

CAP. CLXXXIII.

An Act to amend the Act incorporating the Literary Institute of Sherbrooke.

[Assented to 27th May, 1857.]

WHEREAS the Literary Institute of Sherbrooke hath Preamble.
 prayed that the name of the said Institute be changed,
 and it is expedient to grant the prayer of the said petition :
 Therefore, Her Majesty, by and with the advice and consent of
 the Legislative Council and Assembly of Canada, enacts as
 follows :

I. The Corporation established by the Act of the eighteenth Name of the
 year of Her Majesty's Reign, chapter 238, under the name of Institution
 the Literary Institute of Sherbrooke, shall hereafter be known changed.
 by the name of the *College of Sherbrooke*, and under that name
 shall enjoy all the powers, privileges and advantages hereto-
 fore enjoyed by the said Corporation under its former name, to
 all intents as if the name hereby given to it were the designa-
 tion originally assigned to it in the Act hereby amended.

II. This Act shall be deemed a Public Act.

Public Act.

CAP. CLXXXIV.

An Act to incorporate Belleville Seminary.

[Assented to 27th May, 1857.]

WHEREAS the religious community in this Province de- Preamble.
 nominated *The Methodist Episcopal Church in Canada*,
 have, by the voluntary contributions of themselves and their
 friends, constituted and established in the Township of Thurlow,
 near the Town of Belleville, in this Province, an Institution
 of Learning called the *Belleville Seminary*, designed to teach a
 system of classical, scientific and commercial instruction free
 from sectarian tenets and religious tests, while its moral govern-
 ment is based on christian principles as revealed in the Holy
 Scriptures ; And whereas the said religious community in
 their administration, order and discipline, have certain Courts
 called respectively "Quarterly," "Annual," and "General
 Conferences," in which certain prerogatives and powers are
 vested for the government of the whole body, the last named
 whereof being the Supreme Assembly, is composed and consti-
 tuted according to the following rule, as recorded in the
 journals thereof, viz : "The General Conference shall be com-
 posed of one member for every two of each annual conference,
 to be appointed either by seniority or choice, at the discretion
 of each Annual Conference ; such representatives shall have
 travelled at least four years and be ordained elders at the time
 of

of their appointment." "That in case the delegates be obtained by election instead of seniority, it be by ballot; one of the general superintendents shall preside in the General Conference; but in case no general Superintendent be present, the General Conference shall choose a President *pro tem.*;" which General Conference of the said Church consists at the present time of the undermentioned persons, viz: James Richardson, John Baily, W. D. Hughson, G. P. Harris, J. C. Tufford, J. Wood, S. L. Karr, R. B. Cook, E. Bristol, B. Brown, L. P. Smith, T. Webster, A. Jones, S. Dunnett, I. B. Richardson, G. Abbs, W. F. Lowe, A. L. Thurstan, E. Lounsberry, C. W. Fraser, G. Bennett, J. Curts, W. Pirrite, E. Bartram, D. Griffin, H. Dockham, J. Foster, O. Collamore, S. Stewart, E. Draper, W. Brown, D. Wilson, S. Young, A. Lane, J. H. Johnson, J. Gardiner, A. Wright, D. Pomroy, B. Smith, J. G. Bull, J. Hill, N. H. Howard, S. W. LaDu, G. Jones, G. I. Betts, E. Orser, J. A. Rogers and T. Lewis, Philander Smith, being the General Superintendent or Bishop; And the design of the founders of the said institution is to have it placed under the control and management of the General Conference of the said Church in Canada, constituted according to the above cited rule, or to any other rule which it may subsequently from time to time enact or adopt in regard to its own constitution or formation; And whereas it is expedient for the more effectual management of the said Institution of Learning, and for the better attainment of the laudable purpose contemplated in its erection, that it should be invested with corporate powers by the provision and sanction of the Legislature of the Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation
formed.

I. The undermentioned persons, viz: Samuel Gilbert, Caleb Gilbert, Robert Bird and Elias VanDewaters, of the Township of Sidney, County of Hastings, John Cummer, of Waterdown, and John Rymal, of Ancaster, in the County of Wentworth, Nathan Jacobs, of London, County of Middlesex, Philip Carman, of Matilda, County of Dundas, John Campbell, of Brooklin, County of Ontario, Samuel Osborne, of Sophiasburg, County of Prince Edward, and Peter Fisher, of Nelson, County of Halton, being the present Board of Trustees, and their associates and successors to be appointed as hereinafter provided, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name of the *Belleville Seminary*, and by that name shall have perpetual succession and a common seal, with power to break, alter or renew the same at their discretion; and shall by the same name have power to sue and be sued, implead and be impleaded, answer and be answered unto in any and every Court holding Jurisdiction in this Province, as well for the collecting of all sums due on any subscription for the erecting and completing of the said Institution, whether such subscriptions were made payable to themselves,

Corporate
name and go-
neral corpo-
rate powers.

themselves, the said Trustees, or to other persons, for the said Seminary, and it shall be the duty of any individual whatever having in his possession any Subscription Book, Notes or other papers intended for the benefit of the said Seminary, to deliver the same to the said Trustees on their demand, as for the fulfilling of all contracts and debts heretofore made by any of the aforesaid Trustees, or any parties in their name or on their behalf, or which may be made in the future improvement and management thereof, and the tuition connected therewith; and by the same name shall be able and capable in law to take, purchase and hold by any legal title whatsoever, all such lands, tenements, possessions and property, real and personal, as may be necessary for the actual use and occupation of the said Seminary, and to accept and hold, within the limit hereinafter prescribed, for the benefit of the said Seminary, any gifts or bequests of property real or personal, and to sell and alienate any property so given or bequeathed, and to apply the proceeds of such sale or sales in the manner prescribed in such rules or regulations for the benefit of the said Seminary; Provided always, that no real estate not required for the actual use and occupation of the said Seminary shall at any time be held by the said corporation for a longer period than two years; and that any such real estate not sold and alienated within two years from the time when the same is received by the said corporation, shall revert to the party from whom the same came to the corporation, or to his or her heirs or devisees; Provided also, that no money arising from the sale of any property, derived by gift or bequest, shall be invested in real estate, but shall be applied first to the liquidation of any debt due upon the buildings and grounds occupied for the said Seminary, and then to the general purposes of the corporation; And provided also, that in case sufficient means shall not be received by the said Trustees for the liquidation of the debts now due, then it shall be lawful for the said corporation to mortgage or sell and alienate any portion or all of the real estate held by the said corporation, and to apply the proceeds to the liquidation of the debts in this proviso mentioned.

Proviso: as to real estate.

Proviso: as to investment of money.

Proviso.

Corporation may mortgage property in certain cases.

II. It shall and may be lawful for the said General Conference from time to time and at all times hereafter, at any of its meetings, whether general or special, called and held in accordance with the constitution and by-laws thereof, to supersede at their discretion when the good of the institution may appear to require it, any of the said Trustees and their successors by appointing others or other in their or his place; and also to supply any vacancy in said corporation caused by the death, resignation or removal from the Province of any of the aforesaid Trustees or their successors; and the certificate of the persons for the time being exercising the offices of President and Secretary of the said General Conference shall be conclusive proof of the due appointment of any new Trustees or Trustee as aforesaid, unless and until it shall be declared by some competent

General conference may supersede any of the Trustees and appoint others.

Evidence of appointment.

Proviso. competent Court of Justice, that such certificate was not correctly given or properly obtained; Provided always, that no ecclesiastic shall at any time be appointed to or hold the office of Trustee; And provided further, that it shall not be lawful to remove any of the present Trustees, until they shall first be relieved from all personal responsibility on account of any debt incurred by them in purchasing property and erecting buildings for the said Seminary.

Board of Management constituted.

III. And in order to provide for the good government and efficient management of the said Institution, it shall and may be lawful for the annual Conferences of the said Church, at each of their annual meetings, to nominate and appoint suitable persons to the number of six, each annual Conference to appoint an equal number, so as to make in the whole the number of six, who, in conjunction with a Bishop or General Superintendent of the said Church, shall be associated with the aforesaid Trustees or their successors, and with them form a Joint Board, to be called the "Board of Management," at which a Bishop shall preside, but in case no Bishop shall be present, then a Chairman shall be chosen from among themselves; the functions of the said Joint Board of Management shall be to determine and manage from time to time the number, order and duties of the several Professors and Teachers in the said Seminary, and also of the other officers and servants thereof; and to appoint and remove as occasion may require such Professors and Teachers and officers and servants respectively, or to prescribe the mode of their appointment and removal; and to determine the amount of their respective salaries, allowances and fees, and when and how the same shall be paid; and to devise the ways and means, for raising the funds required for completing and sustaining the said Institution in all its departments for the future; and also to enact, alter or repeal from time to time such rules and regulations as they may see proper for the government of the said Institution, the terms and conditions of tuition, and for the general management thereof; any seven members of the said Joint Board of management, including the Bishop or other presiding officer, shall be a quorum for transacting business; and it shall be the duty of the said Joint Board to cause an abstract of the Treasurer's account, and an outline of the state and prospects of the said Institution to be laid before each annual Conference of the said Church at each of its annual meetings, for the information of the members thereof; the first meeting of the said Joint Board, as well as all its special meetings, shall be called by the senior General Superintendent or Bishop of the said Church for the time being, or by any two members thereof; but the time and place for holding all the regular meetings of the said Joint Board, after the first, shall be fixed by the Board; Provided always, that if at any time the office of Bishop or General Superintendent shall be vacant, or any vacancy shall exist in the said Joint Board by any reason whatever, the then existing members

Functions of such Board.

Making By-laws.

Accounts.

First meeting of Board.

Proviso: in case of the vacancy of the office of Bishop, &c.

members of the said Joint Board, there being not less than ten in number, holding their offices according to the provisions of this Act, shall have full power to do and perform all and every act and thing which it may be lawful for the said Joint Board to do and perform if there were no such vacancy.

IV. This Act shall be deemed a Public Act.

Public Act:

C A P . C L X X X V .

An Act to incorporate a Grammar School at Frelighsburg, to be called the Frelighsburg Grammar School.

[Assented to 27th May, 1857.]

WHEREAS the Municipal Councillors, Justices of the Peace and other inhabitants of the Parish of St. Armand East, have by their petition prayed that a Grammar School may be incorporated in the Village of Frelighsburg, and it is expedient to incorporate and establish the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

I. Daniel Westover and Asa Westover, of the Township of Durham, Ambrose Spencer and Peleg Spencer, of St. Armand East, Esquires, Jane Freligh, and the Rector for the time being of the said Parish of St. Armand East, in communion with the United Church of England and Ireland, and their successors in office, shall be and are hereby constituted a body politic and corporate under the name of the "Frelighsburg Grammar School," and shall by that name have perpetual succession and a common Seal, with power to alter, renew or change such Seal at pleasure, and power to sue and be sued in all Courts of Law or Equity; and shall have power at all times hereafter to purchase, acquire, hold, possess and enjoy such lands and tenements as may be necessary for the actual use and occupation of the said Grammar School, and the same to sell, alienate and dispose of, and others in their stead to purchase and acquire and hold for the uses and purposes aforesaid.

The Corporation constituted.

Corporate name and powers.

As to real property.

II. The said Jane Freligh, Daniel Westover, Asa Westover, Ambrose Spencer, Peleg Spencer, and the said Rector for the time being, and their successors in office, shall be Trustees of the said Grammar School, and shall have the control, management and government thereof, as well in regard to the employment and payment of competent teachers, as the receipt, investment, and management of the revenues and property pertaining thereto, and may from time to time employ any secretaries, clerks, or other useful or necessary servants; and shall also have power to make rules and regulations not contrary to Law, or to the provisions of this Act, for the government and management of the said Corporation, and the affairs and property thereof,

Trustees of the Corporation, their powers, &c.

By-laws.