

“in his hands” in the fourth line of the same Section, had never been inserted therein.

XX. This Act shall be called and known as “The Seigniorial Amendment Act of 1856.” Short title.

C A P . L I V .

An Act to make better provision for promotion of superior Education and the establishment and support of Normal Schools in Lower Canada and for other purposes.

[Assented to 19th June, 1856.]

WHEREAS it is expedient to establish a permanent Fund Preamble.
for the promotion of superior Education and the support of Normal Schools in Lower Canada, and to make other provision for the same purpose : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. The Estates and Property of the late Order of Jesuits, whether in possession or reversion, including all sums funded or invested, or to be funded or invested, as forming part thereof, and the principal of all moneys which have arisen or shall arise from the sale or commutation of any part of the said Estates or Property, are hereby appropriated to the purposes of this Act, and shall form a Fund to be called the “Lower Canada Superior Education Investment Fund,” and shall be under the control and management of the Governor in Council, for the purposes of this Act; and the said Fund shall be understood to be intended by the words “the said Investment Fund,” whenever they occur in this Act. Jesuits' estates appropriated as an investment Fund for Superior Education in Lower Canada.

II. The revenues and interest arising from the said Investment Fund, that is to say :—The revenues and interest hereafter to arise from the real property forming part of the Jesuits' Estates, or from moneys funded or invested as belonging to the said Estates, or from any property, real or personal, reversible to the said Estates as part of them,—the revenue and interest of investments made or to be made, and of debentures held or to be held, on account of the said Estates,—the income and interest to arise from investments to be made out of the moneys received or to be received from commutations effected or to be effected in the Seigniories forming part of the said Estates, or out of the moneys to be received from the collection of any arrears of revenues, interest, and of debts now due, being part of the said Estates, and out of all moneys which, in lieu of any Seigniorial right to be abolished or commuted, will, as part of the said Estates, become due and payable under the Seigniorial Act of 1854, and the Seigniorial Amendment Act of 1855, or under any other Provincial Act enacted or to be enacted, in relation Revenues and interest to form an Income Fund for the said purposes.

Unexpended balance of Common School Fund for L. C. to form part of Income Fund.

to the abolition or commutation of feudal rights and duties in Lower Canada,—the revenue and interest to arise from investments to be made out of the moneys to be received from the sale of any portion of the said Estates, or from the sale or redemption of any *rente foncière* or *rente constituée*, being part of the said Estates,—shall, with the unexpended and unclaimed yearly balances of the Common School Fund for Lower Canada, and the sum hereinafter directed to be paid yearly out of the Consolidated Revenue Fund of this Province, and with any sum to be taken for the purpose in any year out of the Common School Fund of Lower Canada, form a Fund, to be called the “Lower Canada Superior Education Income Fund;” and the said Fund shall be understood to be intended by the words “the said Income Fund,” whenever they occur in this Act.

Property belonging to Jesuits' estates may be sold when the sale will increase the said Income Fund.

III. Whenever it shall appear to the Governor in Council that the said Income Fund may be increased by the sale and by the investment of the proceeds of the sale of any portion of the said Estates, or of any *rente foncière* or *rente constituée* then forming part of them, it shall be lawful for the Governor in Council to order such sale to be made, and to direct that the moneys realized by it be invested in provincial debentures or other securities, the annual interest or income whereof shall form part of the said Income Fund.

Yearly appropriation towards Income Fund.

Income Fund to be made up to £22,000 per annum.

IV. There shall be annually placed to the credit of the said Income Fund, the sum of five thousand pounds currency, out of the Consolidated Revenue Fund of this Province, which sum shall form part of the said Income Fund, and be appropriated accordingly; and if in any year the said Income Fund shall fall short of the sum of twenty-two thousand pounds, then such sum as may be necessary to make it equal to twenty-two thousand pounds, shall be taken from the Common School Fund of Lower Canada, and added to the said Income Fund for that year, as part thereof.

Apportionment of Income Fund among Superior Educational Institutions, by the Superintendent of Schools.

V. The said Income Fund, or such part thereof as the Governor in Council shall from time to time direct, shall be annually apportioned by the Superintendent of Schools for Lower Canada, in such manner, and to and amongst such Universities, Colleges, Seminaries, Academies, High or Superior Schools, Model Schools and Educational Institutions, other than the ordinary Elementary Schools, and in such sums or proportions to each of them, as the Governor in Council shall approve; and the grants or amounts so apportioned shall be paid by the Receiver General, on the warrant of the Governor, to the said Superintendent, who shall pay the same to the respective Educational Institutions entitled to them.

Balance of Income (if any), how to be applied.

VI. If in any one year the whole of said Income Fund be not apportioned, the balance not distributed shall remain for further distribution as is before provided, or shall, if the Governor shall

so direct, be invested, and the income or the interest of the investment shall be added to the said Income Fund, and the principal shall form part of the said Investment Fund.

VII. Grants to be made under this Act out of the said Income Fund shall be for the year only, and not permanent; and the Governor in Council may attach to such grants any conditions which may be deemed advantageous for the furtherance of Superior Education. Grants from Income Fund to be yearly, and may be conditional.

VIII. No grant shall be made to any Educational Institution not actually in operation, nor to any Institution owning real estate, whose liabilities shall exceed two thirds of the value of such real estate. Certain Institutions to have no claim.

IX. Any Educational Institution desirous of obtaining a grant under this Act, shall make application to that effect to the said Superintendent of Schools, before or during the month of July in every year: and the Superintendent shall not recommend any grant to any Educational Institution whose application shall not be accompanied by a Report, shewing, with reference to such Institution: Application for aid out of Income Fund how made. Report to accompany application; what it must contain.

1. The composition of the governing body;
2. The number and names of the Professors, Teachers or Lecturers;
3. The number of persons taught, distinguishing those under sixteen years and those above sixteen;
4. The general course of instruction, and the books used;
5. The annual cost of maintaining the Institution, and the sources from which the means are derived;
6. The value of the real estate of the Institution, if it holds any;
7. A statement of its liabilities;
8. The number of persons taught gratuitously, or taught and boarded gratuitously;
9. The number of books, globes and maps possessed by the Institution, and the value of any museum and philosophical apparatus belonging to it.

X. It shall be lawful for the Governor in Council, to direct that out of the said Income Fund, a sum not exceeding five hundred pounds currency, be yearly or during any number of years set apart and appropriated as an aid towards the formation of Parish and Township Libraries, in localities in Lower Canada where adequate contributions may have been made by the School Municipalities or otherwise for the same purpose; such aid to be given in money or in books as the Governor in Council shall direct and upon such conditions as he shall think proper; and such Libraries shall be under such management, inspection and regulations as the Superintendent of Schools shall from time to time determine with the approval of the Governor in Council. Yearly aid out of Income Fund to parish and township Libraries. Management of Libraries.

XI.

Recital.

Governor in Council to establish one or more Normal Schools in L. C.

Superintendent of Schools to have the control and to make regulations, with approval of Governor in Council.

And appoint Teachers, &c.

Reports to be made to him.

Students in Normal Schools may obtain certificates as Teachers.

Yearly allowance for expenses of Normal Schools.

And in aid of Teachers in training.

XI. And inasmuch as it is necessary to make further provision for the establishment and maintenance of one or more Normal Schools in Lower Canada : Be it enacted, That it shall be lawful for the Governor in Council to adopt all needful measures for the establishment in Lower Canada of one or more Normal Schools, containing one or more Model Schools, for the instruction and training of Teachers of Common Schools in the science of Education and art of Teaching,—to select the location of such School or Schools, and to erect or procure and furnish the buildings requisite for the same; and the said Normal Schools shall be under the control of the Superintendent of Schools for Lower Canada, who, for their establishment and maintenance, shall from time to time make such arrangements as the Governor in Council shall direct; and shall, subject to the approval of the Governor in Council, cause to be made from time to time such rules and regulations as may be required for the management of such Normal Schools, and for prescribing the terms and conditions on which Students shall be received and instructed therein, the course of instruction to be gone through and the manner and form in which the Registers and books shall be kept, and certificates of attendance granted to Students; and shall likewise, subject to such approval, determine who shall be the Teachers and the persons to be employed therein, and the number and remuneration of such Teachers and persons to be so employed; and Reports shall be made from time to time by the Principals of such Normal Schools to the Superintendent of Schools, containing such particulars as he shall direct, whenever need shall be or he shall require such Reports.

XII. On the presentation by any Student to the Superintendent of Schools, of a certificate under the hand and seal of the Principal of any such Normal School, that such Student has gone through a regular course of study therein, the said Superintendent may grant to such Student a certificate or diploma of qualification which shall be valid until revoked for some breach of good conduct or of good morals by such Student, and by virtue whereof, while it remain valid, such Student shall be eligible to be employed as Teacher in any Academy, Model School or Elementary School under the control of School Commissioners or Trustees of dissentient Schools.

XIII. A sum not exceeding one thousand five hundred pounds shall be allowed yearly out of the Common School Fund for Lower Canada to defray the Salaries of officers and other contingent expenses of such Normal School or Normal Schools; and a sum not exceeding one thousand pounds shall be allowed yearly out of the said Income Fund, as an aid to facilitate the attendance of teachers in training at the Normal School or Normal Schools.

XIV. In case the two sums mentioned in the preceding section be found insufficient, it shall be lawful for the Governor in Council to order that out of the said Income Fund a certain sum be yearly set apart and appropriated for the support and maintenance of the said Normal School or Normal Schools, which sum so set apart and appropriated yearly, shall not exceed in any one year the sum of two thousand five hundred pounds.

Further allowance if the last mentioned is insufficient.

XV. And inasmuch as it is necessary to provide for the purchase of such site or sites, and for erecting or procuring and furnishing of such buildings, as may be requisite for the said Normal School or Normal Schools, it shall be lawful for the Governor in Council to order that out of the said Income Fund the sum of two thousand pounds be for such purposes yearly set apart and appropriated to form a fund to be called "The Lower Canada Normal School Building Fund," and any sum so yearly set apart and appropriated shall be invested or placed at interest as the Governor in Council shall direct; and the income and interest shall, like the principal, form part of the said Fund: the moneys and interest which may be realized by the sale of any site and the buildings thereon already acquired for Normal School purposes in Lower Canada, and not deemed convenient for such purposes, shall form part of the last mentioned Fund, and shall be invested or placed at interest in the like manner as any other sum forming part thereof.

Recital.

Normal School Building Fund constituted.

Proceeds of Sale of present buildings to form part of such Fund.

XVI. Any excess or amount of the Lower Canada Normal School Building Fund which shall not be actually required for the purposes for which the fund is constituted, shall, in the discretion of the Governor in Council and as he may direct, either revert to and form part of the said Lower Canada Superior Education Income Fund, or be invested as part of the said Lower Canada Superior Education Investment Fund, in which last case the income and interest arising from such investment shall form part of the said Income Fund.

Application of any excess of such Fund.

XVII. The foregoing sections shall apply only to Lower Canada; and so much of the Act 14 & 15 Victoria, chaptered 97, intituled, *An Act to provide for the establishment of a Normal School, and further to promote Education in Lower Canada*, as provides for the establishment of a Normal School in Lower Canada, and as may be inconsistent with any of the provisions contained in the foregoing sections, is hereby repealed; Provided nevertheless, that the said Income Fund shall be and remain chargeable with the payment of the Salaries of the Inspectors of Common Schools, under said last mentioned Act.

Preceding sections to apply only to L. C.

Proviso: Income Fund chargeable with Inspectors' salaries.

XVIII. And inasmuch as it is necessary to grant Provincial aid to certain Educational Institutions in Upper Canada, to the like amount to which it is hereby granted to similar Institutions in Lower

Recital.

Lower

£5,000 appropriated yearly for Superior Education in U. C. To be distributed by Parliament.

Lower Canada out of the general Funds of the Province: Be it enacted, That the sum of five thousand pounds currency, shall be yearly appropriated out of the Consolidated Revenue Fund of this Province, for the encouragement of superior Education in Upper Canada, and be distributed among the several collegiate Educational Institutions in Upper Canada, or such of them as the Legislature shall designate by an annual vote of the Provincial Parliament.

Report of things done under this Act.

XIX. The Superintendent of Schools for Lower Canada, shall in his yearly Report to the Legislature, state what he may have done under this Act during the period to which such Report may relate.

Accounting clause.

XX. The due application of all moneys expended under the authority of this Act shall be accounted to Her Majesty in the manner and form provided by the Interpretation Act, and an account thereof shall be laid before each of the Houses of the Provincial Legislature, within the first fifteen days after the opening of the then next Session thereof.

Interpretation.

XXI The words "Teacher" and "Student," in the foregoing provisions, shall include persons of either sex.

C A P . L V .

The Lower Canada Judicature Amendment Act of 1856.

[Assented to 19th June, 1856.]

Preamble.

12 V. c. 38.

WHEREAS it is expedient further to amend the Act of the Legislature of the Province of Canada passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the Laws relative to the Courts of Original Civil Jurisdiction in Lower Canada*, and the several Acts amending the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Judgments may be read by the Clerk in case of illness, &c., of the Judge.

Their effect.

I. Whenever a Judge of the Superior or Circuit Court of Lower Canada is unable, from sickness or other cause, personally to render any Judgment taken by him *en délibéré* in the said Circuit Court, he shall transmit such Judgment to the Clerk of the Circuit Court of the Circuit in which the case is pending, and the said Clerk shall, on receipt thereof, record the said Judgment, and shall on the next day of term read the same in open Court; and every such Judgment shall have the same force as if pronounced in open Court by the Judge himself on the day on which it shall have been read.

Certain powers under 16

II. All the authority given by the fifteenth section of the Act of the Legislature of Canada, passed in the sixteenth year of Her