

engaged in teaching, omitting no opportunity of elevating the honorable office which they fill in public opinion, and of encouraging them to persevere in their work, setting at nought the strong temptations which beset them and allure them to other pursuits. We have seen that the Professors' chairs in the Normal Schools have been given for the most part to teachers of some standing, and that nine of our best teachers have received that honorable and lucrative promotion—lucrative, comparatively speaking, although the remuneration paid to the professors in our Normal Schools is still far from what it should be, considering the importance of their office and the arduous nature of their occupation.

(To be continued.)

Decision by the Court of Appeal, Dec. Term.

ADAMS ET AL., APPELLANT, VS. THE SCHOOL COMMISSIONERS OF THE SCHOOL MUNICIPALITY OF BARNSTON, RESPONDENT.

This was an action to recover a sum of money, being the balance due for the erection of a Model School at Barnston. The Plaintiffs were the assignees of the debt from the builders, and the Defendants the School Commissioners. The Commissioners who had authorized the work, had admitted their liability. The set which came after these also admitted liability, and even gave a bond and mortgage on the property of the School Commissioners for its payment. The debt, however, was now repudiated by the Defendants, on the ground that their predecessors had exceeded their power in contracting the debt, inasmuch as that the School-house cost £250, while the law limited the amount, which might be expended in that manner to £150. The Court below had dismissed the action, and the appeal was by the Plaintiffs.

His Honour Mr. Justice MONDELET now said that the case of the Plaintiffs might seem to be sustained by the 19th Vic., which permitted a special assessment to meet judgements against School Commissioners, or "legal debts admitted by such Municipality." Now, it might appear at first sight that this law authorized the payment of the debt, at present in discussion, and which had been admitted to be due by those who formerly constituted the Corporation. But upon considering the whole subject more attentively, it would be found that though the words of the law were general, authorizing the payment of all lawful debts admitted by the Corporation of School Commissioners, yet that this debt, having been contracted for an amount in excess of the £150 permitted by the law, was not lawful, but unlawful—that, therefore, the Municipality had no power to contract it, and as little power to ratify what was bad from the beginning. The judgement below must be confirmed.

MEREDITH J.—

The principle of this judgment is that the responsibility of corporations is measured by their powers. That is incontrovertible. The question then is simply if the Corporation had power to make this contract. The rule is that a corporation has no power not specifically given to it, or absolutely necessary for its performance of the duties required of it. Now the School Commissioners were authorized by the act to do whatever was required for building or repair of Model School houses, provided that no rate should be levied for building a Superior or Model School house, of which the amount should exceed £150. As the Commissioners therefore, could not obtain this money directly by levying a rate they could not do it indirectly by contracting a debt,—otherwise the protection given by the Legislature to the rate payers would be defeated. It had been said that the Commissioners might have funds at their disposal irrespective of the assessments. They might; but the Court had no evidence that they had and could not presume it as it was not proved.

AYLWIN J.—

There was a fatal defect in the declaration. It was brought on what was called a bond, by which after declaring that the Commissioners were indebted the property belonging to the Corporation of School Commissioners was mortgaged for the debt. But the law expressly prohibited alienation of the property of School Commissioners. It was well that a judgment of this kind had been obtained. Otherwise men would suppose that they had only to get into office in order to bind their fellow-citizens, and even mortgage and sell their properties. It was not because a municipality might think an Ivory Palace required by the cause of education, that the people should be taxed for it. Judgment below confirmed.—(*Montreal Herald.*)

MONTHLY SUMMARY.

EDUCATIONAL INTELLIGENCE.

—We learn from the *British American Journal*, edited by Dr. Hall, that at the last semi-annual meeting of the Governors of the College of Physicians and Surgeons for Lower Canada, it was resolved that medical students should no longer be admitted to examination, unless they can show that they have followed a course of lectures on Botany as prescribed by law.

—The habit of smoking had become so inveterate among the pupils of the French colleges that some of the younger boys, says the *Cosmos*, could smoke from six to ten cigars in a day. The fatal influence of nicotine manifested itself in some by a stunted physical growth and *weakened intellects*. A circular of the Minister of Public Instruction was issued, directing attention to this lamentable abuse.

EXAMINATION.—On Thursday, 19th December the pupils attending the schools controlled by the Montreal School Commissioners passed very creditable examinations, at which the City Council was represented by its committee. All present were well satisfied with the proficiency of the scholars, and the manner in which the money had been spent.

—A public examination of the pupils of the Panet Street Protestant School took place on the 13 instant. Prizes were distributed by the Hon. P. J. O. Chauveau, Superintendent of Education, in the presence of his Worship the Mayor and the Special School Committee of the City Council, the Board of Examiners, Principal Dawson, and of the parents and friends of the pupils.

COLLEGIATE SCHOOL.—PRESENTATION.—On Saturday, the 21st. the pupils at this School, before the holidays, presented their master, Principal Charles Nicols, with an elegant Ice Pitcher and Silver Goblet, as a mark of their appreciation of his unwearied efforts in labouring for their educational advancement. The Address, on presentation of the testimonial was read by the Junior Moniteur, Mr. John Little, and the testimonial itself was presented by the Senior Monitor, Mr. Jas. Warner. The Vice-Principal Alfred Walsh, Esq., was also presented with a handsome paper knife and silver pencil case, accompanied with a suitable address, for his kindness and attention to the pupils in Lower School.—*Montreal Herald.*

—His Royal Highness the Prince Consort, Chancellor of the University of Cambridge, being pleased to give annually a gold medal for the encouragement of English poetry, the Vice Chancellor gives notice that the prize will be given this year to such resident undergraduate as shall compose the best poem on "The Prince of Wales at the Tomb of Washington." N. B.—The exercises are to be sent in to the Vice Chancellor on or before March 1, 1861 and are not to exceed two hundred lines in length.

LITERARY INTELLIGENCE.

—At a recent meeting of the Society of Arts in London, its Chairman, —the celebrated Professor Owen, said: "His Royal Highness (Prince Alfred) had promoted the purpose of science by collecting some of the most perfect fossil remains of South Africa which had ever reached England, and these he had sent to him accompanied by a note characteristic of His Royal Highness's intelligence and urbanity."

—We notice by English papers the death of the Revd. Dr. Croly, author of the *Court of George IV.*, Salathiel, Marston, &c. He died suddenly of disease of the heart.

—Another distinguished writer died during the month — Baron Bunsen, long Prussian Minister in England.

—Mr. Petiteclair, author of several Canadian petit comedies, which lack neither spirit nor originality, died some time ago. Several poetical essays republished by Mr. Huston in his *Répertoire National*, are from his pen. His death was followed by that of another Canadian Essayist — Mr. Myrand, author of an historical sketch on the subject of public instruction in Canada, noticed in our *Journals* at the time of its appearance. Mr. Myrand was Chief Translator to the Legislative Assembly, a situation which he filled with distinguished ability. He died aged 42 years, after a protracted and severe illness, brought on by excess of labor. His many esteemable qualities will ever be fondly remembered by his friends.

—The Montreal Historical Society has purchased the library and very valuable collection of M. S. S. left by the late M. le Commandeur J. Viger.

—Mr. Gilmory Shea, of New-York, one of the corresponding members of the above society mentioned in our last number, is said to be engaged in superintending the reimpression of a series of old French works on America. For this purpose a font of types has been cast so as to secure