

The Provincial Statutes of Lower-Canada, Being the first session of the Third Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1801.

41 George III – Chapter 17

An Act for the Establishment of Free Schools and the Advancement of Learning in this Province.

8th. April 1801, Presented for His Majesty's Assent and Reserved "for the signification of His Majesty's Pleasure thereon."

7th, April 1802, Assented to by His Majesty in His Privy Council.

12th August 1802, The Royal Assent signified by Proclamation of His Excellency the Lieutenant Governor

MOST GRACIOUS SOVEREIGN.

Whereas Your Majesty from your Paternal Regard, for the welfare and prosperity of your Subjects of this Province, hath been most graciously pleased to give directions, for establishing of a competent number of Free Schools for the instruction of their Children, in the first Rudiments of useful Learning, and also occasion may require, for Foundations of a more enlarged and comprehensive nature; And whereas Your Majesty hath been further most graciously pleased to signify your Royal Intentions, that a suitable proportion of the Lands of the Crown, be set a part, and the revenue thereof appropriated to such purposes, Therefore We, Your Majesty's Faithful and Loyal Subjects, the Legislative Council and Assembly of your Province of Lower Canada, with the most lively gratitude for this new instance of Your Majesty's Paternal Attention, to the wants of Your Majesty's Subjects, and desirous to contribute every thing in our power, for the execution of a plan so peculiarly beneficial to the rising Generation, do most humbly beseech Your Majesty, that it may be enacted, and be it enacted by the King's Most Excellent Majesty by and with Advice and Consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue 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 aforesaid, that it shall and may be lawful to and for His Excellency the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, by an Instrument under the Great Seal of this Province, to constitute and appoint such and so many persons, as he shall see fit, to be Trustees of the Schools of Royal Foundation in this Province, and of all other Institutions of Royal Foundation, to be hereafter established for the advancement of Learning therein, as also for the management and administration,

improvement and amelioration of all Estates and Property, moveable or immoveable, which shall in any manner or way whatsoever, be hereafter appropriated to the said Schools and Institutions for the purposes of Education and the advancement of Learning, within this Province, to remove from time to time, the said Trustees or any or either of them, and to appoint others to be the successors of such as shall be so removed, or shall die, or resign their Trust.

II. And be it further enacted by the authority aforesaid, that the said Trustees and their Successors, to be named in manner herein before directed and appointed, shall be and they are hereby declared to be, a Body Corporate and Politic, in name and in deed, by the name of "The Royal Institution for the Advancement of Learning" and that by the same name, they shall have perpetual Succession and a Common Seal, with power to change, alter, break and make new the same, when and as often as they shall judge the same to be expedient, and that they and their Successors, by the same name, may 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 that they and their Successors, by the name aforesaid, shall be able and capable in Law, to purchase, take, have, hold, receive, enjoy, possess and retain, without licence in mortmain or Lettres d'amortissement, all Messuages, Lands, Tenements and Immoveable Property, money, goods, chattles and moveable Property, which hereafter shall be paid, given, granted, purchased, appropriated, devised or bequeathed in any manner or way 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 this Province, and do, perform and execute, all and every lawful Act and Thing, in as full and ample manner and form, to all intents, constructions and purposes, as any other Body Politic or Corporate, by Law, may or ought to do.

III. And be it further enacted by the authority aforesaid, that all Lands, Messuages, Tenements and Hereditaments and Immoveable Property, and all rents, sum and sums of money charged upon, and issuing or payable out of any Messuages, Lands Tenements, Hereditaments or Immoveable Property, and all sum or sums of money goods chattles, effects or moveable Property, which shall hereafter be paid, given, granted, purchased, appropriated, devised or bequeathed in any manner or way whatsoever, for and in favour of the said Schools and Institutions of Royal Foundation, to and for the purposes of Education and the Advancement, of Learning within this Province, shall and the same are hereby vested in the said Trustees and their Successors, to and for the uses and purposes herein mentioned, declared and enacted concerning the same; and that the said Trustees, or the major part of them, shall and may have power and authority, to demise, let and lease, such Messuages, Lands, Tenements, Hereditaments and immoveable property, as shall or may be so as aforesaid 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. Provided always, that the said Trustees, from time to time, shall pay or cause to be paid, into the hands of the Receiver General of this Province for the time being, all and every such rents, issues and profits, sum and sums of money, which they shall receive by virtue of this Act, forthwith upon the receipt thereof, subject to the disposition of His

Excellency, the Governor, Lieutenant Governor or Person administering the Government of this Province, to and for the purposes of this Act, by Warrant under his Hand and Seal; and the said Receiver General is hereby required to receive and account for the same, in like manner, as other public monies, now by him received, are by him accounted for, to His Majesty through the Commissioners of His Majesty's Treasury, for the time being, as the Crown shall direct.

IV. And be it further enacted by the authority aforesaid, that, it shall and may be lawful, to and for the Governor, Lieutenant Governor or Person administering the Government of this Province, by an Instrument, or Instruments under the Great Seal of this Province, from time to time, to nominate a President or Principal of the said Corporation, hereby erected, and such other Officers, Clerks and Servants, as he shall judge necessary, for the well ordering and governing of the affairs and business of the said Corporation, to fix 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 of the said Corporation, and for the execution of the trust reposed in them; and the President and such number of Members of the said Corporation, which shall be so fixed, being assembled, at such place and times, and in such manner as shall be also so fixed, shall have full power and authority, to make, ordain and constitute such and so many Bye laws, Rules, Orders, Constitutions and Ordinances, not repugnant to the Statutes, Customs or Laws of this Province, or the express Regulations of this Act, as to them, or the greatest part of them, then and there present, shall be judged necessary and expedient, as well for the direction, conduct and government of the said Corporation of the Free Schools of Royal Foundation of this Province, and all other Institutions of Royal Foundation for the Advancement of Learning, which shall be hereafter established within this Province, and of the Masters, Ushers, Tutors, Professors and Students thereof, respectively, as for the management and administration, improvement and amelioration of all estates and property, moveable and immoveable, which shall in any manner or way be hereafter, 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 this Province. Provided always, nevertheless, that no such Law, Rules, Orders, Constitutions or Ordinances, shall have any force or effect until the same shall have been sanctioned and confirmed by the Governor, Lieutenant Governor or Person administering the Government of this Province, for the time being, under his Hand and Seal at Arms. Provided also, that nothing herein before contained shall extend, or be construed to extend to, or prejudice directly or indirectly, the Religious Communities that now exist de facto, nor to any School or House of Instruction that exists also de facto in this Province, nor to any Corporation legally established or that shall be established by Law in this Province, nor to any private School or other private Establishment, by Individuals for the purposes of Education now made, or hereafter to be made.

V. And be it further enacted by the authority aforesaid, that when and so often as it shall be judged expedient by the Governor, Lieutenant Governor or Person administering the Government of this Province, to erect one or more Free Schools in any Parish or Township of

this Province, it shall and maybe lawful, to and for the Governor, Lieutenant Governor or Person administering the Government of this Province, by an Instrument, under his hand and Seal at Arms, to declare the same and to nominate and appoint two or more Persons residing in the County, wherein such Parish or Township may be situated, for the purpose of erecting one or more School-houses with convenient appartments for one or more School-Masters, in such Parish or Township, to remove from time to time, such Persons or either of them, and to appoint others in the place and stead of such as shall be removed or shall die, or resign their trust, and the said Persons so nominated and appointed, shall be and they are hereby constituted Commissioners, for the purposes aforesaid.

VI. And be it further enacted by the authority aforesaid, that the said Commissioners, being so appointed, shall forthwith after due consideration, fix upon some convenient Lot or Lots of ground in such Parish or Township, whereon such School-house or School houses may be erected, and shall also fix upon the dimensions of the said School house or School-houses to be erected, which shall not in any case exceed, eighty feet in length and forty feet in breadth, and shall contain the appartments pro-per and convenient, for the residence of the School-Master or School-Masters therein. Provided always, that the situation of such Lot or Lots of ground and the dimensions of such School-house or School-houses, shall be reported to, and be approved by His Excellency the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, before the same shall be, finally fixed upon.

VII. And be it further enacted by the authority aforesaid, that when such Lot or Lots of ground shall be so fixed upon, with such approbation as aforesaid, the said Commissioners or any two of them, in each of the said Districts respectively, shall as soon as may be, contract for the absolute purchase of the said Lot or Lots of ground in such Parish as aforesaid, for the purpose of erecting thereon, such School-house or School-houses in such manner as is herein after directed, which Lot or Lots of ground, so to be purchased, shall be conveyed to the Royal Institution for the Advancement of Learning.

VIII. And be it further enacted by the authority aforesaid, that the School-houses with convenient appartments for the School-Master herein before mentioned, shall be erected and compleated by the Inhabitants of the township or Parish as the case may be, in which in manner aforesaid, it shall be found expedient to erect the same, and to this end, it shall and may be lawful, when such Lot or Lots of ground as aforesaid shall be fixed upon and conveyed in manner aforesaid, to and for the Commissioners, so as aforesaid appointed, to issue their Warrant under their Signatures, appointing the Church-Wardens of the Parish or Parishes, in which such School-houses are to be erected, to be Sindics for the erection of the same, and requiring them or any two of them, to make an estimate of the sum to which the erection of such School-houses may amount. And also to make an Act of reparation, thereof assigning what each Inhabitant in the Parish or Parishes, in which such School-houses are to be erected, in manner aforesaid, shall be made to pay and furnish, which estimate and repartition shall be made in like manner as is now provided for the erection of Churches and Parsonage Houses and shall by the Church Wardens or any two of them, be

laid before the Commissioners aforesaid, who or a majority of them, are hereby authorised to homologate or reject the same, and the said repartition being homologated, shall be binding on all the parties concerned therein; and the Church Wardens or any one of them, may compel each and every of the Inhabitants aforesaid, to pay and furnish his or her proportion in conformity to the said repartition; And in case of refusal or neglect, it shall and may be lawful, to levy by Warrant of distress and sale of the Goods and Chattles of such defaulter, to be granted on the Oath of one or more credible Witness or Witnesses, and issued under the hand and seal of any Justice of the Peace, acting in the District wherein such neglect or refusal shall be made: rendering the overplus, if any there be, to the said defaulter, after deducing the costs and charges of such distress and sale. Provided always, that no prosecution shall be commenced for such refusal or neglect, until fifteen days after the repartition homologated, as aforementioned, shall have been published, by one of the Church-Wardens aforesaid, at the Church-door of the Parish in which such School-houses are to be erected, on a Sunday or Holy day after the morning service. Provided also, that no School house or School-houses shall be erected in manner aforesaid in any Parish or Township, unless a majority of the Inhabitants of such Parish or Township, shall present a Petition to His Excellency the Governor, Lieutenant Governor, or Person administering the Government for the time being, praying to have a School or Schools established therein, or unless a certain number of the Inhabitants of any Parish or Township shall, in like manner present a Petition, praying to have a School-house, and undertake to build the same at their own expence.

IX. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Commissioners, to superintend the erection of the School houses and Apartments as aforesaid, within the limits of their Commissions respectively; And when and so soon as the same shall be compleated, to give information thereof to The Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being.

X. And be it further enacted by the authority aforesaid, that it shall and may be lawful, to and for the Governor, Lieutenant Governor or Person administering the Government of this Province, by an Instrument under his hand and Seal at Arms, to nominate and appoint one or more fit and proper person or persons, to be the School-master or School masters of every Free School of Royal Foundation, to be established and erected by virtue of this Act, to remove, from time to time, such School Master or School Masters and to appoint another or others in the place and stead of such as shall be so removed, or shall die or resign his or their trust; and to fix and determine the Salary or annual stipend to be allowed to such School Master or School Masters, and that from and after the passing of this Act, no such Master or Masters shall teach in any Free School of Royal Foundation hereafter to be established, without a Commission for that purpose first had and obtained, from the Governor, Lieutenant-Governor or Person administering the Government of this Province, for the time being, under his hand and Seal at Arms.

XI. And be it further enacted by the authority aforesaid, that when any School or School houses, erected by virtue of this act, in any Parish or Township in this Province shall require

repair, the same, shall be repaired by the Inhabitants of the Parish or Township, in and for which the same shall be erected, and in the same manner and form, as is herein provided for the erection of School houses.

XII. And be it further enacted by the authority aforesaid, that the School houses erected by virtue of this Act, shall and may be appropriated to the fittings of the Circuit Courts or any other of His Majesty's Courts which may be held in any Parish in which such School house is erected, and for holding the Polls for the election of Members to serve in the Provincial Parliament, when the same shall be held in any Parish in which such School house is erected.