

of non-payment by the party liable for the same, he may be sued by the party in whose favor the indemnity shall have been awarded, for the recovery thereof, in any Court of competent jurisdiction. Provided always, that in case it shall appear by the report of the said Experts, that such demand for indemnity shall be unfounded, the costs of such Report shall be borne by the individuals who shall have made the demand, and may be recovered against them by the said Commissioner in any Court of competent jurisdiction.

Proviso.

Saving of His Majesty's rights.

XVIII. And be it further enacted by the authority aforesaid, that nothing in this Act contained, shall extend or be construed to weaken, diminish or extinguish the rights and privileges of His Majesty, his heirs and successors, nor of any person or persons, body politic or corporate, except such as are affected by this Act.

Public Act.

XIX. And be it further enacted by the authority aforesaid; that this Act shall be deemed a public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and all other persons whomsoever, without being specially pleaded.

CAP. XXXI.

An Act to facilitate the establishment and the endowment of Elementary Schools in the Parishes of this Province.

(9th March, 1824.)

Preamble.

WHEREAS the institution of Elementary Schools in the several Parishes of this Province, in diffusing the principles of a good moral Education, will contribute to promote Industry and Agriculture, and whereas it is necessary to provide means for facilitating their establishment;—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual provision for the Government of the Province of Quebec in North-America,*" and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority

Fabriques enabled to purchase Lands, &c. without Letters of Mortmain.

thority of the same, that each and every *Fabrique* in this Province, shall be, and is hereby authorised and declared capable of acquiring, purchasing, taking, receiving and holding without Letters of *Mortmain*, all Lands, Tenements, real property, *Rentes constituées*, Monies, Chattels, or other personal property which may be conceded, sold, given, devised or bequeathed either by *donation entrevifs à cause de mort*, Testamentary disposition, or by whatsoever other manner, for the purpose of founding and supporting one or more Elementary School or Schools within the Parish to which such *Fabrique* shall belong, in the manner and to the amount and annual income hereinafter prescribed.

When Property shall be so devised to the Fabriques, the same to be sold & put out à constitution de rente for the benefit of Elementary Schools.

II. Provided always, and be it further enacted by the authority aforesaid, that when any Lands, Tenements, Houses or other real estate, shall in any way or manner as aforesaid be conceded, sold, given, devised or bequeathed to any such *Fabrique*, for the purposes aforesaid, such *Fabrique* shall, within ten years from and after the date of the Instrument by which the same shall have been so conceded, sold, given, devised or bequeathed, sell and dispose of such Lands, Tenements, Houses or real estate, *à constitution de rente*, for the benefit of the Elementary School or Schools to be by them founded and established by virtue of this Act in the manner hereinafter mentioned. Provided further, that out of any Lands which shall be conceded, sold, given, devised or bequeathed as aforesaid, such *Fabrique* shall and may, and they are hereby authorised to hold, retain and reserve such part, not exceeding in the whole one acre of superficial extent thereof, as may be necessary, for an emplacement for the erection of a School House thereon.

Fabriques may retain an emplacement for the erection of a School House.

Value of the property which may be held by any *Fabrique* at the first erection and establishment of each School, and the amount of the annual income, for the future maintenance and support of the Schools so to be established.

III. Provided also, and be it further enacted by the authority aforesaid, that the property, real or personal, which may be acquired or held as aforesaid by any *Fabrique* for the first erection and establishment of each School to be by them established in virtue of this Act, shall not exceed in the whole value thereof the capital or sum of one hundred pounds, current money of this Province, and that the Funds, Tenements, Houses, *rentes constituées*, Monies, Goods, Chattels, or other property real or personal, which may be constituted, acquired or held by such *Fabrique* for the maintenance and support of the Schools so to be established, shall not at any time exceed in the whole annual income thereof, the sum of fifty pounds, current money of this Province, for each and every school to be by them established in virtue of this Act.

Fabriques to establish only one School in a Parish, but another may be added when a certain number of families are established in a Parish.

IV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Fabrique of each and every Parish in this Province, and they are hereby authorised to establish one School, and when the number of families actually domiciliated and resident in the Parish to which such Fabrique shall belong shall amount to two hundred, then such Fabrique shall be and is hereby authorised to establish a second School, and so on in the proportion of one School for every hundred families so domiciliated and resident.

Schools and the property for their foundation to be under the inspection and administration, and subject to the rules observed by the Fabriques in the government and administration of their property.

V. Provided also, and be it further enacted by the authority aforesaid, that the said Schools, and the property, rents or funds of any description which shall be acquired, held or constituted for their foundation, endowment and support, shall be under the inspection and administration of the same persons, and subject to the same Rules which are prescribed by the Laws and usages of this Province, for the government and administration of the property and establishments of the said Fabriques.

Certain part of the Fund of each Fabrique to be appropriated for maintaining the said Schools.

VI. And be it further enacted by the authority aforesaid, that in order to establish and maintain the Schools which may be opened and established at any time hereafter by virtue of this Act, every Fabrique shall be entitled, until it shall have acquired property for establishing and maintaining the said Schools, to apply out of its annual income in the several Parishes in which such Schools may be opened and established under and by virtue of this Act, a sum of money not exceeding in any case one fourth of the actual income of such Fabrique. Provided nevertheless, that no such application of the Funds of a Fabrique shall take place without observing the same formalities usually had and practised in the Parishes of this Province when monies belonging to a Fabrique are applied to objects other than those to which they were originally designed.

Fabriques to render an account in writing, stating the income and expenditure of the several schools.

VII. And be it further enacted by the authority aforesaid, that the said Fabriques shall annually render an account, in writing, on the third Sunday after Easter, at a meeting of the resident Landholders in the Parish, stating the income and expenditure of the said Schools, for the twelve preceding months, and the number of Pupils and the name of the School-master, which account shall be deposited in the Archives of the Fabrique, and a copy thereof duly certified by a Public Notary and two witnesses, shall also within six weeks after the aforesaid meeting, be deposited in the Office of the Prothonotaries of the Court of King's Bench of the District, to which Copy, all persons being resident Landholders of this Province, shall have free access without paying any fee.

VIII.

Public Act.

VIII. And be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and all other persons whomsoever, without being specially pleaded.

C A P. XXXII.

An Act to appropriate a certain sum of money therein-mentioned, towards the support of the Emigrant Hospital, established in Quebec.

(9th March, 1824.)

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it is expedient to appropriate a sum of money for the relief of Indigent Sick Emigrants arriving at Quebec from the United Kingdom, as well as for other indigent sick persons labouring under contagious diseases; May it therefore please your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual provision for the Government of the Province of Quebec in North-America,*" and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that from and after the passing of this Act, it shall be lawful for the Governor, Lieutenant-Governor, or person administering the Government of the Province for the time, by a Warrant or Warrants under his hand, from time to time, as occasion may require, to advance from and out of any unappropriated monies in the hands of the Receiver-General of the Province, during the present year one thousand eight hundred and twenty-four, towards the support of the Hospital actually established in the City of Quebec, for the relief of Indigent Sick Emigrants from the United-Kingdom, pursuant to an Act passed in the last Session of the Legislature of this Province, a sum not exceeding in the whole, the sum of six hundred pounds, currency.

£600 granted towards the support of an Hospital for the relief of sick emigrants from the United Kingdom.

The Hospital to be also open to the reception of all other indigent sick.

II. Provided always, and be it further enacted by the authority aforesaid, that the said Hospital shall also be open for the reception and accommodation of the Indigent Sick of whatsoever denomination labouring under contagious diseases, as well as to Indigent Sick Emigrants from the United Kingdom.

III.