the said Corporation deems most for the advantage of their trust; and such investments may from time to time be changed as occasion may require, so always as that all proceeds thereof be ever kept as capital and re-invested in the like manner; And the said Corporation shall at all times, in their yearly statement of account rendered to the Governor, specially and in detail state all such receipts and all such investments and re-investments as have taken place during the year covered by such statement. 20 V. c. 53, s. 2.

May expend a
certain amount
in discharge of
indebtedness for
Burnside Hall.

16. The said Royal Institution for the Advancement of Learning may expend not more than ten thousand dollars, from any capital now or hereafter in their hands, in discharge *pro tanto* of their present indebtedness incurred by reason of the re-building by them of Burnside Hall, in the year one thousand eight hundred and fifty-six. 22 V. (1859,) c. 53, s. 2.

Moneys receiv-
ed may be in-
vested in real

17. Any moneys heretofore or hereafter received by the said Royal Institution for the Advancement of Learning on account of any real estate by them alienated or to be alienated,
or

or on account of the capital of any ground rent, whether for McGill College aforesaid, or for any department or branch thereof, or for any Institution of Royal foundation wholly or in part under their control, may be by them invested in such buildings or other real estate as may be required for the actual use of such College or department or branch thereof, or institution, as the case may be. 22 V. (1859,) c. 53, s. 3.

estate for their own use and occupation.

18. The said Royal Institution for the Advancement of Learning, shall, at all times in their yearly statements of account rendered to the Governor of this Province, specially and in detail, state all such receipts and all such investments or re-investments as may have taken place under authority of this Act during the year covered by such statement. 22 V. (1859,) c. 53, s. 4.

Such investments to be included in annual report.

19. The said Corporation may further, from time to time, obtain and take loans of money, upon such security, whether by hypothecation of their said lands or of any part or parts thereof or otherwise, and upon such other terms and conditions as they may stipulate and assume; But the total amount of such loans shall not at any one time, in the whole, exceed the sum of twenty thousand dollars. 20 V. c. 53, s. 3.

Corporation may effect certain loans.

TITLE 4.

MATTERS CONNECTED WITH RELIGION.

C A P . X V I I I .

An Act concerning the erection and division of Parishes, and the building and repairing of Churches, Parsonage Houses, and Church-yards, and *Fabrique* Meetings.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

APPOINTMENT, &c., OF COMMISSIONERS.

1. The Governor may, by Commission under the Great Seal of the Province, commission and appoint, in the name of Her Majesty, in each of the Roman Catholic Dioceses canonically acknowledged and erected in Lower Canada by the Ecclesiastical Authorities, five persons duly qualified and residing in the said Dioceses respectively, to be Commissioners for the purposes of this Act, and may remove them and appoint others in their

Governor to appoint five Commissioners in each Roman Catholic Diocese.