

# In the Supreme Court of Canada

ON APPEAL FROM THE JUDGMENT OF THE APPELLATE DIVISION  
OF THE SUPREME COURT OF ONTARIO

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IN THE MATTER OF A PETITION OF RIGHT

BETWEEN:

THE BOARD OF TRUSTEES OF THE ROMAN CATHOLIC SEPARATE SCHOOLS FOR SCHOOL SECTION NUMBER TWO IN THE TOWNSHIP OF TINY AND THE BOARD OF TRUSTEES OF THE ROMAN CATHOLIC SEPARATE SCHOOLS FOR THE CITY OF PETERBOROUGH ON BEHALF OF THEMSELVES AND ALL OTHER BOARDS OF TRUSTEES OF ROMAN CATHOLIC SEPARATE SCHOOLS IN THE PROVINCE OF ONTARIO,

*(Suppliants)* APPELLANTS.

AND

HIS MAJESTY THE KING,

*(Respondent)* RESPONDENT.

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## APPENDIX OF STATUTES

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# Appendix of Statutes

## INDEX

NUMBER	STATUTE	PAGE
1.	Statutes of Upper Canada, 1807, 47 George III, cap. 6.....	1
2.	Statutes of Upper Canada, 1816, 56 George III, cap. 36.....	3
3.	Statutes of Upper Canada, 1820, 60 George III, cap. 7.....	7
4.	Statutes of Upper Canada, 1824, 4 George IV, cap. 8.....	8
5.	Statutes of Upper Canada, 1833, 3 William IV, cap. 56.....	10
6.	Statutes of Upper Canada, 1839, 2 Victoria, cap. 10.....	12
7.	Imperial Statutes, 1840, 3 and 4 Vict., cap 35.....	14
8.	Statutes of Canada, 1841, 4 and 5 Vict., cap. 18.....	16
9.	Statutes of Canada, 1841, 4 and 5 Vict., cap. 19.....	23
10.	Statutes of Canada, 1843, 7 Vict., cap. 9.....	25
11.	Statutes of Canada, 1843, 7 Vict., cap. 29.....	25
12.	Statutes of Canada, 1846, 9 Vict., cap. 20.....	31
13.	Statutes of Canada, 1847, 10 and 11 Vict., cap. 19.....	38
14.	Statutes of Canada, 1849, 12 Vict., cap. 83.....	40
15.	Statutes of Canada, 1850, 13 and 14 Vict., cap. 48.....	40
16.	Statutes of Canada, 1850, 12 Vict., cap. 200.....	54
17.	Statutes of Canada, 1853, 16 Vict., cap. 185.....	56
18.	Statutes of Canada, 1853, 16 Vict., cap. 186.....	59
19.	Statutes of Canada, 1854, 18 Vict., cap. 2.....	63
20.	Statutes of Canada, 1855, 18 Vict., cap. 131.....	67
21.	Statutes of Canada, 1855, 18 Vict., cap. 132.....	71
22.	Statutes of Canada, 1856, 19 Vict., cap. 16.....	72
23.	Statutes of Canada, 1856, 19 Vict., cap. 54.....	73
24.	Statutes of Canada, 1857, 20 Vict., cap. 17.....	75
25.	Consolidated Statutes of Canada, 1859, 22 Vict., cap. 29.....	76
27.	Consolidated Statutes of Canada, 1859, 22 Vict., cap. 25.....	77
28.	Consolidated Statutes of Canada, 1859, 22 Vict., cap. 26.....	77
28.	Consolidated Statutes for Upper Canada, 1859, 22 Vict., cap. 2.....	79
29.	Consolidated Statutes for Upper Canada, 1859, 22 Vict., cap. 63....	80
30.	Consolidated Statutes for Upper Canada, 1859, 22 Vict., cap. 64....	80
31.	Consolidated Statutes for Upper Canada, 1859, 22 Vict., cap. 65.	114
31.	Statutes of Canada, 1860, 23 Vict., cap. 49.....	119
32.	Statutes of Canada, 1863, 26 Vict., cap. 5.....	120
33.	Statutes of Canada, 1865, 29 Vict., cap. 2.....	124
34.	Statutes of Canada, 1865, 29 Vict., cap. 23.....	125
35.	The British North America Act, 30-31 Vict. (Imperial), cap. 3.....	128

NUMBER	STATUTE	PAGE
36.	Statutes of Ontario, 1871, 34 Vict., cap. 33 .....	131
37.	Statutes of Ontario, 1874, 37 Vict., cap. 28 .....	134
38.	Statutes of Ontario, 1876, 39 Vict., cap. 16 .....	135
39.	Statutes of Ontario, 1896, 59 Vict., cap. 70 .....	136
40.	Statutes of Ontario, 1899, 62 Vict. (2), cap. 36 .....	137
41.	Statutes of Ontario, 1901, 1 Edw. VII, cap. 39 .....	138
42.	Statutes of Ontario, 1902, 2 Edw. VII, cap. 41 .....	140
43.	Statutes of Ontario, 1906, 6 Edw. VII, cap. 52 .....	141
44.	Statutes of Ontario, 1906, 6 Edw. VII, cap. 53 .....	142
45.	Statutes of Ontario, 1907, 7 Edw. VII, cap. 50 .....	142
46.	Statutes of Ontario, 1908, 8 Edw. VII, cap. 67 .....	143
47.	Statutes of Ontario, 1909, 9 Edw. VII, cap. 88 .....	144
48.	Statutes of Ontario, 1909, 9 Edw. VII, cap. 90 .....	146
49.	Statutes of Ontario, 1910, 10 Edw. VII, cap. 102 .....	149
50.	Statutes of Ontario, 1913, 3 and 4 Geo. V, cap. 72 .....	150

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10 THE BOARD OF TRUSTEES OF THE ROMAN CATHOLIC SEPARATE  
SCHOOLS FOR SCHOOL SECTION NUMBER TWO IN THE TOWNSHIP OF  
TINY, AND THE BOARD OF TRUSTEES OF THE ROMAN CATHOLIC  
SEPARATE SCHOOLS FOR THE CITY OF PETERBOROUGH ON BEHALF  
OF THEMSELVES AND ALL OTHER BOARDS OF TRUSTEES OF ROMAN  
CATHOLIC SEPARATE SCHOOLS OF THE PROVINCE OF ONTARIO,

(*Suppliants*) Appellants,

—and—

HIS MAJESTY THE KING,

(*Respondent*) Respondent.

## JOINT APPENDIX OF STATUTES

### No. 1

Statutes of Upper Canada, 1807, 47 George III.

#### CHAPTER 6

20 *An Act to establish public schools in each and every district of this province.*

[Passed March 10, 1807.]

MOST GRACIOUS SOVEREIGN:

Whereas it is considered expedient that some means be devised for the  
education of youth, may it therefore please your Majesty that it be enacted, Preamble.  
and it is hereby 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 Upper Canada, constituted and assembled by virtue of and under the  
authority of an act passed in the parliament of Great Britain, entitled, "An  
act to repeal certain parts of an act passed in the fourteenth year of his  
30 Majesty's reign, entitled, '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 by the authority of



The sum of £800 to be annually paid for the establishment of public schools.

the same, That for the establishment of public schools in this province, the sum of eight hundred pounds shall be annually paid, in manner hereinafter mentioned, out of any monies which are now raised or levied, or which hereafter may be raised or levied, by authority of parliament, to or for the uses of this province.

One public school in every district.

II. And be it further enacted by the authority aforesaid, That there shall be one public school in each and every district of this province; and that out of the said sum of eight hundred pounds, annually so appropriated as aforesaid, the annual sum of one hundred pounds shall be paid to each and every teacher, who shall be nominated and appointed to any of the said public schools in this province, for the education of youth, in manner hereinafter mentioned.

10

£100 to be paid annually to every teacher of such public school.

Places where the said public schools are to be kept in each respective district.

III. And be it further enacted by the authority aforesaid, That the public school for the Western district, shall be opened and kept in the town of Sandwich; and the public school for the district of London, shall be opened and kept in the township of Townsend, at such place as the trustees, or the majority of them, shall think proper to appoint; and that the public school for the district of Niagara, shall be opened and kept in the town of Niagara; and that the public school for the Home district, shall be opened and kept in the town of York; and that the public school for the district of Newcastle, shall be opened and kept in the township of Hamilton, at such place as the trustees, or the majority of them, shall think proper to appoint; and that the public school for the Midland district, shall be opened and kept in the town of Kingston; and that the public school for the district of Johnstown, shall be opened and kept in the township of Augusta, at such place as the trustees, or the majority of them, shall think proper to appoint; and that the public school for the Eastern district, shall be opened and kept in the town of Cornwall.

20

The governor, lieutenant governor, or person administering the government, to appoint trustees in every district for said schools.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to appoint from time to time not less than five fit and discreet persons in each and every district of this province, trustees to the said public schools, which said trustees, or the majority of them, shall have full power and authority to nominate a fit and discreet person as teacher thereof, and to examine into the moral character, learning, and capacity, of such person so nominated; and being satisfied with the moral character, learning, and capacity, of such person, it shall and may be lawful for the said trustees, or the majority of them, to report such their nomination to the governor, lieutenant governor, or person administering the government of this province, either to affirm or disaffirm such nomination as aforesaid: Provided always, That the said trustees, or the majority of them, shall have full power and authority, in their discretion, to remove such teacher from his public school, for any misdemeanor or impropriety of conduct, and that it shall and may be lawful for the said trustees, or the majority of them, in each and every district of this province, in case of the demise, dismissal, or removal, of any teacher of the said public schools, to nominate and appoint, as often as the case may require, one other fit and discreet person, as a teacher to the said public school, which trustees, or the majority of them, previous to such nomination and appointment as aforesaid, shall examine into the moral

30

Trustees to nominate a fit person as teacher, and to report their nomination to the governor, &c. who may either affirm or reject such nomination.

Trustees may remove any teacher and nominate another, and report as aforesaid.

40

character, learning, and capacity, of such teacher, and being satisfied therewith, such appointment shall be immediately transmitted to the governor, lieutenant governor, or person administering the government of this province, either to approve or disapprove of the same.

Governor, &c. may either approve or disapprove of such last mentioned nomination.

V. And be it further enacted by the authority aforesaid, That the trustees appointed under and by virtue of this act, in each and every district of this province, or the majority of them, shall have full power and authority to make such rules and regulations for the good government and management of the said public schools, with respect to the teacher, for the time being, and to the  
10 scholars, as in their discretion, shall seem meet.

Trustees authorized to make rules and regulations respecting said schools.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, from time to time, to issue his warrant to the receiver general of this province, for the payment of such yearly salary or salaries, half yearly, as shall or may from time to time be due to any teacher or teachers appointed under this act, upon such teacher or teachers producing a certificate, signed by the trustees, or the majority of them, of the district of which he shall have so taught or educated youth, of his having faithfully demeaned himself in his office as a teacher as aforesaid, for and during such  
20 time as he shall so require payment for his service.

Mode of payment of the salaries of the said teachers.

VII. And be it further enacted by the authority aforesaid, That this Act shall be and continue to be in force for four years from the passing thereof, and from thence to the end of the next ensuing session of parliament, and no longer.

Continuance of this Act.

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No. 2

Statutes of Upper Canada, 1816, 56 George III.

CHAPTER 36

*An act granting to his Majesty a sum of money, to be applied to the use of common schools throughout this province, and to provide for the regulations of said  
30 common schools.*

[Passed April 10, 1816.]

MOST GRACIOUS SOVEREIGN:

Whereas it would be conducive to the happiness of the inhabitants, and general prosperity of this province, to encourage the education of youth in common schools; we, your Majesty's dutiful and loyal subjects, the commons of Upper Canada, in provincial parliament assembled, most humbly beseech 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 Upper Canada, constituted and  
40 assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making

Preamble.

£6000 to be  
annually  
paid for the  
establish-  
ment of  
common  
schools,

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 by the authority of the same, That for the establishment of common schools, in each and every district of this province, there shall be annually paid, during the continuance of this act, the sum of six thousand pounds, in manner hereinafter mentioned, out of any monies which are now raised or levied, or which hereafter may be raised or levied, by authority of parliament, to or for the uses of this province; of which said sum of six thousand pounds, there shall be paid annually to the Home district, six hundred pounds; to the district of Newcastle, four hundred pounds; to the Midland district, one thousand pounds; to the district of Johnstown, six hundred pounds; to the Eastern district, eight hundred pounds; to the district of London, six hundred pounds; to the district of Gore, six hundred pounds; to the Niagara district, six hundred pounds; to the Western district, six hundred pounds; to the district of Ottawa, two hundred pounds. 10

Inhabitants  
of any town,  
etc., to make  
arrange-  
ments for  
common  
schools.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful for the inhabitants of any town, township, village, or place, to meet together for the purpose of making arrangements for common schools in such town, township, village, or place, on or before the first day of June in the present year, and on the first day of June in each and every year during the continuance of this act. 20

III. And be it further enacted by the authority aforesaid, That so soon as a competent number of persons, as aforesaid, shall unite and build or provide a school house, engage to furnish twenty scholars or more, and shall in part provide for the payment of a teacher, it shall and may be lawful for such persons as aforesaid, or the majority of them, giving eight days' previous notice thereof, to meet at some convenient place appointed for that purpose, and it shall and may be lawful for such persons as aforesaid, and they are hereby required to appoint three fit and discreet persons trustees to the said common school, who shall have power and authority to examine into the moral character and capacity of any person willing to become teacher of such common school, and being satisfied of the moral character and capacity of such teacher, to nominate and appoint such person as the teacher of said common school. 30

No person to  
be appointed  
a teacher un-  
less a natural  
born subject,  
&c.

IV. Provided always, nevertheless, and be it enacted by the authority aforesaid, That no person shall be appointed teacher to such common school, unless such person is a natural born subject of his Majesty, or a subject of his Majesty naturalized by act of the British parliament, or a subject of his Majesty having become such by the conquest and cession of the province of Quebec, or by having taken the oath of allegiance to his Majesty.

Trustees  
have power  
to remove  
teacher for  
any im-  
propriety of  
conduct,

V. And be it further enacted by the authority aforesaid, That the said trustees, or the majority of them, shall have power and authority under the provisions hereinafter mentioned for that purpose, in their discretion, to remove such teacher as aforesaid from his school, for any misdemeanor or impropriety of conduct, and it shall and may be lawful for the said trustees, or the majority of them, in case of the decease, dismissal, or removal of any teacher as aforesaid, to nominate and appoint, as often as the case may require, one other fit and discreet person as aforesaid, to become such teacher, as aforesaid: Provided always, nevertheless, that no teacher of any common 40

and appoint  
another  
person.

school under the provisions of this act, shall be removed or dismissed from his said school, unless the board of education hereinafter appointed in each and every district of this province, sanction the removal or dismissal.

VI. And be it further enacted by the authority aforesaid, That the trustees appointed under and by virtue of this act, to any common school as aforesaid, or the majority of them, shall have power and authority to make rules and regulations for the good government of the said common schools, with respect to the teacher, for the time being, and to the scholars, as in their discretion shall seem meet; and that it shall and may be lawful for the said trustees, and they are hereby required to report to the district board of education, hereinafter to be appointed, the books used, with the rules and regulations used in the said schools, once in every three months: Provided always, That it shall and may be lawful for the said district board of education, on such report as aforesaid being received, to order and direct such books, or any of them, not to be used in the said schools, and to rescind the said rules and regulations, or any part of them, if it should be deemed expedient, giving sufficient notice thereof to the said trustees, who shall warn the subscribers to the said school, to provide other books for the tuition of the said scholars, and to make such other alterations, rules, and regulations, in the said schools, as they shall deem necessary, in order that there may be a more uniform system of education throughout the province.

Trustees have power to make rules for the government of the schools.

Trustees to report to the board of education the books used in the said schools, once in three months.

Board of education to order books not to be used, if deemed expedient.

\* \* \* \*

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the trustees of the common schools, in each and every district of this province, and they are hereby required, once in each and every year, to report to the board of education, for that purpose hereinafter appointed, in each and every district of this province, the state of the common schools which such trustees aforesaid shall have the direction of, the number of scholars, the state of education, with the different branches taught in the said school, and all other matters and things that may tend to cherish the prosperity of the said common schools, or that may in any wise benefit the same, in order that the said board of education may report the state of the district common schools to the governor, lieutenant governor, or person administering the government, that the same may be laid before the legislature, at its first meeting, for their inspection.

Trustees once a year to report to the board of education the state of the schools, &c.

in order that the board may report to the governor, that the same may be laid before the legislature.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government, to appoint not more than five fit and discreet persons to compose a board of education, in each and every district of this province, three of whom shall be a quorum, who shall have full power to superintend such common schools in the districts for which they are appointed, and shall annually report to the governor, lieutenant governor, or person administering the government, the state of the said common schools, to be laid before the legislature at their meeting.

Governor to appoint not more than five persons, to compose a board of education in each district; three to be a quorum, who have power to superintend such schools, and report annually to the governor.

Monies granted to be apportioned to the teachers, to be paid yearly or half-yearly.

Teachers producing a certificate signed by the trustees,

treasurer of the district to pay such teacher.

District board to apply such part of the money granted, not exceeding £100, for the purchase of books for the use of the schools.

Board of education have full power to proportion the money for the schools, and to send to the treasurer a copy thereof.

No allowance to any common school to exceed £25 annually

No allowance to a teacher, unless the trustees report to the board of education.

Continuance of this act.

X. And be it further enacted by the authority aforesaid, That the monies granted by this Act, shall be apportioned to the Teachers of the several common schools, in each and every district of this province, to be paid to the teachers yearly, or half yearly, as may be directed by the said trustees, in proportion to the number of scholars educated in such school as aforesaid.

XI. And be it further enacted by the authority aforesaid, That the teachers of such common schools established as aforesaid, in any town, township, village, or place, in each and every district of this province, producing a certificate signed by the trustees of any such common school, stating his having well demeaned himself as teacher of the said school for six months, with the number of scholars educated in the said school, being not less than twenty, in such school as aforesaid, it shall and may be lawful for the treasurer of the district to pay to such teacher his proportion of any sum or sums of money, that may be granted by the legislature of this province for common schools, in the respective districts thereof, during the continuance of this act. 10

XII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the district boards, to be appointed in each and every district in this province, to apply such part of the money hereby granted to the several districts, not exceeding one hundred pounds, as they shall see fit, for the purchase of proper books for the use of the said common schools, and after having purchased such books, to cause the same to be distributed for the use of such schools, in such manner as to them shall seem meet. 20

XIII. And be it further enacted by the authority aforesaid, That the board of education to be appointed by virtue of this act, in each and every district of this province, shall have full power and authority to proportion the sums of money for the common schools of the said districts, and after proportioning the same to each of the said schools, to send to the treasurer of the said district, a copy thereof, in order that the treasurer aforesaid, may discharge the certificates granted to the teacher as aforesaid: Provided always, That no allowance to any common school, in each and every district of the province, shall exceed the sum of twenty-five pounds annually: Provided always, nevertheless, That no allowance whatever shall be paid to the teacher of any common school, in any district of this province, unless the trustees of the said schools report to the board of education, agreeably to the provisions of this act. 30

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XVI. And be it further enacted by the authority aforesaid, That this act shall be, and is hereby declared to be in force, for and during the term of four years.

## No. 3

## Statutes of Upper Canada, 1820, 60 George III.

## CHAPTER 7

*An act to amend and continue, under certain modifications, an act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act granting to his Majesty a sum of money, to be applied to the use of common schools throughout this province, and to provide for the regulation of the said common schools."*

[Passed March 7, 1820.]

10 WHEREAS it is expedient, for the encouragement of education, to continue under certain modifications an act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act granting to his Majesty a sum of money, to be applied to the use of common schools throughout this province"; 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 Upper Canada, constituted and assembled by virtue of and under the authority of an

act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, '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 by the authority of the same, That the said act of the fifty-sixth year of his Majesty's reign, except the first, tenth, twelfth, and so much of the thirteenth clause, as fixes the salary to be paid to any common school to twenty-five pounds, which is hereby repealed, be and the same is hereby continued.

20 II. And be it further enacted by the authority aforesaid, That for the establishment of common schools in each and every district of this province, there shall be annually paid, during the continuance of this act, the sum of two thousand five hundred pounds, in manner hereinafter mentioned, out of any monies which are now raised or levied, or which hereafter may be raised

30 or levied, by authority of parliament, to and for the uses of this province, of which said sum of two thousand five hundred pounds, there shall be paid annually to the Home district, two hundred and fifty pounds; to the district of Newcastle, two hundred and fifty pounds; to the Midland district, two hundred and fifty pounds; to the Johnstown district, two hundred and fifty pounds; to the Eastern district, two hundred and fifty pounds; to the district of London, two hundred and fifty pounds; to the district of Gore, two hundred and fifty pounds; to the Niagara district, two hundred and fifty pounds; to the Western district, two hundred and fifty pounds; to the district of Ottawa, two hundred and fifty pounds.

\* \* \* \*

40 V. And be it further enacted by the authority aforesaid, That any thing in the said act of the fifty-sixth year of his Majesty's reign notwithstanding, it shall not be lawful for the governor, lieutenant governor, or person admin-

Preamble.

56th Geo.  
III, c 36  
continued,  
with certain  
exceptions.

£2,500 to be  
paid annu-  
ally, in aid of  
common  
schools.

Distribution.

No warrant  
to issue to  
any district  
treasurer,  
till the sums  
heretofore  
paid have  
been  
accounted  
for.

istering the government, to issue any further warrant on the receiver general, under the provisions of the said act, to any district treasurer, until a faithful account shall be rendered, authenticated by proper vouchers and attested by the oath of the respective treasurers, of the expenditure of the sums already advanced, or which may hereafter be advanced, on account of their respective districts.

Disposition  
of balances  
in the hands  
of district  
treasurers.

VI. And be it further enacted by the authority aforesaid, That when any balances shall remain in the hands of the treasurer of any district, beyond the payment of the lawful requisitions, orders, or certificates, of the trustees respectively, after the first day of July next, it shall and may be lawful for the said treasurer to retain so much thereof, as is directed to be paid by this act, in any one year, to the district of which he is treasurer, to carry into effect the provisions of this act, and the balance thereof pay over to his Majesty's receiver general, for the public uses of this province, on or before the said first day of July. 10

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No. 4

**Statutes of Upper Canada, 1824, 4 George IV.**

CHAPTER 8.

*An act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of common schools throughout this province, and for granting to his Majesty a further sum of money to promote and encourage education within the same.* 20

[Passed January 19, 1824.]

MOST GRACIOUS SOVEREIGN:

Preamble.

Whereas it would greatly tend to advance the happiness of society to disseminate moral and religious instruction among the people, and to render permanent the laws now in force relating to common schools; we, your Majesty's dutiful and loyal subjects, the commons of Upper Canada, in provincial parliament assembled, most humbly beseech your Majesty that it may be enacted, and 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 Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, '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 by the authority of the same, That for the benefit of all classes of his Majesty's subjects, and for the encouragement of Sunday schools, and 30

for affording the means of moral and religious instruction to the more indigent and remote settlements in the several districts throughout this province, there shall be annually paid, in addition to the sum now by law directed to be paid for the use and benefit of common schools, the further sum of one hundred and fifty pounds; which said sum of one hundred and fifty pounds shall be appropriated and applied in manner and form as is hereinafter directed.

£150 per annum, in addition, granted for the encouragement of common and Sunday schools.

10 II. And be it further enacted by the authority aforesaid, That the monies hereby granted shall be at the disposal of the general board that is, or may be, appointed by the governor, lieutenant governor, or person administering the government of this province, for the superintendence of education within the same, to be by them laid out and expended for the purchasing of books and tracts, designed to afford moral and religious instruction; which said books and tracts, when so purchased, shall be distributed by the said general board, in equal proportion, amongst the several district boards of education throughout this province.

The money so granted to be at the disposal of the general board of education for this province, for the purchase of books.

Which shall be distributed by the general board to the several district boards.

20 III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the several district boards of education to make and order at their discretion, a distribution of such books and tracts for the use and encouragement of Sunday schools, and to the benefit of the more indigent and remote settlements in their respective districts.

District boards, at their discretion, to distribute such books, &c. For the use of Sunday schools, and the remote settlements.

IV. And be it further enacted by the authority aforesaid, That the eighth clause of an act passed in the first year of the reign of his present Majesty, entitled, "An act to amend and continue, under certain modifications, an act passed in the fifty-sixth year of his Majesty's reign, entitled, 'An act granting to his Majesty a sum of money, to be applied to the use of common schools throughout this province, and to provide for the regulation of the said common schools,' " be, and the same is, hereby repealed.

8th clause, 1st Geo. IV. c. 7 repealed.

30 V. And be it further enacted by the authority aforesaid, That the provisions of the above recited act, and so much of an act passed in the fifty-sixth year of his late Majesty's reign, entitled, "An act granting to his Majesty a sum of money, to be applied to the use of common schools throughout this province, and to provide for the regulation of the said common schools," as is now in force, shall be, and the same is hereby declared to extend to all schools that are now or may hereafter be established and kept among the Indians, who shall be resident within the limits of any organized county or township within this province, excepting such schools as shall or may be otherwise provided for: Provided, nevertheless, That in all reports that may be made to the board of education before the first day of June next after the passing of this act, from any school kept for the instruction and education of the children of the Indians, it shall not be necessary to certify to such board, that the trustees of the school so reporting were chosen on the first day of June last, any law or usage to the contrary in any wise notwithstanding.

The provisions of the above act, and the 56th Geo. III. c 36, to extend to the Indians.

Certificate in such cases dispensed with.

VI. And be it further enacted by the authority aforesaid, That every teacher of a common school, before he shall be entitled to receive any portion of public money, shall be examined by the board of education in the district in which he shall have taught, or is about to teach, a common school, or shall

No teacher to receive any money before examination by the district board;



or a certificate from at least one member of said board, certifying his ability.

obtain a certificate from at least one member of such board, certifying his ability and fitness to teach the same, due regard at all times being had to the degree of education wanting, or to the branches necessary to be taught in the township, village, or place, in which such teacher hath undertaken, or is about to undertake, to teach a common school.

Monies hereby granted, how to be paid.

VII. And be it further enacted by the authority aforesaid, That the monies hereby granted to his Majesty shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall for the purpose herein set forth be issued by the governor, lieutenant governor, or person administering the government of this province, for the time being, and shall be accounted for by the receiver general to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct. 10

Accounted for.

No. 5

Statutes of Upper Canada, 1833, 3 William IV.

CHAPTER 56.

*AN ACT for granting to His Majesty a certain sum of Money in aid of the Funds already granted for the Support of Common Schools in this Province.*

[Passed 13th February, 1833.] 20

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it is expedient for the promotion of Education in this Province that a further sum of Money should be appropriated for the use of Common Schools than is at present allowed by Law: 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 Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, '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 by the authority of the same, That from and out of the Rates and Duties now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and in the hands of the Receiver General, and unappropriated, there be granted to His Majesty for the use of Common Schools in this Province, for the year one thousand eight hundred and thirty-three, the sum of Five Thousand Six Hundred and Fifty Pounds, and for the year one thousand eight hundred and thirty-four 30

£5,650 granted in aid of Common Schools, for each of the years 1833 and 1834.

the like sum of Five Thousand Six Hundred and Fifty Pounds, in addition to the sums now appropriated by Law, to be applied in the same way and manner, and in conjunction with the present sums for Common Schools granted by Act of Parliament: which said sums of Five Thousand Six Hundred and Fifty Pounds shall be apportioned among the several Districts of this Province as follows: that is to say—

To the Ottawa District, the sum of One Hundred Pounds.

Distribution.

To the Eastern District, the sum of Five Hundred Pounds.

To the Johnstown District, the sum of Five Hundred Pounds.

10 To the Bathurst District, the sum of Five Hundred Pounds.

To the Midland District, the sum of Seven Hundred and Fifty Pounds, including Two Hundred Pounds for Prince Edward.

To the Newcastle District, the sum of Five Hundred Pounds.

To the Home District, the sum of Seven Hundred and Fifty Pounds.

To the Gore District, the sum of Six Hundred Pounds.

To the Niagara District, the sum of Five Hundred Pounds.

To the London District, the sum of Six Hundred Pounds.

To the Western District, the sum of Three Hundred and Fifty Pounds.

20 II. *And be it further enacted by the authority aforesaid*, That the said sum of Five Thousand Six Hundred and Fifty Pounds, in each of the years above mentioned, shall be paid by the Receiver General of this Province in discharge of such Warrants as may for that purpose be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Grant how to be paid and accounted for.

30 III. *And be it further enacted by the authority aforesaid*, That it shall not be lawful during the years aforesaid for the Board of Education in each District of this Province to pay to any Teacher of a Common School the annual allowance, unless the Trustees of the said School shall make it appear to the satisfaction of the Board of Education that they have made provision for his support so as to secure him for his services in a sum at least equal to double the amount which may be allotted by the Board of Education from the Public Money, any thing to the contrary in anywise notwithstanding.

Teachers of Common Schools when entitled to allowance hereby provided.

40 IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the Board of Education in each and every District to allow to the Clerks of their respective Boards, in addition to the sum they are now by Law authorized to receive, the further sum of Five Pounds annually during the continuance of this Act.

Clerks of Boards of Education to receive an additional allowance of £5.

NOTE.—The following statutes provided for an annual grant of the same amount of £5,650 from 1835 to 1840 inclusive on the same terms as in the Act of 1833.

- 1835 (5 Wm. IV) Statutes of Upper Canada, Chapter 29.
- 1836 (6 Wm. IV) Statutes of Upper Canada, Chapter 52.
- 1837 (7 Wm. IV) Statutes of Upper Canada, Chapter 105.
- 1838 (1 Vict.) Statutes of Upper Canada, Chapter 60.
- 1839 (2 Vict.) Statutes of Upper Canada, Chapter 62.
- 1840 (3 Vict.) Statutes of Upper Canada, Chapter 68.

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No. 6

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**Statutes of Upper Canada, 1839, 2 Victoria**

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CHAPTER 10

*AN ACT to provide for the advancement of Education in this Province.*

[Passed 11th May, 1839.]

Preamble.

WHEREAS it is very desirable to afford every encouragement to the advancement of Education throughout the Province: *And whereas* His late most Gracious Majesty George the Third was pleased to direct, that a quantity of the Waste Lands of the Crown should be set apart for the endowment of Grammar Schools and also of a University: *And whereas* a Royal Charter has been granted incorporating the University of King's College which has been 20  
 endowed by a grant of Lands from the Crown: *And whereas* Upper Canada College has by an Act of the Legislature been incorporated with and now forms an appendage to such University: *And whereas* the advancement of Education will be better promoted by devoting a portion of the annual Revenues of King's College to the support of Upper Canada College and of Grammar Schools for several years to come, than by the erection of a University in the present state of Education in the Province: *And whereas* Upper Canada College, with some changes easily effected, would afford sufficient accommodation to the public as a Provincial seat of learning until it should be deemed requisite to erect the University: *And whereas* it is expedient to appoint 30  
 Trustees for each Grammar School in the several Districts to superintend the Schools to be established under the provisions of this Act, and to see to the application of the monies appropriated to their support: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled '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 by the authority of the same, That the several District Schools in this Province shall be and are hereby declared to be Grammar Schools, as contemplated by His late most Gracious Majesty King George the Third, at the time the said reservation of land was directed to be made as aforesaid.

District Schools declared to be Grammar Schools with a view to the endowment of Geo. III.

10 II. *And be it further enacted by the authority aforesaid,* That there shall be constituted and appointed by the Lieutenant-Governor a Board of Trustees to each and every Grammar School in the several Districts of this Province consisting of not less than five members, three of whom shall be a quorum, who shall have the superintendance of the Grammar Schools established in the several Districts of this Province, and receive the money authorised to be paid under this Act.

Board of Trustees to each Grammar School; Their authority and duty.

20 III. *And be it further enacted by the authority aforesaid,* That the money now remaining in the Receiver-General's hands unexpended arising from the sales of School Lands, or which may come into his hands applicable to the purposes of this Act, shall be invested in the Debentures of this Province at six per cent. interest, and the proceeds placed under the control of the Council of King's College for the purposes of this Act, to be by the said Council distributed amongst such Districts as in their opinion more immediately require assistance, owing to the state of the School House or other circumstances.

Proceeds of School Lands to be invested for the purposes of this Act;

To be administered by the Council of King's College.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant-Governor by and with the advice of the Executive Council, to set apart two hundred and fifty thousand acres of the Waste Lands of the Crown in this Province, to be sold in like manner as other Crown Lands, at a price not less than ten Shillings per acre, and the proceeds thereof paid into the hands of the Receiver-General from time to time, to be appropriated in such manner and for the Grammar Schools as hereinbefore provided.

Appropriation of Waste Lands in aid of Grammar Schools.

30 V. *And be it further enacted by the authority aforesaid,* That a sum not exceeding One Hundred Pounds per annum may be advanced to each of the said Boards of Trustees from time to time, out of any monies in the hands of the Receiver-General applicable to the purposes of this Act, and should such monies be insufficient, it shall and may be lawful for the Council of King's College in their discretion, to appropriate a sufficient sum from the annual revenues thereof to make up the deficiency, to be applied in providing an additional Master and other means of instruction for the Grammar Schools in each District respectively: *Provided always,* that no portion of the principal money arising from the sale of Lands granted to King's College shall be so  
40 appropriated, but merely the interest or rents thereof.

£100 per annum to be advanced to each Board of Trustees;

Council of King's College empowered to supply further funds;

But not out of the principal money of the College.

VI. *Provided also, and be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Council of King's College first to appropriate a proportion of the revenues thereof, not exceeding one half, to the support, extension and maintenance, of Upper Canada College, until it shall be deemed necessary to erect the University.

Proportion of revenues of King's College to be first appropriated to Upper Canada College.

Grant of £200 for erection of School House in each District;

Provided an equal sum be raised among the inhabitants.

Grant in aid of two Schools in each District other than the Grammar School in the District Town; Council of King's College empowered to extend its aid to four additional Grammar Schools in each District.

Council of King's College to frame rules for government of Grammar Schools.

Accounts to be annually rendered to Lieutenant Governor.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Board of Trustees in any District now constituted or hereafter to be constituted, to receive out of any monies in the hands of the Receiver-General applicable to the purposes of this Act, a sum not exceeding Two Hundred Pounds, to aid in the erection of a suitable building for a School House in each District; *Provided* an equal sum shall be raised by subscription among the inhabitants for the like object, and provided they shall ensure the permanent insurance of such building.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant-Governor to authorise a sum not exceeding One Hundred Pounds per annum for each School to be paid to any Board of Trustees, for the use and support of two other Schools than the one in the Town where the Court House is situated, in any Town or Village in which the Inhabitants shall provide a suitable School House, at which not less than Sixty Scholars shall be educated; *Provided* any such additional School shall not be within six miles of the District Town: *And provided always,* that nothing herein contained shall prevent the Council of King's College from extending the aid to four Grammar Schools, (including the said two) other than the one established in the District Town, should the said Council deem it expedient.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Council of King's College to make such rules, regulations and by-laws, for the conduct and good government of the several Schools established under this Act, as to such Council shall seem proper.

X. *And be it further enacted by the authority aforesaid,* That an account in detail of the sums received and expended under the provisions of this Act shall be rendered to the Lieutenant-Governor annually, in order that the same may be laid before the Legislature within thirty days after the commencement of each Session.

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No. 7

Imperial Statutes, 1840, 3 & 4 Vic.

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CHAPTER 35.

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*An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada.*

[23rd July, 1840.]

Declaration of Union.

WHEREAS it is necessary that Provision be made for the good Government of the Provinces of *Upper Canada* and *Lower Canada*, in such Manner as may secure the Rights and Liberties and promote the Interests of all Classes of Her Majesty's Subjects within the same: And whereas to this end it is expedient that the said Provinces be re-united and form One Province for the Purposes of Executive Government and Legislation; Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

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and by the Authority of the same, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to declare, or to authorize the Governor General of the said Two Provinces of *Upper and Lower Canada* to declare, by Proclamation, that the said Provinces, upon, from, and after a certain Day in such Proclamation to be appointed, which Day shall be within Fifteen Calendar Months next after the passing of this Act, shall form and be One Province, under the name of the Province of *Canada*, and thenceforth the said Provinces shall constitute and be One Province, under the name aforesaid, upon, from, and after the Day so appointed as aforesaid.

\* \* \* \*

10 III. And be it enacted, That from and after the Re-union of the said Two Provinces there shall be within the Province of *Canada* One Legislative Council and One Assembly, to be severally constituted and composed in the Manner hereinafter prescribed, which shall be called "The Legislative Council and Assembly of *Canada*;" and that, within the Province of *Canada*, Her Majesty shall have power, by and with the Advice and Consent of the said Legislative Council and Assembly, to make laws for the Peace, Welfare, and good Government of the Province of *Canada*, such Laws not being repugnant to this Act, or to such Parts of the said Act passed in the Thirty-first Year of the Reign of His said late Majesty as are not hereby repealed, or to any Act  
20 of Parliament made or to be made, and not hereby repealed, which does or shall, by express Enactment or by necessary Intendment, extend to the Provinces of *Upper and Lower Canada*, or to either of them, or to the Province of *Canada*; and that all such Laws being passed by the said Legislative Council and Assembly, and assented to by Her Majesty, or assented to in Her Majesty's Name by the Governor of the Province of *Canada*, shall be valid and binding to all Intents and Purposes within the Province of *Canada*.

Composition  
and Powers  
of Legis-  
lature.

\* \* \* \*

30 XLVI. And be it enacted, That all Laws, Statutes and Ordinances, which at the Time of the Union of the Provinces of *Upper Canada* and *Lower Canada* shall be in force within the said Provinces or either of them, or any part of the said Provinces respectively, shall remain and continue to be of the same Force, Authority, and Effect in those parts of the Province of *Canada* which now constitute the said Provinces respectively as if this Act had not been made, and as if the said Two Provinces had not been united as aforesaid, except in so far as the same are repealed or varied by this Act, or in so far as the same shall or may hereafter, by virtue and under the Authority of this Act, be repealed or varied by any Act or Acts of the Legislature of the Province of *Canada*.

Existing  
Laws  
saved.



Statutes of Canada, 1841, 4 & 5 Vic.

CHAPTER 18.

*An Act to repeal certain Acts therein mentioned, and to make further provision for the establishment and maintenance of Common Schools throughout the Province.*

[18th September, 1841.]

Preamble.

WHEREAS the Laws now in force for the maintenance and regulation of Common Schools, are insufficient, and it is necessary to make provision for the establishment and maintenance of such Schools throughout the Province; Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted, by the authority of the same, that the Act of the Legislature of the late Province of Upper Canada, passed in the fifty-sixth year of the Reign of His late Majesty, King George the Third, and intituled *An Act granting to His Majesty a sum of Money to be applied to the use of Common Schools throughout this Province, and to provide for the regulation of the said Common Schools*, and the Act of the said Legislature, passed in the sixtieth year of the Reign of His said late Majesty, and intituled *An Act to amend and continue, under certain modifications, an Act passed in the fifty-sixth year of His Majesty's Reign, intituled, An Act granting to His Majesty a sum of Money to be applied to the use of Common Schools throughout this Province, and to provide for the regulation of the said Common Schools*, and the Act of the said Legislature passed in the fourth year of the Reign of His late Majesty, King George the Fourth, intituled *An Act to make permanent and extend the provisions of the Laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of Money to promote and encourage education within the same*, and a certain Act of the Legislature of the late Province of Lower Canada, passed in the second year of the Reign of His late Majesty, King William the Fourth, and intituled *An Act to repeal certain Acts therein mentioned, and for the further encouragement of Elementary Schools in the Country parts of this Province*, and all other Acts and parts of Acts of the said Legislatures, repugnant to or inconsistent with the provisions of this Act, be and the same are hereby repealed.

Act of Upper Canada 56, Geo. 3, Cap. 36.

Act of Upper Canada, 60, Geo. 3, Cap 7.

Act of Upper Canada, 4 Geo. 4, Cap. 8.

Act of Lower Canada, 2 William 4, Cap. 26.

The said Acts repealed.

A permanent fund for Common Schools to be created and sustained by the sale and rent of lands granted by the Legislature for that purpose.

II. And be it enacted, that for the establishment, support, and maintenance of Common Schools in each and every Township and Parish in this Province, there shall be established a permanent fund which shall consist of all such monies as may accrue from the selling or leasing of any lands which, by the Legislature of this Province, or other competent authority, may hereafter be granted and set apart for the establishment, maintenance, and support of

Common Schools in this Province, and of such other monies as are hereinafter mentioned; and all such monies as shall arise from the sale of any such lands or estates, and certain other monies hereinafter mentioned, shall be invested in safe and profitable securities in this Province; and the interest of all monies so invested, and the rents, issues and profits arising from such lands or estates as shall be leased or otherwise disposed of without alienation, shall be annually applied in the manner hereinafter provided, to the support and encouragement of Common Schools.

Other monies.

How invested and applied.

10 III. And be it enacted, that for the establishment, support, and maintenance of Common Schools in this Province, there shall be granted to Her Majesty, annually, during the continuance of this Act, the sum of fifty thousand pounds, currency, to be distributed among the several Districts in the manner hereinafter provided, and such sum shall be composed and made up of the annual income and revenue derived as aforesaid, from the said permanent fund, and of such further sum as may be required to complete the same, out of any unappropriated monies which are now raised and levied, or which may hereafter be raised and levied by the authority of the Legislature, to and for the public uses of this Province; and the said annual grant shall be, and be called, *The Common School Fund*.

Fifty thousand pounds annually to be granted as a "Common School fund."

20 IV. And be it enacted, that it shall be lawful for the Governor of this Province, by Letters Patent under the Great Seal thereof, to appoint from time to time, one fit and proper person to be Superintendent of Education in this Province; and such Superintendent shall hold his office during pleasure, and shall receive such yearly salary, not exceeding the sum of seven hundred and fifty pounds, currency, as the Governor may appoint; and the duties of the said Superintendent shall be:

A superintendent of Education to be appointed.

30 Firstly: To apportion in each and every year, on or before the third Monday in May in such year, the money annually granted by the Legislature as aforesaid, among the several Municipal Districts, in the ratio of the number of Children over five and under sixteen years of age, that shall appear by the then last census of the Province, to be resident within such District, respectively.

Duties.

To apportion the money according to population among the municipal Districts.

Secondly: To furnish the Receiver General of the Province, for his rule and guidance, with a certified statement or list of the apportionment of the money granted by the Legislature, under the provisions of this Act as aforesaid, among the several Districts.

40 Thirdly: To certify the apportionment of the public money as aforesaid, to the Treasurer of each and every of the said Districts, respectively, who shall lay the same before the District Council, to the end that such District Council may direct, and they are hereby authorised and required to direct, such a sum to be raised and levied for the purposes of this Act, and within their respective Districts, over and above all rates laid for other purposes, as shall be equal in amount to the money so apportioned from the Provincial Treasury.

To certify each District Treasurer of the amount awarded to his District.

Fourthly: To visit annually each of the Municipal Districts in the Province, and ascertain the state of the Common Schools therein, and for so doing he shall be allowed his reasonable expenses.

To visit annually the municipal Districts and inspect the Schools.



To prepare forms, and maintain uniformity in the conduct of Common Schools.

Fifthly: To prepare suitable forms for making reports and conducting the necessary proceedings under this Act, and to cause the same to be communicated to all such persons as shall be employed in carrying the provisions of this Act into effect; and to address to the said persons such suggestions as may tend to the establishment of uniformity in the conduct of the Common Schools throughout this Province: And the said Superintendent shall submit annually to the Governor of the Province, on or before the thirty-first day of December in each year, a Report on the actual state and condition of Common Schools throughout the Province, shewing the monies expended on such Schools, and from what sources derived, with plans for their improvement, 10 and stating such other matters, respecting Education generally, as the Superintendent may deem useful and expedient, in order that the same may be laid before the Legislature at the meeting thereof then next following.

District Council to be a Board of Education. Duties of the Board.

V. And be it enacted, that the District Council of each District, shall be a Board of Education of such District, and their duties as such Board shall be:

Firstly: To divide the several Townships and Parishes within their District into School Districts, to be designated by numbers, as one, two, three, and so on; (provided always, that no such School District shall be established in which there shall be fewer than fifteen children between the ages of five and sixteen resident therein,) and forthwith to furnish a full Report 20 of such division of the District with a proper description and designation of boundaries to the Superintendent of Education; and also to furnish a specification of the School Districts, in each Parish or Township, to the School Commissioners, to be appointed for the same, in the manner hereinafter provided.

To distribute the school fund among the school Districts.

Secondly: To apportion and distribute to each of the said School Districts its share of the School Fund, which share shall be proportioned to the number of children between the ages of five and sixteen, resident in such School Districts, respectively;

To assess inhabitants in the sum of £50 for a School House.

Thirdly: To apportion and cause to be assessed on the inhabitants of 30 such School District a sum not exceeding fifty pounds, for the erection of a Schoolhouse in each School District in which none exists;

To apportion to each Parish & Township a sum not exceeding £10 annually for Books.

Fourthly: To apportion to each Township and Parish, a sum not exceeding ten pounds, in any one year, to be expended in the purchase of such Books as may be recommended by the Common School Commissioners for distribution among the Schools;

To report annually to Superintendent.

Fifthly: To report their proceedings in matters relating to common Schools, and the state of such Schools within the District, to the Superintendent, annually, on or before the first Monday in December in each year.

Non-compliance on the part of District Council deprives the District of any share in the School Fund.

VI. And be it enacted, that if the District Council of any District shall 40 at any time refuse or neglect to comply with the foregoing requirements of this Act, such District shall not be entitled to receive any sum of money out of the Common School Fund until such requirements shall have been duly complied with, or a good and sufficient cause for non-compliance shall have been shewn to the satisfaction of the Superintendent of Education.

VII. And be it enacted, that at the annual Township or Parish meetings to be held in the month of January, one thousand eight hundred and forty-two, and at each succeeding annual meeting, for the election of Township and Parish Officers, there shall be elected in the manner prescribed by Law for the Election of such Officers, five Commissioners for each and every Township and Parish entitled to elect one District Councillor, and seven Commissioners for each and every Township entitled to elect two District Councillors; and the said Commissioners shall be called "Common School Commissioners," and their duties shall be:

"Common School Commissioners" to be elected at the annual Township or Parish Meeting in January each year.

Their Duties.

10 Firstly: To choose, and whenever funds shall be provided for that purpose by the District Council, to acquire a site for a Common School House in each School District in their Township or Parish in which no such School House shall exist at the time this Act shall come into force, and to make an estimate of the cost of such site and of the expense of building a School House and of keeping the same in repair, and an estimate of the cost of furnishing each Common School in the Township or Parish with the necessary fuel and appendages; and to transmit such estimates to the Clerk of the District Council, in order that the Inhabitants of the respective School Districts may be assessed accordingly:

To acquire a site for a School House, make estimates of expense and transmit same to the District Clerk.

20 Secondly: To appoint for each of the School Districts within the Township or Parish one or more of their number to superintend the building and repairing of the Common School House in such School District, and the furnishing it with fuel and other necessary things, and generally to manage the concerns of the School and report to the School Commissioners, once in three months, that is to say: on or before the first Monday in each of the months of March, June, September and December, the state of such School, the amount of monies received for it, the manner in which such money has been expended, the number of Children above five and under sixteen years of age taught in it, and the number of days that each Child has attended.

To appoint one of their number to superintend and report quarterly to the Commissioners.

30 Thirdly: To agree with and appoint, from time to time, Teachers in the said Common Schools, and to remove such Teachers when they shall find just cause for so doing: Provided always, that no person, except he be one of the persons known as *Les Freres de la Doctrine Chretienne*, shall be appointed a Teacher in any of the said Schools unless he be a subject of Her Majesty by birth or naturalization, of good moral character, and shall have been examined before the said Commissioners as to learning and ability.

To appoint and remove Teachers.

Proviso.

Teachers to be British Subjects, and duly qualified.

40 Fourthly: To regulate for each School, respectively, the course of study to be followed in such School, and the Books to be used therein, and to establish general rules for the conduct of the Schools, and communicate them in writing to the respective Teachers.

To regulate the course of study and establish general rules, &c.

Fifthly: To hear and determine all disputes which may arise out of the proceedings of the managing or visiting Commissioners hereinafter mentioned, or other matters of dispute in respect to Common Schools within their Township or Parish.

To hear and determine all disputes arising out of proceedings of Commissioners, &c.

Sixthly: To appoint two or more of their number to visit each Common School in the Township or Parish, once at least in each month, and to report the state of such School, whether the rules and regulations established by the Commissioners are duly observed, the number and proficiency of the Scholars,

To appoint two of their number to visit the school and to report thereon.

the character and ability of the Teachers, the conduct of the managing Commissioner, and all other matters connected with the management and well-being of such School.

\* \* \* \*

To report annually to the District Council in a certain form.

Tenthly: To report all their proceedings, and all matters connected with the several Common Schools in the Township or Parish, to the District Council, annually, on or before the third Monday of November, such report being in the form to be furnished by the Superintendent of Education.

Inhabitants professing religious faith different from that of the majority.

XI. Provided always, and be it enacted, that whenever any number of the Inhabitants of any Township or Parish professing a religious faith different from that of the majority of the Inhabitants of such Township or Parish, shall dissent from the regulations, arrangements, or proceedings of the Common School Commissioners, with reference to any Common School in such Township or Parish, it shall be lawful for the Inhabitants so dissenting, collectively, to signify such dissent in writing to the Clerk of the District Council, with the name or names of one or more persons elected by them as their Trustee or Trustees, for the purposes of this Act; and the said District Clerk shall forthwith furnish a certified copy thereof to the District Treasurer; and it shall be lawful for such dissenting Inhabitants, by and through such Trustee or Trustees, who for that purpose shall hold and exercise all the rights, powers and authorities, and be subject to the obligations and liabilities, hereinbefore

May establish and maintain one or more School, and receive their proportion of the monies appropriated by Law.

assigned to and imposed upon the Common School Commissioners, to establish and maintain one or more Common Schools in the manner, and subject to the visitation, conditions, rules and obligations, in this Act provided with reference to other Common Schools, and to receive from the District Treasurer their due proportion, according to their number, of the monies appropriated by Law, and raised by assessment for the support of Common Schools, in the School District or Districts in which the said Inhabitants reside, in the same manner as if the Common Schools so to be established and maintained under such Trustee or Trustees, were established and maintained under the said Common School Commissioners, such monies to be paid by the District Treasurer upon the warrant of the said Trustee or Trustees.

Terms on which any common school shall be entitled to receive an apportionment out of the school fund.

XII. And be it enacted, that no Common School shall be entitled to any apportionment of money out of the Common School Fund, except on the terms and conditions following, that is to say: Such School shall have been open for at least nine months during the year then last past, and shall have been during the said term, and shall continue to be at the time such apportionment is made, regularly attended by at least fifteen children, between the ages of five and sixteen:—the Reports hereinbefore required shall have been regularly made with regard to such Common School; and the sum paid by the Inhabitants, by assessment or otherwise towards the support of such Common School, for the period for which the apportionment shall be made, shall have been at least equal to the sum apportioned: Provided always, that it shall be lawful for the School Commissioners in each Township or Parish, with the approval of the District Council, to exempt in whole or in part any number of School Districts, not exceeding two, from the payment of such sum towards the support of their Common Schools, on account of the poverty of their inhabitants; and the School Districts so exempted, shall nevertheless receive

their apportionment from the School Fund: And provided also, that nothing in this section contained shall prevent or be construed to prevent the apportionment and payment of monies under this Act, towards the establishment and maintenance of any Common School for the first year after the passing of this Act.

10 XIII. And be it enacted, that if any monies having formed part of the annual Grant made under this Act out of the public funds of the Province, shall by reason of any non-compliance with the requirements of this Act, or from any other cause, remain unapplied to any of the purposes for which they are granted, after the expiration of the time during which they ought to be so applied, such monies shall, on demand, be returned and delivered by the person or persons in whose possession they may respectively be, to the Receiver General of this Province, and together with all monies forming part of the annual grant aforesaid which shall remain in his hands unapplied to the purposes of this Act, after the expiration of the time during which they ought to be so applied, shall be so invested by him in the manner hereinbefore prescribed with respect to the monies forming the permanent fund for the maintenance and support of Common Schools, and shall form part of the said fund.

Monies remaining unapplied.

\* \* \* \*

20 XV. And be it enacted, that in each of the Cities and Towns corporate in this Province, all and every the powers, rights and duties conferred and imposed by this Act upon District Councils, with respect to Common Schools in their Districts, are hereby vested in and shall be henceforward exercised and performed by the Corporation of each of the said Cities or Towns, respectively, subject to all the conditions and regulations hereinbefore established with respect to the said District Councils.

By whom the powers hereby vested in the District Councils may be exercised in Cities and Towns corporate.

30 XVI. And be it enacted, that it shall be lawful for the Governor of this Province to appoint from time to time, in each of the Cities and Towns corporate therein, not less than six nor more than fourteen persons, (one half half of whom shall in all cases be Roman Catholics and the other half Protestants,) to be a Board of Examiners for each City or Town corporate; of which said Board the Mayor shall be Chairman, but shall have no vote other than a casting vote; and the said Board shall be divided into two Departments, one of which shall consist of Roman Catholics, and shall exercise the duties hereinafter assigned to the Board of Examiners in and over the Common Schools attended by Roman Catholic children, only, and shall in such case appoint their Chairman, and the other Department shall consist of Protestants, and shall exercise their said duties in and over the Common Schools, attended by Protestant children, only, and shall in such case appoint their Chairman, and in all cases in which the said Common Schools are attended by Roman Catholic children and Protestant children together, the said duties shall be exercised in and over the same by the whole Board of Examiners; and the duties of the said Board and of the said Departments thereof, in the several cases above mentioned, in and for the said Cities and Towns corporate, respectively, shall be to examine the persons recommended as Teachers by the Corporation, and reject them if unqualified on the ground of character or ability, and to regulate for each School separately the course of study to be

A Board of Examiners to be appointed by the Governor.

The Board of Examiners shall be visitors of the Common Schools.

followed in such School, and the books to be used therein, and to establish general rules for the conduct of the Schools, and communicate them in writing to the respective Teachers; in addition to which duties the Board of Examiners in any City or Town corporate shall be Visitors of the Common Schools in such City or Town corporate, and as such Visitors it shall be the duty of the Board to appoint two or more of their number to visit each of the Common Schools in such City or Town corporate, at least once in every three months and to report to the Corporation upon all matters connected with each of the said Common Schools, in detail, as fully as Common School Commissioners and the Visitors by them appointed are bound to report to the District Councils 10 under the provisions hereinbefore contained.

The powers and duties assigned to the School Commissioners by the 3d and 4th divisions of the 7th section, shall, in Cities and Towns corporate belong to the Common Council, &c.

XVII. And be it enacted, that all and every the rights, powers and duties by this Act conferred and imposed upon the Common School Commissioners, with respect to the Common Schools under their authority and control, and hereinbefore enumerated in the seventh section of this Act, under the first, third and eighth division of the said section, shall in each of the said Cities and Towns corporate, and with respect to the Common Schools therein to be established, vest in and be exercised and performed by the Corporations thereof, respectively; who in addition thereto are hereby empowered to appoint such and so many persons as they may deem fit severally to do and perform for and with respect to the Common Schools in the said Cities and Towns corporate, respectively, all and every the duties, matters and things hereinbefore by the seventh section of this Act required to be performed by one of the Common School Commissioners, with reference to the Common Schools under their authority and control, and specified in the first and second divisions of the second section; and to provide by By-law such rules and regulations for the conduct and guidance of such person as they may respectively deem expedient. 20

Cities and Towns corporate shall be entitled to apportionment, out of the school fund on the same terms as Districts.

XVIII. And be it enacted, that the said Cities and Towns corporate, respectively, shall be entitled to an apportionment of monies from the Common School Fund upon the same terms and conditions as are hereinbefore prescribed with respect to District Councils, and upon no other: and any monies so apportioned shall be paid to the City Treasurer or other officer performing the duties of Treasurer in the said Cities and Towns corporate, respectively, and be paid over by him upon such authority and subject to such regulations as are provided in the said several Cities and Towns corporate, respectively, for the payment of monies belonging to the Corporation in other cases, or as may be hereafter provided in that behalf. 30

Corporations to report to the superintendent of Education.

XIX. And be it enacted, that the said Corporation shall on the first Monday of December in each and every year, report to the Superintendent of Education, all matters and things relating to Common Schools within the said Cities and Towns corporate, respectively, connected with the well being of such Schools, in the same manner and as fully in all respects as the District Boards of Education, and Common School Commissioners are by this Act bound to report with respect to Common Schools within their respective Districts, Townships and Parishes. 40

XXV. And be it enacted, that this Act shall come into operation and have force and effect from and after the first day of January, in the year of our Lord one thousand eight hundred and forty two, and not before.

To come into operation 1st, Jan. 1842.

No. 9

Statutes of Canada, 1841, 4 & 5 Vic.

CHAPTER 19

*An Act to make temporary provision for the appropriation of the funds derived from the sale of School Lands in that part of the Province formerly Upper Canada, and for other purposes.*

[ 18th September, 1841.]

10

Preamble.

WHEREAS it is very desirable to afford every encouragement to the advancement of Education throughout the Province: And whereas His late Most Gracious Majesty, King George the Third, was pleased to direct that a quantity of the waste Lands of the Crown should be set apart for the support of Grammar Schools within that part of the Province heretofore called Upper Canada: and whereas the advancement of Education will be promoted by devoting a portion of the annual revenues of such waste Lands, to the support of such Grammar Schools: And whereas it is expedient to repeal an Act of the Parliament of the late Province of Upper Canada hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, that the several District Schools within that portion of the Province heretofore called Upper Canada, shall be and are hereby declared to be Grammar Schools, as contemplated by His late Most Gracious Majesty, King George the Third, at the time the said reservation of Land was directed to be made as aforesaid.

20

District Schools to be considered Grammar Schools for certain purposes.

30

II. And be it enacted, that the money arising from the sales of the School Lands, now remaining in the Receiver General's hands, unexpended, or which may come into his hands, applicable to the purposes of this Act, shall be invested in the Debentures of that part of this Province heretofore Upper Canada, at six per cent interest, and the annual interests or rents thereof, placed under the control of the Governor, or Person administering the Government of the Province for the time being, to be distributed by and with the advice and consent of the Executive Council of the said Province, among such Districts within that part of the Province formerly called Upper Canada, as may more immediately require assistance, owing to the state of the School House or other circumstances.

40

Monies arising from the sale of School lands to be invested in Debentures and the proceeds distributed among the several Districts.

King's  
College to  
transfer and  
pay over all  
monies and  
Debentures  
to the Re-  
ceiver Gen-  
eral.

III. And be it enacted, that within three months after the passing of this Act, the Council of King's College, or their Bursar or Treasurer shall transfer and pay over to the Receiver General, as aforesaid, all Debentures unredeemed, and sums of money arising from unexpended arrears of interest, which may have accrued thereon and be at present held under the authority of the Act hereby repealed, by the said Council or Treasurer, on account of the proceeds of the sale of School Lands as aforesaid, to be by the said Receiver General invested in debentures, and the interests and rents thereof, appropriated and distributed as hereinbefore mentioned.

£100 per  
annum may  
be advanced  
to the Trus-  
tees for an  
additional  
Master, &c.

IV. And be it enacted, that a sum not exceeding one hundred pounds 10 per annum, may be advanced to each of the several Boards of Trustees for the said Grammar Schools, from time to time, out of any monies in the hands of the Receiver General, arising from the sale of the said School Lands, and applicable to the purposes of this Act, to be expended in providing an additional Master and other additional means of instruction for the Grammar Schools in the Districts, respectively, within that part of the Province formerly called Upper Canada.

£200 may  
be granted to  
each Dis-  
trict for the  
erection  
of a School  
House.

V. And be it enacted, that it shall and may be lawful for the Board of Trustees in any District now constituted or hereafter to be constituted in that part of the Province formerly called Upper Canada, out of any monies in the 20 hands of the Receiver General, applicable to the purposes of this Act, as aforesaid, to receive a sum not exceeding two hundred pounds, to aid in the construction and erection of a suitable building for a School House in each District, provided an equal sum shall be raised by subscription among the Inhabitants for the like object, and provided they shall guarantee the permanent insurance of the building.

Governor  
may ad-  
vance £100  
p. annum to  
two addi-  
tional  
Schools in a  
District, and  
may extend  
that aid to  
four Gram-  
mar Schools.

VI. And be it enacted, that it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government for the time being, by and with the advice and consent of the Executive Council as aforesaid, to authorize a sum not exceeding one hundred pounds, per annum, out 30 of the monies arising from the sale of the said Lands, for each School, to be paid to any Board of Trustees, for the use and support of two other Schools than the one in the Town where the Court House is situated, in any Town, Township or Village within any of the Districts aforesaid, in which the Inhabitants shall provide a suitable School House, at which not less than fifty scholars shall be educated: Provided any such additional School shall not be within six miles of the District Town: And provided always, that nothing herein contained shall prevent the Governor, Lieutenant Governor, or Person administering the Government of the Province for the time being, by and with the advice and consent of the Executive Council thereof, from extending 40 the aid to four Grammar Schools (including the said two) other than the one established in the District Town, should it be deemed expedient.

\* \* \* \*

Act of  
U. C. 2 Vic.,  
c. 10, re-  
pealed.

VIII. And be it enacted, that the Act of the Legislature of the late Province of Upper Canada, passed in the second year of Her Majesty's Reign, intituled *An Act to provide for the advancement of Education in this Province*, shall be, and the same is hereby repealed.

**No. 10**  
**Statutes of Canada, 1843, 7 Vic.**

CHAPTER 9

10 *An Act further to provide for the establishment and maintenance of Common Schools, and for apportioning the fund for the support of the same, and also to grant an indemnity for the payment of certain portions of the School Monies for the year one thousand eight hundred and forty-two, and further to provide for the apportionment and distribution of the balance of the said Monies for the years one thousand eight hundred and forty-two, and one thousand eight hundred and forty-three.*

[9th December, 1843.]

20 WHEREAS it is expedient to make further provision for the establishment and maintenance of Common Schools throughout this Province; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the sum of fifty thousand pounds annually, now granted by law for the maintenance and support of Common Schools in this Province, shall, from year to year, be apportioned by order of the Governor of this Province, In Council, between the divisions of this Province formerly constituting the Provinces of Upper and Lower Canada, in proportion to the relative numbers of the Population of the same, respectively, as such numbers shall, from time to time, be ascertained by the census next before taken in each of the said divisions, respectively.

Preamble.

The sum granted annually of £50,000 to be divided in a certain proportion, between Upper and Lower Canada.

30 II. And whereas, by reason of the laws relative to Municipal Institutions not having been carried into effect in Lower Canada aforesaid, no effectual census of the population of the said division of the Province has been lately taken; Be it therefore enacted, that until such a census shall be taken, the said sum shall be apportioned between the said divisions of the Province, in the proportion of thirty thousand pounds, currency of this Province, for Lower Canada aforesaid, and twenty thousand pounds for Upper Canada.

Proportion in which the same shall be divided, until a census of Lower Canada be taken.

**No. 11**  
**Statutes of Canada, 1843, 7 Vic.**

CHAPTER 29

40 *An Act for the establishment and maintenance of Common Schools in Upper Canada.*

[9th December, 1843.]

WHEREAS it is expedient to make provision for the establishment and maintenance of Common Schools in that part of this Province called Upper Canada, and also for the establishment and maintenance of Model Schools

Preamble.



therein; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the Secretary of this Province shall, ex-officio, be Chief Superintendent of the Common Schools of Upper Canada aforesaid, subject nevertheless to all lawful orders and directions in the exercise of his duties as such Chief Superintendent, as shall from time to time be issued or given in that behalf by the Governor of this Province. 10

Chief Superintendent of Common Schools appointed.

II. And be it enacted, that it shall and may be lawful for the Governor of this Province, from time to time, to appoint an Assistant Superintendent of Common Schools for Upper Canada aforesaid, who shall act in all things under the direction of the said Chief Superintendent.

Assistant Superintendent.

III. And be it enacted, that on or before the first day of March in each year, it shall be the duty of the said Chief Superintendent, after deducting any sum which shall be set apart for the maintenance of Model Schools, as hereinafter provided, to apportion any sum or sums of money, appropriated by the Legislature for Common Schools in Upper Canada aforesaid for the year under or by virtue of any Act, or Acts passed or to be passed in that behalf, and that such apportionment shall be made according to the ratio of population of each County, Township, Town or City, as compared with the population of Upper Canada, according to the Census of population which shall last have been taken, and returned at the time of such apportionment. 20

Superintendent to apportion the monies arising from the Common School Fund; and in what ratio.

IV. And be it enacted, that when the Census or returns upon which an apportionment is to be made shall be so far defective in respect of any County, Township, Town or City, as to render it impracticable for the Chief Superintendent to ascertain the share of School Moneys which ought to be apportioned thereto, and whenever, in consequence of the erection of a new County, Township, Town or City, or the alteration of the Boundaries thereof, the apportionment under the Census then last taken would become inapplicable or would be unjust, as between two or more Counties, Townships, Towns or Cities, the Chief Superintendent shall make his apportionment for the year, according to the best evidence in his power upon the facts upon which the ratio of apportionments as to such Counties, Townships, Towns or Cities, shall depend. 30

To apportion the same according to the best of his Judgment in certain cases.

V. And be it enacted, that the Chief Superintendent shall certify such apportionment made by him to the Inspector General of the Province, and shall give immediate notice to the Superintendent of Common Schools of each County interested therein, stating the amount of Moneys apportioned to his County, and to each Township, Town and City therein. 40

To notify the apportionment to certain officers.

VI. And be it enacted, that the Chief Superintendent aforesaid shall prepare suitable forms and regulations for making all reports and conducting all necessary proceedings under this Act, and shall cause the same, with such instructions as he shall deem necessary and proper for the better organization and government of Common Schools, to be transmitted to the Officers required to execute the provisions of this Act throughout Upper Canada aforesaid.

To prepare forms and regulations.

VII. And be it enacted, that the Chief Superintendent aforesaid shall, from time to time, furnish to County the Superintendents throughout Upper Canada aforesaid, for the use of the several School Districts, such and so many copies of this Act, and of the Forms, Regulations and Instructions, prepared by him, as he shall deem requisite and necessary.

And furnish copies thereof and of this Act to the local School authorities.

\* \* \* \*

XI. And be it enacted, that whenever the County Superintendent of Common Schools in any County shall receive from the Superintendent notice of the apportionment of moneys to be distributed in his County, he shall forthwith transmit a certified copy of such apportionment to each Township, Town and City Clerk, within such County, so far as the same relates to such Township, Town or City.

Apportionment to be notified to local authorities.

XII. And be it enacted, that it shall be the duty of the said Clerk to lay such certified copy before the Council for his Township, Town or City, and the Township, Town or City Council shall without delay cause to be levied in the Township, Town or City, a sum of money for Common School purposes, at least equal (clear of all charges of collection) to the amount of public money apportioned to such Township, Town or City; such sum to be increased at the discretion of the Council to an amount not more than double the said apportionment of public money; and such sum, so to be raised, shall be placed on the Collector's Roll, and shall be by him collected, in like manner as any other tax for such Township, Town or City, and shall be by him paid over to the Township, Town or City Superintendent of Common Schools.

Duty of Township, Town and City Councils on receiving notice of such apportionment.

XIII. And be it enacted, that it shall be lawful for any Township, Town or City Council to exempt any number of School Districts, not exceeding two, within such Township, Town or City, from the payment of the Tax for the support of Common Schools, on account of the poverty of their inhabitants.

Local Councils may exempt School Districts from the Tax on the ground of poverty.

XIV. And be it enacted, that there shall be a superintendent of Common Schools in each Township, Town and City, to be appointed by the Council thereof, and to hold office during their pleasure; and every such appointment, and every vacancy occurring in the office, shall be notified within ten days to the County Superintendent by the Township, Town or City Clerk; and it shall be the duty of the Superintendent for each Township, Town or City:—

Superintendent of Schools for each Township, Town and City.

1.—To divide the same, subject to the direction and approval of the Township, Town or City Council, into a convenient number of School Districts and parts of Districts, and to regulate and alter such Districts and parts of Districts, as hereinafter provided.

His duties.

\* \* \* \*

3.—To apply for and receive from the County Superintendent, the portion of School Moneys apportioned to the Township, Town or City, and likewise from the Town or City Collector, or Treasurer, all moneys which shall be raised for the purposes of Common Schools in their Township, Town or City; the aggregate of which moneys shall constitute the School Fund of the Township, Town or City.

4.—To apportion the said School Fund, so soon as its amount shall have been ascertained, among the several School Districts and parts of Districts within the Township, Town or City, in proportion to the number of Children

residing in each, over the age of five and under the age of sixteen years, according to the last annual reports of the School Trustees.

\* \* \* \*

7.—To examine all persons offering themselves as Candidates for teaching Common Schools within the Township, Town or City, and on being satisfied of the qualification of the Candidates in respect of moral character, learning and ability, to grant certificates in such form as shall be prescribed by the Superintendent of Common Schools; which certificates shall be valid for one year, and shall entitle the holder thereof to teach a Common School within such Township, Town or City, respectively.

\* \* \* \*

County Superintendents to be appointed and by whom.

XXIX. And be it enacted, that there shall be a County Superintendent of Common Schools in each County, to be appointed by the Court of Wardens for such County, and to hold office during their pleasure; and in case the Court of Wardens shall neglect or refuse to appoint such Superintendent at their first meeting in each year, or at their first meeting after any vacancy may have occurred, it shall and may be lawful for the Governor of this Province to make such appointment, and the person so appointed shall hold office until a successor shall have been appointed by the Court of Wardens, and shall have given the security required by this Act. 10

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He shall examine persons wishing to become Teachers.

XXXII. And be it enacted, that it shall be the duty of the County Superintendent of each County to examine all persons offering themselves as candidates for teaching Common Schools within such County, and that in making such examination it shall be the duty of such Superintendent to ascertain the qualifications of the candidate, in respect of moral character, learning and ability; and if the County Superintendent shall be satisfied in respect to the qualifications of the candidate, he shall deliver to the person so examined a certificate signed by him in such form as shall be prescribed by the Chief Superintendent of Common Schools. 20

Nature of the certificates of qualification to be granted by him.

XXXIII. And be it enacted, that the certificate so to be granted may either be general, in which case they shall be valid throughout the County, or special, in which case the Township, Town or City, or school district, in which such applicant shall be authorized to teach, shall be specified; and such special certificate shall only qualify the person to teach within the place so specified. 30

General certificates to be valid until revoked.

XXXIV. And be it enacted, that such general certificate shall be valid until the same is annulled or otherwise revoked by the County Superintendent, and such special certificate shall be valid for the year in which it is granted, unless so annulled or revoked.

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Mode of holding and conducting such meetings.

XLIII. And be it enacted, that at each of the said School District Meetings, and at each annual School District Meeting, the resident Freeholders and Householders shall appoint a Chairman to preside at such Meeting, and shall afterwards elect from amongst themselves three Trustees of the Common School of such School District, who shall hold office from the time of their 40

Election of School Trustees.

election until the day for the election of Trustees for the next year, or until such time as their successors shall be duly elected or appointed;

XLIV. And be it enacted, that it shall be the duty of the Trustees for each School District, and they shall be empowered and entitled:

Duties of such School Trustees.

\* \* \* \*

7.—To regulate for such School the course of study, and the books to be used therein, and to establish general rules; subject, nevertheless, to the approval of the Township, Town or City Superintendent: And provided always, that it shall not be lawful for such Trustees, or for the Chief or other Superintendent of Common Schools, or for any Teacher to exclude from any  
10 Common School or from the benefit of education therein, the children of any class or description of persons resident within the School District to which such Common School may belong.

\* \* \* \*

LV. And be it enacted, that in all cases, wherein the Teacher of any such School shall happen to be a Roman Catholic, the Protestant Inhabitants shall be entitled to have a School with a Teacher of their own religious persuasion, upon the application of ten or more resident Freeholders or Householders of any School District, or within the limits assigned to any Town or City School; And in like manner, when the Teacher of any such School shall happen to be a Protestant, the Roman Catholic Inhabitants shall have a separate School,  
20 with a Teacher of their own religious persuasion, upon a like application.

Separate Schools may be established for the Protestants and Roman Catholics in any locality.

LVI. And be it enacted, that such applications shall be made in writing, signed with the names of each resident Freeholder or Householder, and addressed and delivered to the Township, Town or City Superintendent; and such application shall contain the names of three Trustees, who shall be the Trustees of such separate Schools; and upon the compliance of such Trustees, and of the Township, Town or City Superintendent, with the requirements of this Act, such School shall be entitled to receive its share of the public appropriation, according to the number of Children of the religious persuasion who shall attend such separate School, which share shall be settled and adjudged  
30 by the Township, Town or City Superintendent, subject to an appeal to the County Superintendent; and all such separate Schools shall be subject to the visitations, conditions, rules and obligations, provided in this Act with reference to other Common Schools or to other Town or City Schools established under this Act.

Conditions and mode of establishing such separate Schools

LVII. And be it enacted, that it shall and may be lawful for the Court of Wardens of any County in Upper Canada, aforesaid, if they deem it proper so to do, to raise and levy by county rate, a sum not exceeding in any year two hundred pounds, and to appropriate and expend the same for the maintenance of one or more County Model Schools within such County, and to  
40 constitute by a Bye-law or Bye-laws to that effect any Township, Town or City School or Schools within the County, to be for any term not less than one year such County Model School or Schools: Provided always, that by such Bye-law there shall be appropriated, from the County Rates, for the payment of Teachers and the purchase of books and apparatus for each such School,

Model Schools may be established in the Counties.

Proviso.

during every year for which the same shall continue to be a County Model School, a sum not less than forty pounds.

Allowance to be granted for such Model Schools on certain conditions.

LVIII. And be it enacted, that whenever it shall appear to the satisfaction of the Governor of this Province, that any such Court of Wardens has thus appropriated and expended in any year, for the payment of a Teacher or Teachers and the purchase of books and apparatus for such County Model School or Schools, a sum not less than forty pounds, it shall and may be lawful for the said Governor to issue his warrant to the Receiver General of this Province, directing him to pay to the County Superintendent of such County, as a further aid towards the support of such School or Schools during such year, a sum equal to one half of the amount so raised and expended: Provided always, that there be not thus granted in any year, for the support of such Schools in any one County, a larger sum than fifty pounds, and also that the whole amount thus to be granted, in any year for the support of County Model Schools in Upper Canada, do not exceed five hundred pounds. 10

Such sum to be paid out of the Common School Fund.

LIX. And be it enacted, that the Chief Superintendent of Common Schools, before making the yearly distribution of the Common School Fund, as hereinbefore provided, shall deduct from the same the aggregate of all amounts thus advanced for the support of County Model Schools during the preceding year. 20

How such sums shall be expended.

LX. And be it enacted, that all moneys to be thus granted from the Common School Fund in aid of County Model Schools, shall be expended by the County Superintendent receiving the same, or by his successor in Office, in the payment of Teachers and the purchase of books and apparatus for such Schools, exclusively, and within the year for which the same shall have been granted; and any such moneys not thus expended, shall be recoverable, with interest and costs, from any County Superintendent into whose hands the same may have passed, or from his sureties or representatives, by a suit at law to be instituted at any time during the year next after that within which the same should have been so expended, by the Chief Superintendent of Common Schools; and it shall be the duty of the said Superintendent forthwith to institute such suits in his name of Office, at all times when occasion may arise; and any sums so recovered from any County Superintendent, shall be carried by the said Chief Superintendent of Common Schools to the account of the Common School Fund, before proceeding to make his distribution of the same for the year ensuing. 30

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Teachers to be examined by Professors of Normal Schools when established.

LXII. And be it enacted, that whenever a Normal School shall have been established and shall be in operation in Upper Canada, no person shall be appointed to be a Principal Teacher in any County Model School, who shall not have produced to the County Superintendent a certificate of qualification signed by some one or more of the Professors or Principal Teachers of such Normal School. 40

Teachers to be instructed gratuitously in Model Schools.

LXIII. And be it enacted, that at every such County Model School gratuitous instruction shall be afforded to all Teachers of Common Schools within the County wherein such Model Schools may be established, during such periods and under such regulations as the County Superintendent may from time to time direct.

LXIV. And be it enacted, that it shall and may be lawful for any Township, Town or City Superintendent, subject to the approbation of the Township, Town or City Council, to establish within any Township, Town or City, not having a County Model School established therein, a Township, Town or City Model School; and to appropriate for its support out of the School Fund of such Township, Town or City, a sum in each year not exceeding twenty five pounds over and above the sum to which such School would otherwise be entitled as a Township, Town or City School under this Act: Provided always, that any sum to be so appropriated shall be expended in the payment  
10 of a Teacher or Teachers, exclusively.

City, Town or Township Model Schools may be established.

LXV. And be it enacted, that whenever a Normal School shall have been established and shall be in operation in Upper Canada, no person shall be appointed to be a Principal Teacher in any Township, Town or City Model School, who shall not have produced to the Township, Town or City Superintendent a certificate of qualification, signed by some one or more of the Professors or Principal Teachers of such Normal School.

Teachers to be examined by Professors of Normal Schools when established.

LXVI. And be it enacted, that at every such Township, Town or City Model School gratuitous instruction shall be afforded to all Teachers of Common Schools, within the Township, Town or City, wherein such Model School may  
20 be established, during such periods and under such regulations as the Township, Town or City Superintendent may from time to time direct.

Gratuitous instruction to be given in the Model Schools to Teachers.

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## No. 12

### Statutes of Canada, 1846, 9 Vic.

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#### CHAPTER 20.

*An Act for the better establishment and maintenance of Common Schools in Upper Canada.*

[23rd May, 1846.]

WHEREAS it is expedient to make provision for the better establishment and maintenance of Common Schools in that part of this Province formerly  
30 Upper Canada, and also for the establishment of a Normal and Model Schools therein: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Governor may, from time to time, by Letters Patent, under the Great Seal of the Province, appoint a fit and proper person to be Superintendent of Schools in Upper  
40 Canada, and to hold his office during pleasure; that the said Superintendent shall receive a salary not to exceed five hundred pounds, currency, per annum,

Preamble.

Chief Superintendent of Common Schools appointed.

His salary.

and to bear such proportion to that sum as the amount of public monies paid towards the support of Common Schools in that part of this Province called Upper Canada, bears to that paid towards the support of Common Schools in that part of this Province called Lower Canada, and shall be allowed one hundred and seventy-five pounds, currency, per annum, for a Clerk, and the contingent expenses of his office, to be by him accounted for, as provided in respect of other public Officers; and that the said Superintendent shall be subject to all such lawful orders and directions, in the exercise of his duties, as shall from time to time be given by the Governor of this Province.

Allowance for a Clerk and contingent expenses.

Duty of Superintendent.

II. And be it enacted, That it shall be the duty of the Superintendent of Schools: 10

To apportion monies arising from Common School Fund, and in what ratio.

First. After deducting certain sums, as hereinafter provided, to apportion, on or before the fifteenth day of April of each year, all monies appropriated by the Legislature for Common Schools in Upper Canada for such year, according to the ratio of population in each District, Township, Town or City, as compared with the population of Upper Canada, or if he shall think it expedient, in case of a defective Census, according to the ratio of children residing in each, over the age of five and under the age of sixteen years, as stated in the last Annual Reports of the District Superintendents.

To notify the apportionment to certain Officers.

Secondly. To certify such apportionment made by him to the Inspector General, so far as it relates to the several Districts in Upper Canada, also to give immediate notice to the Superintendent of Schools in each District, stating the amount of monies apportioned to his District, and to each Township, Town and City therein. 20

To prepare forms and regulations, and furnish copies thereof and of this Act to District Superintendents.

Thirdly. To prepare suitable forms and regulations for making all Reports, and conducting all necessary proceedings under this Act, and to cause the same, with such instructions as he shall deem necessary and proper for the better organization and government of Common Schools, to be transmitted to the Officers required to execute the provisions of this Act, copies of which forms, regulations and instructions, as also copies of this Act, shall be furnished by him to the several District Superintendents, for the use of School sections, as occasion may require. 30

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Selection of Books.

Sixthly. To discourage the use of unsuitable and improper books in the Schools or School Libraries, and to use all lawful means to provide for and recommend the use of uniform and approved text books in all the Schools.

Normal School.

Seventhly. To take the general superintendence of the Normal School, as soon as one shall have been established.

Plans of School houses.

Eighthly. To prepare, as soon as practicable, and recommend the adoption of suitable plans of School Houses with the proper furniture and appendages.

School Libraries.

Ninthly. To use his best endeavours to promote the establishment of School Libraries for general reading in the several Districts and Townships of Upper Canada, and to furnish every information necessary, as far as he shall be able, as to the regulations of such Institutions and the books most suitable for them. 40

Diffusion of information.

Tenthly. To employ all lawful means in his power to collect and diffuse information on the subject of education generally, among the people of Upper Canada.

Eleventhly. To submit annually to the Governor of this Province on or before the first day of August in each year, a report of the actual state of the Normal, Model and Common Schools throughout Upper Canada, shewing the amount of monies expended on such Schools, and from what sources the same have been derived, with plans for their improvement, and such other statements and suggestions relating to education generally, as the said Superintendent may deem useful and expedient, in order that the same may be laid before the Legislature at the meeting thereof next following.

Yearly reports.

10 III. And be it enacted, That the Governor shall have authority to appoint not more than seven persons, (of whom the Superintendent of Schools shall be one, to be a Board of Education,) who shall hold their situation during pleasure, and shall be subject to all lawful orders and directions, in the exercise of their duties, which shall from time to time be issued by the Governor, and whose duty it shall be, in conjunction with the Superintendent of Schools—

Governor may appoint Board of Education.

20 First. To adopt all needful measures for the establishment and furnishing of a Normal School for Upper Canada—to make from time to time all needful rules and regulations for the management and good government of such School—to prescribe the conditions on which pupils shall be received and instructed therein—to select the location of such School, the terms and conditions on which buildings therefor shall be procured—to determine the number and compensation of Teachers and others who may be employed therein—and to do all other lawful things which they may deem expedient to promote the objects and interests of such School.

Duties of the Board.  
Making regulations, &c.

Secondly: To examine and recommend or disapprove of all books, plans or forms which may be submitted to them with a view to their use in Schools; and no portion of the Government Grant shall be given in aid of any School in which any book is used which has been disapproved of by the Board, and of which disapproval public notice shall have been given.

Examination of Books

30 Thirdly. To aid the Superintendent of Schools with their counsel and advice on all questions, and on all measures which he may submit to them for the promotion of the interests of Schools, and for the diffusion of useful knowledge among the people of Upper Canada.

Advising with Superintendent.

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40 V. And be it enacted, That, as soon as practicable, there shall be established a *Normal School*, containing one or more *Elementary Model Schools* for the instruction and practice of Teachers of Common Schools in the science of education and art of teaching, according to such regulations as are hereinbefore provided for, and which shall be approved by the Governor in Council, and that a sum not exceeding one thousand five hundred pounds, be expended by the Board of Education, in procuring and furnishing suitable buildings for the said Normal School; that a sum not exceeding one thousand five hundred pounds per annum be allowed for the salaries of Teachers and all other contingent expenses of the said School; and that detailed accounts of the expenditure of all monies for the establishment and support of the said School, shall be annually transmitted to the Governor, through the Superintendent of Schools, to be laid before the Legislature.

A Normal School to be established.

Salary of Teachers in the said School.



Council of each District may appoint persons to be District Superintendents.

Proviso.

VI. And be it enacted, That the Council of each District shall have authority to appoint a proper person to be District Superintendent of Common Schools, who shall hold his office during pleasure: Provided always, that in case the Council of any District shall neglect or refuse to recommend the appointment of a District Superintendent, at any meeting of such Council during the present year, or at their first meeting after the occurrence of any vacancy, then it shall be lawful for the Governor to make such appointment.

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District Council to cause to be levied, for School purposes, a sum of money in each District at least equal to amount of public money apportioned to such District.

VIII. And be it enacted, That the Council of each District, on receiving from the District Superintendent of Common Schools, a certified copy of the apportionment of the Legislative grant in aid of Common Schools for their District for the current year, shall, without delay, cause to be levied such sum of money, for Common School purposes, as they shall see fit, and within the limit of their powers of imposing taxes, and at least equal (clear of all charges of collection) to the amount of public monies apportioned to such District, such sum, within the limit aforesaid, to be increased at the discretion of the said Council; and the sum so to be raised shall be placed on the proper Collector's Rolls, and shall be collected by him in like manner as any other tax for such District, but shall be paid over by him to the District Superintendent of Common Schools, within the period fixed by law for the payment of rates collected to the Treasurer in each year.

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District Council to divide Townships into School sections.

IX. And be it enacted, That the Council of each District shall cause each Township, or parts of adjoining Townships, Town or City in such District, to be divided into a convenient number of sections, and parts of sections to be numbered and described; and which may be altered at the discretion of the Council; and a copy of the descriptions and numbers of such sections and parts of sections shall be forthwith furnished by the Clerk of such Council to the Superintendent of Common Schools for the District.

And may levy sums of money for purchasing School sites. &c.

Proviso.

X. And be it enacted. That the District Council in each District shall have authority within the limit aforesaid to cause to be levied any sum or sums of money which may be required for the purchasing of School sites, and the erection and furnishing of School Houses, the procuring of residences for Teachers and for Common School purposes generally, in such District, and upon the inhabitants of the said District generally, or on those of any particular Township, School section, or other locality, as the case may require; Provided always, that this shall not be construed to prevent the inhabitants of any School section or Township from adopting any voluntary means they may deem expedient to purchase, erect, furnish, or repair any School House or residence for the Teacher; Provided always, that the title to any Common School House, and the land and premises appurtenant thereto now vested in Trustees, or other persons, to and for the use of any Common School or hereafter to be purchased, acquired and conveyed for such use, shall be vested in the District Council of the District in which such School Houses and lands are situate in trust for the use of such School, respectively.

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Duties of District Superintendent.

XIII. And be it enacted, That it shall be the duty of each District Superintendent of Common Schools:

Fifthly. To examine all persons offering themselves as Candidates for teaching in Common Schools, with respect to their moral character, learning and ability; and if he be satisfied of the Candidate's qualifications in these respects, he shall give him a special Certificate, authorizing him to teach only one year in the School specified, or a general Certificate authorizing the applicant to teach in any Common School in the District until such Certificate is revoked; Provided always, that every such Teacher shall be subject to re-examination whenever it shall be deemed expedient, by the District Superintendent of Schools: Provided also, that no such Certificate of qualification shall be granted to any person as a Teacher who shall not, at the time of granting it, be a natural born or naturalized subject of Her Majesty, Her Heirs or Successors, without a special license in the case of a Teacher of any language other than English, to be obtained from the Governor, authorizing the person therein named to be employed as a Teacher although an alien.

To examine Candidates for the office of Teacher.

Seventhly. To prevent the use of all unauthorized foreign school books in the English branches of education—to recommend the use of proper books for Schools, and to determine as to the Teacher, and regulations of Model Schools, in the manner hereinafter provided.

To prevent the use of certain books.

Tenthly. To act in accordance with the directions of the Superintendent of Schools, and to make an Annual Report to him, at such time and in such form as may be appointed by the said Superintendent of Schools; and to furnish the said Superintendent from time to time with such additional information as he may require; Provided furthermore, that every such Annual Report of the District Superintendent, shall state:

To transmit an annual Report to the Superintendent of Schools.

Proviso.

Secondly. The number of children taught in each of the said sections or parts of sections over the age of five and under the age of sixteen years; and also the number of children residing in each, over the age of five and under sixteen years.

Number of Children.

Thirdly. The length of time a School shall have been kept in each of such sections, or parts of sections, by a qualified Teacher, the books used and the subjects taught, and whether the Trustees have duly reported.

Time during which Schools have been open;

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XXV. And be it enacted, That the School Trustees in each School section, shall be a Corporation, under the name of "*The School Trustees of Section number in the Township (Town or City) of in the District,*"—and shall have perpetual succession, and a Common Seal, and may sue and be sued, and shall generally have the same powers which any other body politic or corporate has with regard to the purposes for which it is constituted; but they shall not at any time hold real property.

Trustees to be a Corporation.

Corporate powers.

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XXVII. And be it enacted, That it shall be the duty of the Trustees of each School section:

Duties of Trustees.

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To ascertain number of children in School section.

Eighthly. To ascertain the number of children residing in their School section, over the age of five and under sixteen years, and to allow them, without exception, to attend the Common School so long as their conduct shall be agreeable to the rules of such School.

To engage Teachers.

Ninthly. To appoint and engage, from time to time, a Teacher duly qualified to teach in the School under their control, according to the provisions of this Act; and to give such Teacher the necessary orders upon the District Superintendent for the portion of the School Fund, to which their School section may be entitled.

To select books.

Tenthly. To select from a list of books made out by the Board of Education, 10 under the sanction of the Governor in Council, as hereinbefore provided, the books which shall be used in the School.

To make a Report to District Superintendent.

Eleventhly. To see that the School is conducted according to the regulations herein provided for; and to prepare and transmit annually, on or before the second Tuesday of January, a Report to the District Superintendent, which Report shall be signed by a majority of the Trustees, and made according to a form which shall be provided by the Superintendent of Schools, and shall specify:

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Number of children taught.

Thirdly. The number of Children taught in the section School during the year, and the number of children residing in the section, over the age of five 20 years and under the age of sixteen.

What is taught in the School.

Fourthly. The branches taught in the School; the number of pupils in each; and the text books used.

Duties of Teachers of Common Schools.

XXVIII. And be it enacted, That it shall be the duty of every Teacher of a Common School—

To teach.

First. To teach diligently and faithfully, all the branches required to be taught in the School, according to the terms of his engagement with the Trustees, and according to the provisions of this Act.

To keep Registers.

Secondly. To keep the daily, weekly and quarterly registers of the School, and to maintain proper order and discipline therein, according to the regula- 30 tions and forms which shall be prepared by the Superintendent of Schools.

To hold examinations.

Thirdly. To have at the end of each quarter, a public examination of his School, of which he shall give notice, through the children, to their parents and guardians, and shall also give due notice to the Trustees and any School Visitors who may reside in or adjacent to such School section.

To act as Secretary to the School Trustees.

Fourthly. To act as the Secretary to the Trustees, if they shall require it, in preparing their Annual Report: Provided always, that he is a Teacher in such School at the time of preparing such Report as is required by this Act: Provided likewise, that the District Superintendent shall have authority to withhold from any School section the remainder of the share of the Common School 40 Fund which has been apportioned to such section, and which shall be in his hands on the first day of December of each year, until he receives from the Trustees of such section their annual Report required by law for such year.

Proviso.

Proviso.

XXIX. And be it enacted, That the sum of money annually distributed for the encouragement of Common Schools in Upper Canada, shall be payable on the first day of August in each year, by warrants to the Superintendents of Common Schools of the several Districts in Upper Canada aforesaid.

Sum distributed to Common Schools to be payable on 1st August in each year.

XXX. And be it enacted, That no foreign books, in the English branches of Education, shall be used in any Model or Common School, except by the express permission of the Board of Education.

No foreign books to be used without permission.

XXXI. And be it enacted, That in any Model or Common School, established under this Act, no child shall be required to read or study in or from any religious book, or to join in any exercise of devotion or religion, which shall be objected to by his or her parents or guardians.

Children not to be required to use religious books objected to by their parents.

XXXII. And be it enacted, That in all cases wherein the Teacher of any Common School shall happen to be a Roman Catholic, the Protestant inhabitants of the section to which such School belongs shall be entitled to have a School with a Protestant Teacher, upon the application of ten or more resident landholders or householders of any such School section, or within the limits assigned to any Town or City School; and in like manner when the Teacher of any such School shall happen to be a Protestant, the Roman Catholic inhabitants shall have a separate School, with a Teacher of their own religious persuasion, upon a like application.

Separate Schools may be established for Protestants and Roman Catholics in any locality.

XXXIII. And be it enacted, That such applications shall be made in writing, signed with the name of each landholder or householder, and addressed and transmitted to the District Superintendent; and such application shall contain the names of three Trustees, who shall be the Trustees of such separate School; and, upon the compliance of such Trustees with the requirements of this Act, such School shall be entitled to receive its share of the public appropriation, according to the number of children of the religious class or persuasion who shall attend such separate School; which share shall be determined by the District Superintendent; and such separate Schools shall be subject to the visitations, conditions, rules and obligations provided in this Act, with reference to other Common Schools.

Conditions and mode of establishing such separate Schools.

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XXXVI. And be it enacted, That the Superintendent of Schools, before making the yearly apportionment of the grant in aid of Common Schools as hereinbefore provided, shall deduct from the same the aggregate of all amounts thus advanced for the support of the Normal Schools and District Model Schools during the preceding year; and he shall also deduct, if he shall deem it expedient, a sum not exceeding two hundred pounds per annum, in aid of Common Schools in new Townships not yet represented in any District Council.

Such sum to be paid out of the Common School Fund.

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XLI. And be it enacted, That the Teachers who shall receive certificates of qualification, under this Act, shall be arranged in three classes, according to their attainments and ability, in such manner as shall be prescribed by the Superintendent of Schools, with the concurrence of the Board of Education, and the sanction of the Governor in Council.

Teachers to be divided into three classes.

District Council may authorize establishment of a male and female School in any section.

XLII. And be it enacted, That it shall be lawful for any District Council to authorize the establishment of both a female and male School in any School section, each of which shall be subject to the same regulations and obligations as Common Schools generally.

No. 13

Statutes of Canada, 1847, 10 & 11 Vic.

CHAPTER 19.

An Act for amending the Common School Act of Upper Canada.

[28th July, 1847.]

Preamble.

WHEREAS it is expedient to make further provision for the better establishment and maintenance of Common Schools in the Cities and incorporated Towns, and in the several Municipal Districts of Upper Canada: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, That each incorporated City and Town in Upper Canada shall be a Corporation for all Common School purposes, and the Council of each City and the Board of Police of each incorporated Town, shall be invested with all the authority and subject to all the obligations, in respect to all matters relating to the interests of Common Schools in such City or Town, as is now, or may be hereafter conferred by law upon the Municipal Council of each District in Upper Canada; subject to such modifications and regulations as are hereinafter provided for by this Act.

The Council of each City and Town corporate to have the powers of the District Council within such City or Town for Common School purposes

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Board of Trustees to be appointed in each City or Town, by the Council thereof.

II. And be it enacted, That it may and shall be lawful for the Council of each City and the Board of Police of each Town aforesaid to appoint at its next, or any ensuing meeting after the passing of this Act, by a By-law or vote of a majority of its members present at such meeting, a Board of Trustees not exceeding six in number, three of whom shall form a *quorum* for the transaction of business:

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Duties of the Board.

V. And be it enacted, That it shall be the duty of the Board of Trustees for such City or Town, appointed as aforesaid:

Possession and management of School Property.

*First*,—To take possession of all Common School property which may have been acquired or given for Common School purposes in such City or Town, by any title whatsoever, and which may be vested in the Corporation of such

City or the Board of Police of such Town under the provisions of this Act, and to manage for the Corporation or Board of Police, all property, monies or income acquired for Common School purposes, until the power hereby given shall be taken away or modified by law, and to apply the same according to the terms of acquiring or receiving them.

*Secondly*,—To do whatever may be expedient with regard to building, repairing, renting, renewing or keeping in order the school house or school houses, and its or their appendages, lands, fences and moveable property, which shall be held in trust by the said Board out of whatever funds may be provided for such purpose by the Corporation or Board of Police of such City or Town.

Keeping property in repair.

*Thirdly*,—To determine the number, sites and description of Schools which shall be established and maintained in such City and Town aforesaid, and whether such school or schools shall be denominational or mixed; the teacher or teachers who shall be employed, the terms of employing them, the amount of their remuneration and the duties which they are to perform; to prepare from time to time, and lay before the Corporation of such City or Town, an estimate of the sum or sums which they may deem expedient for paying the salaries of school teachers, for furnishing the school or schools under their charge with suitable apparatus and books, and for repairing and warming and keeping in order the school house or school houses in their possession.

Determine the Sites, and description of Schools, Teachers, &c.

*Fourthly*,—To appoint and remove at pleasure, prescribe the duties, and fix the compensation of a Superintendent of Common Schools in each City or Town aforesaid; which Superintendent shall be subject to the obligations which are imposed by law on District Superintendents of Common Schools, as far as is consistent with the provisions of this Act.

Appointing and removing Superintendent of Schools.

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*Sixthly*,—To exercise in general all the powers, and be subject to all the obligations with which Trustees of Common Schools, generally, are invested, and to which they are subjected according to law, as far as is consistent with the provisions of this Act: Provided also, that their annual School Reports shall be made to the Superintendent of Schools for Upper Canada; and they shall likewise account each year, and oftener if required, to the Council or Board of Police of each incorporated City or Town appointing them, for the expenditure of all monies placed at their disposal.

General powers.

Provide as to reports and accounts.

No. 14

Statutes of Canada, 1849, 12 Vic.

CHAPTER 83

*An Act for the better establishment and maintenance of Public Schools in Upper Canada and for repealing the present School Act.*

NOTE: This Act, which repealed "all Laws and Statutes heretofore or now in force for the establishment and maintenance of Common Schools in Upper Canada, or for the amendment of any such Laws or Statutes (Sec. 81) did not come into force until January 1st, 1850; and was repealed by the Act passed on 24th July, 1850 (13 and 14 Vict., Cap. 48).

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No. 15

Statutes of Canada, 1850, 13 & 14 Vic.

CHAPTER 48

*An Act for the better establishment and maintenance of Common Schools in Upper Canada.*

[24th July, 1850.]

Preamble.

WHEREAS it is expedient to make provision for the better establishment and maintenance of Common Schools in the several Villages, Towns, Cities, Townships and Counties of Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act of the Parliament of this Province, passed in the seventh year of Her Majesty's reign, and intituled, *An Act for the better Establishment and Maintenance of Common Schools in Upper Canada*, and also the Act passed in the twelfth year of Her Majesty's reign, chapter eighty-three, and intituled, *An Act for the better Establishment and maintenance of Public Schools in Upper Canada, and for repealing the present School Act*, shall be, and the same are hereby repealed: Provided always, nevertheless, firstly, that no Act or part of an Act repealed by either of the Acts hereby repealed, shall be revived by the

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Two Acts repealed.

Proviso

passing of this Act: And provided also, secondly, that the repeal of the said Acts shall not extend or be construed to extend to any act done, any penalty incurred, or any proceeding had under the said Acts, or either of them: And provided also, thirdly, that all School Sections or other School divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, made under the authority of the said Acts, or of any preceding Act, and not annulled by the said Acts or by this Act, or by any of them, shall be valid and in full force and binding upon all parties concerned, as if made under the authority of this Act, and shall so continue until altered, modified, or suspended, according to the provisions of this Act: And provided also, fourthly, that nothing herein contained shall affect the liability of any District, County, City, Town, or Township Superintendent of Common Schools, to the Municipal Corporation to which he would otherwise be responsible for the same, for any moneys received by him under either of the said Acts; but the liabilities of every such Superintendent for such moneys shall be and remain as if this Act had not been passed: And provided also, fifthly, that nothing in the said Act secondly above recited, contained, shall extend, or be construed to extend, to have repealed any Act of the Parliament of this Province, whereby provision was made for the appropriation of money from the Consolidated Revenue Fund of this Province, for or towards the establishment and maintenance of Common Schools in this Province, or in any part thereof.

All school divisions, elections, appointments, contracts, etc., confirmed.

## FIRST—ELECTION AND DUTIES OF SCHOOL TRUSTEES.

II. And be it enacted, That the annual meetings for the elections of School Trustees, as hereinafter provided by this Act, shall be held in all the Villages, Towns, Cities and Townships of Upper Canada, on the second Wednesday in January, in each year, commencing at the hour of Ten of the clock in the forenoon.

Annual school meetings.

III. And be it enacted, That in all School divisions (except in Cities, Towns and Incorporated Villages) which have been established according to law, and which have been called "School Sections," and in which there shall be three Trustees in office at the time this Act shall come into force, one Trustee shall be elected to office at each ensuing annual school meeting, in place of the one who shall have been three years in office: Provided always, that the same individual, if willing, may be re-elected: And provided also, that no School Trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

One Trustee in each school section to be elected.

Proviso: as to re-election.

IV. And be it enacted, That whenever any school section shall be formed in any Township, as provided in the eighteenth section of this Act, the Clerk of the Township shall communicate to the person appointed to call the first school meeting for the election of Trustees, the description and number of such school section; and such person shall, within twenty days thereafter, prepare a notice in writing, describing such section, and appointing a time and place for the first school section meeting, and shall cause copies of such

Mode of calling the first school meeting in a new section.



notice to be posted in at least three public places in such school section, at least six days before the time of holding such meeting.

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XII. And be it enacted, That it shall be the duty of the Trustees of each school section;

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Providing school premises.

*Fourthly.*—To do whatever they may judge expedient with regard to the building, repairing, renting, warming, furnishing and keeping in order the section school-house, and its appendages, wood-house, privies, enclosures, lands, and moveable property, which shall be held by them, and for procuring apparatus and text books for their School; also, to rent, repair, furnish, warm, and keep in order a school-house, and its appendages, if there be no suitable school-house belonging to such section, or if a second school-house be required.

Apparatus and books.

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Teachers.

*Fifthly.*—To contract with and employ all Teachers for such school section, and determine the amount of their salaries; and to establish, if they shall deem it expedient, by and with the consent of the local Superintendent of schools, both a female and male school in such section, each of which shall be subject to the same regulations and obligations as common schools generally.

Female school.

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To admit persons to attend the school, on conditions.

Exceptions.

*Thirteenthly.*—To permit all residents in such section between the ages of five and twenty-one years of age, to attend the school, so long as their conduct shall be agreeable to the rules of such school, and so long as the fees or rates required to be paid on their behalf, are duly discharged: Provided always, that this requirement shall not extend to the children of persons in whose behalf a separate school shall have been established, according to the nineteenth section of this Act.

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To visit the school, &c.

*Fourteenthly.*—To visit the school from time to time, and see that it is conducted according to the regulations authorized by law.

To see that proper books are used.

*Fifteenthly.*—To see that no un-authorized books are used in the school, but that the pupils are duly supplied with an uniform series of text books, sanctioned and recommended according to law; and to procure annually, for the benefit of their school section, some periodical devoted to education.

\* \* \* \*

To prepare and transmit the annual school report.

*Nineteenthly.*—To prepare and transmit, or cause to be prepared and transmitted annually, before the fifteenth day of January, a report to the Local Superintendent; which report shall be signed by the majority of the Trustees, and made according to a form provided by the Chief Superintendent of Schools, and shall specify:

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Contents of such report: time of keeping the school open.

*Firstly.*—The whole time the school in their section shall have been kept by a qualified Teacher during the year ending the thirty-first day of the previous December.

Amount of moneys received and expended.

*Secondly.*—The amount of moneys received from the school fund, from local rates or contributions, and from other sources, distinguishing the same; and the manner in which all such moneys have been expended.

Number of children.

*Thirdly.*—The whole number of children residing in the school section, over the age of five years, and under the age of sixteen; the number of children and young persons taught in the school in winter and summer, distinguishing the sexes, and those who are over and under sixteen years of age; the average attendance of pupils in both winter and summer.

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Attendance of pupils.

Average attendance.

*Fourthly.*—The branches of education taught in the school; the number of pupils in each branch; the text-books used; the number of public school examinations, lectures and visits, and by whom, and such other information respecting the school premises and library, as may be required in the form of a report provided by the Chief Superintendent of Schools. Branches taught, &c.

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## SECONDLY.—COMMON SCHOOL TEACHERS AND THEIR DUTIES.

XV. And be it enacted, That no Teacher shall be deemed a qualified Teacher within the meaning of this Act, who shall not at the time of his engaging with the Trustees, and applying for payment from the School Fund, hold a certificate of qualification, as hereinafter provided by this Act; Provided always, that certificates of qualification given by local Superintendents, shall be in force until the first of January, one thousand eight hundred and fifty-one. A qualified Teacher defined.  
Proviso.

XVI. And be it enacted, That it shall be the duty of every Teacher of a Common School— Duties of Teachers.  
*Firstly.*—To teach diligently and faithfully all the branches required to be taught in the School, according to the terms of his engagement with the Trustees, and according to the provisions of this Act. To observe the law and agreement.

*Secondly.*—To keep the daily, weekly and monthly or quarterly registers of the School; to maintain proper order and discipline therein, according to the forms and regulations which shall be provided according to law; also to keep a Visitors' Book (which the Trustees shall cause to be provided for that purpose) and he shall enter therein the visits made to his school, and shall present such book to each Visitor, and request him to make such remarks as may have been suggested by such visit. Registers.  
Discipline.  
Visitors' book, &c.

*Thirdly.*—To have, at the end of each quarter, a public examination of his school, of which he shall give due notice, through the pupils, to their parents and guardians, and the Trustees of the school, and of which he shall also give due notice to any School Visitors who shall reside in or adjacent to such school section. Quarterly examinations, &c.

*Fourthly.*—To furnish to the Local or Chief Superintendent of Schools, when desired, any information which it may be in his power to give respecting anything connected with the operations of his school, or in any wise affecting its interest or character. Information to the Superintendents.

*Fifthly.*—To keep carefully, and at the time of his leaving a school, to deliver up to the order of the Trustees, the Registers and Visitors' Book appertaining to the school: Provided always, that he shall, at all times, when desired by them, give Trustees or Visitors access to such Registers and Visitors' Book. To deliver papers, &c.  
Proviso.

## THIRDLY.—DUTIES OF TOWNSHIP COUNCILS.

XVIII. And be it enacted, That it shall be the duty of the Municipality of each Township in Upper Canada: Duties of Township Councils.

Establishing  
a Township  
Model  
school.

Members of  
the Council  
to be  
Trustees.

Proviso.

*Secondly.*—To levy, at its discretion, such sum or sums as it shall judge expedient for procuring the site and for the erection and support of a Township Model School, and for purchasing books for a Township Library, under such regulations as shall be provided according to law: Provided always, that the members of the Township Municipality shall be the Trustees of such Model School, and shall possess the powers of Common School Trustees in respect to all matters affecting such Model School: Provided also, that the Trustees of any one or more common schools shall have authority, at their discretion, and with the consent of such Council, to merge their school or schools into such Model School; and provided likewise, that tuition to student-teachers in such Model School shall be free. 10

Forming new  
school  
sections.

*Thirdly.*—To form portions of the Township, where no schools have been established, into school sections; to appoint a person in each new school section to call the first school section meeting; and to cause such person to be notified in the manner prescribed in the fourth section of this Act.

Separate  
schools for  
Protestants,  
Roman  
Catholics  
and Colour-  
ed People.

XIX. And be it enacted, That it shall be the duty of the Municipal Council of any Township, and of the Board of School Trustees of any City, Town or incorporated Village, on the application in writing of twelve or more resident heads of families, to authorize the establishment of one or more separate schools for Protestants, Roman Catholics, or coloured people, and, in such case, it shall prescribe the limits of the divisions or sections for such schools, and shall make the same provision for the holding of the first meeting for the election of Trustees of each such separate school or schools, as is provided in the fourth section of this Act for holding the first school meeting in a new school section: Provided always, that each such separate school shall go into operation at the same time with alterations in school sections, and shall be under the same regulations in respect to the persons for whom such school is permitted to be established, as are Common Schools generally: Provided secondly, that none but coloured people shall be allowed to vote for the election of Trustees of the separate school for their children, and none but the parties petitioning for the establishment of, or sending children to a separate Protestant or Roman Catholic school, shall vote at the election of trustees of such school: Provided thirdly, that each such separate Protestant or Roman Catholic, or coloured school, shall be entitled to share in the school fund according to the average attendance of pupils attending each such separate school, (the mean attendance of pupils for both summer and winter being taken,) as compared with the whole average attendance of pupils attending the Common Schools in such City, Town, Village or Township; Provided fourthly, that no Protestant separate school shall be allowed in any school division except when the Teacher of the Common School is a Roman Catholic, nor shall any Roman Catholic separate school be allowed except when the Teacher of the Common School is a Protestant: Provided, fifthly, that the Trustees of the Common School sections within the limits of which such separate school section or sections shall have been formed, shall not include the children attending such separate school or schools, in their return of children of school age residing in their school sections. 20 30 40

Manner of  
electing  
Trustees for  
the same.

And of appor-  
tioning  
school  
moneys.

Proviso as to  
certain  
returns.

XX. And be it enacted, That whenever the majority of the resident householders of the several school sections of any Township, at public meetings called by Trustees for that purpose, shall desire to abolish local school section divisions, and have all their schools conducted under one system and one management, like the schools in Cities and Towns, the Municipality of such Township shall have authority to comply with their request thus expressed, by passing a By-law to that effect; and all the Common Schools of such Township shall be managed by one Board of Trustees, one of whom shall be chosen in and for each ward of the Township, if the Township be divided into wards, and if not, then the whole number shall be chosen in and for the whole Township, and invested with the same powers, and subject to the same obligations, as are provided and required, in respect to Trustees in Cities and Towns, by the twenty-fourth section of this Act.

All the school sections in a Township under the management of one Board of Trustees.

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XXIV. And be it enacted, That the Board of School Trustees for each City and Town, shall be a corporation under the name of "The Board of School Trustees of the City (or Town) of \_\_\_\_\_ in the County of \_\_\_\_\_;" (the first meeting thereof may be called in the City or Town Council room by any Trustee), and it shall be the duty of such Board:

To be a Corporation.  
Duties of the Board.

*Firstly.*—To appoint annually or oftener, a Chairman, Secretary, Superintendent of Schools, and one or more Collectors of school rates, (if required); and to appoint the times and places of their meetings, and the mode of calling them,—of conducting and recording their proceedings,—and of keeping all their School accounts.

To appoint certain Officers, etc.

*Secondly.*—To take possession of all Common School property, and to accept and hold as a Corporation all property which may have been acquired or given for Common School purposes in such City or Town, by any title whatsoever; to manage or dispose of such property, and all moneys or income for Common School purposes, until the power hereby given shall be taken away or modified by law, and to apply the same, or the proceeds, to the objects for which they have been given or acquired.

To hold school property, etc.

*Thirdly.*—To do whatever they may judge expedient with regard to purchasing or renting school-sites and premises,—building, repairing, furnishing, warming and keeping in order the school-house or school-houses and its or their appendages, lands, enclosures and moveable property,—for procuring suitable apparatus and text-books,—and for the establishment and maintenance of a school library or school libraries.

To provide common school premises, text-books, etc.

*Fourthly.*—To determine the number, sites, kind and description of schools which shall be established and maintained in such City or Town,—the Teacher or Teachers who shall be employed,—the terms of employing them,—the amount of their remuneration, and the duties which they are to perform,—the salary of the Superintendent of Schools appointed by them, and his duties; and to adopt, at their discretion, such measures as they shall judge expedient, in concurrence with the Trustees of the County Grammar School, for uniting one or more of the Common Schools of the City or Town with such Grammar School.

To determine the number and kind of schools; employ Teachers, etc.

Supplying proper text-books, etc.

*Tenthly.*—To see that all the pupils in the schools are duly supplied with an uniform series of authorized text-books,—to appoint a Librarian, and take charge of the school library or libraries, whenever established.

Further duties.

*Eleventhly.*—To see that all the schools under their charge are conducted according to the regulations authorized by law; and, at the close of each year, to prepare and publish, in one or more of the public papers, or otherwise, for the information of the inhabitants of such City or Town, an annual report of their proceedings, and of the progress and state of the schools under their charge,—of the receipts and expenditure of all school moneys,—and to prepare and transmit annually, before the fifteenth of January, to the Chief Superintendent of Schools, a report, signed by a majority of the Trustees, and containing all the information required in the reports of Common School Trustees by the twelfth section of this Act, and any additional items of information which may be lawfully required, and made according to a form which shall be provided for that purpose by the Chief Superintendent of Schools.

Annual school reports, etc.

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Annual report to the Chief Superintendent.

Contents of such report.

SIXTHLY—CONSTITUTION AND DUTIES OF THE COUNTY BOARDS OF PUBLIC INSTRUCTION

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County Board of Public Instruction constituted.

XXVIII. And be it enacted, That the Board of Trustees for the County Grammar School and the Local Superintendent or Superintendents of Schools in each County, shall constitute a Board of Public Instruction for such County: Provided always, that where there is more than one Grammar School in a County, the County Council shall have authority to divide such County into as many Circuits as there are County Grammar Schools, and the Trustees of each County Grammar School and the Local Superintendent or Superintendents of Schools in each circuit, shall be a Board of Public Instruction for such circuit: Provided also, that at any lawful meeting of such Board, not less than three members, including a Local Superintendent of Schools, shall constitute a *quorum* for examining and giving certificates of qualification to Common School Teachers, and not less than five members shall constitute a *quorum* for the transaction of any other business: Provided likewise, that the incidental expenses connected with the meeting and proceedings of each County Board of Public Instruction, shall be provided for by the Municipal Council of such County.

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Quorum for the examination of Teachers: and for other purposes.

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Incidental expenses how defrayed.

Duties of each County Board.

XXIX. And be it enacted, That it shall be the duty of each County Board of Public Instruction—

To meet quarterly, etc.

*Firstly.*—To meet not less than four times a year,—to determine the time and places of its own meetings,—and the order of its proceedings, and the manner of recording them.

To examine and give certificates of qualification to Teachers.

*Secondly.*—To examine and give certificates of qualification to Teachers of Common Schools, arranging such Teachers into three classes according to their attainments and ability, as shall be prescribed in a programme of examination and instructions to be provided according to law; also, to annul any such

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- certificate as it shall judge expedient: Provided always, that no certificate of qualification shall be given to any person as a Teacher, who shall not furnish satisfactory proof of good moral character; nor to any person who shall not, at the time of applying for such certificate of qualification, be a natural-born or naturalized subject of Her Majesty, or who shall not produce a certificate of having taken the oath of allegiance to Her Majesty, before some one of Her Majesty's Justices of the Peace for the County in which he shall be a resident; and all Justices of the Peace are hereby authorized to administer such oath of allegiance: Provided also, that any such certificate of qualification shall be general, as regards the County, or limited as to time or place, at the pleasure of the majority of the members of the County Board of Public Instruction present at such examination: Provided likewise, that every such certificate shall have the signature of at least one Local Superintendent of Schools.
- Thirdly.*—To select (if deemed expedient) from a list of text-books recommended or authorized by the Council of Public Instruction, such books as they shall think best adapted for use in the Common Schools of such County or Circuit, and to ascertain and recommend the best facilities for procuring such books.
- Fourthly.*—To adopt all such lawful means in their power as they shall judge expedient, to advance the interests and usefulness of Common Schools, to promote the establishment of School Libraries, and to diffuse useful knowledge in such County or Circuit.
- XXXI. And be it enacted, That it shall be the duty of each Local Superintendent of Schools—
- First.*—As soon as he shall have received from the County Clerk a notification of the amount of money apportioned to the Township or Townships within the limits of his charge, to apportion the same among the several School sections entitled to receive it, (unless otherwise instructed by the Chief Superintendent of Schools) according to the rates of the average attendance of pupils attending each Common School, (the mean attendance of pupils for both summer and winter being taken) as compared with the whole average number of pupils attending the Common Schools of such Township.
- Secondly.*—To give to any qualified Teacher, and to no other, on the order of the Trustees of any School section, a Check upon the County Treasurer or sub-Treasurer, for any sum or sums of money apportioned and due to such section; Provided always, that he shall not pay any such order of the Trustees of any Schools section, from whom no satisfactory annual school report shall have been received for the year ending the last day of December preceding; nor unless it shall appear by such report, that a School has been kept by a qualified Teacher in such section, for at least six months during the year ending at the date of such report; Provided also, that the foregoing condition shall not apply to the order or orders of Trustees in any new School section, for money apportioned and due to such section.
- Proviso.
- Proviso: certificate may be general or limited.
- Proviso: must be signed.
- To select text-books, etc.
- To provide for a County School library; and promote interests of schools.
- Duties.
- To distribute the common school fund.
- To give checks to Teachers for school moneys.
- Conditions.
- Conditions not to apply to new school sections.

To visit each school.

Duties at such visitations.

To deliver public lectures.

Topics.

Other duties.

To enforce the law.

To recommend the use of text-books, etc.

To attend the meetings of the County Board of Instruction, etc.

To attend arbitrations.

To decide other questions.

Or refer them to the Chief Superintendent.

Proviso: for appeal.

To suspend certificates of qualification in certain cases

Effect of such cancelling.

To observe all lawful regulations, etc., give information to Chief Superintendent, and accounts, etc., to auditors.

*Thirdly.*—To visit each Common School within his jurisdiction, at least once in each quarter; and at the time of each such visit, to examine into the state and condition of the School, as respects the progress of the pupils in learning,—the order and discipline observed,—the system of instruction pursued,—the mode of keeping the School Registers,—the average attendance of pupils,—the character and condition of the building and premises,—and to give such advice as he shall judge proper.

*Fourthly.*—To deliver in each school section, at least once a year, a public lecture on some subject connected with the objects, principles and means of practical education; and to do all in his power to persuade and animate Parents, Guardians, Trustees and Teachers, to improve the character and efficiency of the Common Schools, and secure the universal and sound education of the young. 10

*Fifthly.*—To see that all the schools are managed and conducted according to law,—to prevent the use of unauthorized, and to recommend the use of authorized books in each school,—to acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantages of using them.

*Sixthly.*—To attend the meetings of the County Board of Public Instruction,—to meet and confer with the Chief Superintendent of Schools at such time and place as he may appoint when making an official visit to such County, for the promotion of the interests of Education. 20

*Seventhly.*—To attend the Arbitrations, and to meet the Town reeves as provided for in the twelfth and eighteenth sections of this Act,—to decide upon any other questions of difference which may arise between interested parties under the operation of this or any preceding Act, and which may be submitted to him; Provided always, that he may, if he shall deem it advisable, refer any such question to the Chief Superintendent of Schools: Provided also, that any aggrieved or dissatisfied party, in any case not otherwise provided for by this Act, shall have the right of appeal to the Chief Superintendent of Schools. 30

*Eighthly.*—To suspend the certificate of qualification of any Teacher, for any cause which shall appear to him to require it, until the next ensuing meeting of the County Board of Public Instruction, where the case shall be disposed of in such manner as a majority of the members present shall think proper: Provided always, that due notice shall be given to the Teacher suspended, of such meeting of the County Board: Provided also, that the cancelling or suspension of a Teacher's certificate of qualification shall release his School Trustees from any obligation to continue him in their employment.

*Ninthly.*—To act in accordance with the regulations and instructions which shall be provided according to law,—to give any information in his power (when desired) to the Chief Superintendent of Schools respecting any Common School matter within his jurisdiction,—to furnish the County Auditors, when required, with the Trustees' orders as the authority for his Checks upon the County or Sub-Treasurer for School moneys,—to deliver copies of his official correspondence, and all school papers in his custody, to the order of the County Council on retiring from office. 40

*Tenthly.*—To prepare and transmit to the Chief Superintendent of Schools, on or before the first day of March, an annual report, which shall be in such form as shall be provided by the said Chief Superintendent, and which shall state:

To transmit an annual school report

1st.—The whole number of Schools and School sections or parts of sections in each Township within his jurisdiction.

Contents of such report.

2nd.—The number of pupils taught in each school over the age of five and under the age of sixteen,—the number between the ages of sixteen and twenty-one years,—the whole number of children residing in each section, or part of a section, over the age of five and under the age of sixteen years.

Number of schools and of children of school age, etc.

3rd.—The length of time a school shall have been kept in each of such sections or parts of sections, by a qualified Teacher,—the branches taught,—the number of pupils in each branch, and the books used,—the average attendance of pupils, both male and female, in summer and in winter.

Time of keeping the schools open; branches taught. Books used, etc.

4th.—The amount of moneys which have been received and collected in each section or part of section—distinguishing the amount apportioned by the Chief Superintendent of Schools, the amount received from County Assessment, the amount raised by Trustees, and the amount from any other and what source or sources; also how such moneys have been expended, or whether any part remains unexpended, and from what causes; the annual salary of Teachers, male and female, with and without board.

The amount of moneys received and expended, etc.

5th.—The number of his and other School visits during the year,—the number of school lectures delivered,—the whole number of school-houses, their sizes, character, furniture and appendages, the number rented, the number erected during the year, and of what character, and by what means.

The number of school visits and lectures.

Of school houses, etc.

6th.—The number of qualified Teachers,—their standing, sex, and religious persuasion,—the number, so far as he may be able to ascertain, of private Schools,—the number of pupils and subjects taught therein,—the number of Libraries, their extent, how established and supported; also, any other information which he may possess respecting the educational state, wants and advantages in each Township of his charge, and any suggestions which he shall think proper to make with a view to the improvement of Schools and diffusion of useful knowledge.

Of Teachers, etc.

Of private schools, libraries, etc.

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XXXV. And be it enacted, That it shall be the duty of the Chief Superintendent of Schools—

Duties.

*Firstly.*—To apportion, annually, on or before the first day of May, all moneys granted or provided by the Legislature for the support of Common Schools in Upper Canada, and not otherwise appropriated by this Act, to the several Counties, Townships, Cities, Towns and incorporated Villages therein, according to the ratio of population in each, as compared with the whole population of Upper Canada; or when the census or returns upon which such an apportionment is to be made, shall be so far defective, in respect to any County, Township, City, Town or Village, as to render it impracticable for the Chief Superintendent to ascertain from such data the share of school

To apportion all moneys granted for the support of common schools.



moneys which ought then to be apportioned to such County, Township, City, Town or Village, he shall ascertain, by the best evidence in his power, the facts upon which the ratio of such apportionment can be most fairly and equitably made, and make it accordingly.

To certify such apportionment to the Inspector General, etc.

*Secondly.*—To certify such apportionment made by him, to the Inspector-General, so far as it relates to the several Counties, Cities, Towns and incorporated Villages in Upper Canada, and to give immediate notice thereof to the Clerk of each County, City, Town and Village interested therein, stating the time when the amount of moneys thus apportioned will be payable to the Treasurer of such County, City, Town or Village.

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To prepare forms, etc. and transmit them to local Officers.

*Thirdly.*—To prepare suitable forms, and to give such instructions as he shall judge necessary and proper, for making all reports, and conducting all proceedings under this Act, and to cause the same with such general regulations, as shall be approved of by the Council of Public Instruction, for the better organization and government of Common Schools, to be transmitted to the officers required to execute the provisions of this Act.

To cause copies of school law, regulations, etc., to be distributed.

*Fourthly.*—To cause to be printed from time to time, in a convenient form, so many copies of this Act, with the necessary forms, instructions, and regulations to be observed in executing its provisions, as he may deem sufficient for the information of all officers of Common Schools, and to cause the same to be distributed for that purpose.

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To see that school moneys are duly applied.

*Fifthly.*—To see that all moneys apportioned by him, be applied to the objects for which they were granted; and for that purpose, to decide upon all matters and complaints submitted to him (and not otherwise provided for by this Act) which involve the expenditure of any part of the School Fund; and to direct the application of such balances of the School Fund as may have been apportioned for any year and forfeited according to the provisions of this Act: Provided always, that such balance of the School Fund shall be expended in making up the salaries of Teachers in the County to which they shall have been apportioned.

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Disposal of balances of such moneys, etc., in certain cases.

To appoint a Deputy and Special Inspectors.

*Sixthly.*—To appoint one of his Clerks as his Deputy, to perform the duties of his office in case of his absence; and to appoint one or more persons, as he shall, from time to time, deem necessary, to inspect any school, or examine into any school matter, in the County where such person or persons reside, and report to him: Provided, that no allowance or compensation shall be made to such special inspector or inspectors for any service or services performed by him or them.

Duties as to the Normal school: and text-books.

*Seventhly.*—To take the general Superintendence of the Normal School; and to use his best endeavours to provide for and recommend the use of uniform and approved text-books in the Schools generally.

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School libraries..

*Eighthly.*—To employ all lawful means in his power to procure and promote the establishment of School Libraries for general reading, in the several Counties, Townships, Cities, Towns and Villages,—to provide and recommend the adoption of suitable plans of School-houses, with the proper furniture and appendages,—and to collect and diffuse useful information on the subject of education generally, among the people of Upper Canada.

Plans of school houses, etc.

*Ninthly.*—To submit to the Council of Public Instruction, all books or manuscripts which may be placed in his hands with the view of obtaining the recommendation or sanction of such Council, for their introduction as text-books or library books,—and to prepare and lay before the Council of Public Instruction, for its consideration, such general regulations for the organization and government of Common Schools, and the management of School Libraries, as he shall deem necessary and proper.

To submit books, manuscripts, etc.; for approval.

To prepare general regulations, etc.

10 *Tenthly.*—To apportion whatever sum or sums of money shall be provided by the Legislature for the establishment and support of School Libraries; Provided also, that no aid shall be given towards the establishment or support of any School Library unless an equal amount be contributed and expended from local sources for the same object.

To apportion moneys for school libraries.

Proviso: condition of such apportionment.

*Eleventhly.*—To appoint proper persons to conduct County Teachers' Institutes, and to furnish such rules and instructions as he shall judge advisable in regard to the proceedings of such Institutes, and the best means of promoting their objects, in elevating the profession of school teaching and increasing its usefulness.

To appoint persons to conduct Teachers' Institutes, etc.

20 *Twelfthly.*—To be responsible for all moneys paid through him in behalf of the Normal and Model Schools, and to give such security for the same as shall be required by the Governor,—and to prepare and transmit all correspondence which shall be directed or authorized by the Council of Public Instruction for Upper Canada.

To account for moneys, etc.

*Thirteenthly.*—To make annually to the Governor, on or before the first day of July, a report of the actual state of the Normal, Model and Common Schools throughout Upper Canada, showing the amount of moneys expended in connexion with each, and from what sources derived, with such statements and suggestions for improving the Common Schools and the Common School laws, and promoting education generally, as he shall deem useful and expedient.

To report annually to the Governor.

30 TENTHLY.—CONSTITUTION AND DUTIES OF THE COUNCIL OF PUBLIC INSTRUCTION.

XXXVI. And be it enacted, That the Governor shall have authority to appoint not more than nine persons (of whom the Chief Superintendent of Schools shall be one) to be a Council of Public Instruction for Upper Canada, who shall hold their office during pleasure, and shall be subject from time to time to all lawful orders and directions in the exercise of their duties, which shall from time to time be issued by the Governor.

Council of Public Instruction for U. C.

Of whom to consist.

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XXXVIII. And be it enacted, That it shall be the duty of the said Council of Public Instruction, (three members of which, at any lawful meeting, shall form a quorum for the transaction of business)—

Duties of the Council.

40 *First.*—To appoint a Chairman, and establish the times of its meetings, and the mode of its proceedings; which Chairman shall be entitled to a second or casting vote in cases of an equality of votes on any question.

To regulate its own proceedings.

To provide for permanent establishment and efficiency of Normal school.

*Secondly.*—To adopt all needful measures for the permanent establishment and efficiency of the Normal School for Upper Canada, 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 make rules for the Normal school; prescribe terms of admission, etc.

*Thirdly.*—To make from time to time the rules and regulations necessary for the management and government of such Normal School,—to prescribe the terms and conditions on which students shall be received and instructed therein,—to select the location of such school, and erect or procure and furnish the buildings therefor,—to determine the number and compensation of teachers, and all others who may be employed therein; and to do all lawful things which such Council shall deem expedient to promote the objects and interests of such school. 10

To appoint Teachers, etc.

To make regulations for the government of common schools.

*Fourthly.*—To make such regulations from time to time as it shall deem expedient for the organization, government and discipline of Common Schools,—the classification of Schools and Teachers, and for School Libraries throughout Upper Canada.

To examine and recommend books.

*Fifthly.*—To examine, and at its discretion, recommend or disapprove of text-books for the use of schools, or books for School Libraries: Provided always, that no portion of the Legislative School Grant shall be applied in aid of any school in which any book is used that has been disapproved of by the Council, and public notice given of such disapproval. 20

Proviso.

To account annually Grant for the Normal school.

*Sixthly.*—To transmit annually, through the Chief Superintendent of Schools, to the Governor, to be laid before the Legislature, a true account of the receipt and expenditure of all moneys granted for the establishment and support of the Normal School.

### ELEVENTHLY.—MISCELLANEOUS PROVISIONS.

Grant for the Normal school.

XXXIX. And be it enacted, That a sum not exceeding Fifteen Hundred Pounds per annum shall be allowed out of the Legislative School Grant for the salaries of officers and other contingent expenses of the Normal School; and that a sum not exceeding one thousand pounds per annum be allowed out of the said grant to facilitate the attendance of Teachers in training at the Normal School, under such regulations as shall from time to time be adopted by the Council of Public Instruction. 30

And to facilitate the attendance of Teachers.

Common school funds constituted.

Conditions of apportionment.

XL. And be it enacted, That the sum of money apportioned annually by the Chief Superintendent of Schools to each County, Township, City, Town or Village, and at least an equal sum raised annually by local assessment, shall constitute the Common School Fund of such County, Township, City, Town or Village, and shall be expended for no other purpose than that of paying the salaries of qualified Teachers of Common Schools: Provided always, that no County, City, Town or Village shall be entitled to a share of the Legislative School Grant without raising by assessment a sum at least equal (clear of all charges for collection) to the share of the said School Grant apportioned to it; and provided also, that should the Municipal Corporation of any County, City, Town or Village, raise in any one year a less sum than that apportioned 40

to it out of the Legislative School Grant, the Chief Superintendent of Schools shall deduct a sum equal to the deficiency, from the apportionment to such County, City, Town or Village in the following year.

XLI. And be it enacted, That it may and shall be lawful for the Governor in Council, to authorize the expenditure annually, out of the share of the Legislative School Grant coming to Upper Canada, of a sum not exceeding three thousand pounds, for the establishment and support of School Libraries, under such regulations as are provided for by this Act; of a sum not exceeding twenty-five pounds in any County or Riding for the encouragement of a  
 10 Teacher's Institute, under the regulations hereinbefore provided; and of a sum not exceeding two hundred pounds in any one year to procure plans and publications for the improvement of School Architecture and practical Science in connexion with the Common Schools: Provided always, that the amount heretofore apportioned in aid of common schools to the several Counties, Cities, Towns and Villages in Upper Canada, shall not be lessened by the appropriation of such sums, but they shall be taken out of any additional amount awarded to Upper Canada, out of the said Grant, in consideration of the increase of its population in proportion to that of the whole Province.

Certain sums to be expended for school libraries, etc.

Proviso: the amount heretofore apportioned in aid of common schools, not to be lessened.

\* \* \* \*

XLIV. And be it enacted, That it may and shall be lawful for the Chief  
 20 Superintendent of Schools, on the recommendation of the Teachers in the Normal School, to give to any Teacher of Common Schools a certificate of qualification which shall be valid in any part of Upper Canada, until revoked according to Law; Provided always, that no such certificate shall be given to any person who shall not have been a student in the Normal School; Provided always, that if any Secretary-Treasurer appointed by the School Trustees of any school division, or any person having been such Secretary-Treasurer, and having in his possession any books, papers, chattels, or moneys, which shall have come into his possession, as such Secretary-Treasurer, shall wrongfully withhold or refuse to deliver up, or to account for and pay over the same or  
 30 any part thereof to such person, and in such manner as he may have been lawfully directed by any majority of the School Trustees for such School division then in office, such withholding or refusal shall be a misdemeanor; and upon the application of the majority of such Trustees, supported by affidavit of such wrongful withholding or refusal made by them before some Justice of the Peace, to the Judge of the County Court, such Judge shall thereupon make an order that such Secretary-Treasurer or person having been such, do appear before such Judge at a time and place to be appointed in such order, which shall, by a Bailiff of any Division Court, be personally served on the party complained against, or left with a grown-up person at his  
 40 residence, and at the time and place so appointed, the Judge being satisfied that such service has been made, shall, in a summary manner, and whether the party complained of do or do not appear, hear the complaint; and if he shall be of opinion that the complaint is well founded, he shall order the party complained of to deliver up, account for and pay over the books, papers, chattels or moneys as aforesaid by a certain day to be named by the Judge

Certificates of qualification for U.C. may be granted to Teachers under certain circumstances.

Proviso.

Proviso: Proceedings if any Secretary-Treasurer shall wrongfully hold over money, chattels, etc.

in such order, together with reasonable costs incurred in making such application, as the Judge may tax, and in the event of a non-compliance with the terms specified in the said order or any or either of them, then to order the said party to be forthwith arrested by the Sheriff of any County in which such party shall be found, and be by him committed to the Common Gaol of his County, there to remain without bail or mainprize until such Judge shall be satisfied that such party has delivered up, accounted for or paid over the books, papers, chattels or moneys in question in the manner directed by the majority of the Trustees as aforesaid, upon proof of his having done which, such Judge shall make an order for his discharge, and he shall be discharged 10  
 Proviso. accordingly; Provided always, that no proceeding under this proviso shall be construed to impair or affect any other remedy which the said Trustees may have against such Secretary-Treasurer, or person having been such, or his sureties.

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No. 16

Statutes of Canada, 1850, 12 Vict.

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CHAPTER 200

*An Act to Raise an Income of One Hundred Thousand Pounds out of the Public Lands of Canada, for Common School Education.*

30th May, 1849—Presented for Her Majesty's Assent, and Reserved 20  
 for the signification of Her Majesty's pleasure thereon.

9th March, 1850—Sanctioned by Her Majesty in Council.

27th May, 1850—Her Majesty's Assent communicated by Message from His Excellency the Governor-General to the Honourable the Legislative Council and Legislative Assembly, in Session.

Preamble. WHEREAS it is desirable that an annual sum of one hundred thousand pounds should be raised from the Public Lands of this Province, for the maintenance and support of Common Schools therein, and that so much of the first moneys to be raised by the sale of such lands as shall be sufficient to create a Capital which shall produce the said annual sum of one hundred thousand 30  
 pounds at the rate of six per cent. per annum, should be set apart for that purpose: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the

United Kingdom of Great Britain and Ireland, and intituled, An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, That all moneys that shall arise from the sale of any of the Public Lands of the Province, shall be set apart for the purpose of creating a capital which shall be sufficient to produce a clear sum of one hundred thousand pounds per. annum, which said Capital and the Income to be derived therefrom shall form a Public Fund to be called the Common School Fund.

All moneys arising from the sale of any Public Lands appropriated to form a School Fund, until they amount to a certain sum.

10 II. And be it enacted, that the Capital of the said Fund shall from time to time be invested in the Debentures of any Public Company or Companies in the Province, which may have been incorporated by an Act of the Legislature, for the construction of works of a public nature, and which said Company or Companies shall have subscribed their whole capital stock, paid up one half of such stock and completed one half of such work or works, or in the Public Debentures of this Province, for the purpose of creating such annual income; which said Fund and the Income thereof shall not be alienated for any other purpose whatever, but shall be and remain a perpetual fund for the support of Common Schools, and the establishment of Township and Parish Libraries.

How such moneys shall be invested.

Stock of Public Companies.

Provincial Debentures.

To what purposes only such moneys shall be applied.

20 III. And be it enacted, That the Commissioner of Crown Lands under the direction of the Governor in Council, shall set apart and appropriate one million of acres of such Public Lands, in such part or parts of the Province as he may deem expedient, and dispose thereof on such terms and conditions as may by the Governor in Council be approved, and the money arising from the sale thereof shall be invested and applied towards creating the said Common School Fund: Provided always, that before any appropriation of the moneys arising from the sale of such Lands shall be made, all charges thereon for the management or sale thereof, together with all Indian annuities charged upon and payable thereout, shall be first paid and satisfied.

One Million of Acres to be set apart for the purposes of forming the said Fund.

Proviso: certain charges to be first paid.

30 IV. And be it enacted, That so soon as a net Annual Income of fifty thousand pounds shall be realized from the said School Fund, the Public grant of money paid out of the Provincial Revenue for Common Schools, shall for ever cease to be made a charge on such revenue: Provided always nevertheless, that in the mean time the interest arising from the said School Fund so to be created as aforesaid, shall be annually paid over to the Receiver General, and applied towards the payment of the yearly grant of fifty thousand pounds now appropriated for the support of the Common Schools: Provided further, that after the said annual sum of fifty thousand pounds shall have been taken off the Consolidated Revenue, if the income arising from the said School Fund shall from any cause whatever fall short of the annual sum of fifty thousand 40 pounds then it shall and may be lawful for the Receiver General of the Province to pay out of the said Consolidated Revenue, such sum or sums of money as may from time to time be required to make up such deficiency, the same to be repaid so soon as the said Income of the said School Fund shall exceed the sum of fifty thousand pounds.

Present annual grant for Schools to cease when the said Fund shall produce £50,000 a year.

Proviso: In the meantime the Income of the said Fund to be applied towards paying the said Annual Grant.

Proviso: if the said Fund produce less than £50,000 in any year, the deficiency shall be made up, *pro tempore*.

## No. 17

## Statutes of Canada, 1853, 16 Vic.

## CHAPTER 185

*An Act supplementary to the Common School Act for Upper Canada.*

[Assented to 14th June, 1853.]

Preamble.

13 & 14 V.,  
c. 48.Boards of  
School Trustees  
in Cities,  
&c., to have  
the powers  
of Trustees  
of School Sections.

WHEREAS it is expedient to make some further provision for the improvement of Common Schools in Upper Canada, and to modify and extend some of the provisions of the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered forty-eight, and intituled, *An Act for the better establishment and maintenance of Common Schools in Upper Canada*, hereinafter called "the Upper Canada School Act of 1850"; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Board of School Trustees in each City, Town and incorporated Village, shall, in addition to the powers with which they are now legally invested, possess and exercise, as far as they shall judge expedient, in regard to each such City, Town and incorporated Village, all the powers with which the Trustees of each School Section are or may be invested by law in regard to each such School Section: 10 20

\* \* \* \*

Persons  
sending their  
children to  
separate  
Schools, or  
subscribing  
an amount  
thereto  
equal to  
what they  
would otherwise  
have to  
pay for  
Common  
Schools, ex-  
empted from  
payment of  
rates im-  
posed for  
Common  
Schools.

IV. And be it enacted, That in all Cities, Towns and incorporated Villages and School Sections, in which separate Schools do or shall exist according to the provisions of the Common School Acts of Upper Canada, persons of the religious persuasion of each such separate School, sending children to it, or supporting such School by subscribing thereto annually an amount equal to the sum which each such person would be liable to pay (if such separate School did not exist) on any assessment to obtain the annual Common School Grant for each such City, Town, Incorporated Village or Township, shall be exempted from the payment of all Rates imposed for the support of the common public Schools of each such City, Town, incorporated Village or School Section, and of all rates imposed for the purpose of obtaining the Legislative Common School Grant for such City, Town, incorporated 30

- Village or Township; and each such separate School shall share in such Legislative Common School Grant only (and not in any School money raised by Local Municipal Assessment) according to the average attendance of pupils attending each such separate School, (the mean attendance of pupils for winter and summer being taken) as compared with the whole average attendance of pupils attending the Common Schools in each such City, Town, incorporated Village or Township; and a Certificate of qualification, signed by the majority of the Trustees of such separate School, shall be sufficient for any Teacher of such School: Provided always, firstly, that the exemption from the payment
- 10 of such School Rates, as herein provided, shall not extend beyond the period of such persons sending children to or subscribing as aforesaid for the support of such separate School; nor shall such exemption extend to School rates or taxes imposed or to be imposed to pay for School Houses, the erection of which was undertaken or entered into before the establishment of such separate School; Provided secondly, that the Trustees of each such separate School shall, on or before the thirtieth day of June, and thirty-first day of December of each year, transmit to the local Superintendent, a correct return of the names of all persons of the religious persuasion of such separate School, who shall have sent children to or subscribed as aforesaid for the support of such separate
- 20 School during the six months previous, and the names of the children sent, and amounts subscribed by them respectively, together with the average attendance of pupils in such separate School during such period; And the Superintendent shall forthwith make a return to the Clerk of the Municipality and to the Trustees of the School Section or Municipality in which such separate School is established, stating the names of all the persons who being members of the same religious denomination contribute or send children to such separate School, and the Clerk shall not include in the Collector's Roll for the general or other School Rate, and the Trustees or Board of Trustees shall not include in their School Rolls, except for any rate for the building
- 30 of School Houses undertaken before the establishing of such separate School as herein mentioned, the name of any such person as appears upon such return then last received from the said Superintendent: And the Clerk or other Officer of the Municipality within which such separate School is established, having possession of the Assessor's or Collector's Roll of the said Municipality, is hereby required to allow any one of the said Trustees, or their authorized Collector, to make a copy of such Roll as far as it shall relate to their School Section; Provided thirdly, that the provisions of the thirteenth section of the said upper Canada School Act of 1850, shall apply to the Trustees and Teachers of separate Schools, the same as to Trustees and Teachers of other
- 40 Common Schools: Provided fourthly, that the Trustees of each such separate School shall be a corporation and shall have the same power to impose, levy and collect School Rates or subscriptions upon and from persons sending children to or subscribing towards the support of such separate School, as the Trustees of a School Section have to impose, levy and collect School Rates or subscriptions from persons having property in such Section or sending children to or subscribing towards the support of the Common School of such section: Provided fifthly, that the foregoing provisions in this clause shall take effect from the first day of January, one thousand eight hundred
- Separate Schools to share in Legislative Grant only, and in what proportion.
- Qualification of Teachers.
- Proviso:
- Exemption from School rates limited.
- Proviso:
- Returns from separate Schools.
- Superintendent to return the names of persons sending children, &c., to separate School; and for what purpose such return shall be used.
- Trustees of separate School may take copies.
- Proviso: Sect. 13 of 13 & 14 V. c. 48 to apply.
- Proviso: Trustees of separate Schools may levy Rates.
- Proviso: from what time this Sect. shall have effect.



and fifty-three, and shall extend to the separate Schools established or intended to be established under the provisions of the Upper Canada Common Schools Acts: Provided sixthly, that no person belonging to the religious persuasion of such separate School, and sending a child or children thereto or subscribing towards the support thereof, shall be allowed to vote at the Election of any Trustee for a public Common School in the City, Town, incorporated Village or School Section within the limits of which such separate School shall be situate.

Proviso: as to voting at Elections of Trustees.

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VIII. And be it enacted, That the Trustees of each School Section shall have authority to take such steps as they may judge expedient to unite their School with any public Grammar School, which shall be situate within or adjacent to the limits of their School Section. 10

Uniting Common Schools with Grammar Schools.

\* \* \* \*

XVIII. And be it enacted, That for and notwithstanding any thing contained in the Upper Canada School Act of 1850, the Chief Superintendent of Schools shall have authority to direct the distribution of the Common School Fund of any Township, among the several School Sections and parts of Sections entitled to share in the said Fund, according to the length of time in each year, during which a School shall have been kept open by a legally qualified Teacher in each of such Sections or parts of Sections.

Chief Superintendent may apportion

School moneys according to time Schools have been kept open.

\* \* \* \*

XXIII. And be it enacted, That whatever additional sum or sums of money may be payable to Upper Canada out of the Legislative School Grant, or may be granted during the present session of this Parliament for Common School purposes in Upper Canada, shall be expended in the following manner: Firstly, a sum of not less than Four Thousand Pounds shall be apportioned and expended for the support of Common Schools, as provided in the thirty-fifth Section of the Upper Canada School Act of 1850: Provided always, that not more than Five Hundred Pounds of the said sum may be expended in special aid of Common Schools in new and poor townships; Secondly, a sum not exceeding One Thousand Pounds per annum shall be expended in further support of the Normal and Model Schools for Upper Canada, and in supplying a copy of the Journal of Education to each School Corporation and each local Superintendent of Schools in Upper Canada: Provided always, that not more than Four Hundred and Fifty Pounds of the said sum shall be expended in the circulation of the Journal of Education; and the balance of such sum shall be expended as provided for in the thirty-eighth Section of the Upper Canada School Act of 1850; Thirdly, a sum not exceeding Five Hundred Pounds per annum may be expended by the Chief Superintendent of Schools in the purchase, from time to time, of Books, Publications, Specimens, Models and 20 30

How any additional sum of money for C. Schools in U. C. shall be apportioned.

Support of C. Schools. Proviso.

Normal and Model Schools and Journal of Education.

Proviso

Books, &c., for a Canadian Library and Museum.

Objects, suitable for a Canadian Library and Museum, to be kept in the Normal School Buildings, and to consist of Books, Publications and Objects, relating to Education and other departments of Science and Literature, and Specimens, Models and Objects illustrating the Physical Resources and Artificial Productions of Canada, especially in reference to Mineralogy, Zoology, Agriculture and Manufactures; Fourthly, a sum not exceeding Five Hundred Pounds per annum, shall be applied towards forming a fund for the support of superannuated or worn out Common School Teachers in Upper Canada, under such regulations as may be adopted, from time to time, by the

10 Council of Public Instruction, and approved of by the Governor in Council: Provided always, that no Teacher shall be entitled to share in the said fund who shall not contribute to such fund at least at the rate of One Pound per annum, for the period of his teaching School, or receiving aid from such fund, and who shall not furnish satisfactory proof to the Council of Public Instruction, of inability, from age or loss of health in teaching, to pursue that profession any longer: Provided also, that no allowance to any superannuated or worn out Teacher shall exceed the rate of One Pound Ten Shillings for each year that such Teacher shall have taught a Common School in Upper Canada.

Worn out  
Teachers'  
Fund.

Proviso:  
Who shall  
share in such  
Fund.

Proviso.

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No. 18

20

Statutes of Canada, 1853, 16 Vic.

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CHAPTER 186

*An Act to amend the Law relating to Grammar Schools in Upper Canada.*

[Assented to 14th June, 1853.]

WHEREAS it is expedient to make further provision for the better establishment and maintenance of Grammar Schools in the several Counties and Cities in Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all moneys arising from the sale of lands set apart or which may hereafter be set apart for the encouragement of Grammar Schools in Upper Canada, and which shall not have been specially granted to or vested in or for the benefit of any

Preamble.

Grammar  
School Fund  
how to be  
constituted.

particular College, Grammar School, or other Seminary or place of Education, or otherwise departed with by the Crown, and all annual grants which have been or may hereafter be made by Parliament, or which may be or become otherwise available from any other sources for that purpose, shall form a fund to be called *The Upper Canada Grammar School Fund*, and shall be invested in Government or other securities by the direction of the Governor in Council; and the annual income thereof, after the deduction therefrom of One Hundred Pounds yearly for a Senior Grammar School for each County or Union of Counties in Upper Canada, and certain other sums of money otherwise specially appropriated by this Act, shall be, with the said sum of One Hundred Pounds for each such Senior Grammar School as aforesaid, annually apportioned to the several Counties and Unions of Counties in Upper Canada, by the Chief Superintendent of Schools, according to the ratio of population in each County and Union of Counties as compared with the population of Upper Canada; or if he shall think it expedient in case of a defective census, he shall, with the approbation of the Governor in Council, apportion such moneys according to the best evidence which he can obtain of the relative proportions of such population, having respect to an equitable apportionment thereof according to the said ratio of population: Provided always, that when the Senior County Grammar School of any County or Union of Counties is situate within the limits of any City, the said sum of One Hundred Pounds a year shall be paid to such School, although the same may continue within the limits of such City.

Annual income to be apportioned annually among the Counties and Unions of Counties in U.C.

Proviso: When the Senior Grammar School is in a City.

Municipal Councils may levy assessments for supporting Grammar Schools, and their appendages.

Sums so collected to whom to be paid over.

II. And be it enacted, That it may and shall be lawful for the Municipal Council of each County, City, Township, Town or incorporated Village from time to time, to levy and collect by assessment such sum or sums as it shall judge expedient, to purchase the site or sites of, to rent, build, repair, furnish, warm and keep in order a Grammar School House or Grammar School Houses, and its or their appendages, grounds and enclosures, for procuring apparatus and text-books, for providing the salary of the Teacher or Teachers, and all other necessary expenses of such County Grammar School or Schools; and all sums so collected shall be paid over to the Treasurer of the County Grammar School for which the said assessment was made.

\* \* \* \*

Apportionment to be expended solely in paying Teachers.

IV. And be it enacted, That the sum or sums of money annually apportioned to each County, as provided in the first section of this Act, shall be expended in the payment of the salaries of Teachers, and for no other purpose.

Certain subjects to be taught in each Grammar School.

V. And be it enacted, That in each County Grammar School provision shall be made for giving instruction, by a Teacher or Teachers of competent ability and good morals, in all the higher branches of a practical English and Commercial Education including the Elements of Natural Philosophy and Mechanics, and also in the Latin and Greek Languages and Mathematics so far as to prepare students for University College or any College affiliated to the University of Toronto, according to a programme of studies and general

rules and regulations to be prescribed by the Council of Public Instruction for Upper Canada, and approved by the Governor in Council: Provided always, that no Grammar School shall be entitled to receive any part of the Grammar School Fund, which shall not be conducted according to such programme, rules and regulations.

Proviso.

VI. And be it enacted, That the Council of Public Instruction for Upper Canada, (of which the President of University College and the President or other Head of each of the Colleges in Upper Canada affiliated to the University of Toronto, shall be Members for the purposes of this Act,) shall prepare and prescribe a list of text-books, programme of studies, and general rules and regulations for the organization and government of the County Grammar Schools, to be approved by the Governor in Council.

Council of Public Instruction to select Books and prepare a programme of studies.

VII. And be it enacted, That it shall be the duty of the Chief Superintendent of Schools, to make annually to the Governor on or before the first day of July, a report of the actual state of the Grammar Schools throughout Upper Canada, showing the amount of moneys expended in connection with each and from what sources derived, with such suggestions for their improvement as he shall deem useful and expedient,—to see that the County Grammar School Fund apportioned by him, is, in all cases, applied to the purposes hereinbefore prescribed, and that each County Grammar School is conducted according to the rules and regulations provided according to law, and to prepare suitable forms, and to give such instructions as he shall judge necessary and proper for making all reports and conducting all proceedings under this Act, and to cause the same, with a sufficient number of copies of this Act and such general rules and regulations as shall be approved of as aforesaid for the better organization and government of Grammar Schools, to be printed in a convenient form and transmitted to the parties required to execute the provisions of this Act.

Duties of the Chief Superintendent with regard to Grammar Schools.

\* \* \* \*

IX. And be it enacted, That the several Grammar School Trustees for each County and Union of Counties in Upper Canada, shall meet together on the first Wednesday in January next after the passing of this Act, and select from amongst themselves three Trustees, (one of whom shall retire annually from the said Board, on the thirty-first day of January in each year,) for each of the Grammar Schools within such County or Union of Counties, who, with three other Trustees for each such School, to be chosen as hereinafter provided by the Municipal Council of the County or Union of Counties, shall compose the Board of Trustees (consisting of six members, three of whom shall constitute a *quorum*) for each such Grammar School, and the order in which the persons so selected by the said Trustees shall retire from the said Board shall be decided by lot:

Present Boards of Trustees to appoint three Trustees, who, with three to be appointed by the County Council, shall form the new Board of Trustees.

Quorum

XI. And be it enacted, That the Board of Trustees of each County Grammar School shall be and is hereby declared to be a Corporation, and to have and possess all the powers which are usually enjoyed by Corporations so far as the same are necessary for carrying out the purposes of this Act;

Boards of Trustees incorporated.

Duties of  
such  
Boards.

they shall meet at or near the place where each such School is held, on the first Wednesday in February in each and every year, and it shall be the duty of such Trustees:

Causing  
Rate Bills to  
be levied.

*Thirdly.* To settle the amount to be paid by parents and guardians for each pupil attending such School, and to fix the time or times of payment, and to apply the moneys received therefor as they shall judge expedient towards making up the salaries of Teachers, providing the proper apparatus, maps, text books and registers, and for any other necessary expenses of such School; and they shall have authority to sue for and recover such amounts, and when collected the same shall be paid over to the Treasurer of the said Board of Trustees. 10

Uniting  
Grammar  
Schools with  
Common  
Schools.

*Fourthly.* To employ such means as they may judge expedient, in concurrence with the Trustees of the School Section or the Board of Common School Trustees in the Township, Village, Town or City in which such Grammar School may be situate, for uniting one or more of the Common Schools of such Township, Village, Town or City, or departments of them, with such Grammar School; Provided always, that no such union shall take place without ample provision being made for giving instruction to the pupils in the elementary English branches, by a duly qualified English Teacher or Teachers; And provided also, that the Schools thus united shall be under the management of the Joint Board of Grammar and Common School Trustees, who shall have the powers of the Trustees of both the Common and Grammar Schools, but when the Trustees of the Common School shall exceed six in number, then they shall reduce their number to six in the Joint Board. 20

Schools so  
united to be  
under man-  
agement of  
Joint Board.

Books, Ex-  
aminations,  
&c.

*Fifthly.* To see that the pupils of such Grammar School are supplied with proper text-books; that public half-yearly examinations of the pupils are held, and due notice given of them; and that such School is conducted in accordance with the regulations which shall be provided according to law.

Names by  
which  
Grammar  
Schools shall  
be design-  
ated.

XII. And be it enacted, That each County Grammar School shall be distinguished by prefixing to the term "County," the name of the City, Town or Village within the limits of which it may be situate; and that the Trustees of all such Grammar Schools shall severally use such distinguishing titles as their corporate name. 30

Where  
Grammar  
Schools now  
existing shall  
be kept.

Change of  
site.

XV. And be it enacted, That the Grammar Schools at present established, or which may be established at the time this Act comes into force, shall be continued at the places where they are respectively held; but the Board of Trustees of each of the said Schools may change the place of holding such School by a resolution to be passed for that purpose and approved by the Governor in Council: But the place of holding any Grammar School to be established after this Act comes into force, may be changed by the County Council of the County within which it is established. 40

## No. 19

## Statutes of Canada, 1854, 18 Vic.

## CHAPTER 2

*An Act to make better provision for the appropriation of Moneys arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes.*

[Assented to 18th December, 1854.]

WHEREAS by the Act of the Parliament of Great Britain, passed in the Session held in the thirty-first year of the Reign of His Majesty King George the Third, and 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,"* it is among other things enacted, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the Provinces of Upper Canada and of Lower Canada respectively, or the person administering the Government therein, to make from out of the Lands of the Crown within such Provinces, such allotment and appropriation of lands as therein mentioned, for the support and maintenance of a Protestant Clergy within the same; and it was further enacted, That all and every the rents, profits and emoluments which might at any time arise from such lands so allotted and appropriated as aforesaid, should be applicable solely for the maintenance and support of a Protestant Clergy within the Province in which the same should be situated, and to no other purpose whatever. And whereas in pursuance of the said Act, such allotments and appropriations of land as aforesaid, have been from time to time reserved for the purposes therein mentioned, which lands are known in this Province by the name of *The Clergy Reserves*; And whereas by another Act of the Parliament of the United Kingdom, passed in the Session held in the seventh and eighth years of the Reign of King George the Fourth, and intituled, *An Act to authorize the Sale of a part of the Clergy Reserves in the Provinces of Upper and Lower Canada,* the Governor, Lieutenant Governor or Person administering the Government of the said Provinces, or either of them, was empowered with the consent of the Executive Council of such Province, and in pursuance of His Majesty's instructions, to sell and convey in fee simple, or for any less estate or interest, a part of the said Clergy Reserves in each of the said Provinces, not exceeding in either Province one fourth part of the Reserves within the same, nor exceeding one hundred thousand acres in either of them in any one year, and it was enacted that the proceeds of such sales should, by the proper officers, be invested in the Public Funds of the United Kingdom, and that the Dividends and Interest of the moneys so invested should be appropriated in the manner provided by the said last mentioned Act; and further, that it should be lawful

Preamble.

Imp. Act 31  
G. 3, c. 31,  
cited.

Imp. Act 7 &  
8 G. 4, c. 62,  
cited.

for the Governor, Lieutenant Governor or person administering the Government of either of the said Provinces, with the consent of the Executive Council thereof, and in pursuance of His Majesty's instructions, to give or grant in exchange for any part of the said Clergy Reserves any lands within the said Province, of equal value with such Clergy Reserves so to be taken in exchange, or to accept in exchange for any such Clergy Reserves from any person or persons any lands of equal value, and that any lands so taken in exchange for any such Clergy Reserves should be holden by the Crown in trust for the purposes to which the Clergy Reserves were appropriated by the Acts firstly and secondly above cited: And whereas by another Act of the said Parliament, 10  
*Imp. Act 3 & 4 V. c. 78.* passed in the Session held in the third and fourth years of Her Majesty's Reign, intituled, *An Act to provide for the sale of the Clergy Reserves in the Province of Canada, and for the distribution of the proceeds thereof*, other and further provision is made for the sale of the whole of the said Clergy Reserves, and for the investment of the proceeds of such sale, and the distribution of the Interest and Dividends on such investments, and of the Interest on sales of Clergy Reserves on credit or Rents arising from Clergy Reserves demised for a term of years, subject to the provision that the quantity of the said Clergy Reserves so to be sold in any one year, shall not in the whole exceed One Hundred Thousand Acres, without the previous approbation in writing of 20  
*Imp. Act 16 V. c. 21.* one of Her Majesty's Principal Secretaries of State, and to other the restrictions and conditions in the said Act mentioned and imposed; and so much of the Act herein first cited as relates to any reservations of land to be made after the passing of the Act herein last cited, in Upper Canada or Lower Canada, for the support and maintenance of a Protestant Clergy, is repealed: And whereas by another Act of the said Parliament passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to authorize the Legislature of the Province of Canada to make provision concerning the Clergy Reserves in that Province, and the proceeds thereof*, it is in effect enacted, That it shall be lawful 30  
*Union Act.* for the Legislature of the Province of Canada, from time to time, by any Act or Acts to be for that purpose made and enacted in the manner and subject to the conditions required by the Act of the said Parliament passed in the Session thereof held in the third and fourth years of Her Majesty's Reign, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, sections thirty-seven, thirty-eight and thirty-nine, in respect of Acts made and enacted by the said Legislature, to vary or repeal all or any of the provisions of the Act herein last above cited for or concerning the sale, alienation or disposal of the said Clergy Reserves, and for or concerning the investment of the proceeds of all sales then made or thereafter to be made of such Reserves, and for or concerning the appropriation and application of 40  
such proceeds and investments, the interests and dividends accruing on Sales on Credit of such Reserves, the Rents of such Reserves for the time being unsold, and all other the profits of or accruing from such Reserves, and (notwithstanding the said Act herein thirdly above cited) to make such other provisions for or concerning the sale, alienation or disposal of the said Clergy Reserves, and such investments as aforesaid, and for or concerning the appropriation and application of such Clergy Reserves, proceeds, investments, interests, dividends, rents and profits, as to the said Legislature may seem meet;

subject to the proviso that it shall not be lawful for the said Legislature by any Act or Acts thereof as aforesaid, to annul, suspend or reduce any of the annual stipends or allowances which have been already assigned and given to the Clergy of the Churches of England and Scotland, or to any other religious bodies or denominations of Christians in Canada, (and to which the faith of the Crown is pledged) during the natural lives or incumbencies of the parties now receiving the same, or to appropriate or apply to any other purposes, such part of the said proceeds, investments, interests, dividends, rents and profits as may be required to provide for the payment of such stipends and allowances during such lives and incumbencies: And whereas it is expedient to alter in certain particulars the provisions of the Act thirdly above cited, touching the matters subjected by the Act fourthly above cited to the control of the Legislature of this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

1. The moneys arising from the Clergy Reserves in Upper Canada shall continue to form a separate Fund which shall be called The Upper Canada Municipalities Fund, and the moneys arising from the Clergy Reserves in Lower Canada shall continue to form a separate Fund, which shall be called The Lower Canada Municipalities Fund:

Proceeds of Reserves to form two funds, one for U.C. and one for L.C.

2. The Municipalities Fund for each section of the Province respectively, shall consist of all moneys arising from the sale of Clergy Reserves in that section of the Province, whether now funded or invested either in the United Kingdom or in this Province, or remaining uninvested, or hereafter to arise from such sales, the Interest and Dividends of moneys forming part of such Fund, the interest upon sales of Clergy Reserves in that Section of the Province, on credit, and rents, issues and profits arising from Clergy Reserves therein demised or to be demised for any term of years, and other casual and periodical incomings arising from Clergy Reserves therein, after deducting therefrom the actual and necessary expenses attending the sale of the said Clergy Reserves and of managing the same and the Funds aforesaid; and the moneys forming the said Funds shall be paid into the hands of the Receiver General and shall be by him applied to the purposes hereinafter mentioned, under the authority of this Act, or any General or Special Order or Orders to be made by the Governor in Council.

Of what such funds shall respectively consist.

Moneys to be in Receiver General's hands for the purposes of this Act.

II. The annual stipends or allowances which had been before the passing of the Act of the Parliament of the United Kingdom, passed in the sixteenth year of Her Majesty's Reign, and cited in the Preamble to this Act, assigned or given to the Clergy of the Churches of England and Scotland, or to any other Religious Bodies or denominations of Christians in either Section of the Province, and chargeable under the Act of the said parliament on the Clergy Reserves in such Section, (and to which the faith of the Crown is pledged) shall,

Annual stipends and allowances charged on the Reserves before the last Imp. Act, to be payable during the lives or incumbency of the present recipients.



during the natural lives or incumbencies of the parties receiving the same at the time of the passing of the said Act, be the first charge on the Municipalities Fund for that Section of the Province, and shall be paid out of the same in preference to all other charges or expenses whatever: Provided always, that the annual allowance heretofore payable to the Roman Catholic Church in Upper Canada, and to the British Wesleyan Methodist Church for Indian Missions, shall continue to be payable during the twenty years next after the passing of this Act and no longer.

Proviso: as to certain Religious Bodies.

Recital.

Provincial government, with consent of parties interested, may commute such stipends, &c. for their value in money.

III. And whereas it is desirable to remove all semblance of connection between Church and State, and to effect an entire and final disposition of all matters, claims and interests arising out of the Clergy Reserves by as speedy a distribution of their proceeds as may be: Be it therefore enacted, that the Governor in Council may, whenever he may deem it expedient, with the consent of the parties and Bodies severally interested, commute with the said parties such annual stipend or allowance for the value thereof, to be calculated at the rate of six per cent. per annum, upon the probable life of each individual; and in the case of the Bodies above particularly specified in the second section of this Act, at the actual value of the said allowance at the time of commutation to be calculated at the rate aforesaid: and such commutation shall be paid accordingly out of that one of the Municipalities Funds upon which such stipend or allowance is made chargeable by this Act: Provided always, that no commutation shall take place but within one year next after the passing of this Act: Provided also, that in case of commutation with either of the said Bodies or Denominations, it shall not be lawful for them or either of them to invest the moneys paid for such commutation, or any part thereof, in Real property of any kind whatsoever, under penalty of forfeiting the same to Her Majesty; and that the said Bodies or Denominations shall lay before the Legislatiure whenever called on so to do, a statement of the manner in which said moneys shall have been invested or appropriated.

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Proviso.

Proviso: commutation money to Religious Bodies not to be invested in real property, &c.

IV. So long as any such stipend or allowance shall be chargeable upon either of the said Municipalities Funds, a portion of such Fund producing annually interest sufficient to pay every such stipend or allowance then chargeable thereon, shall be retained by the Receiver General, and appropriated for that purpose, and if not already invested shall be by him invested in Public British Securities, or in any Provincial Debentures or Securities which under the Act to establish freedom of Banking or any Act amending the same, may be accepted by the Receiver General in exchange for registered Bank notes, as the Governor in Council shall from time to time direct; and the Receiver General, being thereunto authorized by order of the Governor in Council, shall have full power to dispose of any Securities in which such moneys are or shall be invested, and to invest the proceeds in any other such Securities as aforesaid, or to apply them to the payment of the commutation aforesaid.

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Sufficient of such funds to be retained to pay stipends, &c. while chargeable on the said Funds.

Investment of sums so retained.

Yearly division of unappropriated balance among the Municipalities in each section of the province respectively, according to population.

V. The amount of the Municipalities Fund in and for either Section of the Province remaining unexpended and unappropriated under the foregoing provisions of this Act, on the thirty-first day of December in each year, shall, by the Receiver General, be apportioned equally among the several County and City Municipalities in the same Section of the Province, in proportion to the population of such Municipalities respectively according to the then last

Census made either under the Act to provide more effectually for taking a periodical Census of the Province, or any other Act under which Census may be legally taken of the Municipalities in either section of the Province; and the portion thereof coming to each Municipality shall be paid over by the Receiver General to the Treasurer, Chamberlain or other Officer having the legal custody of the moneys of such Municipality, without other authority than this Act, and shall make part of the General Funds of the Municipality, and be applicable to any purpose to which such Funds are applicable: Provided always, that if at the time when such payment is to be made, any sum of  
 10 money shall be payable by any such Municipality to the Receiver General for any cause whatever, and shall be overdue, he may retain in his hands in satisfaction or part satisfaction thereof, the sum which would otherwise be payable to such Municipality, or so much thereof as may be equal to the sum so payable to him by the Municipality and overdue, and shall deliver to the Treasurer, Chamberlain or other Officer as aforesaid, a discharge in favor of the Municipality for a sum equal to that so retained by him; and for the purposes of this section, each Municipality into which any County in Lower Canada may be at the time divided, and each Union of Counties for Municipal purposes in Upper or Lower Canada, shall be taken to be a County Municipality.  
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Proviso: if the municipality have money to pay to the Receiver General

What shall be deemed a Municipality

VI. So much of the Act thirdly cited in the Preamble of this Act as limits the quantity of lands forming part of the Clergy Reserves which may be sold in any one year without the previous approbation in writing of one of Her Majesty's Principal Secretaries of State, and so much of the said Act as makes any appropriation of any moneys forming part of the Clergy Reserves Fund, or arising from the sale of Clergy Reserves, other than such as is made by this Act, or as may be in any way inconsistent with this Act, shall be and so much of the said Act is hereby repealed.

Repeal of certain parts of Imp. Act, 3 & 4 V. c. 78.

VII. Any lands which may have been, under the authority of the Acts  
 30 hereinbefore cited, or any of them, accepted in exchange for lands originally forming part of the Clergy Reserves in any part of this Province, shall be deemed to be Clergy Reserves for all the purposes of this Act.

Certain lands to be deemed Clergy Reserves.

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## No. 20

### Statutes of Canada, 1855, 18 Vict.

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#### CHAPTER 131

*An Act to amend the laws relating to Separate Schools in Upper Canada.*

[Assented to 30th May, 1855.]

WHEREAS it is expedient to amend the laws relating to Separate Schools in Upper Canada so far as they affect the Roman Catholic inhabitants thereof:  
 40 Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of

Preamble.

and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

Sect. 19 of 13 & 14 V. c. 48, and sec. 4 of 14 & 15 V. c. 111, repealed as regards Roman Catholics in U.C.

I. The nineteenth Section of "*the Upper Canada School Act of 1850*," and the fourth Section of "*the Upper Canada Supplementary School Act of 1853*," and all other provisions of the said Acts or of any other Act inconsistent with the provisions of this Act, are hereby repealed so far only as they severally relate to the Roman Catholics of Upper Canada.

Meeting of persons desirous of establishing a Separate R.C. School.

II. Any number of persons not less than five heads of families being 10 freeholders or householders resident within any School Section of any Township or within any Ward of any City or Town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a Separate School for Roman Catholics in such School Section or Ward for the election of Trustees for the management thereof.

Election of Trustees.

III. A majority of the persons present, not less than ten in number, being freeholders or householders, and being Roman Catholics, at any such meeting may elect three persons resident within such Section to act as Trustees for the management of such Separate School, and any person, being a British subject, may be elected as such Trustee whether he be a freeholder, or house- 20 holder, or not.

Notice to Reeve, &c., by R.C.'s desiring to establish such Separate School, of election of Trustees.

IV. A notice addressed to the Reeve, or to the Chairman of the Board of Common School Trustees, in the Township, City or Town in which such section is situate, may be given by all persons resident within such Section being freeholders or householders, and being Roman Catholics, favorable to the establishment of such Separate School, whether they were present at such meeting or not, declaring that they desire to establish a Separate School in such School Section, and designating by their names, professions and places of abode the persons elected in the manner aforesaid as Trustees for the management thereof. 30

Notice to be endorsed by Reeve, &c., and copy delivered to a Trustee.

V. Every such notice shall be delivered to the proper officer by one of the Trustees so elected, and it shall be the duty of the officer receiving the same to endorse thereon the date of the reception thereof, and to deliver a copy of the same, so endorsed and duly certified by him, to such Trustee.

Trustees incorporated from receipt of such notice.

VI. From the day of the date of the reception of every such notice, the Trustees therein named shall be a body Corporate under the name of "The Trustees of the Roman Catholic Separate School for the Section Number , in the Township (City or Town, as the case may be), in the County of "

Trustees of several Separate Schools in one City or Town may unite as one body.

VII. If a Separate School or Separate Schools shall have been established 40 in more than one Ward of any City or Town, the Trustees of such Separate Schools may, if they think fit, form an union of such Separate Schools, and, from the day of the date of the notice in any public newspaper published in such City or Town announcing such union, the Trustees of the several Wards shall together form a Body Corporate under the title of "The Board of Trustees of the Roman Catholic United Separate Schools for the City (or Town) of , in the County of "

VIII. All Trustees elected and forming a body Corporate under this Act shall have the same power to impose, levy and collect school rates or subscriptions upon and from persons sending children to, or subscribing towards the support of Separate Schools, and all other powers in respect of Separate Schools, as the Trustees of Common Schools have and possess under the provisions of the Acts hereinbefore cited in respect of Common Schools; and they shall also be bound to perform all duties required of, and shall be subject to all penalties provided against the Trustees of Common Schools; and Teachers of Separate Schools shall be liable to all penalties provided against Teachers of Common Schools.

Trustees and Teachers of S. School to have like rights and obligations as those of other Common Schools.

IX. All Trustees elected under this Act shall remain in office until the second Wednesday of the month of January next following their election, on which day in each year an Annual Meeting shall be held, commencing at the hour of ten of the clock in the forenoon, for the election of Trustees for Separate Schools theretofore established; but no Trustee shall be re-elected at any such meeting without his consent, unless after the expiration of four years from the time when he went out of office.

Term of office of Trustees.  
Annual Election.

X. All Trustees elected under this Act shall allow children from other School Sections to be received into any Separate School under their management, at the request of the parents or lawful guardians of such children, provided such children or their parents or guardians are Roman Catholics; and no children attending such School shall be included in the return hereafter provided to be made to the Chief Superintendent of Schools unless they shall be Roman Catholics.

All children of R.C.'s to be received at any Separate Schools on request of parents, and none but R.C.'s to be returned as attending such Schools.

XI. A majority of the Trustees in any Township or Village or of the Board of Trustees in any Town or Village elected under this Act, shall have power to grant Certificates of qualification to Teachers of Separate Schools under their management, and to dispose of all School Funds of every description coming into their hands for School purposes.

Trustees may grant certificates to Teachers, and manage School Fund, &c.

XII. Every person paying rates, whether as proprietor or tenant, who, on or before the first day of February of any year, shall have given notice to the Clerk of the Municipality in which any Separate School is situated, that he is a Roman Catholic and a supporter of such Separate School, shall be exempted from the payment of all rates imposed within such Ward or School Section for the support of Common Schools and of Common School Libraries for the year then next following, and every Clerk of a Municipality, upon receiving any such notice, shall deliver a certificate to the person giving the same to the effect that such notice has been given, and shewing the date of such notice; but any person who shall fraudulently give any such notice, or shall wilfully make any false statement therein, shall not secure any exemption thereby, but shall, on the contrary, be liable to a penalty of ten pounds currency, recoverable, with costs, before any Justice of the Peace at the suit of the Municipality interested: Provided always, that nothing herein contained shall exempt any such person from paying any rate for the support of Common Schools or Common School Libraries, or for the erection of a School-house or School-houses, which shall have been imposed before such Separate School was established.

R.C. supporting a Separate School and giving a certain notice, exempt from paying rates for other Schools or School Libraries.

Proviso: not to be exempted from rates theretofore imposed.

Separate Schools to share in Common School Fund in proportion to the number of children attending them.

Proviso: fifteen at least must attend.

Proviso: Separate School not to share in moneys raised by local rates.

Proviso: a proportionate sum to be apportioned for any period less than a year.

Return to be made on oath by Trustees of S. Schools: and share of Common School Fund apportioned accordingly.

Separate School must be established within two months from election of Trustees.

Supporters of S. Schools not to vote at other School Election.

XIII. Every separate School established under this Act shall be entitled to a share in the fund annually granted by the Legislature of this Province for the support of Common Schools, according to the average number of pupils attending such school during the twelve next preceding months or during the number of months which may have elapsed from the establishment of a new separate school as compared with the whole average number of pupils attending school in the same City, Town, Village or Township: Provided always that no Separate School shall be entitled to a share in any such fund unless the average number of pupils so attending the same be fifteen or more, (periods of epidemic or contagious diseases excepted). Provided also, that nothing herein 10 contained shall entitle any such separate School within any City, Town, Village or Township to any part or portion of School moneys arising or accruing from local assessment for Common School purposes within any such City, Town, Village or Township, or the County or Union of Counties within which such Town, Village or Township is situate: Provided also, that if any Separate School shall not have been in operation for a whole year at the time of the apportionment, it shall not receive the sum to which it would have been entitled for a whole year, but only an amount proportional to the time during which it has been kept open.

XIV. The Trustees of each separate School shall on or before the thirtieth 20 day of June and the thirty-first day of December of each year, transmit to the Chief Superintendent of Schools for Upper Canada a correct statement of the names of the children attending such school, together with the average attendance during the six next preceding months, or during the number of months which may have elapsed since the establishment thereof, and the number of months it shall have been so kept open, and the Chief Superintendent shall thereupon determine the proportion which the Trustees of such separate school will be entitled to receive out of such Legislative grant, and shall pay over the amount thereof to such Trustees, and every such statement shall be verified under oath before any Justice of the Peace for the County or 30 Union of Counties within which such separate school is situate by at least one of the Trustees making the same.

XV. But the election of any Trustee or Trustees made under this Act shall become void unless a separate school be established under his or their management within two months from the election of such Trustee or Trustees.

XVI. And no person subscribing towards the support of a separate school or sending children thereto shall be allowed to vote at the election of any Trustee for a common school in the City, Town, Village or Township in which such separate school is situate.

## Statutes of Canada, 1855, 18 Vict.

## CHAPTER 132

*An Act to make further provision for the Grammar and Common Schools of Upper Canada.*

[Assented to 30th May, 1855.]

10 WHEREAS it is expedient to make further provision for the promotion of education and the diffusion of useful knowledge in connexion with the Grammar and Common Schools of Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

Preamble.

20 I. The additional grants which have been made or may be made during the present Session of the Legislature for Grammar and Common School purposes in Upper Canada, shall be annually disposed of in the following manner:

How additional grants shall be disposed of.

1. A sum not exceeding one thousand pounds per annum, may be expended under the direction of the Council of Public Instruction for the establishment and maintenance of a Model Grammar School in connexion with the Normal and Model Schools for Upper Canada, including also any expenses which may be incurred in the examination of Candidates for Master-ships of Grammar Schools;

Model Grammar School.

30 2. A sum not exceeding two hundred and fifty pounds per annum, may be expended in the payment of Inspectors of Grammar Schools, who shall be appointed, their duties prescribed, and their remuneration fixed by the Council of Public Instruction;

Inspectors of Grammar Schools.

3. A sum not exceeding two thousand and five hundred pounds per annum, may be expended in providing the Grammar and Common Schools in Upper Canada, with maps and apparatus, upon the same terms and in the same manner as books are or may be provided for Public School Libraries;

Maps and apparatus for Grammar and Common Schools.

40 4. A sum not exceeding three thousand five hundred pounds per annum, may be expended as heretofore provided by law, in further aiding in the establishment and extension of Public Libraries in connexion with the Grammar and Common Schools in Upper Canada;

Further aid to Libraries in connexion with Schools.

Assistance in  
depository  
of Public  
Instruction  
Department.

5. A sum not exceeding three hundred and fifty pounds per annum, shall be allowed for the payment of two assistant clerks and salesman of the Public Library, map and school apparatus depositories, in connexion with the department of Public Instruction in Upper Canada;

Superannu-  
ated  
Teachers.

6. A sum not exceeding five hundred pounds per annum, shall be allowed for the support and maintenance of superannuated Teachers;

Remainder  
in aid of  
Common  
Schools.

7. The whole of the remainder of the said grants shall be expended as further aid to common schools in Upper Canada, according to the provisions of the Common School Acts of Upper Canada, and of this Act.

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No. 22

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Statutes of Canada, 1856, 19 Vict.

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CHAPTER 16.

*An Act to amend the Provincial Act appropriating the moneys arising from the Clergy Reserves.*

[Assented to 16th May, 1856.]

Preamble.  
18 V., c. 2.

WHEREAS it is expedient to amend the Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to make better provision for the appropriation of moneys arising from the lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes*; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and 20 Assembly of Canada, enacts as follows:

How the un-  
appropriated  
balance of  
the U.C.  
Municipali-  
ties Fund  
shall be ap-  
propriated  
yearly.

1. The amount of "The Upper Canada Municipalities Fund," remaining unexpended and unappropriated under the provisions of the first, second, third and fourth sections of the said Act, on the thirty-first day of December, in the year one thousand eight hundred and fifty-five, and on the same day in each year after the passing of this Act shall, by the Receiver General, be apportioned equally among the several City, Town, Incorporated Village and Township Municipalities in Upper Canada, in proportion to the number of Rate-payers that shall appear on the Assessment Rolls of such Municipalities for the year next before the time of such apportionment. 30

Repeal of in-  
consistent  
provisions.

V. So much of the fifth section of the before mentioned Act as is inconsistent with this Act, shall be and the same is hereby repealed.

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## No. 23

## Statutes of Canada, 1856, 19 Vict.

## CHAPTER 54.

*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 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:

Preamble.

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 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

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.

*rente fonciere* 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.

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. 10

Grants from Income Fund to be yearly, and may be conditional.

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. 20

Certain Institutions to have no claim.

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.

Application for aid out of Income Fund, how made.

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: 30

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. 40

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 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.

Recital.

£5,000 ap-  
propriated  
yearly for  
Superior  
Education in  
U.C.To be distri-  
buted by  
Parliament.

10

## No. 24

## Statutes of Canada, 1857, 20 Vict.

## CHAPTER 17.

*An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year 1857, and for certain other expenses connected with the public service, and also for raising a Loan on the credit of the Consolidated Revenue Fund.*

[Assented to 10th June, 1857.]

## EXTRACT FROM SCHEDULE

20	SERVICE.	A sum not exceeding— Currency.	Currency.
	<i>Education.</i>	£ s. d.	£ s. d.
	Aid towards Superior Education Income Fund, Lower Canada.....	5000 0 0	
	Do. do Upper Canada.....	5000 0 0	
	Distributed as follows:		
	Aid to Upper Canada College.....	£1111 2 2	
	“ Victoria College.....	750 0 0	
	“ Queen’s College.....	750 0 0	
	“ Regiopolis College, Kingston.....	750 0 0	
30	“ Grammar School Fund, Upper Canada.....	788 17 10	
	“ St. Michael’s College, Toronto.....	500 0 0	
	“ Bytown College.....	350 0 0	
	£5000 0 0		
	Additional sum for Common Schools in Upper and Lower Canada.....	40000 0 0	
	[£1000 of which, out of the Lower Canada share, to be appropriated for Normal Schools in Lower Canada.]		

## Consolidated Statutes of Canada, 1859, 22 Vict.

## CHAPTER 29

*An Act respecting the Consolidated Statutes of Canada.*

[Assented to 4th May, 1859.]

Preamble.

WHEREAS it has been found expedient to revise, classify and consolidate the Public General Statutes which apply to the whole Province of Canada;— And whereas such revision, classification and consolidation have been made accordingly; And whereas it is expedient to provide for the incorporation therewith of the Public General Statutes passed during the present Session 10 in so far as the same affect the whole Province, and for giving the force of law to the body of Consolidated Statutes to result from such incorporation: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

\* \* \* \*

Interpreta-  
tion of the  
said statutes.

13. The Interpretation Act contained in the said Consolidated Statutes, shall apply to them and to this Act;—and in construing this Act or any Act forming part of the said Statutes, unless it be otherwise provided, or there be something in the context or other provisions thereof indicating a different meaning or calling for a different construction:

Extent of en-  
actments.

1. The enactments in such Act apply to the whole Province of Canada; 20

Law to be  
construed as  
speaking at  
the time  
when the  
case arises.

2. The Law is to be considered as always speaking, and whenever any matter or thing is expressed in the present tense, the same is to be applied to the circumstances as they arise, so that effect may be given to each Act and every part thereof according to its spirit, true intent and meaning;

"Shall" and  
"may."

3. The word "shall" is to be construed as imperative, and the word "may" as permissive;

Herein.

4. Whenever the word "herein" is used in any section of an Act, it is to be understood to relate to the whole Act and not to that section only;

Quorum.

5. When any Act or thing is required to be done by more than two 30 persons, a majority of them may do it;

Proclam-  
ation.

6. The word "Proclamation" means a Proclamation under the Great Seal, and the expression "Great Seal" means the Great Seal of the Province of Canada;

Proclam-  
ation.

7. When the Governor is authorized to do any act by Proclamation, such Proclamation is to be understood to be a Proclamation issued under an order of the Governor in Council; but it shall not be necessary that it be mentioned in the Proclamation that it is issued under such order;

County.

8. The word "County" includes two or more Counties united for purposes to which the enactment relates.

## No. 27

## Consolidated Statutes of Canada, 1859, 22 Vict.

## CHAPTER 25.

*An Act respecting the Clergy Reserves.*

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

\* \* \* \*

11. The several Municipalities aforesaid in Upper Canada may by By-law set apart for any special purpose to be mentioned in such By-law, the whole or any part of the moneys derived from "The Upper Canada Municipalities Fund," and may invest the same in the purchase of Provincial, Consolidated Loan Fund or Municipal Debentures, for the purposes mentioned in such By-law, and may from time to time sell and dispose of such securities and reinvest the proceeds in other like securities, or otherwise appropriate the same in the manner mentioned in and directed by the said By-law or other By-law passed for that purpose. 20 V. c. 71, s. 2.

Municipalities may set aside their share of the Clergy Reserve moneys for any special purpose, and invest it.

## No. 28

## Consolidated Statutes of Canada, 1859, 22 Vict.

## CHAPTER 26.

*An Act respecting the Public School Lands and Fund for Education.*

20 HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Commissioner of Crown Lands, having, under the provisions of the Act 12 V. c. 200, and under the direction of the Governor in Council, set apart and appropriated one million of Acres of Public Lands for Common School purposes, and portions thereof having been disposed of under the said authority, the remainder shall be disposed of by the Commissioner, on such terms and conditions as may by the Governor in Council be approved, and the money arising from the sale or disposal of any portion of the said lands shall remain or be invested and applied towards creating a capital sum sufficient at the rate of six per cent per annum interest to produce a clear sum of four hundred thousand dollars per annum, and such capital and the income therefrom shall form the Common School Fund: But before any appropriation of

Appropriation of one million acres for Common School Fund.

Certain charges to be first paid.

the moneys arising from the sale of such lands shall be made, all charges thereon for the management or sale thereof, and all Indian annuities charged upon such lands or moneys, shall be first paid. 12 V. c. 200, s. 3.

Moneys arising from the sale of lands, &c., to form part of said Common School Fund.

2. All moneys arising after the twenty-seventh day of May, one thousand eight hundred and fifty, from the Sale of any Public Lands of the Province, shall remain or be set apart as part of the Capital of the said Common School Fund until the same is sufficient at the rate aforesaid to produce the said sum of four hundred thousand dollars per annum. 12 V. c. 200, s. 1.

The said Fund to be invested in Provincial Debentures, &c., for the purpose of creating an annual income.

3. For the purpose of creating such Annual Income, the Capital of the said Fund shall from time to time remain or be invested in the Public Debentures of this Province, or in the Debentures of any Public Company or Companies in the Province, incorporated by Act of the Legislature for the construction of Works of a public nature, and which having subscribed their whole Capital Stock, have paid up one half of such Stock and completed one half of such Work or Works; 10

Fund and income not to be alienated for any other purpose.

2. And the said Fund and the Income thereof shall not be alienated for any other purpose whatever, but shall remain a perpetual Fund for the support of Common Schools, and the establishment of Township and Parish Libraries. 12 V. c. 200, s. 2.

Grant in aid of the said Fund.

4. For the establishment, support and maintenance of Common Schools in this Province, until the said Common School Fund produces a net yearly income of two hundred thousand dollars or upwards, there shall be granted to Her Majesty, yearly, the sum of two hundred thousand dollars, and such sum shall be composed and made up of the annual income and revenue derived from the permanent fund hereinbefore mentioned, and of such further sum as may be required to complete the same, out of any unappropriated moneys raised and levied by the authority of the Legislature, for the public uses of this Province; and the said annual grant shall constitute the Common School Fund. 4, 5 V. c. 18, s. 3, and 12 V. c. 200. 20

Annual Common School Fund.

Such grant to be apportioned between U.C. and L.C.

5. The said sum of two hundred thousand dollars annually, shall, from year to year, be apportioned by order of the Governor of this Province, in Council, between Upper and Lower Canada, in proportion to the relative numbers of the Population of the same, respectively, as such numbers shall, from time to time, be ascertained by the census next before taken in each of the said divisions, respectively. 7 V. c. 9, s. 1. 30

Grant out of the Provincial Revenue to cease after a certain time.

6. So soon as a net Annual Income of two hundred thousand dollars shall be realised from the said Permanent Fund, the said grant out of the Provincial Revenue shall cease, and in the mean time the interest arising from the said Permanent School Fund shall be annually paid over to the Receiver General, and applied towards the payment of the yearly grant of two hundred thousand dollars; But if in any year after the said annual sum of two hundred thousand dollars is taken off the Consolidated Revenue, the income arising from the said Permanent Fund from any cause whatever falls short of the annual sum of two hundred thousand dollars, then the Receiver General of the Province shall pay out of the said Consolidated Revenue such sums of money as are from time to time required to make up the deficiency, 40

Grant to make up deficiency in any year.

but such sums shall be repaid out of any excess of the Income of the said Permanent School Fund in any year over the said sum of two hundred thousand dollars per annum. 12 V. c. 100, s. 4.

7. The Governor in Council may reserve out of the proceeds of the School Lands in any County, a sum not exceeding one fourth of such proceeds, and out of the proceeds of unappropriated Crown Lands in any County, a sum not exceeding one fifth thereof,—such sums to be funds for public improvements within the County and to be expended under the direction of the Governor in Council; 16 V. c. 159, s. 14.

A certain sum may be reserved out of the proceeds of school lands for public improvements in the county.

10 2. The particulars of all such sums, and of the expenditure thereof shall be laid before Parliament within the first ten days of each Session; and not exceeding six per cent. on the amount collected, including surveys, shall be charged for the sale and management of lands forming part of the One Million of Acres of Land set apart in the Huron Tract for the Common School Fund. 16 V. c. 159, s. 14.

Accounts to be laid before parliament.

Percentage of charges limited.

## No. 28

### Consolidated Statutes for Upper Canada, 1859, 22 Vict.

#### CHAPTER 2

20 *An Act respecting the Interpretation of certain words and terms therein mentioned.*

To prevent the unnecessary multiplication of words and to give definite meanings to certain words and expressions which may be provided for by a General Law: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The foregoing Act, this Act and the following series of Acts shall apply to Upper Canada only and shall constitute the Consolidated Statutes of Upper Canada exclusively; and in pleading, citing or otherwise referring to them or any of them, it shall be sufficient to use the expression "The Consolidated Statutes for Upper Canada," adding the Chapter when necessary.

What to constitute "The Consolidated Statutes of Upper Canada."

\* \* \* \*

30 18. Unless otherwise provided or there be something in the context or other provisions of the Act indicating a different meaning or calling for a different construction:

Unless otherwise provided.

1. The law in the last Act, and in the following series of Acts, is to be considered as always speaking, and whenever any matter or thing is expressed in the present tense, the same is to be applied to the circumstances as they arise, so that effect may be given to each Act and every part thereof according to its spirit, true intent and meaning;

The Acts to be considered as always speaking.

Force of  
words  
"shall"  
"may."

2. The word "shall" is to be construed as imperative and the word "may" as permissive;

And of  
"herein."

3. Whenever the word "herein" is used in any section of an Act, it shall be understood to relate to the whole Act, and not to that section only.

The Inter-  
pretation  
Act of Can-  
ada to apply.

19. The provisions contained in the Interpretation Act of Canada, and not contained in this Act, shall also apply to the Consolidated Statutes for Upper Canada, as if incorporated herein.

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**No. 29**

**Consolidated Statutes for Upper Canada, 1859, 22 Vict.**

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CHAPTER 63

*An Act respecting Grammar Schools.*

NOTE—This Act is a consolidation, with no material change, of the Grammar School Acts of 1863 and 1865, respectively.

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**No. 30**

**Consolidated Statutes for Upper Canada, 1859, 22 Vict.**

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CHAPTER 64

*An Act respecting Common Schools in Upper Canada.*

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

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EXISTING ORGANIZATION

Existing  
school  
arrange-  
ments con-  
tinued.

1. All Common School Sections or other Common School Divisions, together with all elections and appointments to office, all agreements, contracts, assessments and rate-bills, heretofore duly made in relation to Common Schools and existing when this Act comes into force, shall continue subject to the provisions of this Act. 13, 14 V. c. 48, s. 1.

## ANNUAL ELECTIONS

2. The term for which each School Trustee, who holds office at the time this Act takes effect, shall continue as if such term had commenced by virtue of an election under this Act; and on the second Wednesday in January next after this Act takes effect, the Trustee or Trustees whose term of office then expires shall retire from office, but may with his or their own consent be re-elected under the provisions of this Act. 13, 14 V. c. 48, s. 3. School trustees in office when this Act takes effect, continued.
3. The annual meetings for the election of School Trustees, as hereinafter provided, shall be held in all the Cities, Towns, Townships and Villages of Upper Canada, on the second Wednesday in January, in each year, commencing at the hour of Ten of the clock in the forenoon. 13, 14 V. c. 48, s. 2. Annual election 2nd Wednesday in January.
- FIRSTLY.—TOWNSHIP SCHOOL SECTIONS AND TRUSTEES
4. For each Township School Section there shall be three trustees, each of whom, after the first election of Trustees, shall hold office for three years and until his successor has been elected. 13, 14 V. c. 48, ss. 3, 5. Trustees' term of office.
5. Any Trustee elected to fill an occasional vacancy shall hold office only for the unexpired Term of the person in whose place he has been elected. 13, 14 V. c. 48, s. 12, No. 12. Term for vacancies.
6. And no trustee of a School Section shall hold the office of Local Superintendent, or of a Teacher within the Section of which he is a Trustee. 13, 14 V. c. 48, s. 6, No. 3,—16 V. c. 185, s. 14. Trustees not to hold certain offices.
7. Whenever a School Section is formed in any Township, as provided in the thirty-ninth section of this Act, the Clerk of the Township shall give notice to the person appointed to call the first School Meeting for the election of Trustees, of the description and number of such School Section. 13, 14 V. c. 48, s. 4. Proceedings on formation of a new section.
8. The person so appointed shall, within twenty days after receiving such notice, prepare a notice in writing, describing such Section, and appointing a time and place for the first School Section Meeting, and shall cause copies of such notice to be posted in at least three public places in the School Section, at least six days before the time of holding the Meeting. 13, 14 V. c. 48, s. 4. A meeting to be called within 20 days.
9. The freeholders and householders of such School Section then present, shall elect one of their own number to preside over the proceedings of such Meeting, and shall also appoint a Secretary, who shall record all the proceedings of the Meeting. 13, 14 V. c. 48, s. 5. Chairman and Secretary to be appointed.
10. The Chairman of such Meeting shall decide all questions of order, subject to an appeal to the Meeting, and in case of an equality of votes, shall give the casting vote, but he shall have no vote except as Chairman. 13, 14 V. c. 48, s. 5. Duties of Chairman—his vote.
11. The Chairman shall take the votes in the manner desired by a majority of the electors present, but he shall at the request of any two electors, grant a poll for recording the names of the voters by the Secretary. 13, 14 V. c. 48, s. 5. Recording votes.



Three Trustees to be elected.

12. At such first School Section Meeting, the Electors present shall by a majority of votes elect from the freeholders or householders in such Section, three Trustees. 13, 14 V. c. 48, s. 5.

First trustees' term of office.

13. The Trustees so elected shall respectively continue in office, as follows:

1. The first person elected shall continue in office for two years to be reckoned from the Annual School Meeting next after his election, and thence until his successor has been elected;

2. The second person elected shall continue in office one year to be reckoned from the same period and until his successor has been elected; 10

3. The third or last person elected shall continue in office until the next ensuing Annual School Meeting in such Section and until his successor has been elected. 13, 14 V. c. 48, s. 5.

Proceedings to be sent to Superintendent.

14. A correct copy of the proceedings of such first and of every annual and of every special School Section Meeting, signed by the Chairman and Secretary, shall be forthwith transmitted by the Secretary to the Local Superintendents of Schools. 13, 14 V. c. 48, ss. 5, 12, No. 12.

A Trustee to be annually elected for such section.

15. A Trustee shall be elected to office at each ensuing annual school meeting, in place of the one whose term of office is about to expire; And the same individual, if willing, may be re-elected; but no School Trustee shall be re-elected, except by his own consent, during the four years next after his going out of office. 13, 14 V. c. 48, s. 3. 20

Proceedings at annual meetings.

16. At every annual School Section Meeting in any Township, as authorized and required to be held by the third Section of this Act, the freeholders and householders of such Section present at such Meeting, or a majority of them—

Chairman and Secretary.

1. Shall elect a Chairman and Secretary, who shall perform the duties required of the Chairman and Secretary, by the tenth and eleventh Sections of this Act;

Trustee's financial report.

2. Shall receive and decide upon the report of the Trustees, as required by the twenty-seventh Section of this Act; No. 21. 30

Election of trustees.

3. Shall elect a Trustee or Trustees, to fill up the vacancy or vacancies in the Trustee Corporation; and

Support of school.

4. Shall decide upon the manner in which the salaries of the Teacher or Teachers, and all other expenses connected with the operation of the School or Schools, shall be provided for. 13, 14 V. c. 48, s. 6.

Challenging votes.

17. If any person offering to vote at an annual or other School Section Meeting, is challenged as unqualified by any legal voter in such section, the Chairman presiding at such Meeting shall require the person so offering, to make the following declaration: 40

Declaration required.

"I do declare and affirm that I a freeholder (or householder) in this "School Section, and that I am legally qualified to vote at this Meeting."

And every person making such declaration shall be permitted to vote on all questions proposed at such Meeting; but if any person refuses to make such declaration, his vote shall be rejected. 13, 14 V. c. 48, s. 7,

Effect of such declaration.

18. If any person wilfully makes a false declaration of his right to vote, he shall be guilty of a misdemeanor, and be punishable by fine or imprisonment, at the discretion of the Court of Quarter Sessions, or by a penalty of not less than five dollars, or more than ten dollars to be sued for and recovered, with costs, before a Justice of the Peace by the Trustees of the School Section, for its use. 13, 14 V. c. 48, s. 7.

Penalty for false declaration.

\$5 or \$10, and costs.

How recovered.

19. No person subscribing towards the support of a Separate School established under the Act respecting Separate Schools and belonging to the religious persuasion thereof, and sending a child or children thereto, shall be allowed to vote at the election of any Trustee for a Common School in the City, Town, Village or Township in which such Separate School is established. 16 V. c. 185, s. 4,—18 V. c. 131, s. 16.

Separatists not to vote at common school meetings.

20. The Trustees of each school section shall appoint the place of each annual school meeting of the freeholders and householders of the section, or of a special meeting for the filling up of any vacancy in the Trustee Corporation occasioned by death, removal, or other cause, or of a special meeting for the selection of a new School site, and shall cause notices of the time and place to be posted in three or more public places of such section, at least six days before the time of holding such meeting, and shall specify in such notices the object of such meeting; they may also call and give like notices of any special meeting, for any other school purpose, which they think proper, and each such meeting shall be organized, and its proceedings recorded in the same manner as in the case of a first school meeting. 13, 14 V. c. 48, s. 12, No. 12,—16 V. c. 185, s. 6.

Place of annual meeting to be appointed by trustees.

21. In case any annual or other School Section Meeting has not been held for want of the proper notice, each Trustee or other person whose duty it was to give such notice, shall forfeit the sum of five dollars, to be sued for and recovered before a Justice of the Peace by any resident inhabitant in the Section for the use thereof. 13, 14 V. c. 48, s. 9.

Penalty for not calling certain meetings.

22. In case from the want of proper notice, any first or annual School Section Meeting, required to be held for the election of Trustees was not held at the proper period, any two freeholders or householders in such Section may, within twenty days after the time at which such meeting should have been held, call a Meeting by giving six days' notice, to be posted in at least three public places in such School Section; and the Meeting thus called shall possess all the powers and perform all the duties of the Meeting in the place of which it is called. 13, 14 V. c. 48, s. 9.

Meetings in default of first or annual meetings.

Powers and duties thereof.

23. If any person chosen as Trustee refuses to serve, he shall forfeit the sum of five dollars; and every person so chosen who has not refused to accept the office and who at any time refuses or neglects to perform its duties, shall forfeit the sum of twenty dollars, to be sued for and recovered before a Justice of the Peace, by the Trustees of the School Section, for its use. 13, 14 V. c. 48, s. 8.

Penalty for refusing to serve as trustee.

Trustee may resign.

24. Any person chosen as Trustee may resign with the consent expressed in writing, of his colleagues in office and of the Local Superintendent. 13, 14 V. c. 48, s. 8.

Contested elections. Proceedings thereon.

25. Each Local Superintendent of Schools—

1. Shall, within twenty days after any meeting for the Election of Common School Section Trustees within the limits of his charge, receive and investigate any complaint respecting the mode of conducting the Election and according to the best of his judgment confirm it, or set it aside and appoint the time and place for a new Election, and may—16 V. c. 185, s. 14.

10

Other special meetings.

2. In his discretion, at any time for any lawful purpose, appoint the time and place for a Special School Section Meeting. 16 V. c. 185, s. 14.

Trustees to be a corporation.

26. The Trustees in each School Section shall be a Corporation, under the name of "The Trustees of School Section Number \_\_\_\_\_, in the Township of \_\_\_\_\_, in the County of \_\_\_\_\_;"

Want of trustees provided against.

And no such Corporation shall cease by reason of the want of Trustees, but in case of such want, any two freeholders or householders of the Section may, by giving six days' notice to be posted in at least three public places in the Section, call a Meeting of the freeholders or householders, who shall proceed to elect three Trustees, in the manner prescribed in the ninth, tenth, eleventh, twelfth and thirteenth Sections of this Act, and the Trustees thus elected shall hold and retire from office in the manner prescribed for Trustees. 13, 14 V. c. 48, s. 10.

20

Duties of trustees.

27. It shall be the duty of the Trustees of each school section, and they are hereby empowered: 13, 14 V. c. 48, s. 12.

Secretary-treasurer.

1. To appoint one of themselves, or some other person, to be Secretary-Treasurer to the Corporation; who shall give such security as may be required by a majority of the Trustees;

His duties.

a. For the correct and safe keeping and forthcoming (when called for) of the papers and moneys belonging to the Corporation;

30

b. And for the correct keeping of a record of all their proceedings, in a book procured for that purpose;

c. And for the receiving and accounting for all school moneys collected by rate-bill subscription, or otherwise, from the inhabitants of such school section;

d. And for the disbursing of such moneys in the manner directed by the majority of the Trustees;

Collector.

2. To appoint, if they think it expedient, one of themselves or some other person a Collector (who may also be Secretary-Treasurer), to collect the rates imposed by them upon the inhabitants of their school section, or the sums which the said inhabitants have subscribed; and may pay such Collector, at the rate of not less than five nor more than ten per cent. on the moneys collected by him; and every such Collector shall give security satisfactory to the Trustees, and shall have the same powers by virtue of a warrant, signed

40

Remuneration.

Security.

- by a majority of the Trustees, in collecting the school-rate or subscription, and shall proceed in the same manner as ordinary Collectors of County and Township rates and assessments; 13, 14 V. c. 18, s. 12, No. 2,—16 V. c. 182, s. 21. Powers equal to municipal collectors.
3. To take possession and have the custody and safe keeping of all Common School property, which has been acquired or given for Common School purposes in such section, and to acquire and hold as a Corporation, by any title whatsoever, any land, moveable property, moneys or income for Common School purposes, and to apply the same according to the terms on which the same were acquired or received; 13, 14 V. c. 48, s. 12, No. 3. Possession of school property. May acquire lands, &c.
- 10 4. To do whatever they may judge expedient with regard to the building, repairing, renting, warming, furnishing and keeping in order the section School house, and its furniture and appendages, and the school lands and enclosures held by them, and for procuring apparatus and text-books for their School; 13, 14 V. c. 48, s. 12, No. 4. Providing school premises.
5. And when there is no suitable School house belonging to such section, or when a second school-house is required, then to rent, repair, furnish, warm and keep in order a house, and its appendages, to be used as a School house; 13, 14 V. c. 48, s. 12, No. 4. Renting school houses.
- 20 6. To establish, if they deem it expedient, with the consent of the local Superintendent of Schools, both a female and male school in the section, each of which Schools shall be subject to the same regulations and obligations as common schools generally; 13, 14 V. c. 48, s. 12, No. 5. Establishing female school.
7. To take such steps as they may judge expedient to unite their school with any public grammar school, which may be within or adjacent to the limits of their section; 16 V. c. 185, s. 8. Union with grammar school.
8. To contract with and employ Teachers for such School section, and determine the amount of their salaries; but no agreement between Trustees and a Teacher in any School Section, made between the first of October in any year and the second Wednesday in January then next, shall be valid or binding on either party after the last mentioned day, unless such agreement has been signed by the two Trustees of such School Section whose period of office extends to one year beyond such second Wednesday; 13, 14 V. c. 48, s. 12, No. 5,—16 V. c. 185, s. 11. Employing teachers. Certain agreements therewith invalid.
- 30 9. To give the Teachers employed by them the necessary orders upon the Local Superintendent for the School Fund apportioned and payable to their school section; but they shall not give such order in behalf of any Teacher who does not, at the time of giving such order, hold a legal certificate of qualification; 13, 14 V. c. 48, s. 12, No. 6. Orders to teachers on School Fund. Such teacher to have a certificate.
- 40 10. To provide for the salaries of Teachers and all other expenses of the School, in such manner as may be desired by a majority of the freeholders and householders of such section, at the annual school meeting, or at a special meeting called for that purpose, and to employ all lawful means to collect the sums required for such salaries and other expenses; and should the sums thus provided be insufficient to defray all the expenses of such school, the Trustees may assess and cause to be collected an additional rate, in order to pay the balance of the Teacher's salary and other expenses of such school; 13, 14 V. c. 48, s. 12, No. 7. Providing for salaries and expenses as authorized by inhabitants. Deficiencies to be made up by rate on property.

Rate-bill and collector's warrant.

11. To make out a list of the names of all persons rated by them for the school purposes of such section, and the amount payable by each, and to annex to such list a Warrant directed to the Collector of the School section, for the collection of the several sums mentioned in such list; and any school-rate imposed by Trustees, according to this Act, may be made payable monthly, quarterly, half-yearly or yearly, as they may think expedient; 13, 14 V. c. 48, s. 12, No. 8.

How leviable.

May apply to Municipality, or may levy themselves.

12. To apply to the Township Council at or before its meeting in August, or to employ their own lawful authority, as they may judge expedient, for the levying and collecting by rate, according to the valuation of taxable property as expressed in the Assessor's or Collector's Roll, all sums for the support of their School, for the purchase of School sites and the erection of School houses, and for any other School purpose authorized by this Act to be collected from the freeholders and householders of such section, and the Township Clerk or other officer having possession of such roll is hereby required to allow any one of the Trustees or their authorized Collector, to make a copy of such roll, as far as it relates to their school section; 13, 14 V. c. 48, s. 12, No. 9,—16 V. c. 185, ss. 6, 17.

For what purposes.

Township roll to be furnished.

Exempting indigent persons.

13. In their discretion to exempt from the payment of school-rates, wholly or in part, any indigent persons, and to charge the amount of such exemption upon the other rateable inhabitants of the school section, but the same shall not be deducted from the salary of a Teacher; 13, 14 V. c. 48, s. 12, No. 10.

Suing non-residents.

14. To sue for and recover by their name of office, the amounts of school-rates or subscriptions due from persons residing without the limits of their school section, who make default in payment: 13, 14 V. c. 48, s. 12, No. 11.

Return of uncollected rates.

15. To make a return to the Clerk of the Municipality of the amount of any rate imposed by them for school purposes whenever so imposed, and also, before the end of the then current year, to make a return of the rates on the property of non-residents of their section, (as provided in the one hundred and twenty-seventh section of this Act) and which they have been unable to collect; 16 V. c. 185, s. 22, 6 *proviso*.

Residents between ages of 5 and 21 are lawful pupils.

Exception.

16. To permit all residents in such section between the ages of five and twenty-one years, to attend the school, so long as they conduct themselves in conformity with the rules of such school, and the fees or rates required to be paid on their behalf, are fully discharged, but such permission shall not extend to the children of persons in whose behalf a separate school has been established, according to the Act respecting the establishment of separate Schools; 13, 14 V. c. 48, s. 12, No. 13.

Visiting schools—what for.

17. To visit from time to time each school under their charge and see that it is conducted according to the authorized regulations, and that each such school is, at all times, duly provided with a Register and Visitor's Book, in the form prepared according to Law; 13, 14 V. c. 48, s. 12, No. 14,—16 V. c. 185, s. 7.

Proper text-books in school.

18. To see that no unauthorized books are used in the school, and that the pupils are duly supplied with a uniform series of authorized text-books,

sanctioned and recommended by the Council of Public Instruction, and to procure annually, for the benefit of their school section, some periodical devoted to education; 13, 14 V. c. 48, s. 15.

19. To appoint a Librarian, and to take such steps authorized by law, as they may judge expedient, for the establishment, safe-keeping, and proper management of a school library in their section, whenever provision has been made and carried into effect for the establishment of school libraries; 13, 14 V. c. 48, s. 12, No. 17.

Establishing library.

10 20. To exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them; and in case they or any of them wilfully neglect or refuse to exercise such powers, the Trustee or Trustees so neglecting or refusing shall be personally responsible for the fulfilment of such contract or agreement; 13, 14 V. c. 48, s. 12, No. 16.

Exercising corporate powers.

Wilful neglect.

Personal responsibility.

21. To cause to be prepared and read at the annual meeting of their section, their annual school report for the year then terminating, which report shall include, among other things, a full and detailed account of the receipt and expenditure of all school money received and expended in behalf of such section, for any purpose whatever, during such year, and in case of dispute the matter shall be referred to arbitration in the manner provided in the

Reporting to constituents.

Contents of report.

Arbitration.

20 twenty-ninth section of this Act; 13, 14 V. c. 48, s. 12, No. 18.

22. To transmit to the local Superintendent, on or before the thirtieth day of June, and the thirty-first day of December in each year, a correct return of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding; and in case such Trustees neglect to transmit a verified statement of such average attendance, then such school section shall not be entitled to the apportionment from the school fund for the said six months. 16 V. c. 185, s. 5.

Half yearly report to local Superintendent.

Penalty for neglect.

23. To ascertain the number of children between the ages of five and sixteen years residing in their section on the thirty-first day of December in each year; and to prepare and transmit annually, on or before the fifteenth day of January, a report to the Local Superintendent, signed by a majority of the Trustees, and made according to a form provided by the Chief Superintendent of Education, and shall specify therein; 13, 14 V. c. 48, s. 12, Nos. 18, 19.

Yearly report to local Superintendent.

Contents thereof.

(1.) The whole time the school in their section was kept by a qualified Teacher during the year ending the thirty-first day of the previous December; 13, 14 V. c. 48, s. 12, No. 19 (1).

Time School was open.

40 (2.) The amount of moneys received for the school fund, from local rates or contributions, and from other sources, distinguishing the same; and the manner in which all such moneys were expended; 13, 14 V. c. 48, s. 12, No. 19 (2).

Moneys received and paid.

(3.) The whole number of children residing in the school section, over the age of five years, and under the age of sixteen; the number of children and young persons taught in the school in winter and summer, distinguishing the sexes, and those who were over and under sixteen years

Children—resident and attending school.

Exceptions.

of age; and the average attendance of pupils in both winter and summer; but the Trustees of the Common School sections within the limits of which one or more separate school sections are established as hereinafter provided, shall not in their return of children of school age residing in their school sections, include the children attending such separate school or schools; 13, 14 V. c. 48, s. 12, No. 19, (3.), and s. 19, Proviso 5.

Branches taught, &amp;c.

(4.) The branches of education taught in the school; the numbers of pupils in each branch; the text-books used; the numbers of public school examinations, visits and lectures and by whom made or delivered, and such other information respecting the school premises and library as may be required. 13, 14 V. c. 48, s. 12, No. 19 (4.). 10

Penalty for delaying yearly report.

28. In case the Trustees of any school section neglect to prepare and forward the aforesaid Annual Report to their local Superintendent by the thirty-first day of January in each year, each of them shall, for each week after such thirty-first day of January, and until such report has been prepared and presented, forfeit the sum of five dollars to be sued for by such local Superintendent, and collected and applied in the manner provided by the twenty-first section of this Act. 16 V. c. 185, s. 10.

Unsatisfactory accounts to be referred to arbitration.

29. In case the account mentioned in the twenty-seventh section, number twenty-one, is not satisfactory to a majority of the freeholders and householders present at such meeting, then a majority of the said freeholders and householders shall appoint an arbitrator, and the Trustees shall appoint another, and the two arbitrators thus appointed shall examine the said account and their decision respecting it shall be final; or, if the two arbitrators thus appointed cannot agree, they shall select a third, and the decision of the majority of them shall be final; and the sum or sums awarded by them against any person shall be collected by such arbitrators, or if a third has been appointed by a majority of them, in the same manner and under the same regulations as those according to which Trustees are authorized by the twenty-seventh section of this Act to collect school rates; and the sums collected shall be expended in the same manner as other moneys for the common school purposes of the section. 13, 14 V. c. 48, s. 12, No. 18. 20

Decision thereon.

Enforcing decision.

New school sites to be authorized by special meeting.

30. No steps shall be taken by the Trustees of any School Section for procuring a School site on which to erect a new School House, or for changing the site of an established School House, without calling a Special Meeting of the freeholders and householders of their Section to consider the matter; and in case of a difference as to the site of a school house between the majority of the Trustees and a majority of the freeholders and householders at such special meeting, each party shall choose an arbitrator, and the local Superintendent, or in case of his inability to attend, any person appointed by him to act on his behalf, shall be a third arbitrator, and such three arbitrators, or a majority of them, shall finally decide the matter. 16 V. c. 185, s. 6,—13, 14 V. c. 48, s. 11. 40

Difference between trustees and people to be referred to arbitration.

Decision thereof final.

Trustees personally responsible for moneys lost.

31. The Trustees of each School Section shall be personally responsible for the amount of any School moneys forfeited by or lost to such School Section in consequence of their neglect of duty during their continuance in

office; and the amount thus forfeited or lost shall be collected and applied in the manner provided by the twenty-first section of this Act. 16 V. c. 185, s. 9.

32. In case a majority of the resident freeholders and householders of each section at a public meeting for that purpose separately called by the Trustees of each such section, express a desire that local school sections should be abolished, and that all their schools should be conducted under one system and one management like the schools in Cities and Towns, the Municipal Council of such Township shall comply with the request so expressed, by passing a By-law to give effect thereto; in which event all the Common Schools of such Township shall be managed by one Board of five Trustees, one of which Trustees shall be chosen in and for each ward if the Township be divided into wards, and if not so divided, then the whole number of such Trustees shall be chosen in and for the whole Township, and the election of such Trustees shall be held at the time and in manner prescribed in the third, seventh, eighth and twenty-second sections of this Act; and such Trustees shall be a corporation under the name of "The Board of School Trustees of the township of \_\_\_\_\_, in the County of \_\_\_\_\_," and shall be invested with the same powers and be subject to the same obligations as Trustees in Cities and Towns, by the seventy-ninth section of this Act. 13, 14 V. c. 48, ss. 20, 24.

All the sections of a township may be united, and a township board elected.

By-law required.

Board elected. Their powers.

#### SECONDLY.—DUTIES OF TOWNSHIP COUNCILS.

33. Whenever the lands or property of any individual or company are situated within the limits of two or more Schools Section, each Assessor appointed by any Municipality, shall assess and return on his Roll, separately, the parts of such lands or property within the limits of which Sections, according to the divisions of the School, such lands or property may be situate; but every undivided occupied lot or part of a lot, shall only be liable to be assessed for School purposes in the School Section where the occupant resides. 16 V. c. 185, s. 16.

Assessors to value lands situated in each section.

Undivided lots.

34. For the purchase of a school site, the erection, repair, rent and furniture of a School house, the purchase of apparatus and text-books for the school, books for the library, and salary of the Teacher, each Township Council shall levy, by assessment, upon the taxable property in any school section, such sum as may be required by the Trustees of such school section in accordance with the desire of the majority of the freeholders and householders expressed at a public meeting called for that purpose, as authorized by the twenty-seventh section of this Act, number 10. 13, 14 V. c. 48, s. 18, No. 1.

Assess any section at request of trustees and desired by inhabitants thereof.

35. Each Township Council may grant to the Trustees of any school section, on their application, authority to borrow any sums of money necessary for the purposes above mentioned, in respect to school sites, school houses and their appendages, or for the purchase or erection of a Teacher's residence, and in that event, shall cause to be levied in each year upon the taxable property in the section, a sufficient sum for the payment of the interest on the sum so borrowed, and a sum sufficient to pay off the principal within ten years. 13, 14 V. c. 48, s. 18, No. 1.

Authorizing trustees to borrow money for special purposes.

And provide for repayment.



But not to levy more than one rate, except in certain cases.

Trustees must apply before August.

Established Libraries.

And model school.

Council to be trustees.

Common schools may be united.

Free tuition to teachers.

New sections to be formed.

Alteration of existing sections; notice to be given.

When to take effect.

Union of existing sections; meetings to be called.

First election in such united sections.

Shares of school fund preserved.

Disposal of property.

Share in proceeds.

36. No Township Council shall levy and collect in any School Section during any one year, more than one School Section rate, except for the purchase of a School site or the erection of a School house; and no such Council shall give effect to any application of Trustees for the levying or collecting of rates for school purposes, unless the Trustees of the School Section make the application to such Council at or before its meeting in August of the year in which such application is made. 16 V. c. 185, s. 17.

37. Each Township Council may levy such sums as it judges expedient for purchasing books for a Township Library, under such regulations as may be provided in that behalf, and for procuring the site and for the erection and support of a Township Model School; and in such event the members of such Township Council shall be the Trustees of such Model School, and shall possess the powers of Common School Trustees in respect to all matters affecting such Model School. 13, 14, V. c. 48, s. 18, No. 2. 10

38. The Trustees of any one or more common Schools may at their discretion, and with the consent of such Council, merge their schools into such Model School; and tuition to student-teachers in such Model School shall be free. 13, 14 V. c. 48, s. 18, No. 2.

39. Each Township Council shall form portions of the Township where no schools have been established, into school sections; and shall appoint a person in each new school section to call the first school section meeting; and shall cause such person to be notified in the manner prescribed in the seventh section of this Act. 13, 14 V. c. 48, s. 18, No. 3. 20

40. In case it clearly appears that all parties to be affected by a proposed alteration in the boundaries of a school section have been duly notified of the intended step or application, the Township Council may alter such boundaries; —But no such alteration in the boundaries of a school section shall take effect before the twenty-fifth day of December next after the alteration has been made. 13, 14 V. c. 48, s. 18, No. 4.

41. In case at a Public Meeting of each of two or more sections called by the Trustees for that purpose, a majority of the freeholders and householders of each of the sections to be affected, request to be united, then the Council shall unite such school sections into one. 13, 14 V. c. 48, s. 18, No. 4. 30

42. The first election in such united section shall be appointed and held in the same manner as is provided for in the seventh to the twelfth sections of this Act, in respect to a new school section. 13, 14 V. c. 48, s. 18, No. 4.

43. The several parts of any altered or united school sections shall have respectively the same right to a share of the Common School Fund for the year of the alteration or union, as if they had not been altered or united. 13, 14 V. c. 48, s. 18, No. 4. 40

44. In case a school site, or school house, or other school property be no longer required in consequence of the alteration or the union of school sections, the same shall be disposed of by sale or otherwise, in such manner as a majority of the freeholders and householders in the altered or united school sections decide at a public meeting called for that purpose, and the inhabitants transferred from one school section to another, shall be entitled, for the common school purposes of the section to which they are attached, to such a proportion

of the proceeds of the sale of such school house or other common school property, as the assessed value of their property bears to that of the other inhabitants of the school section from which they have been so separated; and the residue of such proceeds shall be applied to the erection of a new school house, or to other common school purposes of such altered or united sections. 13, 14 V. c. 48, s. 18, No. 4.

45. Under the conditions prescribed in the fortieth section of this Act in respect to alterations of other school sections, union school sections consisting of parts of two or more Townships, may be formed and altered by the  
 10 Reeves and Local Superintendents of the Townships out of parts of which such sections are proposed to be formed, at a meeting appointed for that purpose by any two of such Reeves, of which meeting the other parties authorized to act with them shall be duly notified. 13, 14 V. c. 48, s. 18, No. 4.

Union sections of two or more townships to be formed, and altered.

Meeting of Reeves and Superintendents.

46. Each union school section, composed of portions of adjoining Townships, shall, for all purposes of the election of Trustees and of their control, be deemed one school section, and shall be considered, in respect to superintendence and taxation for the erection of a school house, as belonging to the Township in which the school house may be situated. 13, 14 V. c. 48, s. 18, No. 4, at the end.

Such union section to belong to townhouse is situated.

47. Each Township Council may, under the restrictions imposed by law in regard to the alteration of School Sections, separate such part of any Union School Section as is situated within the limits of its jurisdiction, from the Union of Sections, and may form the part so separated into a distinct School Section, or attach it to one or more existing School Sections or parts of Sections within its jurisdiction, as such Council judge expedient. 16 V. c. 185, s. 17.

Such union section may be dissolved by either township council.

Part within limits of township to be taken.

48. Each Township Council shall cause the Clerk of the Township to furnish the Local Superintendent of Schools with a copy of all the proceedings of the Council relating to the formation or alteration of school sections, all school assessments, and other educational matters. 13, 14 V. c. 18, s. 18,  
 30 No. 5.

Clerk to furnish information to local superintendent.

49. The Township Clerk shall prepare in duplicate, a Map of the Township, shewing the divisions of the Township into School Sections and parts of Union School Sections, and shall furnish one copy of such Map to the County Clerk, for the use of the County Council, and he shall retain the other in the Township Clerk's Office, for the use of the Township Corporation. 16 V. c. 185, s. 25.

Clerk to prepare maps of township shewing section divisions.

THIRDLY.—DUTIES OF COUNTY MUNICIPAL COUNCIL  
 TO RAISE NECESSARY FUNDS.

50. Each County Council shall cause to be levied yearly upon the several  
 40 Townships of the County, such sums of money, for the payment of the salaries of legally qualified Common School Teachers, as at least equal (clear of all charges of collection) the amount of school money apportioned by the Chief Superintendent of Education to the several Townships thereof for the year, and notified by him to such Council through the County Clerk; and the sums so

To raise equivalent to Legislative school grant.

Such equivalent may be increased.

Poor school.

levied may be increased at the discretion of the Council, either in aid of the County School Fund, or on the recommendation of one or more Local Superintendents, to give special or additional aid to new or needy School Sections. 13, 14 V. c. 48, s. 27, No. 1.

Such equivalent to be collected by 14th December.

Teachers not to be refused payment.

Provision to be made for such payments.

To establish Library.

51. The sum annually required to be levied in each County, for the salaries of legally qualified Teachers, shall be collected and paid into the hands of the County Treasurer, on or before the Fourteenth day of December in each year; but notwithstanding the non-payment of any part thereof to such Treasurer in due time, no Teacher shall be refused the payment of the sum to which he may be entitled from such year's County School Fund, but the County Treasurer shall pay the local Superintendent's lawful order in behalf of such Teacher, in anticipation of the payment of the County School Assessment; and the County Council shall make the necessary provision to enable the County Treasurer to pay the amount of such order. 13, 14 V. c. 48, s. 27, No. 1. 10

52. Each County Council shall raise by assessment such sums of money as it may judge expedient, for the establishment and maintenance of a County Common School Library. 13, 14 V. c. 48, s. 27, No. 2.

TO APPOINT LOCAL SUPERINTENDENT.

To appoint local superintendents.

Salary.

53. Each County Council shall appoint annually a Local Superintendent of Schools for the whole County, or for any one or more Townships in the County, as it may judge expedient; and shall fix (within the limits prescribed by the eighty-eighth section of this Act) and provide for the salary of such Local Superintendent. 13, 14 V. c. 48, s. 27, No. 3. 20

Not more than 100 schools.

54. No Local Superintendent shall have the oversight of more than one hundred Schools. 13, 14 V. c. 48, s. 27, No. 3.

Clerk to report appointments and proceedings to chief Superintendent.

55. The County Clerk shall forthwith notify the Chief Superintendent of Education of the appointment and address of each such Local Superintendent, and of the County Treasurer; and shall likewise furnish him with a copy of all proceedings of the Council relating to school assessments and other educational matters. 13, 14 V. c. 48, s. 27, No. 3. 30

To secure all school moneys.

56. Each County Council shall see that sufficient security is given by all officers of the Council to whom school moneys are to be intrusted, and shall also see that no deduction is made from the School Fund by the County Treasurer or sub-Treasurer for the receipt and payment of school moneys. 13, 14 V. c. 48, s. 27, No. 4.

Sub-Treasurers for townships may be appointed.

57. If deemed expedient, the County Council shall appoint one or more sub-Treasurers of school moneys for one or more Townships of the County; in which event each such sub-Treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys and the payment of lawful orders for such moneys given by any Local Superintendent within the parts of the County for which he is appointed sub-Treasurer, as are imposed by this Act upon each County Treasurer in respect to the paying and accounting for school moneys. 13, 14 V. c. 48, s. 27, No. 4. 40

58. Each County Council shall annually, or oftener, appoint Auditors, who shall audit the accounts of the County Treasurer and other officers to whom school moneys have been entrusted, and who shall report to such Council. 13, 14 V. c. 48, s. 27, No. 5.

Auditors of school moneys to be appointed.

59. The County Clerk shall transmit to the Chief Superintendent of Education, on or before the first day of March in each year, a certified copy of the abstract of the report of the auditors, and shall also give any explanation relating thereto, as far as he is able, which may be required by the Chief Superintendent. 13, 14 V. c. 48, s. 27, No. 5.

Clerk to transmit audited accounts to the Chief Superintendent.

10 FOURTHLY.—COUNCILS AND TRUSTEES IN CITIES, TOWNS AND INCORPORATED VILLAGES, AND THEIR DUTIES.

60. The Municipal Council of each City, Town and Village in Upper Canada is hereby invested, within its limits, with the same powers and shall be subject to the same obligations as the Municipal Council of each County and Township by the thirty-fourth, thirty-fifth and the fiftieth, fifty-first, fifty-fifth, fifty-sixth, fifty-eighth and fifty-ninth sections of this Act. 13, 14 V. c. 48, ss. 21, 25.

Powers of Councils.

61. The Board of School Trustees for every such City, Town and Village respectively, shall appoint the Local Superintendent of Schools for the City, Town and Village.

Local superintendent appointed by Board.

CITIES AND TOWNS DIVIDED INTO WARDS.

62. For each ward into which any City or Town is divided, there shall be two School Trustees, each of whom after the first election of Trustees, shall continue in office two years, and until his successor has been elected, and one of such Trustees shall retire on the second Wednesday in January yearly in rotation. 13, 14 V. c. 48, s. 22.

Two trustees in each ward of a city or town.

Term of office.

63. On the incorporation of any City or Town and the division thereof into Wards, two fit and proper persons shall, at the first election of School Trustees, be elected School Trustees of each such Ward by a majority of the votes of the freeholders and householders thereof; and one of such Trustees, to be determined by lot at the first meeting of Trustees after their election, shall retire from office at the time appointed for the next annual School Election, and the other shall continue in office one year longer and then retire, but each such Trustee shall continue in office until his successor has been elected. 13, 14 V. c. 48, s. 22.

First elections in cities and towns.

Trustees' term of office.

64. In every City and Town at the time prescribed by the third section of this Act, an Election shall be held in each ward at the place of the last municipal election, and under the direction of the same Returning Officer, and conducted in the manner as an ordinary municipal ward election; but in case of the default of such Returning Officer, then under the direction of such person as

Annual elections in cities and towns.

Returning officer.

Election of trustee for each ward.

Term of office.

the electors present may choose; and at such election, one fit and proper person to be a Trustee, shall be elected by a majority of the votes of the freeholders and householders in and for each such ward respectively, and such Trustees shall continue in office for two years, and until his successor has been elected. 13, 14 V. c. 48, s. 23.

#### TOWNS NOT DIVIDED INTO WARDS, AND VILLAGES.

Six trustees in each village or town municipality.

65. In each Town, not divided into Wards, and in each Village, there shall be six School Trustees, two of whom after the first election shall retire yearly on the second Wednesday in January. 13, 14 V. c. 48, s. 25,—16 V. c. 185, s. 2.

10

#### FIRST ELECTION.

First election in a village or town municipality.

66. On the incorporation of any such Town or Village, the Returning Officer appointed to hold the first Municipal Election in such Town or Village shall call a meeting for the election of School Trustees, to take place at the time prescribed in the third section of this Act, or in case of his neglect for one month, and two Freeholders in such Town or Village, on giving six days' notice in at least three public places in the Town or Village, may call a meeting for such purpose, and at such meeting six Trustees shall be elected, who shall hold office during the periods hereinafter expressed, and from thence until their successors respectively have been elected. 16 V. c. 185, s. 2,— 20 13, 14 V. c. 48, s. 2.

Notices.

Six trustees to be elected.

Such trustees to be divided into classes.

67. The Trustees of every such Town and Village shall be divided by lot into three classes, of two individuals each, to be numbered one, two, three, the first of which classes shall hold office one year, the second two years and the third three years, and until their successors respectively be elected. 13, 14 V. c. 48, s. 15.

Term of office of such trustee.

68. The Trustees composing one of such classes, shall retire yearly in rotation, the order of such rotation of the Trustees first elected being determined by lot at the first meeting after their election, and, except the Trustees elected at the first election, the Trustees so to retire shall be those who have held 30 the office for the then next preceding three years, or who have been elected to supply any vacancy in the retiring class. 13, 14 V. c. 48, s. 25.

#### SUBSEQUENT ELECTIONS

Annual elections in villages and town municipalities.

Two trustees to be elected.

69. A school meeting shall be held annually on the second Wednesday in January, in each such Town and Village, at the place of the then last annual election of Councillors, at which meeting the Freeholders and Householders of the Town or Village shall elect two persons to be Trustees in the place of the two retiring from office, which Trustees elect shall continue in office three years, and until their successors have been elected. 13, 14 V. c. 48, ss. 23, 25.

## PROVISION OF GENERAL APPLICATION

70. In case an objection be made to the right of any person to vote at an Election in any City, Town or Village, or upon any other subject connected with School purposes therein, the Returning Officer presiding at the Election shall require the person whose right of voting is objected to, to make the following declaration: Challenging voters.
- 10 "I do declare and affirm that I have been rated on the Assessment-Roll "of this City (Town or Village, *as the case may be*) as a Freeholder (or householder, *as the case may be*) and that I have paid a public School tax in this "Ward (Town or Village, *as the case may be*), within the last twelve months, "and that I am legally qualified to vote at this Election."
- Whereupon the person making such declaration shall be permitted to vote. 16 V. c. 185, s. 3. Declaration of voters.
71. If any person wilfully makes a false declaration of his right to vote, of any other person, shall be punishable by fine and imprisonment in the manner provided for in the eighteenth section of this Act. Effect of such declaration.
72. The Judge of the County Court shall, within twenty days after the election of a Common School Trustee in any City, Town or incorporated Village within his County, receive and investigate any complaint respecting the mode of conducting the election, and confirm it, or set it aside, and appoint the time and place of holding a new election, as he may judge right. 18 V. c. 132, s. 2. Contested elections in cities, towns and villages.
- 20 73. If the Returning Officer at any election of a Common School Trustee be convicted before the County Judge of disregarding the requirements of the law, or acting partially in the execution of his office, he shall be fined a sum of not less than twenty dollars, nor more than one hundred dollars, at the discretion of such County Judge. 18 V. c. 132, s. 2. Penalty on Returning Officer for wrong doing. \$20 or \$100.
- 30 74. The expenses of any School election contest shall be paid by the parties concerned in it, as may be decided by the County Judge. 18 V. c. 132, s. 2. Costs of contested elections.
75. Any Trustee elected to fill an occasional vacancy in a Board of School Trustees, shall hold office only for the unexpired term of the person in whose place he is elected to serve. 13, 14 V. c. 48, s. 24, No. 9. Term for vacancies
76. Any retiring Trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. 13, 14 V. c. 48, ss. 3, 25. Re-elections of trustees
- 40 77. The School Trustees for each City, Town and Incorporated Village, shall be a corporation under the name of "The Board of School Trustees of the City, Town or Village of \_\_\_\_\_, in the County of \_\_\_\_\_," and shall succeed to all the corporate rights and powers and be subject to all the corporate obligations and liabilities of the preceding Trustees. 13, 14 V. c. 48, ss. 22, 24, 26. Trustees to be a corporation.
78. The first meeting of the Board may be called by any Trustee to take place in the City, Town or Village Council room. 13, 14 V. c. 48, s. 24, No. 1. First meeting.

Duties of Board.

79. It shall be the duty of the Board of School Trustees of every City, Town and Village respectively, and they are hereby authorized: 13, 14 V. c. 48, s. 24, No. 1.

Chairman.

1. To elect annually, or oftener, from among their own members, a Chairman, who shall have a right to vote at all times, and in case of an equality of votes the question shall be held to be decided in the negative. 13, 14 V. c. 48, s. 24, No. 1,—16 V. c. 185, s. 1.

His vote.

Secretary, Superintendent, Collector, Secretary-Treasurer.

2. To appoint a Secretary, Local Superintendent of Schools, and if requisite one or more Collectors of school rates, which Collector or Collectors may be of their own number; and one of whom may also be Secretary-Treasurer, who shall be subject to the same duties, obligations and penalties as Secretary-Treasurers in School sections; 13, 14 V. c. 48, s. 24, No. 1 (*and see* s. 12, No. 1),—16 V. c. 185, ss. 1, 21. 10

Meetings of Board.

3. To appoint the times and places of their meetings, and the mode of calling them; and of conducting and recording their proceedings; and of keeping all their School accounts; 13, 14, V. c. 48, s. 24, No. 1.

Possession of school property.

4. To take possession of all Common School property, and to accept and hold as a Corporation all property acquired or given for Common School purposes in the City, Town or Village, by any title whatsoever;

Management of school property.

5. To manage or dispose of such property, and all moneys or income for 20 Common School purposes;

Proceeds of school property.

6. To apply the same, or the proceeds, to the objects for which they have been given on acquired; 13, 14 V. c. 48, s. 24, No. 2.

Providing school premises.

7. To do whatever they may judge expedient with regard to purchasing or renting school sites and premises; building, repairing, furnishing, warming and keeping in order the school houses and appendages, lands, enclosures and moveable property; for procuring suitable apparatus and text-books and for establishing and maintaining School Libraries: 13, 14 V. c. 48, s. 24, No. 3.

Apparatus, text-books, and library.

Kind of schools.

8. To determine (*a*) the number, sites, kind and description of schools to be established and maintained in the City, Town or Village; also (*b*) the 30 Teacher or Teachers to be employed; the terms of employing them; the amount of their remuneration, and the duties which they are to perform; also (*c*) the salary of the local Superintendent of Schools appointed by them, and his duties;

Teachers and their salaries.

Superintendent.

Union with grammar school.

9. To adopt, at their discretion, such measures as they judge expedient, in concurrence with the Trustees of the County Grammar School, for uniting one or more of the Common Schools of the City, Town or Village with such Grammar School;

Committee for each school.

10. To appoint annually, or oftener, if they judge it expedient, and 40 under such regulations as they think proper, a Committee of not more than three persons for the special charge, oversight, and management of each School within the City, Town or Village; 13, 14 V. c. 48, s. 24, No. 5.

11. To prepare from time to time, and lay before the Municipal Council of the City, Town or Village, an estimate of the sums which they think requisite; 13, 14 V. c. 48, s. 24, No. 6. Estimate for municipal council.
- (a). For paying the whole or part of the salaries of Teachers; Salaries.
- (b). For purchasing or renting school premises; Premises.
- (c). For building, renting, repairing, warming, furnishing and keeping in order the school houses and their appendages and grounds; Building. Rents and repairs.
- (d). For procuring suitable apparatus and text-books for the schools; Apparatus and books.
- (e). For the establishment and maintenance of school libraries; and Libraries.
- 10 (f). For all other necessary expenses of the schools under their charge; and the Council of the City, Town or Village, shall provide such sums in the manner desired by the said Board of School Trustees; Other expenses. Council to provide necessary funds.
12. To levy at their discretion any rates upon the parents or guardians of children attending any school under their charge, and to employ the same means for collecting such rates, as Trustees of Common School Sections in Townships; and all moneys thus collected shall be paid into the hands of the Chamberlain or Treasurer of the City, Town or Village, or of the Secretary-Treasurer, for the Common School purposes of the same, subject to the order of the Board of School Trustees; 13, 14 V. c. 48, s. 24, No. 7. Rates for children attending school. Payable to certain officers.
- 20 13. To give orders to Teachers and other school officers and creditors for the sums due to them on the Chamberlain or Treasurer of the City, Town or Village, or on their own Secretary-Treasurer. 13, 14 V. c. 48, s. 24, No. 8. Orders for sums due to creditors.
14. To call and give notice of annual and special school meetings of the freeholders and householders of the City, Town or Village, or of any Ward therein, in the manner and under the regulations prescribed in the twentieth section of this Act, for the appointment of annual and special school meetings in the school sections of Townships; 13, 14 V. c. 48, s. 24, No. 9. Annual and special meetings.
- 30 15. To see that all the pupils in the schools are duly supplied with a uniform series of authorized text-books, and to appoint a Librarian, and take charge of the school library or libraries when established; 13, 14 V. c. 28, s. 24, No. 10. Proper School books Librarian.
16. To see that all the schools under their charge are conducted according to the authorized regulations; and, at the close of each year, to prepare and publish, in one or more of the public papers, or otherwise, for the information of the inhabitants of the City, Town or Village, an annual report of their proceedings, and of the progress and state of the schools under their charge, and of the receipts and expenditure of all school moneys; Observance of regulations. Publication of financial and general report in some newspapers.
- 40 17. To prepare and transmit annually, before the fifteenth of January, to the Chief Superintendent of Education, in the form by him provided for that purpose, a report, signed by a majority of the Trustees, containing all the information required in the reports of Common School Trustees; and any additional items of information which may be required; 13, 14 V. c. 48, s. 24, No. 11. Annual report to chief Superintendent.



May exercise same powers as section trustees.

18. To exercise as far as they judge expedient, in regard to their City, Town or Village, all the powers vested in the Trustees of each School Section in regard to such School Section. 16 V. c. 185, s. 1.

FIFTHLY.—COMMON SCHOOL TEACHERS AND THEIR DUTIES.

Teacher defined.

80. No Teacher shall be deemed a qualified Teacher who does not at the time of his engaging with the Trustees, and applying for payment from the School Fund, hold a certificate of qualification, as in this Act provided. 13, 14 V. c. 48, s. 15.

Teacher not to hold certain offices.

81. No Teacher shall hold the office of School Trustee or of Local Superintendent. 13, 14 V. c. 48, s. 6, No. 3,—16 V. c. 185, s. 14.

10

Duties of Teachers.

82. It shall be the duty of every Teacher of a Common School: 13, 14 V. c. 48, s. 16.

Teaching according to law and regulations.

1. To teach diligently and faithfully all the branches required to be taught in the School according to the terms of his engagement with the Trustees, and according to the provisions of this Act; 13, 14 V. c. 48, s. 16, No. 1.

Register.

2. To keep the daily, weekly and monthly or quarterly registers of the School; 13, 14 V. c. 48, s. 16, No. 2.

Discipline.

3. To maintain proper order and discipline in his School according to the authorized forms and regulations; 13, 14 V. c. 48, s. 16, No. 2

20

Visitor's book.

4. To keep a Visitors' Book (which the Trustees shall provide) and enter therein the visits made to his school, and to present such book to each Visitor, and request him to make therein any remarks suggested by his visit; 13, 14 V. c. 48, s. 16 No. 2.

Access to register's and visitor's book.

5. At all times, when desired by them, to give the Trustees and Visitors access to the Registers and Visitors' Book appertaining to the school, and upon his leaving the school, to deliver up the same to the order of the Trustees; 13, 14 V. c. 48, s. 16, No. 5.

Public quarterly examinations.

6. To have at the end of each quarter, a public examination of his school, of which he shall give due notice to the Trustees of the School, to any School Visitors who reside in or adjacent to such School section, and through the pupils, to their parents and guardians; 13, 14 V. c. 48, s. 16, No. 3.

Information to chief or local Superintendent.

7. To furnish to the Chief or Local Superintendent of Schools, when desired, any information which it may be in his power to give respecting any thing connected with the operations of his school, or in any wise affecting its interests or character. 13, 14 V. c. 48, s. 16, No. 4.

Protection of Teachers.

83. Any Teacher shall be entitled to be paid at the same rate mentioned in his agreement with the Trustees, even after the expiration of the period of his agreement, until the Trustees pay him the whole of his salary, as Teacher of the School, according to their engagement with him. 13, 14 V. c. 48, s. 17.

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84. In case of any difference between Trustees and a Teacher, in regard to his salary, the sum due to him, or any other matter in dispute between them, the same shall be submitted to arbitration, in which case: 13, 14 V. c. 48, s. 17.

Difference between teacher and trustees.

1. Each party shall choose an Arbitrator,

Arbitration.

2. In case either party in the first instance neglects or refuses to appoint an Arbitrator on his behalf, the party requiring arbitration may, by a notice in writing to be served upon the party so neglecting or refusing, require the last mentioned party within three days inclusive of the day of the service of such notice, to appoint an Arbitrator on his behalf, and such notice shall name the Arbitrator of the party requiring the arbitration; and in case the party served with such notice does not within the three days mentioned therein, name and appoint an arbitrator, then the party requiring the arbitration may appoint the second arbitrator;

If one neglects to appoint arbitrator.

Notice to appoint.

Time given.

Other arbitrator appointed.

And 3. The Local Superintendent, or in case of his inability to attend, any person appointed by him to act on his behalf shall be a third Arbitrator, and such three Arbitrators or a majority of them shall finally, decide the matter. 13, 14 V. c. 48, s. 17.

Local superintendent to be an arbitrator.

85. The Arbitrators may require the attendance of all or any of the parties interested in the reference, and of their witnesses, with all such books, papers and writings as such Arbitrators may direct them or either of them to produce, and the Arbitrators may administer oaths to such parties and witnesses. 16 V. c. 185, s. 15.

Powers of arbitrators to examine.

86. The said Arbitrators, or any two of them, may issue their warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid, and the person named in such warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same has issued, as any Bailiff of a Division Court has in enforcing a judgment and execution out of such Court. 16 V. c. 185, s. 15.

Warrant of arbitrators.

Equivalent to execution of a Division Court.

87. No action shall be brought in any Court of Law or Equity, to enforce any claim or demand between Trustees and Teachers which can be referred to arbitration as aforesaid. 16 V. c. 185, s. 15.

No such dispute to be brought into any Court.

SIXTHLY.—DUTIES OF LOCAL SUPERINTENDENTS OF SCHOOLS.

88. Each Local Superintendent shall, unless he resigns or is removed from office for neglect of duty, improper conduct, or incompetency, continue in office, until the first day of April of the year following that of his appointment, and he shall be entitled annually, to not less than four dollars per School placed under his charge, together with any additional remuneration or allowance which the Council appointing him may grant, and the County Treasurer shall pay him the same by quarterly instalments. 16 V. c. 185, s. 14,—13, 14 V. c. 48, s. 30.

Term of office of local superintendent—salary.

89. In the event of any Local Superintendent resigning his office, the Warden of the County within which such Superintendent held office, may appoint a fit and proper person to the office vacated until the next ensuing meeting of the County Council. 16 V. c. 185, s. 14.

Vacancies to be filled.

Superintendent not to hold certain offices.

90. No Local Superintendent shall be a Teacher or Trustee of any Common School while he holds the office of Superintendent. 16 V. c. 185, s. 14.

Duties of local superintendent.

91. It shall be the duty of each Local Superintendent, and he is hereby empowered—

To apportion school fund.

1. Unless otherwise instructed by the Chief Superintendent of Education to apportion among the several school sections their respective portions of the Common School Fund money apportioned to the townships within the limits of his charge as soon as notified by the County Clerk of the amount so apportioned to such townships, and such apportionment among the said school sections shall be according to the rates of the average attendance of pupils at each Common School (the mean attendance of pupils for each half year being taken) as compared with the whole average number of pupils attending the Common Schools of each such Township; but he shall apportion no money to any school section whose Trustees have neglected to transmit their return of average attendance for the last preceding half year; 13, 14 V. c. 48, s. 31, No. 1,—16 V. c. 185, s. 5.

According to average attendance of pupils.

Not to apportion unless trustees make average return.

Orders to teachers—and no other.

2. To give to any qualified Teacher, (but to no other,) on the order of the Trustees of any School section, a Check upon the County Treasurer or Sub-Treasurer, for any sum of Money apportioned and due to such section; but except in the case of a new School section, he shall not give a check upon such order, unless a satisfactory annual School report for the year ending the last day of December preceding has been received from the Trustees; nor unless it appears by such report, that a School had been kept by a qualified Teacher in such section, for at least six months during the year ending at the date of such report; 13, 14 V. c. 48, s. 31, No. 2.

Conditions, &c.

Annual report.

Six months' school under qualified teachers.

Two visits to each school.

3. To visit each Common School within his jurisdiction, twice in each year, unless oftener required by the County Council or the Board which appointed him, or for the adjustment of disputes; and one of such half yearly visits shall be made between the first of April and the first of October, and the other between the first of October and the first of April; 13, 14 V. c. 48, s. 31, No. 3,—16 V. c. 185, s. 14.

Examination of each school.

4. To examine at each half yearly visit the state and condition of the School, as respects the progress of the pupils in learning,—the order and discipline observed,—the system of instruction pursued,—the mode of keeping the School Registers,—the average attendance of pupils,—the character and condition of the building and premises, and to give such advice as he may judge proper:—13, 14 V. c. 48, s. 31, No. 3.

Annual lecture in each section.

5. To deliver in each of his School sections, at least once a year, a public lecture on some subject connected with the objects, principles and means of practical education; and to do all in his power to persuade and animate Parents, Guardians, Trustees and Teachers, to improve the character and efficiency of the Common Schools, and to secure the sound education of the young generally; 14, 13 V. c. 48, s. 31, No. 4.

See to observance of lawful regulations.

6. To see that all the Schools are managed and conducted according to law,—to prevent the use of unauthorized, and to recommend the use of

authorized books in each School,—and to acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantage of using them; 13, 14 V. c. 48, s. 31, No. 5.

7. To attend the meetings of the Board of Public Instruction, and to meet and confer with the Chief Superintendent of Education at such time and place as he may appoint when making official visits to the County; 13, 14 V. c. 48, s. 31, No. 6. Attend certain meetings.

8. To attend the Arbitrations, and the meetings of Town-Reeves provided for in the twenty-seventh, twenty-ninth and forty-fifth sections of this Act, Arbitrations; to decide disputes.  
 10 to decide upon any questions submitted to him, which arise between interested parties under the operation of this or of any former Act, or if he deems it advisable, to refer any such question to the Chief Superintendent of Education; and any aggrieved or dissatisfied party in any case not otherwise provided for, shall have the right of appeal to the Chief Superintendent of Education; 13, 14 V. c. 48, s. 31, No. 7. Appeal to the Chief Superintendent.

9. To suspend the certificate of qualification of any Teacher, granted by the Board of Public Instruction, for any cause which may appear to him to require it, until the next ensuing meeting of the County Board, of which meeting due notice shall be given to the Teacher suspended, and such Board Suspending teacher's certificate.  
 20 shall dispose of the case as a majority of the members present think proper, and the cancelling or suspension of a Teacher's certificate of qualification shall release his School Trustees from any obligation to continue him in their employment; 13, 14 V. c. 48, s. 31, No. 8. Effect thereof.

10. To give any Candidate, on due examination, according to the programme authorized for the examination of Teachers, a certificate of qualification to teach a School within the limits of the charge of the Superintendent until (but no longer than) the next ensuing meeting of the Board of Public Instruction of which such Local Superintendent is a Member; but no such Temporary certificates to teachers.  
 30 certificate shall be given a second time, or be valid if given a second time, to the same person in the same County; 16 V. c. 185, s. 14.

11. To act in accordance with the regulations and instructions provided for his guidance, to give any information in his power (when desired) to the Chief Superintendent of Education respecting any Common School matter within his jurisdiction,—to furnish the County Auditors, when required, with the Trustees' orders as the authority for his Clerks upon the County or Sub-Treasurer for School moneys, and on retiring from office, to deliver copies of his official correspondence, and all school papers in his custody, to the order of the County Council; 13, 14 V. c. 48, s. 31, No. 9. Observing regulations—giving information to Chief Superintendent and County Auditors.  
Retiring from office.

40 12. To prepare and transmit to the Chief Superintendent of Education or or before the first day of March, an annual report, in the form provided by the said Chief Superintendent, and which shall state: 13, 14 V. c. 48, s. 31, No. 10. Annual report to Chief Superintendent.

(a) The whole number of Schools and School Sections or parts of sections in each Township within his jurisdiction; Its contents.

(b) The number of pupils taught in each school over the age of five and under the age of sixteen; the number between the ages of sixteen and twenty- Number of pupils.

one years; the whole number of children residing in each section, or part of a section, over the age of five and under the age of sixteen years;

Time Schools open.  
Branches taught.

(c) The length of time a school has been kept by a qualified Teacher in each of such sections or parts of sections; the branches taught; the number of pupils in each branch, the books used; and the average attendance of pupils, both male and female, in each half year;

Moneys—  
from what sources.

(d) The amount of moneys received and collected in each section or part of a section distinguishing the amount apportioned by the Chief Superintendent of Education, the amount received from County assessment, the amount raised by Trustees, and the amount from any other and what sources; also how such moneys have been expended, or whether any part remains unexpended, and from what causes; and the annual salary of Teachers, male and female, with and without board; 10

Teacher's salaries.

Visits, lectures, school houses.

(e) The number of school visits made by himself and others, during the year; the number of school lectures delivered; the whole number of school houses, their sizes, description, furniture and appendages, the number rented, the number erected during the year, of what description, and by what means;

Teachers, private schools, libraries.

(f) The number of qualified Teachers; their standing, sex, and religious persuasion; the number, so far as he can ascertain, of private schools; the number of pupils and subjects taught therein; the number of libraries, their extent, and how established and supported; also, any other information which he may possess respecting the educational state, wants and advantages in each Township of his charge, and any suggestions which he thinks proper to make with a view to the improvement of schools and diffusion of useful knowledge. 20

Other information.

How union sections shall be paid.

92. The Local Superintendents of adjoining Townships shall determine the sums to be paid from the Common School Fund of each Township in support of the Schools of Union School Sections consisting of portions of such Townships; and shall also determine the manner in which such sums shall be paid; but in the event of one person being Local Superintendent of the Townships concerned, he shall act in behalf of such Townships. 16 V. c. 185, s. 14. 30

Warden to decide in case of a dispute.

93. In the event of the Local Superintendents of Townships thus concerned not being able to agree as to the sum to be paid to each such Township, the matter shall be referred to the Warden of the County for final decision. 16 V. c. 185, s. 14.

SEVENTHLY.—CONSTITUTION AND DUTIES OF THE COUNTY BOARDS OF PUBLIC INSTRUCTION.

Boards of public instruction constituted.

94. Where there is only one County Grammar School in a County, the Board of Trustees for such School and the Local Superintendent or Superintendents of Schools in the County, shall constitute a Board of Public Instruction for the County. 13, 14 V. c. 48, s. 28.

When more than one grammar school.

95. Where there is more than one Grammar School in a County, the County Council shall divide the County into as many Circuits as there are County Grammar Schools, and for each such circuit the Trustees of the County Grammar School therein and the Local Superintendents or Superintendents of Schools therein, shall be a Board of Public Instruction for the Circuit. 13, 14 V. c. 48, s. 28. 40

96. At any lawful meeting of the Board of Public Instruction, three members including a Local Superintendent of Schools shall constitute a *quorum* for examining and giving certificates of qualification to Common School Teachers, and five members shall constitute a *quorum* for the transaction of any other business. 13, 14 V. c. 48, s. 28.

Quorum of Board.

97. The County Council shall provide for the incidental expenses, connected with the meeting and proceedings of each Board of Public Instruction. 13, 14 V. c. 48, s. 28.

County Council to defray expenses.

10 98. It shall be the duty of each County and Circuit Board of Public Instruction—and each such Board is hereby empowered:

Duties of Board.

1. To meet not less than four times a year, and to determine the time and places of its own meetings, and the order of its proceedings, and the manner of recording them; 13, 14 V. c. 48, s. 29, No. 1.

Quarterly meetings.  
Proceedings.

2. To adopt all lawful means in their power as they may judge expedient to advance the interests and usefulness of Common Schools, to promote the establishment of School Libraries, and to diffuse useful knowledge in the County or Circuit; 13, 14 V. c. 48, s. 29, No. 4.

To promote libraries, &c.

20 3. To select (if deemed expedient) from a list of text-books recommended or authorized by the Council of Public Instruction, such books as they may think best adapted for use in the Common Schools of the County or Circuit, and to ascertain and recommend the best facilities for procuring such books; 13, 14 V. c. 48, s. 29, No. 3.

Selecting text-books

4. To examine and give certificates of qualification to Teachers of Common Schools, arranging such Teachers into three classes according to their attainments and abilities, as prescribed in a programme of examination and instructions provided for that purpose, and any such certificate may be general, as regards the County, or limited, as to time or place, at the pleasure of the majority of the members of the Board of Public Instruction present at such examination;

Examination of teachers.

Extent of certificates.

30 5. To annul any such certificate as the Board may judge expedient. 13, 14 V. c. 48, s. 29, No. 2.

Annulling certificates.

99. Every such certificate of qualification shall have the signature of at least one Local Superintendent of Schools, but no such certificate shall be given to any person as a teacher, who does not furnish satisfactory proof of good moral character, or who at the time of applying for such certificate is not a natural-born or naturalized subject of Her Majesty, or who does not produce a certificate of having taken the oath of allegiance to Her Majesty, before a Justice of the Peace for the County in which such person resides. 13, 14 V. c. 48, s. 29, No. 2.

Conditions of certificate

Teachers to be Subjects of Her Majesty.

40 EIGHTHLY.—SCHOOL VISITORS AND THEIR DUTIES.

100. All Clergymen recognized by law, of whatever denomination, all Judges, Members of the Legislature, Magistrates, Members of County Councils and Aldermen, shall be School Visitors in the Townships, Cities, Towns and Villages where they respectively reside; But persons holding the Commission of the Peace for the County only, shall not be School Visitors within Towns

School visitors, defined.

and Cities; And each Clergyman shall be a School Visitor only in the Township, Town or City where he has pastoral charge. 13, 14 V. c. 48, s. 32.

Their authority to visit schools.

101. Each of the School Visitors may visit the Public School in the Township, City, Town or Village; and may attend the quarterly examination of Schools, and, at the time of any such visit, may examine the progress of the pupils, and the state and management of the School, and give such advice to the Teacher and pupils, and any others present, as he thinks advisable, in accordance with the regulations and instructions provided in regard to School Visitors. 13, 14 V. c. 48, s. 33.

General meeting of visitors.

102. A general Meeting of the Visitors may be held at any time or place appointed by any two Visitors, on sufficient notice being given to the other Visitors in the Township, City, Town or Village, and the Visitors, thus assembled, may devise such means as they deem expedient for the efficient visitation of the Schools; and for promoting the establishment of Libraries and the diffusion of useful knowledge. 13, 14 V. c. 48, s. 33.

A Chief superintendent to be appointed.

NINTHLY.—THE CHIEF SUPERINTENDENT OF EDUCATION,—HIS DUTIES, &C.

103. The Governor may, from time to time, by Letters Patent under the Great Seal of the Province, appoint a fit and proper person to be Chief Superintendent of Education for Upper Canada, who shall hold office during pleasure, and shall receive a salary of the same amount as the Superintendent of Education in Lower Canada. 13, 14 V. c. 48, s. 34.

His responsibility.

104. The Chief Superintendent shall be responsible to, and subject to the direction of the Governor, communicated through any Department of the Provincial Government. 13, 14 V. c. 48, s. 34.

Allowed Clerks.

105. The Chief Superintendent shall be allowed two Clerks, who shall receive the same salaries as are attached to similar offices in Lower Canada, and he shall account for the contingent expenses of his office, as provided in respect of other public offices. 13, 14 V. c. 48, s. 34.

Duties of the chief superintendent.

106. It shall be the duty of the Chief Superintendent of Education, and he is hereby empowered—

Apportioning legislative grant.

Basis.

Other ratio.

To certify to the Minister of Finance and to notify Municipal Clerk.

1. To apportion annually, on or before the first day of May, all moneys granted or provided by the Legislature for the support of Common Schools in Upper Canada, and not otherwise appropriated by law to the several Counties, Townships, Cities, Towns and Incorporated Villages according to the ratio of population in each, as compared with the whole population of Upper Canada; but when the census or returns upon which such an apportionment is to be made, are so far defective in respect of any County, Township, City, Town or Village as to render it impracticable for the Chief Superintendent to ascertain therefrom the share of school moneys which ought to be so apportioned, he shall make the apportionment according to the ratio in which by the best evidence in his power, the same can be most fairly and equitably made; 13, 14 V. c. 48, s. 35, No. 1.

2. To certify to the Minister of Finance the apportionments made by him, so far as they relate to the several Counties, Cities, Towns and Incorporated Villages in Upper Canada, and to give immediate notice thereof to

the Clerk of each County, City, Town and Village interested therein, stating the time when the amount of moneys so apportioned will be payable to the Treasurer of the County, City, Town or Village; 13, 14 V. c. 48, s. 35, No. 2.

3. To direct the distribution of the Common School fund of any Township, among the several School Sections and parts of sections entitled to share in the same, according to the length of time in each year, during which a School has been kept open by a legally qualified Teacher in each of such Sections or parts of Sections; 16 V. c. 185, s. 18.

Distribution  
by local  
Superin-  
tendents.

10 4. To apportion the moneys provided by the Legislature for the estab-  
lishment and support of School Libraries; but no aid shall be given towards  
the establishment or support of any School Library unless an equal amount be  
contributed and expended from local sources for the same object; 13, 14 V. c.  
48, s. 35, No. 10.

Apportion-  
ing library  
grant.  
Conditions.

5. To prepare suitable forms, and to give such instructions as he may  
judge necessary and proper, for making all reports and conducting all proceed-  
ings under this Act, and to cause the same, with such general regulations as  
may be approved of by the Council of Public instruction for the better organi-  
zation and government of Common Schools, to be transmitted to the officers  
required to execute the provisions of this Act; 13, 14 V. c. 48, s. 35, No. 3:

Preparing  
forms and  
regulations.

20 6. To cause to be printed from time to time, in a convenient form, so  
many copies of this Act, with the necessary forms, instructions, and regula-  
tions to be observed in executing its provisions, as he may deem sufficient for  
the information of all officers of Common Schools, and to cause the same to be  
distributed for that purpose; 13, 14 V. c. 48, s. 35, No. 4.

Distributing  
of Act and  
forms.

7. To see that all moneys apportioned by him, are applied to the objects  
for which they were granted; and for that purpose, and when not otherwise  
provided for by law to decide upon all matters and complaints submitted to  
him which involve the expenditure of any part of the School Fund;

Protecting  
school  
moneys,  
Deciding  
complaints.

30 8. To direct the application of the balances of the School Fund appor-  
tioned for any year which may be forfeited according to the provisions of this  
Act, towards making up the salaries of Teachers in the County to which the  
same has been apportioned; 13, 14 V. c. 48, s. 35, No. 5.

Balances of  
the School  
Fund.

9. To appoint one of his Clerks to be his Deputy, to perform the duties  
of his office in his absence; and to appoint one or more persons, as he, from  
time to time, deems necessary, to inspect any school, or examine into and  
report to him upon any school matter in the County where such person or  
persons reside; but no allowance or compensation shall be made to such special  
inspector or inspectors for any services performed by him or them; 13, 14 V.  
V. c. 48, s. 35, No. 6.

Appointing a  
Deputy and  
Special In-  
spectors.

40 10. To take the general Superintendence of the Normal School; and use  
his best endeavours to provide for and recommend the use of uniform and  
approved text-books in the Schools generally; 13, 14 V. c. 48, s. 35, No. 7

Supervision  
of Normal  
school.  
Text-books,  
&c.

11. To employ all lawful means in his power to procure and promote the  
establishment of School Libraries for general reading, in the several Counties,  
Townships, Cities, Towns and Villages;

Establishing  
School  
libraries.



Plans of school houses.

12. To provide and recommend the adoption of suitable plans of School-houses, with the proper furniture and appendages; and to collect them and diffuse among the people of Upper Canada useful information on the subject of education generally; 13, 14 V. c. 48, s. 35, No. 8.

To disseminate useful information.

To submit books and manuscripts to Council of Public Instruction.

13. To submit to the Council of Public Instruction all books or manuscripts, which with the view of obtaining the recommendation or sanction of such Council for their introduction as text-books or library books, are placed in his hands; and to prepare and lay before the Council of Public Instruction, for its consideration, such general regulations for the organization and government of Common Schools, and the management of School Libraries as he may deem necessary and proper; 13, 14 V. c. 48, s. 35, No. 9. 10

General regulations.

Teachers institutes.

14. To appoint proper persons to conduct County Teachers Institutes, and to furnish such rules and instructions as he may judge advisable in regard to the proceedings of such Institutes, and the best means of promoting and elevating the profession of school teaching and increasing its usefulness; 13, 14 V. c. 48, s. 35, No. 11.

Responsibility for moneys.

15. To be responsible for all moneys paid through him in behalf of the Normal and Model Schools, and to give such security for the same as the Governor may require;

Correspondence of Council of Public Instruction.

16. To prepare and transmit all correspondence directed or authorized by the Council of Public Instruction for Upper Canada; 13, 14 V. c. 48, s. 35, No. 12. 20

Annual report to the Governor.

17. To make annually to the Governor, on or before the first day of July, a report of the actual state of the Normal, Model and Common Schools throughout Upper Canada, showing the amount of moneys expended in connection with each and from what sources derived, with such statements and suggestions for improving the Common Schools and the Common School laws, and promoting education generally as he may deem useful and expedient; 13, 14 V. c. 48, s. 35, No. 13.

Financial report to the Parliament.

18. To lay before the Legislature, at each sitting thereof, a correct and full account of the disposition and expenditure of all moneys which come into his hands as Chief Superintendent; and annually on or before the thirtieth of January in each year to make the Report required by the Act for the more efficient Auditing of Public Accounts. 18 V. c. 132, s. 3,—18 V. c. 78, s. 13. 30

Provincial certificates to normal school students.

107. The Chief Superintendent of Education, on the recommendation of the Teachers in the Normal School, may give to any Teacher in the Normal School, a certificate of qualification which shall be valid in any part of Upper Canada until revoked; but no such certificate shall be given to any person who has not been a student in the Normal School. 13, 14 V. c. 48, s. 44.

Uniformity of decisions in Division Courts.

108. It being highly desirable that uniformity of decision should exist in cases within the cognizance of the Division Courts and tried in such Courts, in which the Superintendents, Trustees, Teachers and others acting under the provisions of this Act are parties, the Judge of any Division Court wherein any such action may be tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party 40

Judgment of Division Court may be delayed.

to apply to the Chief Superintendent of Education to appeal the case, and after Notice or Appeal has been served as hereinafter provided, no further proceedings shall be had in such case until the matter of the Appeal has been decided by a Superior Court. 16 V. c. 185, s. 24.

109. The Chief Superintendent may, within one month after the rendering of Judgment in any such case, appeal from the decision of the Division Court Judge to either of the Superior Courts of Law at Toronto, by serving notice in writing of such appeal upon the Clerk of the Division Court appealed from, which Appeal shall be entitled, "The Chief Superintendent of Education for Upper Canada, Appellant, in the matter between (A. B. and C. D.)." 16 V. c. 185, s. 24.

Chief superintendent may appeal from such Court to Superior Courts of Law.

Title of Appeal.

110. The Judge whose decision is appealed from shall thereupon certify under his hand, to the Superior Court appealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own Judgment thereon, and all objections made thereto.

Judge to send papers to Superior Court.

111. The matter shall be set down for argument at the next term of such Superior Court, and such Court shall give such Order or direction to the Court below, touching the Judgment to be given in the matter, as law and equity require, and shall also in its discretion, award costs against the Appellant, which costs shall be certified to and form part of the Judgment of the Court below.

Superior Court to give such order as Law and Equity require.

112. Upon receipt of such Order, direction and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith.

Proceedings in Division Court thereon.

113. All costs awarded against an Appellant, and all costs incurred by him, shall be paid by the Chief Superintendent, and charged as Contingent expenses of his office. 16 V. c. 185, s. 24.

Costs of appeal.

#### TENTHLY.—CONSTITUTION AND DUTIES OF THE COUNCIL OF PUBLIC INSTRUCTION.

114. The Governor may appoint a Council of Public Instruction for Upper Canada, to consist of not more than nine persons (of whom the Chief Superintendent of Education shall be one) to hold office respectively during pleasure, and such Council shall in the exercise of its duties, be subject to all lawful orders and directions from time to time issued by the Governor. 13, 14 V. c. 48, s. 36.

Council of Public Instruction to be appointed

Subject to orders of the Governor.

115. The Chief Superintendent shall provide a place for the meetings of the Council of Public Instruction, and may call a special meeting at any time by giving due notice to the other members. 13, 14 V. c. 48, s. 37.

Chief superintendent to provide place and call meetings.

116. The expenses attending the proceedings of the said Council, shall be accounted for by the Chief Superintendent as part of the contingent expenses of the Education Office.

Expenses of Council.

117. The Senior Clerk in the Education Office shall be Recording Clerk to the said Council,—he shall enter all its proceedings in a book kept for that purpose,—and shall, as may be directed, procure the books and stationery for the Normal and Model Schools, and keep all the accounts of the said Council. 13, 14 V. c. 48, s. 37.

Recording Clerks and his duties.

Quorum and Casting vote.

118. At any lawful meeting of the Council of Public Instruction, three members shall form a quorum for the transaction of business, and in case of an equality of votes on any question, the Chairman shall be entitled to a second or casting vote. 13, 14 V. c. 48, s. 38, No. 1.

Duties of Council. Chairman.

119. It shall be the duty of such Council and they are hereby empowered:

1. To appoint a Chairman, and determine the times of its meetings, and the mode of conducting its proceedings; 13, 14 V. c. 48, s. 38, No. 1.

Establishment of normal and model schools.

2. To adopt all needful measures for the permanent establishment and efficiency of the Normal School for Upper Canada, containing one or more Model Schools for the instruction and training of Teachers of Common Schools in the science of Education and the Art of Teaching; 13, 14 V. c. 48, s. 38, No. 2. 10

Regulations for normal and model schools.

3. To make from time to time the rules and regulations necessary for the management and government of such Normal School; to prescribe the terms and conditions on which students will be received and instructed therein; to select the location of such school, and erect or procure and furnish the buildings therefor; to determine the number and compensation of teachers, and of all others who may be employed therein; and to do all lawful things which such Council may deem expedient to promote the objects and interests of such school; 13, 14 V. c. 48, s. 38, No. 3. 20

Regulations for common school teachers and libraries.

4. To make such regulations from time to time, as it deems expedient, for the organization, government and discipline of Common Schools, for the classification of Schools and Teachers, and for School Libraries throughout Upper Canada; 13, 14 V. c. 48, s. 38, No. 4.

Text and library books.

5. To examine, and at its discretion, recommend or disapprove of textbooks for the use of schools, or books for School Libraries.

Regulations for granting pensions to superannuated teachers.

6. To prescribe such regulations, with the approbation of the Governor in Council as it, from time to time, deems expedient for granting pensions to superannuated or worn out Teachers of Common Schools; but no annual allowance to any superannuated or worn out Teacher shall exceed the rate of six dollars for each year that such Teacher has taught a Common School in Upper Canada; and no Teacher shall be entitled to share in the said fund unless he has contributed to such fund the sum of four dollars or more per annum, for the period of his teaching School, or of his receiving aid from such fund, nor unless he furnishes satisfactory proof to the Council of Public Instruction, of inability, from age or loss of health in teaching, to pursue that profession any longer; 16 V. c. 185, s. 23. 30

Conditions.

7. And to transmit annually, through the Chief Superintendent of Education, to the Governor, to be laid before the Legislature, a true account of the receipt and expenditure of all moneys granted for the establishment and support of the Normal School. 13, 14 V. c. 48, s. 38, No. 6. 40

Annual report to Governor.

Appropriation of legislative school grants.

120. Out of the share of the Legislative School Grant coming to Upper Canada, and the additional sums of money from time to time granted in aid of Common Schools or in aid of Common and Grammar Schools in Upper Canada, and not otherwise expressly appropriated by law, the Governor in Council may authorize the expenditure of the following sums annually: 13, 14 V. c. 48, s. 41,—16 V. c. 185, s. 23.

## 1. UNDER THE REGULATIONS OF THE COUNCIL OF PUBLIC INSTRUCTION.

- A. For the salaries of officers and other contingent expenses of the Normal School, a sum not exceeding \$6,000; 13, 14 V. c. 48, s. 39. Salaries \$6000.
- B. To facilitate the attendance of Teachers in training at the Normal School, a sum not exceeding \$4,000; 13, 14 V. c. 48, s. 39. Teachers in training at the normal school \$4000.
- C. In support of the Normal and Model Schools, a sum not exceeding \$2,200; 16 V. c. 185, s. 23. Normal and model school \$2,200.
- D. For the establishment and maintenance of a Model Grammar School in connection with the Normal and Model Schools for Upper Canada, including also any expenses which may be incurred in the examination of Candidates for Masterships of Grammar Schools, a sum not exceeding \$4,000; 18 V. c. 132, s. 1, No. 1. Model grammar school \$4000.
- E. For the payment of Inspectors of Grammar Schools, a sum not exceeding \$1,000; 18 V. c. 132, s. 1, No. 2. Inspectors of grammar schools \$1000.
- F. For the support of superannuated Common School Teachers, a sum not exceeding \$4,000; 16 V. c. 185, s. 23,—18 V. c. 132, s. 1, No. 6. Superannuated teachers \$4000.

## 2. THROUGH THE CHIEF SUPERINTENDENT OF EDUCATION.

- A. In the purchase, from time to time, of Books, Publications, Specimens, Models and Objects, suitable for a Canadian Library and Museum, to be kept in the Normal School Buildings, and to consist of Books, Publications and Objects relating to Education and other departments of Science and Literature, and Specimens, Models and Objects illustrating the Physical Resources and Artificial Productions of Canada, especially in reference to Mineralogy, Zoology, Agriculture and Manufacturers, a sum not exceeding \$2,000; 16 V. c. 185, s. 23. Purchase of books, &c., \$2000.
- B. In supplying a copy of the Journal of Education to each School Corporation and each local Superintendent of Schools, a sum not exceeding \$1,800; 16 V. c. 185, s. 23. Journal of Education \$1800.
- C. For the establishment and support of Public School Libraries in connection with the Common and Grammar Schools, a sum not exceeding \$26,000; 13, 14 V. c. 48, s. 41,—18 V. c. 132, s. 1, No. 4. Libraries \$26,000.
- D. In providing the Grammar and Common Schools with maps and apparatus upon the same terms and in the same manner as books are provided for Public School Libraries, a sum not exceeding \$10,000; 18 V. c. 132, s. 1, No. 3. Maps, &c., for grammar schools \$10,000.
- E. For the payment of two Assistant Clerks and a Salesman of the Public Library, map and school apparatus depositories, in connection with the department of Public Instruction, a sum not exceeding \$1,400; 18 V. c. 132, s. 1, No. 5. Clerk's salaries. \$1400.
- F. For the encouragement of a Teacher's Institute, a sum not exceeding \$100 in any County or Riding; 13 14 V. c. 48, s. 41. Teacher's Institute \$100.

School Architecture \$800.

G. In procuring plans and publications for the improvement of School Architecture and practical science in connection with Common Schools, a sum not exceeding \$800; 13, 14 V. c. 48, s. 41.

Poor townships \$2000.

H. In special aid of Common Schools in new and poor Townships, a sum not exceeding \$2,000. 16 V. c. 185, s. 23.

Residue to be in aid of common schools.

121. The whole of the remainder of the grants in the one hundred and twentieth Section mentioned and not exclusively appropriated, in the foregoing sub-sections, shall be expended in aid of the Common Schools according to the provisions of this Act. 18 V. c. 132, s. 1, No. 7.

Grants made before 24th July, 1850, not to be lessened.

122. The amount apportioned in aid of common schools to the several Counties, Cities, Towns and Villages in Upper Canada, before the twenty-fourth of July, one thousand eight hundred and fifty, shall not be lessened by the sums appropriated in the one hundred and twentieth Section as aforesaid, but such sums shall be taken out of any additional amount awarded to Upper Canada out of the said Legislative School Grant or additional Grants, in consideration of the increase of its population in proportion to that of the whole Province. 13, 14 V. c. 48, s. 41.

Grant payable on 1st July in each year.

123. The sum of money apportioned annually by the Chief Superintendent of Education to each County, Township, City, Town or Village, in aid of Common Schools therein respectively, shall be payable on or before the first day of July, in each year, to the Treasurer of each County, City, Town and Village, in such way as the Governor in Council from time to time directs, and such sum, together with at least an equal sum raised annually by local assessment, shall constitute and be called the Common School Fund of such County, Township, City, Town or Village; and no part of the Salaries of the Chief or Local Superintendents, nor of any other persons except Teachers employed or of any expenses incurred in the execution of this Act, shall be paid out of the said Common School Fund, but such Fund shall wholly and without diminution, be expended in the payment of Teachers' Salaries as herein provided. 13, 14 V. c. 48, ss. 42, 45.

Common school fund defined.

Conditions of receiving share of grant.

124. No County, City, Town or Village shall be entitled to a share of the Legislative School Grant without raising by assessment a sum at least equal (clear of all charges for collection) to the share of the said School Grant apportioned to it; and should the Municipal Corporation of any County, City, Town or Village, raise in any one year a less sum than that apportioned to it out of the Legislative School Grant, the Chief Superintendent of education shall deduct a sum equal to the deficiency, from the apportionment to such County, City, Town or Village in the following year. 13, 14 V. c. 48, s. 40.

Case of default to raise sufficient funds.

School to be supported by—

125. All the School expenses of each Section shall be provided for by any or all of the three following methods:

Subscription.  
Rate bill.

1. Voluntary subscription;
2. Rate-bill for each pupil attending the School; or
3. Rate upon property;

Rate on property.  
Rate-bill limited.

But no rate-bill shall be imposed exceeding twenty-five cents per month for each pupil attending the School. 16 V. c. 185, s. 13.

## TWELFTHLY.—SPECIAL PROVISIONS.

126. Any person residing in one School Section, and sending a child or children to the School of a neighboring School Section, shall nevertheless be liable for the payment of all rates assessed for the School purposes of the Section in which he resides, as if he sent his child or children to the School of such Section; and such child or children shall not be returned as attending any other than the School of the Section in which the parents or guardians of such child or children reside; but this clause shall not apply to persons sending children to or supporting separate Schools, or prevent any person, who may be taxed for Common School purposes on property situate in a different School Section from that in which he resides, from sending his children to the School of the Section in which such property may be situate on as favorable terms as if he resided in such Section. 16 V. c. 185, s. 12.
- In case a resident in one section sends his children to another section.
- Exception as to separate schools.
127. If the Collector appointed by the Trustees of any School Section, be unable to collect that portion of any School rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the Trustees shall make a return to the Clerk of the Municipality, before the end of the then current year, of all such parcels of land and the uncollected rates thereon, and the Clerk shall make a return to the County Treasurer of all such lands and the arrears of School rates thereon, and such arrears shall be collected and accounted for by such Treasurer in the same manner as the arrears of other taxes; and the Township, Village, Town or City in which such School Section is situate, shall make up the deficiency arising from uncollected rates on lands liable to assessment, out of the General Funds of the Municipality. 16 V. c. 185, s. 22. See s. 27, No. 15 of this Act.
- Rates on lands of absentees to be returned to Clerk of Municipality.
- How collected.
128. No person shall use any foreign books in the English branches of education in any Model or Common School, without the express permission of the Council of Public Instruction, and no portion of the Legislative School Grant shall be applied in aid of any Common school in which any book is used that has been disapproved of by the Council of Public Instruction, and public notice given of such disapproval. 13, 14 V. c. 48, ss. 14, 38, No. 5.
- Foreign books not to be used without leave of the Council of P.I.
129. No person shall require any pupil in any such School to read or study in or from any religious book, or to join in any exercise of devotion or religion objected to by his or her parents or guardians; but within this limitation, pupils shall be allowed to receive such religious instruction as their parents and guardians, desire according to any general regulations provided for the government of Common Schools. 13, 14 V. c. 48, ss. 14, 38, No. 5.
- Pupils not to be required to observe religious exercises objected to by parents.

## THIRTEENTHLY.—PENAL CLAUSES.

130. If any Secretary-Treasurer appointed by the School Trustees of any school section or any person having been such Secretary-Treasurer, has in his possession any books, papers, chattels, or moneys, which came into his possession, as such Secretary-Treasurer, and wrongfully withholds or refuses to deliver up, or to account for and pay over the same or any part thereof to the person, and in the manner directed by a majority of the School Trustees
- Penalty on Secretary-Treasurer for refusing to account.

for the School Section then in office, such withholding or refusal shall be a misdemeanor. 13, 14 V. c. 48, s. 44.

County Judge to have summary jurisdiction.

131. Upon application to the Judge of the County Court, by a majority of such Trustees, supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, such Judge shall make an order that such Secretary-Treasurer or person having been such, do appear before him at a time and place to be appointed in the order. 13, 14 V. c. 48, s. 44.

Order to be served.

132. Any Bailiff of a Division Court, upon being required by such Judge, shall serve such order personally on the party complained against, or leave the same with a grown-up person at his residence. 13, 14 V. c. 48, s. 44.

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County Judge to hear and determine the case.

133. At the time and place so appointed, the Judge, being satisfied that such service has been made, shall, in a summary manner, and whether the party complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded, such Judge shall order the party complained of to deliver up, account for and pay over the books, papers, chattels or moneys as aforesaid by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application, as the Judge may tax. 13, 14 V. c. 48, s. 44.

Non-compliance with Judge's order.

134. In the event of a non-compliance with the terms specified in such order or any or either of them, the Judge shall order the said party to be forthwith arrested by the Sheriff of any County in which he may be found, and to be committed to the Common Gaol of his County, there to remain without bail until such Judge be satisfied that such party has delivered up, accounted for or paid over the books, papers, chattels or moneys in question, in the manner directed by the majority of the Trustees as aforesaid. 13, 14 V. c. 48, s. 44.

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Discharge.

135. Upon proof of his having so done, such Judge shall make an order for his discharge, and he shall be discharged accordingly. 13, 14 V. c. 48, s. 44.

Other remedy not affected.

136. No such proceeding shall impair or affect any other remedy which the said Trustees may have against such Secretary-Treasurer, or person having been such, or his sureties. 13, 14 V. c. 48, s. 44.

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Protection of common school fund.

137. If any part of the Common School Fund be embezzled or lost through the dishonesty or faithlessness of any party to whom it has been entrusted, and proper security against such loss has not been taken, the person whose duty it was to have exacted such security, shall be personally responsible for the sums so embezzled or lost, and the same may be recovered from him by the party entitled to receive the same by action at law in any Court having jurisdiction to the amount, or by information at the suit of the Crown. 13, 14 V. c. 48, s. 43.

Certain parties personally responsible.

Penalty for false reports and registers.

138. If any Trustee of a Common School knowingly signs a false report, or if any Teacher of a Common School keeps a false school Register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such Common School, such Trustee or Teacher shall, for each offence, forfeit to the Common School Fund of the Township, the sum of twenty dollars for which any person whatever may prosecute him before a Justice of the Peace, and for which he may be convicted on the oath

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Prosecution before a Justice of the Peace.

of one credible witness other than the prosecutor, and if upon conviction the penalty is not forthwith paid, the same shall, under the warrant of such Justice, be levied with costs by distress and sale of the goods and chattels of the offender, and such penalty when so paid or collected shall by such Justice be paid over to the said Common School Fund; or the said offender may be prosecuted and punished for the misdemeanor. 13, 14 V. c. 48, s. 13. Proceedings.

139. Any person who wilfully disturbs, interrupts or disquiets the proceedings of any school meeting authorized to be held by this Act, or any school established and conducted under its authority, or wilfully interrupts or disquiets any Grammar, Common or other Public School, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of such school, shall, for each offence on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for Common School purposes, to the School Section, City, Town or Village within which the offence was committed, such sum not exceeding twenty dollars, together with the costs of the conviction, as the said Justice may think fit; or the offender may be indicted and punished for any of the offences hereinbefore mentioned as a misdemeanor. 13, 14 V. c. 48, s. 46,—16 V. c. 185, s. 19. Disturbing schools.  
Prosecution before a Justice of the Peace.

140. Unless it is in this Act otherwise provided, all fines, penalties and forfeitures recoverable by summary proceeding may be sued for, recovered and enforced with costs by and before any Justice of the Peace having Jurisdiction within the School Section, City, Town or Village in which such fine or penalty has been incurred, and if any such fine or penalty and costs be not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected with costs by distress and sale of the goods and chattels of the offender, and shall be by such Justice paid over to the School Treasurer of the School Section, City, Town or Village, or other party entitled thereto, and in default of such distress, such Justice shall by his warrant cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same, be sooner paid. 16 V. c. 185, s. 19. How penalties shall be recoverable.

#### INTERPRETATION.

141. The word "Teacher" shall include female as well as male teachers; the word, "County" shall include Unions of Counties, and the word "Townships" shall include Unions of Townships made for Municipal purposes. 13, 14 V. c. 48, s. 48. Interpretation clause.

#### SHORT TITLE TO SCHOOL ACTS.

142. In citing or otherwise referring to this Act, it shall be sufficient to designate it as "The Upper Canada Common School Act," and in citing or otherwise referring to this Act, or any other Act or Acts relative to Common Schools, which may, at the time of such citation or reference, be in force in Upper Canada, it shall be sufficient to use the expression, "The Common School Acts of Upper Canada." 16 V. c. 185, s. 28. Short title.



Consolidated Statutes for Upper Canada, 1859, 22 Vict.

CHAPTER 65

*An Act respecting Separate Schools.*

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.—PROTESTANT AND COLORED PEOPLE.

Conditions on which separate schools for Protestants or Colored people may established.

1. Upon the application in writing of twelve or more heads of families resident in any Township, City, Town or Incorporated Village, being Protestants, the Municipal Council of the said Township or the Board of School Trustees of any such City, Town or Incorporated Village, shall authorize the establishment therein of one or more separate schools for Protestants; and upon the application in writing of twelve or more heads of families resident in any Township, City, Town or Incorporated Village, being colored people, the Council of such Township or the Board of School Trustees of any such City, Town or Incorporated Village, shall authorize the establishment therein of one or more separate schools for colored people, and in every such case, such Council or Board, as the case may be, shall prescribe the limits of the section or sections of such schools. 13, 14 V. c. 48, s. 19. 10

Limits.

Three trustees. Election same as in common schools.

2. There shall be three Trustees for each separate school, and the first meeting for the election of such Trustees, shall be held and conducted in the manner and according to the rules provided in the sixth to the eleventh sections of the Act respecting Common Schools for holding the first school meeting in a new school section. 13, 14 V. c. 48, s. 19. 20

Commencement and regulations.

3. Each such separate school shall go into operation at the same time as is provided in the case of altered school sections, of Common Schools, and shall, with respect to the persons for whom any school has been established, be under the same regulations as Common Schools generally. 14, 15 V. c. 111, s. 1. 30

Voters defined.

4. None but colored people shall vote at the election of Trustees of any separate school established for colored people and none but the parties petitioning for the establishment of, or sending children to a separate Protestant school, shall vote at the election of Trustees of such school. 13, 14 V. c. 48, s. 19.

Union of wards in cities and towns.

5. In any City or Town the persons who make application, according to the provisions of the first section of this Act, may have a separate School in each Ward, or in two or more wards united, as the said persons may judge expedient. 14, 15 V. c. 111, s. 1.

6. No Protestant separate school shall be allowed in any school section, except when the Teacher of the Common School in such section is a Roman Catholic. 13, 14 V. c. 48, s. 19. Special conditions.
7. In all Cities, Towns, Incorporated Villages and Township Common School Sections in which such Separate Schools exist, each Protestant or colored person (as the case may be) sending children to any such School or supporting the same by subscribing thereto annually an amount equal to the sum at which such person, if such Separate School did not exist, must have been rated in order to the obtaining the annual Legislative Common School Grant, shall be exempt from the payment of all rates imposed for the support of the Common Schools of such City, Town, Incorporated Village and School Section respectively, and of all rates imposed for the purpose of obtaining such Common School Grant. 16 V. c. 185, s. 4. Exemption from common school rates.
- 10 8. The exemption from the payment of school rates, as herein provided, shall not extend beyond the period during which such persons send children to or subscribe as aforesaid for the support of such Separate School; nor shall such exemption extend to school rates or taxes imposed or to be imposed to pay for school houses, the erection of which was undertaken or entered into before the establishment of such Separate School. 16 V. c. 185, s. 4. Such exemption conditional.
- 20 9. Such Separate Schools shall not share in any school money raised by Local Municipal Assessment. 16 V. c. 185, s. 4. Not to share in municipal assessment.
10. Each such separate school shall share in such Legislative Common School Grant according to the yearly average number of pupils attending such Separate School, as compared with the average number of pupils attending the Common Schools in each such City, Town, Incorporated Village or Township; the mean attendance, of pupils for winter and summer being taken. 16 V. c. 185, s. 4. Share of legislative school grant determined.
- 30 11. A Certificate of qualification, signed by the majority of the Trustees of such Separate School, shall be sufficient for any Teacher of such School. 16 V. c. 185, s. 4. Certificate of teacher.
12. The Trustees of each such Separate School shall, on or before the thirtieth day of June, and thirty-first day of December of each year, transmit to the Local Superintendent of Schools a correct return of the names of all Protestant or colored persons (as the case may be), who have sent children to, or subscribed as aforesaid for the support of such Separate School during the then last preceding six months, and the names of the children sent, and the amounts subscribed by them respectively, together with the average attendance of pupils in such Separate School during such period. 16 V. c. 185, s. 4. Half-yearly returns to the local superintendent.
- 40 13. The Local Superintendent shall, upon the receipt of such return, forthwith make a return to the Clerk of the Municipality and to the Trustees of the Common School Section or Municipality in which such Separate School is established stating the names of all the persons who, being Protestants or colored persons (as the case may be), contribute or send children to such Separate School. 16 V. c. 185, s. 4. Local superintendent to report to clerk and trustees.

Clerks and trustees to exempt from rates supporters of separate schools.

14. Except for any rate for building school houses undertaken before the establishment of such Separate School, the Clerk shall not include in the Collector's Roll for the general or other school rate, and the Trustees or Board of Trustees shall not include in their school rolls, any person whose name appears upon such last mentioned return. 16 V. c. 185, s. 4.

Clerk to allow use of assessor's roll.

15. The Clerk or other Officer of the Municipality within which such Separate School is established, having possession of the Assessor's or Collector's Roll of the said Municipality, shall allow any one of the said Trustees, or their authorized Collector, to make a copy of such Roll as far as it relates to their School Section. 16 V. c. 185, s. 4.

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Certain Act to apply.

16. The provisions of the one hundred and thirty-eighth section of the Act respecting Common Schools shall apply to the Trustees and Teachers of such Separate Schools. 16 V. c. 185, s. 4.

Separate school trustees to have same power as common school trustees.

17. The Trustees of each such Separate School shall be a body corporate under the name of the Trustees of the Separate School of \_\_\_\_\_, (as the case may be) in the Township, City or Town (as the case may be) of \_\_\_\_\_, and shall have the same power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of the Separate School, as the Trustees of a Common School Section have to impose, levy and collect school rates or subscriptions from persons having property in the section, or sending children to or subscribing towards the support of the Common School of such section. 16 V. c. 185, s. 4.

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2.—ROMAN CATHOLIC SEPARATE SCHOOLS.

Conditions.

Five heads of families to call meeting.

18. Any number of persons, not less than five, being heads of families and freeholders or householders, resident within any School Section of any Township or within any Ward of any City or Town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a Separate School for Roman Catholics in such School Section or Ward, for the election of Trustees for the management of the same. 18 V. c. 131, s. 2.

30

Meeting of ten persons may elect three trustee.

19. A majority of the persons present, not less than ten in number, being freeholders or householders, and being Roman Catholics, may, at any such meeting, elect three persons resident within such Section to act as Trustees for the management of such Separate School, and any person, being a British subject, may be elected as a Trustee whether he be a freeholder or householder, or not. 18 V. c. 131, s. 3.

To be British subjects.

Written notice to certain officers.

20. A notice in writing addressed to the Reeve, or to the Chairman of the Board of Common School Trustees, in the Township, City or Town in which such section is situate, may be given by all persons whether they were present at such meeting or not, who are freeholders or householders, residents within such sections, and Roman Catholics and favorable to the establishment of such separate school, declaring that they desire to establish a Separate School in such School Section, and designating by their names, professions and places of abode the persons elected in the manner aforesaid as Trustees for the management thereof. 18 V. c. 131, s. 4.

40

Contents of notice.

21. Every such notice shall be delivered to the proper officer by one of the Trustees so elected, and it shall be the duty of the officer receiving the same to endorse thereon the date of the receipt thereof, and to deliver a copy of the same, so endorsed and duly certified by him, to such Trustee. 18 V. c. 131, s. 5.

Endorsement to be made on such notice.

22. From the day of the delivery and receipt of every such notice, the Trustees therein named shall be a body Corporate under the name of "The Trustees of the Roman Catholic Separate School for the Section Number \_\_\_\_\_, in the Township (City or Town, as the case may be,) in the  
10 County of \_\_\_\_\_." 18 V. c. 131, s. 6.

Hereafter, trustees to be a corporation.

23. When such Separate Schools are established in more than one Ward of any City or Town, the Trustees of such Separate Schools may, if they think fit, form a union of such Separate Schools and, from the day of the notice in any public newspaper published in such City or Town announcing such union, the Trustees of the several Wards shall together form a body Corporate under the title of "The Board of Trustees of the Roman Catholic United Separate Schools for the City (or Town) of \_\_\_\_\_, in the County of \_\_\_\_\_." 18 V. c. 131, s. 7.

Union of wards in cities and towns.  
Notice in a newspaper.

Effect thereof.

24. The Trustees of such Separate Schools forming a body Corporate  
20 under this Act, shall have the same power to impose, levy and collect School rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of such Schools, and all other powers in respect of Separate Schools, as the Trustees of Common Schools have and possess under the provisions of the Act relating to Common Schools. 18 V. c. 131, s. 8.

Separate school trustees to have same power as common school trustees.

25. The Trustees of such separate School shall perform the same duties and shall be subject to the same penalties as Trustees of Common Schools; and Teachers of Separate Schools shall be liable to the same penalties as teachers of Common Schools. 18 V. c. 131, s. 8.

And be subject to same penalties.  
Also teachers.

26. The Trustees of such separate School shall remain in office until the  
30 second Wednesday of the month of January next following their election, on which day in each year a Meeting shall be held in each such section or ward, commencing at the hour of ten of the clock in the forenoon, for the election of three Trustees for Separate Schools theretofore established; but no Trustee shall be re-elected at any such meeting without his consent, unless after the expiration of four years from the time when he went out of office. 18 V. c. 131, s. 9.

All trustees to be elected annually.

Re-election.

27. The Trustees of such Separate Schools shall allow children from other School Sections, whose parents or lawful guardians are Roman Catholics, to be received into any Separate School under their management, at the request of  
40 such parents or guardians; and no children attending such School shall be included in the return, hereafter required to be made to the Chief Superintendent of Education, unless they are Roman Catholics. 18 V. c. 131, s. 10.

Children from other sections.

28. A majority of the Trustees of such Separate Schools in any Township or Village or of the Board of Trustees in any Town or Village, shall have power to grant certificates of qualification to Teachers of Separate Schools under their management, and to dispose of all School Funds of every description coming into their hands for School purposes. 18 V. c. 131, s. 11.

Certificates of teachers.

School funds.

Exemption from common school rates.

29. Every person paying rates, whether as proprietor or tenant, who, on or before the first day of February of any year, gives to the Clerk of the Municipality in which any Separate School is situated, notice that he is a Roman Catholic and a supporter of such Separate School, shall be exempted from the payment of all rates imposed for the year then next following for the support of Common Schools and of Common School Libraries, within the Ward or School Section wherein such separate School is established. 18 V. c. 131, s. 12.

Certificate of clerk.

30. Every Clerk of a Municipality, upon receiving any such notice, shall deliver a certificate to the person giving such notice to the effect that the same has been given, and shewing the date of such notice. 18 V. c. 131, s. 12. 10

Fraudulent notice.

31. Any person who fraudulently gives any such notice, or wilfully makes any false statement there in, shall not thereby secure any exemption from rates, and shall be liable to a penalty of forty dollars recoverable, with costs, before any Justice of the Peace at the suit of the Municipality interested. 18 V. c. 131, s. 12.

Exception as to present rates.

32. Nothing in the last three preceding sections contained shall exempt any person from paying any rate for the support of Common Schools or Common School Libraries, or for the erection of a School house or School houses, imposed before the establishment of such Separate School. 18 V. c. 131, s. 12. 20

Share in legislative school grant.

33. Every such Separate School shall be entitled to a share in the fund annually granted by the Legislature of this Province for the support of Common Schools, according to the average number of pupils attending such School during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new Separate School, as compared with the whole average number of pupils attending school in the same City, Town, Village or Township: 18 V. c. 131, s. 13.

Basis.

Average must be 15.

1. But no such Separate School shall be entitled to a share in any such fund unless the average number of pupils so attending the same be fifteen or more, (periods of epidemic or contagious diseases excepted) 30

Not to share in municipal assessment.

2. Nothing herein contained shall entitled any such Separate School within any City, Town, Village or Township to any part or portion of School moneys arising or accruing from local assessment for Common School purposes within the City, Town, Village or Township, or the County or Union of Counties within which the City, Town, Village or Township is situate.

Half yearly returns to the chief superintendent.

34. The Trustees of each such Separate School shall, on or before the thirtieth day of June and the thirty-first day of December in each year, transmit to the Chief Superintendent of Education for Upper Canada a correct statement, verified by at least one of such Trustees under oath made before a Justice of the Peace for the County within which the Separate School is situate, of the names of the children attending such School, together with the average attendance during the six next preceding months, or during the number of months which have elapsed since the establishment thereof, and the number of months it has been so kept open, and the Chief Superintendent shall thereupon determine the proportion which the Trustees of such Separate 40

Amount of grant determined.

School are entitled to receive out of such Legislative grant, and shall pay over the amount thereof to such Trustees. 18 V. c. 131, s. 14.

35. The election of Trustees for any such Separate School shall become void unless a Separate School be established under their management within two months from the election of such Trustees. 18 V. c. 131, s. 15. Special conditions.

36. No person subscribing towards the support of a Separate School established as herein provided either for Roman Catholics, Protestants, or colored people, or sending children thereto, shall be allowed to vote at the election of any Trustee for a Common School in the City, Town, Village or Township in which such Separate School is situate. 16 V. c. 185, s. 4,—  
10 18 V. c. 131, s. 16. Separatists not to vote at common school meetings.

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No. 31

Statutes of Canada, 1860, 23 Vic.

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CHAPTER 49

*An Act to amend the Upper Canada Common School Act.*

[Assented to 19th May, 1860.]

WHEREAS it is expedient to amend the Law respecting Common Schools in Upper Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

\* \* \* \*

14. The Chief Superintendent shall have authority to decide upon all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any Local Superintendent or other School officer. Chief Superintendent to decide all appeals and all questions not otherwise provided for.

\* \* \* \*

23. It shall be competent for the Chief Superintendent of Education, should he deem it expedient, to submit a case on any question arising under the Grammar or Common School Acts, to any Judge of either of the Superior Courts for his opinion and decision, or, with the consent of such Judge, to either of the Superior Courts for their opinion and decision. Chief Superintendent may refer certain questions to Superior Courts.

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## Statutes of Canada, 1863, 26 Vic.

## CHAPTER 5

*An Act to restore to Roman Catholics in Upper Canada certain rights in respect to Separate Schools.*

[Assented to 5th May, 1863.]

Preamble. WHEREAS it is just and proper to restore to Roman Catholics in Upper Canada certain rights which they formerly enjoyed in respect to separate Schools, and to bring the provisions of the Law respecting Separate Schools more in harmony with the provisions of the Law respecting Common Schools: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: 10

Con. Stat. U. C. cap. 65. ss. 18 to 36 repealed. 1. Sections eighteen to thirty-six, both inclusive, of chapter sixty-five of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting separate Schools*, are hereby repealed, and the following shall be substituted in lieu thereof, and be deemed to form part of the said Act:

Five heads of families being Roman Catholics may call a meeting for a separate school. 2. Any number of persons, not less than five, being heads of families, and freeholders or householders, resident within any school section of any Township, Incorporated Village or Town, or within any ward of any City or Town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a Separate School for Roman Catholics, in such school section or ward, for the election of Trustees for the management of the same. 20

Election of Separate School Trustees. 3. A majority of the persons present, being freeholders or householders, and being Roman Catholics, and not candidates for election as Trustees, may, at any such meeting, elect three persons resident within such section or an adjoining section to act as Trustees for the management of such Separate School; and any person, being a British subject, not less than twenty-one years of age, may be elected as a Trustee, whether he be a freeholder or householder, or not. 30

Written notice of such meeting to be given and to whom and in what manner. 4. Notice in writing that such meeting has been held and of such election of Trustees, shall be given by the parties present at such meeting to the Reeve or head of the Municipality, or to the Chairman of the Board of Common School Trustees, in the Township, Incorporated Village, Town or City in which such School is about to be established, designating by their names, professions and residences, the persons elected in the manner aforesaid, as Trustees for the management thereof; and every such notice shall be delivered to the proper officer by one of the Trustees so elected, and it shall be the duty of the officer receiving the same to endorse thereon the date of the receipt thereof, and to deliver a copy of the same so endorsed and duly certified by him to such Trustee, and from the day of the delivery and receipt of every such notice, or in the event of the neglect or refusal of such officer to deliver a copy so endorsed and certified, then from the day of the delivery of such notice, 40

the Trustees therein named shall be a body corporate, under the name of "The Trustees of the Roman Catholic Separate School for the Section number \_\_\_\_\_, in the township of \_\_\_\_\_, or for the ward of \_\_\_\_\_, in the city or town (as the case may be) or for the village of \_\_\_\_\_, in the county of \_\_\_\_\_."

Corporate name of Trustees.

5. The Trustees of Separate Schools heretofore elected, or hereafter to be elected according to the provisions of this Act, in the several Wards of any city or town, shall form one body corporate, under the title of "The Board of Trustees of the Roman Catholic Separate Schools for the city (or town) of—"

Union of wards in Towns or Cities.

10 6. It shall be lawful for the majority of the rate-paying supporters of the Separate School, in each Separate School Section, whether the Sections be in the same or adjoining Municipalities, at a public meeting duly called by the Separate School Trustees of each such section, to form such sections into a Separate School Union Section, of which union of sections the Trustees shall give notice within fifteen days to the Clerk or Clerks of the Municipality or Municipalities, and to the Chief Superintendent of Education; and each such Separate School Union Section thus formed, shall be deemed one School Section for all Roman Catholic Separate School purposes, and shall every year thereafter be represented by three Trustees, to be elected as in Common School  
20 Sections:

Notice for union of School sections, for a Separate School.

Union formed.

2. And the said Trustees shall form a body corporate, under the title of "The Board of Trustees of the Roman Catholic United Separate Schools for the United Sections Nos. \_\_\_\_\_ (as the case may be,) in the \_\_\_\_\_ (as the case may be.)"

Corporate name of Trustees for Union.

7. The Trustees of Separate Schools forming a body corporate under this Act, shall have the power to impose, levy and collect School rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of such Schools, and shall have all the powers in respect of Separate Schools, that the Trustees of Common Schools have and possess under the  
30 provisions of the Act relating to Common Schools.

Powers of Trustees.

8. The Clerk or other officer of a Municipality within or adjoining which a Separate School is established, having possession of the Assessor's or Collector's roll of the said Municipality, shall allow any one of the said Trustees or their authorized collector to make a copy of such roll in so far as it relates to the persons supporting the Separate School under their charge.

Trustees may copy Assessment Roll of Municipality.

9. The Trustees of Separate Schools shall take and subscribe the following declaration before any Justice of the Peace, Reeve or Chairman of the Board of Common Schools:

Declaration by Trustees of Separate Schools.

40 "I, \_\_\_\_\_, will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee to which I have "been elected;"

And they shall perform the same duties and be subject to the same penalties as Trustees of Common Schools; and teachers of Separate Schools shall be liable to the same obligations and penalties as teachers of Common Schools.



Term of office of Trustees.

10. The Trustees of Separate Schools shall remain respectively in office for the same periods of time that the Trustees for Common Schools do, and as is provided by the thirteenth Section and its sub-sections, of the Common School Act of the Consolidated Statutes for Upper Canada; but no Trustee shall be re-elected without his consent, unless after the expiration of four years from the time he went out of office; provided always, that whenever in any City or Town divided into Wards, a united Board now exists, or shall be hereafter established, there shall be for every Ward two Trustees, each of whom, after the first election of Trustees, shall continue in office two years and until his successor has been elected, and one of such Trustees shall retire on the second Wednesday in January, yearly, in rotation; and provided also, that at the first meeting of the Trustees after the election on the second Wednesday in January next, it shall be determined by lot, which of the said Trustees, in each Ward, shall retire from office at the time appointed for the then next annual election, and the other shall continue in office for one year longer. 10

Proviso: in cases of United Boards now existing in Cities and Towns.

Proviso as to order of retirement.

As to time and mode of elections.

Certain provisions to apply.

11. After the establishment of any Separate School, the Trustees thereof shall hold office for the same period and be elected at the same time in each year that the Trustees of Common Schools are, and all the provisions of the Common School Act relating to the mode and time of election, appointments and duties of Chairman and Secretary at the annual meetings, term of office and manner of filling up vacancies, shall be deemed and held to apply to this Act. 20

Children from other school sections.

12. The Trustees of Separate Schools may allow children from other School Sections, whose parents or lawful guardians are Roman Catholics, to be received into any Separate School under their management, at the request of such parents or guardians; and no children attending such School shall be included in the return hereafter required to be made to the Chief Superintendent of Education, unless they are Roman Catholics.

Certificates to Teachers of separate schools.

13. The Teachers of Separate Schools under this Act shall be subject to the same examinations, and receive their certificates of qualifications, in the same manner as Common School Teachers generally; provided that persons qualified by law as Teachers, either in Upper or Lower Canada, shall be considered qualified Teachers for the purposes of this Act. 30

Supporters of separate schools exempted from payment of common school rates, on giving a certain notice.

14. Every person paying rates, whether as proprietor or tenant, who, by himself or his agent, on or before the first day of March in any year, gives, or who, on or before the first day of March, of the present year, has given to the Clerk of the Municipality notice in writing that he is a Roman Catholic, and a supporter of a Separate School situated in the said Municipality, or in a Municipality contiguous thereto, shall be exempted from the payment of all rates imposed for the support of Common Schools, and of Common School Libraries, or for the purchase of land or erection of buildings for Common School purposes, within the City, Town, Incorporated Village or section in which he resides, for the then current year, and every subsequent year thereafter, while he continues a supporter of a Separate School; and such notice shall not be required to be renewed annually; and it shall be the duty of the Trustees of every Separate School to transmit to the Clerk of the Municipality or Clerks of Municipalities (as the case may be) on or before the first day of 40

June in each year, a correct list of the names and residences of all persons supporting the Separate Schools under their management; and every rate-payer whose name shall not appear on such list shall be rated for the support of Common Schools.

Notice need not be renewed yearly.

15. Every Clerk of a Municipality, upon receiving any such notice, shall deliver a certificate to the person giving such notice, to the effect that the same has been given, and showing the date of such notice.

Certificates of notice.

10 16. Any person who fraudulently gives any such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from rates, and shall be liable to a penalty of forty dollars, recoverable with costs, before any Justice of the Peace at the suit of the Municipality interested.

Penalty for wilful false statements in such notice.

17. Nothing in the last three preceding sections contained, shall exempt any person from paying any rate for the support of Common Schools or Common School Libraries, or for the erection of a School House or School Houses, imposed before the establishment of such Separate School.

Exception as rates imposed before separate school established.

20 18. Any Roman Catholic who may desire to withdraw his support from a Separate School, shall give notice in writing to the Clerk of the Municipality before the second Wednesday in January of any year, otherwise he shall be deemed a supporter of such School; Provided always, that any person who shall have withdrawn his support from any Roman Catholic Separate School, shall not be exempted from paying any rate for the support of Separate Schools or Separate School Libraries, or for the erection of a separate School House, imposed before the time of his withdrawing such support from the Separate School.

Persons withdrawing support from Separate school, to give notice.

Proviso.

19. No person shall be deemed a supporter of any Separate School unless he resides within three miles (in a direct line) of the site of the School House.

Residence of supporters of separate schools.

30 20. Every Separate School shall be entitled to a share in the fund annually granted by the Legislature of this Province for the support of Common Schools, and shall be entitled also to a share in all other public grants, investments and allotments for Common School purposes now made or hereafter to be made by the Province or the Municipal authorities, according to the average number of pupils attending such school during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new Separate School, as compared with the whole average number of pupils attending School in the same City, Town, Village or Township.

Separate schools entitled to a share of the public grant.

40 21. Nothing herein contained shall entitle any such Separate School within any City, Town, Incorporated Village or Township, to any part or portion of school moneys arising or accruing from local assessment for Common School purposes within the City, Town, Village or Township, or the County or Union of Counties within which the City, Town, Village or Township is situate.

But not to any share of local assessment for common schools.

22. The Trustees of each Separate School shall, on or before the thirtieth day of June, and the thirty-first day of December of every year, transmit to the Chief Superintendent of Education for Upper Canada, a correct return of the names of the children attending such school, together with the average attendance during the six next preceding months, or during the number of

Return to be transmitted by Trustees.

months which have elapsed since the establishment thereof, and the number of months it has been so kept open; and the Chief Superintendent shall, thereupon, determine the porportion which the Trustees of such Separate School are entitled to receive out of the Legislative grant, and shall pay over the amount thereof to such Trustees.

Visitors of separate schools.

23. All Judges, Members of the Legislature, the heads of the Municipal bodies in their respective localities, the Chief Superintendent and Local Superintendent of Common Schools, and Clergymen of the Roman Catholic Church, shall be Visitors of Separate Schools.

Election of Trustees, when to become void.

24. The election of Trustees for any Separate School shall become void, 10 unless a Separate School be established under their management, within three months from the election of such Trustees.

Supporters of separate schools not to vote at elections of common school Trustees.

25. No person subscribing towards the support of a Separate School, established as herein provided, or sending children thereto, shall be allowed to vote at the election of any Trustee, for a Common School in the City, Town, Village or Township, in which such Separate School is situate.

Inspection of schools by Chief Superintendent.

26. The Roman Catholic Separate Schools (with their Registers), shall be subject to such inspection, as may be directed from time to time, by the Chief Superintendent of Education, and shall be subject also, to such regulations, as may be imposed, from time to time, by the Council of Public Instruction for 20 Upper Canada.

Disagreement between Trustees, Local Superintendents, &c.

27. In the event of any disagreement between Trustees of Roman Catholic Separate Schools, and Local Superintendents of Common Schools, or other municipal authorities, the case in dispute shall be referred to the equitable arbitrament of the Chief Superintendent of Education in Upper Canada; subject, nevertheless, to appeal to the Governor in Council, whose award shall be final in all cases.

Commencement of Act.

28. This Act shall come into force, and take effect, from and after the thirty-first day of December next; but all contracts and engagements made, and rates imposed, and all corporations formed under the Separate School 30 Law, hereby repealed, shall remain in force as if made under the authority of this Act.

Existing arrangements saved.

**No. 33**  
**Statutes of Canada, 1865, 29 Vict.**

CHAPTER 2

*An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the financial year ending thirtieth June, 1866, and for other purposes connected with the Public Service.*

[Assented to 18th September, 1865.]

**MOST GRACIOUS SOVEREIGN:**

WHEREAS it appears by messages from His Excellency the Right Honor- 40 able Charles Stanley, Viscount Monck, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, and the estimates accompanying the same, that the sums herein-

after mentioned are required to defray certain expenses of the Civil Government of this Province not otherwise provided for, for the financial year ending on the thirtieth day of June, one thousand eight hundred and sixty-six, and other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, that,—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied, a sum not exceeding in the whole  
 10 five million, six thousand, one hundred and forty-five dollars, and two cents, for defraying the several charges and expenses of the Civil Government of this Province, for the financial year ending on the thirtieth day of June, one thousand eight hundred and sixty-six, not otherwise provided for, and set forth in the Schedule to this Act, and for the other purposes therein mentioned.

\$5,006,145.02  
 granted out  
 of Con Rev.  
 Fund for  
 purposes  
 mentioned in  
 the Schedule.

SERVICE		Amount	Total
		\$ cts.	\$ ,cts.
EXTRACT FROM SCHEDULE			
<i>Education</i>			
	Additional sum for Common Schools Upper and Lower Canada (6,000 of which out of the Lower Canada share to be applied to Normal Schools) . . .	160,000 00	
20	Aid to Superior Education Income Fund, Lower Canada . . . . . \$25,000 00		
	Do do do Upper Canada . . . . . 25,000 00		
		50,000 00	
To be distributed as follows:			
	Victoria College, Cobourg . . . . .	\$5,000 00	
	Queen's College, Kingston . . . . .	5,000 00	
	Regiopolis College, do . . . . .	3,000 00	
	St. Michael's College, Toronto . . . . .	2,000 00	
	Trinity College, do . . . . .	4,000 00	
30	Bytown College, Ottawa . . . . .	1,400 00	
	L'Assomption College, Sandwich . . . . .	1,000 00	
	Grammar School Fund, U. C. . . . .	3,600 00	
		\$25,000 00	
	Additional sum for Common Schools, Upper and Lower Canada, the proportion for Upper Canada, to be applicable to Grammar Schools. . . . .	32,000 00	
	Advance to Superior Education Fund, Lower Canada, to meet the deficit of Income . . . . .	30,000 00	
	Salaries and Contingencies of Department of Education . . . . . L. C. . . . .	19,485 00	
	Do do do do . . . . . U. C. . . . .	13,600 00	
			\$305,085 00

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**No. 34**  
**Statutes of Canada, 1865, 29 Vict.**

CHAPTER 23

*An Act for the further improvement of Grammar Schools in Upper Canada*

[Assented to 18th September, 1865]

WHEREAS it is expedient to make further provision for the improvement of Grammar Schools in Upper Canada: Therefore, Her Majesty, by and with Preamble.

the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Cities to be as counties for Grammar School purposes.

County to appoint one half trustees.

Appointment of Trustees by County and Local Municipalities, in which Grammar Schools are situate.

As to villages hereafter incorporated.

Filling vacancies.

Trustees to be a corporation; powers, &c.

Grammar School property vested in Trustees.

Case of Union of Grammar and Common School Trustees, provided for.

And case of dissolution of such union.

1. Each city shall, for all Grammar School purposes, be a county; and its Municipal Council shall be invested with all the Grammar School powers now possessed by County Councils; but when, and so long as, the only Grammar School of the County is situated within a city, the Council of such County shall appoint one half of the trustees of such Grammar School.

2. Each County Council at its first session to be held after the first day of January next, shall select and appoint as Trustees of each Grammar School situated in a town or incorporated village and within its jurisdiction, three fit and proper persons as Trustees of such Grammar School; and the corporation of the town or incorporated village municipality, within the limits of which such Grammar School is or may be situated, shall also at its first session in January next, appoint three fit and proper persons as Trustees of such Grammar School, one of whom, in the order of their appointment, in each case, shall annually retire from office on the thirty-first day of January in each year (but may be re-appointed); and, on the incorporation hereafter of any village in which a Grammar School is established, the county and village council shall at their first meeting in January next thereafter, appoint trustees in like manner as aforesaid for the Grammar School in such incorporated village; and the vacancy occasioned by the annual retirement of trustees, as also any occasional vacancy in their number, arising from death, resignation, removal from the municipality, or otherwise, shall be filled up by such County, town or village Council, as the case may be, provided that the person appointed to fill such occasional vacancy shall hold office only for the unexpired part of the term for which the person whose place shall have become vacant was appointed to serve.

3. The Trustees appointed as aforesaid shall be a corporation, and shall succeed to all the rights, names, powers and obligations conferred or imposed upon Trustees of Grammar Schools by chapter sixty-three of the Consolidated Statutes for Upper Canada, and by this Act.

4. All property heretofore given or acquired in any municipality and vested in any person or persons, or corporation for Grammar School purposes, or which may hereafter be so given or acquired, shall vest absolutely in the corporation of Grammar School Trustees having the care of the same, subject to such trusts as may be declared in the deed or instrument under which such property is held.

5. In all cases of the union of Grammar and Common School Trustee Corporations, all the members of both Corporations shall constitute the joint Board, seven of whom shall form a quorum; but such union may be dissolved at the end of any year by resolution of a majority present at any lawful meeting of the joint Board called for that purpose; On the dissolution of such union between any Grammar and Common School, or department thereof, the school property held or possessed by the joint Board shall be divided or applied to public school purposes, as may be agreed upon by a majority of the members of each Trustee Corporation; or if they fail to agree within the space of six months after such dissolution, then by the Municipal Council of the city, town

or incorporated village within the limits of which such Schools are situated, and, in the case of unincorporated villages, by the County Council.

6. No Grammar School shall be entitled to share in the Grammar School fund, unless a sum shall be provided, from local sources, exclusive of fees, equal at least to half the sum apportioned to such school, and expended for the same purpose as the said fund.

Condition of share in Grammar School Fund.

7. The apportionment payable half yearly to the Grammar Schools shall be made to each School conducted according to law, upon the basis of the daily average attendance at such Grammar School of pupils in the programme of studies prescribed according to law for Grammar Schools; such attendance shall be certified by the Head Master and Trustees and verified by the Inspector of Grammar Schools.

Basis of apportionment to Grammar Schools.

8. No additional Grammar School shall be established in any county unless the Grammar School fund shall be sufficient to allow of an apportionment at the rate of three hundred dollars per annum to be made to such additional school, without diminishing the fund which may have been available for Grammar Schools during the then next preceding year.

Condition on which a county may have an additional Grammar School.

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10. Each of the Grammar School Meteorological stations, at which the daily observations are made, as required by law, shall be entitled to an additional apportionment out of the Grammar School fund, at a rate not exceeding fifteen dollars per month for each consecutive month during which such duty is performed and satisfactory monthly abstracts thereof are furnished to the Chief Superintendent, according to the form and regulations provided by the Department of Public Instruction; but the number and locality of such meteorological stations shall be designated by the Council of Public Instruction with the approval of the Governor in Council.

Additional allowance for meteorological stations.

Number, &c., of such stations, how fixed.

11. After the passing of this Act no person shall be deemed to be legally qualified to be appointed Head Master of a Grammar School, unless he be a graduate of some University within the British Dominions; but any person legally qualified and appointed to be a Head Master in any Grammar School during the year next before the passing of this Act shall be deemed qualified notwithstanding this section.

Qualification of Head Masters.

Exception.

12. It shall be lawful for the Governor in Council to prescribe a course of Elementary Military Instruction for Grammar School pupils, and to appropriate out of any money granted for the purpose, a sum not exceeding fifty dollars per annum to any school, the Head Master of which shall have passed a prescribed examination in the subjects of the military course, and in which school a class of not less than five pupils has been taught for a period of at least six months; such classes and instruction to be subject to such inspection and oversight as the Governor in Council may direct.

Governor in Council may appropriate part of Grammar School allowance, for military instruction

\* \* \* \*

15. So much of the Grammar and Common School Acts of Upper Canada, as are inconsistent with the provisions of this Act, are hereby repealed.

Inconsistent enactments repealed.

**The British North America Act, 30-31 Vict. (Imperial)**

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CHAPTER 3

*An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for Purposes connected therewith.*

[29th March, 1867]

WHEREAS the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their Desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom: 10

And whereas such a Union would conduce to the Welfare of the Provinces and promote the Interests of the British Empire:

And whereas on the Establishment of the Union by Authority of Parliament it is expedient, not only that the Constitution of the Legislative Authority in the Dominion be provided for, but also that the Nature of the Executive Government therein be declared:

And whereas it is expedient that Provision be made for the eventual Admission into the Union of other Parts of British North America:

Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and 20 Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I.—PRELIMINARY

Short Title.

1. This Act may be cited as The British North America Act, 1867.

\* \* \* \*

II.—UNION

Declaration of Union.

3. It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honorable Privy Council, to declare by Proclamation that, on and after a Day therein appointed, not being more than Six Months after the passing of this Act, the Provinces of Canada, Nova Scotia, and New Brunswick shall form and be One Dominion under the Name of Canada; and on and after that Day those Three Provinces shall form and be One Dominion under that Name accordingly. 30

Construction of subsequent Provisions of Act.

4. The subsequent Provisions of this Act shall, unless it is otherwise expressed or implied, commence and have effect on and after the Union, that is to say, on and after the Day appointed for the Union taking effect in the Queen's Proclamation; and in the same Provisions, unless it is otherwise expressed or implied, the Name Canada shall be taken to mean Canada as constituted under this Act.

5. Canada shall be divided into Four Provinces, named Ontario, Quebec, Nova Scotia, and New Brunswick.

Four Provinces.

6. The Parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper Canada and Lower Canada shall be deemed to be severed, and shall form Two separate Provinces. The Part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario; and the Part which formerly constituted the Province of Lower Canada shall constitute the Province of Quebec.

Provinces of Ontario and Quebec.

10 7. The Provinces of Nova Scotia and New Brunswick shall have the same Limits as at the passing of this Act.

Provinces of Nova Scotia and New Brunswick. Decennial Census.

8. In the general Census of the Population of Canada which is hereby required to be taken in the Year One thousand eight hundred and seventy-one, and in every Tenth Year thereafter, the respective Populations of the Four Provinces shall be distinguished.

\* \* \* \*

20 84. Until the Legislatures of Ontario and Quebec respectively otherwise provide, all Laws which at the Union are in force in those Provinces respectively, relative to the following Matters, or any of them, namely,—the Qualifications and Disqualifications of Persons to be elected or to sit or vote as Members of the Assembly of Canada, the Qualifications or Disqualifications of Voters, the Oaths to be taken by Voters, the Returning Officers, their Powers and Duties, the Proceedings at Elections, the Periods during which such Elections, may be continued, and the Trial of controverted Elections and the Proceedings incident thereto, the vacating of the Seats of Members and the issuing and Execution of new Writs in case of Seats vacated otherwise than by Dissolution, shall respectively apply to Elections of Members to serve in the respective Legislative Assemblies of Ontario and Quebec.

Continuance of existing election Laws.

30 Provided that until the Legislature of Ontario otherwise provides, at any Election for a Member of the Legislative Assembly of Ontario for the District of Algoma, in addition to Persons qualified by the Law of the Province of Canada to vote, every male British Subject, aged Twenty-one Years or upwards, being a Householder, shall have a Vote.

\* \* \* \*

## VI.—DISTRIBUTION OF LEGISLATIVE POWERS

### *Powers of the Parliament*

40 91. It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say:—

Legislative Authority of Parliament of Canada.

\* \* \* \*



29. Such Classes of Subjects as are expressly excepted in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any Matter coming within any of the Classes of Subjects enumerated in this Section shall not be deemed to come within the Class of Matters of a local or private Nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

*Exclusive Powers of Provincial Legislatures*

Subjects of exclusive Provincial Legislation.

92. In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter 10 enumerated, that is to say,—

\* \* \* \*

8. Municipal Institutions in the Province.

\* \* \* \*

13. Property and Civil Rights in the Province.

\* \* \* \*

16. Generally all Matters of a merely local or private Nature in the Province.

*Education*

Legislation respecting education.

93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:—

(1.) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of 20 Persons have by Law in the Province at the Union:

(2.) All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec:

(3.) Where in any Province a System of Separate or Dissident Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting 30 any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education:

(4.) In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every such Case, and so far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision 40 of the Governor General in Council under this Section.

\* \* \* \*

129. Except as otherwise provided by this Act, all Laws in force in Canada, Nova Scotia, or New Brunswick at the Union, and all Courts of Civil and Criminal Jurisdiction, and all legal Commissions, Powers, and Authorities, and all Officers, Judicial, Administrative, and Ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia, and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland,) to be repealed; abolished, or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the Authority of the Parliament or of that Legislature under this Act

Continuance  
of existing  
Laws,  
Courts,  
Officers, &c.

\* \* \* \*

142. The Division and Adjustment of the Debts, Credits, Liabilities, Properties, and Assets of Upper Canada and Lower Canada shall be referred to the Arbitrament of Three Arbitrators, One chosen by the Government of Ontario, One by the Government of Quebec, and One by the Government of Canada; and the Selection of the Arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met; and the Arbitrator chosen by the Government of Canada shall not be a Resident either in Ontario or in Quebec.

Arbitration  
respecting  
debts, &c.

## No. 36

### Statutes of Ontario, 1871, 34 Vict.

#### CHAPTER 33

#### *An Act to Improve the Common and Grammar Schools of the Province of Ontario*

[Assented to 15th February, 1871.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

30 1. All Common Schools, which shall hereafter be designated and known as Public Schools, shall be free schools; and the Trustees of school sections, and the municipal councils of cities, towns, villages and townships, shall, in the manner now provided by law, levy and collect the rate upon all the taxable property of the school division, or municipality, (as the case may be) to defray the expenses of such schools, as determined by the Trustees thereof; Provided that Public School Boards in cities, towns and villages, may, if they deem it expedient, collect from parents and guardians of children attending their school, a sum not exceeding twenty cents per month, per pupil, to defray the cost of text books, stationery and other contingencies.

Common  
Schools to be  
designated  
Public  
Schools, and  
shall be free  
schools.

40 2. Each School corporation shall provide adequate accommodations for all children of school age in their school division or municipality.

School  
accommoda-  
tion.

Certain children to have the right to attend Schools.

Parents not sending children to School.

Proviso—refractory children.

Proviso.

3. Every child, from the age of seven to twelve years inclusive, shall have the right to attend some school, or be otherwise educated for four months in each year; and any parent or guardian, who does not provide that each child between the ages aforesaid under his care shall attend some school, or be otherwise educated, as thus of right declared, shall be subject to the penalties hereinafter provided by this Act; Provided nevertheless, that any pupil who shall be adjudged so refractory by the trustees (or a majority of them) and the teacher, that his presence in the school is deemed injurious to the other pupils, may be dismissed from such school, and, where practicable, removed to an Industrial school; Provided that nothing herein shall be held to require any Roman Catholic to attend a public school, or to require a Protestant to attend a Roman Catholic school. 10

\* \* \* \*

Grammar schools to be high schools.

Education therein.

34. Boards of Grammar School Trustees shall be designated High School Boards; and the Grammar Schools shall be designated and known as High Schools, in which provision shall be made for teaching to both male and female pupils the higher branches of an English and commercial education, including the natural sciences, with special reference to agriculture, and, also, the Latin, Greek, French and German languages, to those pupils whose parents or guardians may desire it, according to a programme of studies and regulations, which shall be prescribed from time to time by the Council of Public Instruction, with the approval of the Lieutenant-Governor in Council; and the Council of Public Instruction shall have power to exempt any High School, which shall not have sufficient funds to provide the necessary qualified teachers, from the obligation to teach the German and French languages. 20

Certain provisions of the grammar school Act to apply to this Act.

Board may provide for the support of high schools.

35. All the provisions of the Grammar School Act shall, as far as is consistent with the provisions of this Act, apply to High Schools, their Trustees, head masters and other officers, as fully, as they apply to Grammar Schools and their officers; And, as far as the fund will permit, it shall be lawful for the Lieutenant-Governor in Council to authorize the establishment of additional High Schools upon the conditions prescribed by the Grammar School Act and this Act. 30

Application of the grammar school grant.

36. The Grammar or High School grant shall be exclusively applied in aid of High Schools; and of the sums of money required to be raised from local sources for the support of a High School a sum equal to one-half of the amount paid by the Government to any High School in a city or town withdrawn from the jurisdiction of the county, together with such other sum as may be required for the accommodation and support of such school, shall be provided by the Municipal Council of such city or town, upon the application of the High School Board. In the case of a High School in towns, incorporated villages or townships, one-half of the amount paid by the Government shall be paid by the Municipal Council of the county in which such High School is situated, upon the application of the High School Board; and such other sums as may be required for the maintenance and school accommodation of the said High School, shall be raised by the Council of the Municipality in which the High School is situated, upon the application of the High School Board; or, in the event of the county council forming the whole or parts of a county into one or more High School District, then such other sums as may be required for the 40

maintenance of the said High School shall be provided by the High School District upon the application of the High School Board in the manner hereinafter provided:

(1) The Council of any municipality or the Councils of the respective municipalities, out of which the whole or part of such High School District is formed, shall, upon the application of the High School Board, raise the proportion required to be paid by such municipality or part of the municipality, from the whole or part of the municipality, as the case may be.

10 37. No Public or High School shall be entitled to share in the Fund applicable to it unless it is conducted according to the regulations provided by law; and each High School, conducted according to law, shall be entitled to an apportionment at the rate of not less than four hundred dollars per annum, according to the average attendance of pupils, their proficiency in the various branches of study, and the length of time each such High School is kept open, as compared with other High Schools.

Conditions upon which public or high schools may share in the school fund.

20 38. The County, City or Town Inspector of Schools, the Chairman of the High School Board and the Head Master of the High School shall constitute a Board of Examiners for the admission of pupils to the High School, according to the regulations and programme of examination provided according to law and it shall be the duty of the Inspector of High Schools to see that such regulations are duly observed in the admission of pupils to the High Schools; Provided nevertheless, that the pupils already admitted as Grammar School pupils according to law shall be held eligible without further examination for admission as pupils of the High Schools; And provided furthermore, that pupils from any part of the County in which a High School is or may be established shall be admitted to such school on the same terms as pupils within the town or village or such school.

Board of examiners for admission of pupils to high schools.

39. The Inspector or Inspectors of Grammar Schools now authorized by law shall be known as the Inspector or Inspectors of High Schools.

Proviso—As to pupils already admitted to grammar schools.  
Proviso—As to the admission of pupils from the county.

30 40. Every county council shall determine the limits of each High School District for each Grammar School now existing within the county, and may form the whole or part of one or more townships, towns and villages within its jurisdiction into a High School District; and the High School Board of such District shall possess all the powers within the said District, for the support and management of their High School, and in respect to the county council, as are possessed under the Grammar School Acts and this Act by High School Boards in respect to the support and management of the schools under their care; and such county council may appoint and determine the continuance and succession in office of six duly qualified persons as members of such High School Board. Provided however, that existing Grammar School divisions  
40 already established shall be called High School Districts, and continue as such till otherwise altered by by-law of such county council.

Inspectors of grammar schools to be inspectors of high schools.  
County council may form high school districts.

Board of trustees—how appointed.

Power of board of trustees.

County councils may appoint members to the board.

41. And whereas it is desirable to encourage the establishment of superior classical schools, it shall be lawful for the Lieutenant-Governor in Council to confer upon any High School, in which not less than four masters are fully employed in teaching the subjects of the prescribed curriculum, and in which the daily average of male pupils studying the Latin or Greek language shall

Collegiate institutes.

Grant in support of collegiate institutes.

not be less than sixty, the name Collegiate Institute; and towards the support of such Collegiate Institute it shall be lawful for the Lieutenant-Governor in Council to authorize the payment of an additional sum, at the rate of, and not exceeding seven hundred and fifty dollars per annum out of the Superior Education Fund, provided under the authority of the tenth section of the Consolidated Grammar School Act, passed in the twenty-second year of Her Majesty's reign, and chaptered sixty-three;

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No. 37

Statutes of Ontario, 1874, 37 Vict.

CHAPTER 28

*An Act to amend and consolidate the Public School Law*

[Assented to 24th March, 1874]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name. 1. This Act shall take effect from the passing thereof, and shall be known and cited as the "Consolidated Public School Act of 1874." 20

Existing school arrangements continued. 2. All public school sections or other public school divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate bills, heretofore duly made in relation to public schools, and existing when this Act comes into force, shall be subject to the provisions of this Act.

\* \* \* \*

Appointment and duties of secretary-treasurer. 26. It shall be the duty of the trustees of every rural school section:

\* \* \* \*

May not unite with High School after 1st July, 1874. (10) To take no steps after the first day of July, in the year one thousand eight hundred and seventy-four, to unite their school with any high school, which may be within or adjacent to the limits of their section; 30

\* \* \* \*

Admit to school residents—Exception as to Separate Schools, 22 V. s. 65, 26 V. c. 5. (19) To permit all residents in the section between the ages of five and twenty-one years to attend the school, so long as they conform to the general regulations and the rules of the school; but such permission shall not extend to the children of persons in whose behalf a separate school has been established according to the provisions of the Acts respecting the establishment of separate schools;

\* \* \* \*

Duties of the public school board. 86. It shall be the duty of the Public School Board of every city, town, incorporated village and division respectively, and they are hereby authorized; 40

\* \* \* \*

(3) KINDS OF SCHOOLS, AND THEIR TEACHERS

(7) To determine—

(a) The number, sites, kind, grade and description of schools (such as male, female, infant, central, or ward schools) to be established and maintained in the city, town, village or division;

Kind of Schools.

\* \* \* \*

156. Every child, from the age of seven to twelve years inclusive, shall have the right to attend some school, or be otherwise educated, for four months in every year; and any parent or guardian who does not provide that every child between the ages aforesaid under his care shall attend some school, or be otherwise educated, as thus of right declared, shall be subject to the penalties hereinafter provided by this Act;

Right of children to be educated—compulsory attendance.

(a) Nothing herein shall be held to require any Roman Catholic to attend a public school, or to require a Protestant to attend a Roman Catholic school.

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No. 38

Statutes of Ontario, 1876, 39 Vict.

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CHAPTER 16

*An Act respecting the Education Department*

[Assented to 10th February, 1876.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The functions of the Council of Public Instruction are hereby suspended, and all the powers and duties which the said Council now possesses or may exercise by virtue of any statute in that behalf, shall devolve and are hereby devolved upon the Education Department, which shall consist of the Executive Council, or a Committee thereof appointed by the Lieutenant-Governor; and all the functions and duties of the Chief Superintendent of Education are hereby vested in one of the said Executive Council, to be nominated by the Lieutenant-Governor and to be designated "Minister of Education"; and whenever in any statute, by-law, regulation, deed, proceeding, matter or thing, the term "Council of Public Instruction," or "Chief Superintendent of Education" (as the case may be), or to the like signification, respectively occurs, the same shall be construed and have effect as if the term "Education Department" or "Minister of Education" was substituted therefor respectively.

Functions of Council of Public Instruction transferred to Education Department and of Chief Superintendent to Member of Executive Council.

Statutes of Ontario, 1896. 59 Vict.

CHAPTER 70

An Act Consolidating and Revising the Public Schools Acts.

[Assented to April 7th, 1896.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "The Public Schools Act, 1896."

\* \* \* \*

No rate on supporters of Roman Catholic separate schools.

4. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic separate schools. 54 V. c. 55, s. 4. 10

\* \* \* \*

CONTINUATION CLASSES

Continuation classes in public schools where there is no high school.

8—(1) Subject to the regulations of the education department the school corporation of any municipality or section in which there is no high school shall have power to establish a continuation class for pupils who have completed the course of study prescribed for public schools and who have passed the public school leaving examination, and also to provide for such class suitable accommodation, and to impose such fees for tuition, upon the pupils in attendance who have passed the said leaving examinations, whether residents or non-residents of the municipality, as they may deem expedient. 20

Who may be admitted to continuation class.

(2) The school corporation may admit to such continuation class pupils who have passed the entrance examination to a high school, but all such pupils who are residents of the municipality or section shall be exempted from tuition fees. Where non-residents are admitted such fees may be charged as the trustees may deem expedient.

Course of study in continuation class.

Teachers.

(3) The course of study for continuation classes shall be the course prescribed for the primary examination of the Education Department. Teachers of continuation classes shall possess at least the qualifications of an assistant in a high school, subject to the regulations of the Education Department in that behalf. 30

Grant to school having continuation class.

(4) The Minister of Education may apportion to any school conducting continuation classes, out of any money appropriated by the Legislature for that purpose, a sum equal to the average amount per pupil paid by the Legis-

lature towards the maintenance of high school pupils. The municipal council of any county may pay for the amintenance of such classes a sum equal to the legislative grant appropriated by the Minister of Education for such class or such further sums as may seem expedient.

\* \* \* \*

10. The trustees of any public and high school may unite, as provided in *The High Schools Act* for the management of the public and high schools of any municipality as one corporation, under the name "The Board of Education for the city, town, incorporated village or township of" (as *the case may be*). Boards of education shall have the power of both public and high school trustees.

Unions of public and high school boards.

## No. 40

### Statutes of Ontario, 1899, 62 Vict. (2)

#### CHAPTER 36

##### *An Act to improve the Laws Respecting Public Schools.*

[Assented to 1st April, 1899]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 8 of *The Public Schools Act* is repealed and the following substituted therefor:—

Rev. Stat. c. 292, s. 8, repealed.

20 8.—(1) The school corporation of any municipality or section in which there is no high school shall have power to establish in connection with the public or separate school over which it has jurisdiction, such courses of study in addition to the courses already provided for the fifth form of public schools as may be approved by the regulations of the Education Department. The classes established under such courses shall be known as "Continuation Classes."

Continuation classes where there is no high school.

30 (2) The trustees of any number of school corporations, whether of public or separate schools, may, by mutual agreement, determine that continuation classes shall be conducted in one only of the schools under the jurisdiction of the corporations entering into such agreement, and in all such cases the trustees shall have the same power to provide, by rates levied on the taxable property of their respective sections, for the tuition of pupils attending such continuation classes as they possess under *The Public Schools Act* or *Separate Schools Act*, for the tuition of pupils attending the schools under their immediate jurisdiction.

Grouping of schools.

Rev. Stat. c.c. 292, 294.



Qualifica-  
tion for con-  
tinuation  
classes.

(3) No pupil shall be admitted to the course prescribed for continuation classes who has not passed the entrance examination to a high school or some higher examination, or whose qualifications for admission have not been approved by the principal of the school and the public school inspector of the district in which the school is situated.

Fees of  
pupils.

(4) Non-resident pupils and all other pupils who have completed the course of study prescribed for the fifth form of public schools whether resident or non-resident, may be charged such fees as the trustees may deem expedient.

Qualifica-  
tion of  
principals.

(5) Any teacher who at the date of this Act, holds the position of principal of any school in which a continuation class has been established shall be deemed a qualified teacher of such school, but every teacher appointed principal after the date of this Act whose classes consist entirely of pupils who have passed the Entrance examination shall be the holder of at least a first-class certificate. 10

Legislative  
and county  
grants.

(6) The Minister of Education shall apportion among the schools conducting continuation classes, such sums of money as may be appropriated by the Legislature, subject to the regulations of the Education Department. The municipal council of the county shall pay for the maintenance of such classes a sum equal to the legislative grant appropriated by the Minister of Education for such class and any further sums the municipal council may deem expedient. 20

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No. 41

Statutes of Ontario, 1901, 1 Edw. VII

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CHAPTER 39

*An Act Respecting Public Schools.*

[Assented to 15th April, 1901.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Public Schools Act*," R.S.O. 1897, c. 292, s. 1.

\* \* \* \*

40

No rate on  
supporters of  
Roman  
Catholic  
separate  
schools.

4. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic separate schools R.S.O. 1897, c. 292, s. 4.

\* \* \* \*

## PUBLIC SCHOOLS TO BE FREE.

6. All schools established under this Act shall be called public schools and shall be free schools, and every person between the age of five and twenty-one years shall have the right to attend some school. Pupils may attend kindergarten schools from four to seven years of age, subject to such fees as to the trustees may seem expedient. R.S.O. 1897, c. 292, s. 6

Public schools to be free.

\* \* \* \*

## CONTINUATION, CLASSES.

8.—(1) The school corporation of any municipality or section in which there is no high school shall have power to establish in connection with the public school over which it has jurisdiction, such courses of study in addition to the courses already provided for the fifth form of public schools as may be approved by the regulations of the Education Department. The classes established under such courses shall be known as "Continuation Classes."

Continuation classes where there is no high school.

(2) The trustees of any number of public school corporations, may, by mutual agreement, determine that continuation classes shall be conducted in one only of the schools under the jurisdiction of the corporations entering into such agreement, and in all such cases the trustees shall have the same power to provide, by rates levied on the taxable property of their respective sections, for the tuition of pupils attending such continuation classes as they possess under this Act for the tuition of pupils attending the schools under their immediate jurisdiction.

Grouping of schools.

(3) No pupil shall be admitted to the course prescribed for continuation classes who has not passed the entrance examination to a high school or some higher examination, or whose qualifications for admission have not been approved by the principal of the school and the public school inspector of the district in which the school is situated.

Qualification for continuation classes.

(4) Non-resident pupils and all other pupils who have completed the course of study prescribed for the fifth form of public schools whether resident or non-resident, may be charged such fees as the trustees may deem expedient.

Fees of pupils.

(5) Any teacher who at the date of this Act, holds the position of principal of any school in which a continuation class has been established shall be deemed a qualified teacher of such school, but every teacher appointed principal after the date of this Act whose classes consist entirely of pupils who have passed the entrance examination shall be the holder of at least a first-class certificate.

Qualification.

(6) The Minister of Education shall apportion among the schools conducting continuation classes, such sums of money as may be appropriated by the Legislature, subject to the regulations of the Education Department. The municipal council of the county shall pay for the maintenance of such

Legislative and county grants.

classes a sum equal to the legislative grant appropriated by the Minister of Education for such class and any further sums the municipal council may deem expedient. 62 V. (2) c. 36, s. 1.

\* \* \* \*

BOARDS OF EDUCATION.

Unions of public and high school boards.

11. The trustees of any public and high school may unite, as provided in *The High Schools Act* for the management of the public and high schools of any municipality as one corporation, under the name "The Board of Education for the city, town, incorporated village or township of" (*as the case may be*). Boards of education shall have the powers of both public and high school trustees. R.S.O. 1897, c. 292, s. 10. 10

No. 42

Statutes of Ontario, 1902, 2 Edw. VII

CHAPTER 41

*An Act to amend The Separate Schools Act.*

[Assented to 17th March, 1902.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:— 20

\* \* \* \*

CONTINUATION CLASSES

Continuation classes where there is no high school.

2.—(1) The Separate School Board in any municipality or section in which there is no high school shall have power to establish in connection with the schools over which it has jurisdiction, such courses of study in addition to the courses already provided for the fifth form as may be approved by the regulations of the Education Department. The classes established under such courses shall be known as "Continuation Classes."

Grouping of schools.

(2) The trustees of any number of separate school corporations, may, by mutual agreement, determine that continuation classes shall be conducted in one only of the schools under the jurisdiction of the corporations entering into such agreement, and in all such cases the trustees shall have the same power to provide, by rates levied on the taxable property of their respective sections, for the tuition of pupils attending such continuation classes as they possess under this Act for the tuition of pupils attending the schools under their immediate jurisdiction. 30

Qualification for continuation classes.

(3) No pupil shall be admitted to the course prescribed for continuation classes who has not passed the entrance examination to a high school or some higher examination, or whose qualifications for admission have not been approved by the principal of the school and the separate school inspector. 40

(4) Non-resident pupils and all other pupils who have completed the course of study prescribed for the fifth form whether resident or non-resident, may be charged such fees as the trustees may deem expedient.

Fees of pupils.

(5) Any teacher who at the date of this Act, holds the position of principal of any school in which a continuation class has been established shall be deemed a qualified teacher of such school, but every teacher appointed principal after the date of this Act whose classes consist entirely of pupils who have passed the entrance examination shall be the holder of at least a first-class certificate.

Qualification for teachers.

10 (6) The Minister of Education shall apportion among the schools conducting continuation classes, such sums of money as may be apportioned by the Legislature, subject to the regulations of the Education Department. The municipal council of the county shall pay for the maintenance of such classes a sum equal to the legislative grant appropriated by the Minister of Education for such class, and any further sums the municipal council may deem expedient.

Legislative and county grants.

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No. 43

Statutes of Ontario, 1906, 6 Edw. VII

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CHAPTER 52

*An Act respecting the Department of Education.*

[Assented to 14th May, 1906.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

\* \* \*

23. It shall be the duty of the Minister of Education and he shall have power:

Powers of Minister.

\* \* \* \*

30 (6) To distribute among the separate schools of each township, subject to the Regulations of the Department of Education, all sums apportioned as aforesaid to the rural separate schools therein, on the basis of the salaries paid to the teachers, the character of the accommodations, and the value of the equipment, after providing a minimum grant for each such school which is equipped as required by the Regulations of the Department of Education; to give notice of such distribution to each separate school board concerned and to pay to the board of each separate school the amount apportioned thereto as aforesaid, on or before the first day of July in each year, as the Lieutenant-Governor in Council may direct;

Distribution of grant to rural separate schools.

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No. 44

Statutes of Ontario, 1906, 6 Edw. VII

CHAPTER 53

*An Act to amend The Public Schools Act.*

[Assented to 14th May, 1906.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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3. Subsection 2 of section 8 of the said Act is hereby repealed and the following substituted therefor:—

1. Edw. VII, c. 39, s. 8, subs. 2, repealed. Grouping schools for continuation classes.

(2) The trustees of any number of public schools, or any number of public and separate schools, not situated in a high school district as defined by *The High Schools Act*, may, by mutual agreement, determine that such continuation classes shall be conducted in one of such schools for the benefit of the pupils of all of them, and in such cases the trustees of each of the said schools shall have power to provide, by additional or increased rates to be levied upon the same property upon which the other school rates are levied, for the maintenance of such continuation classes. The said agreement shall specify the proportion of the cost of maintenance to be paid by the trustees of each of said schools, or shall provide for the settlement of the same by arbitration or by such other method as they deem expedient.

No. 45

Statutes of Ontario, 1907, 7 Edw. VII

CHAPTER 50

*An Act to amend The Department of Education Act.*

[Assented to 20th April, 1907.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

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4. Subsections 1, 2, 3, 4, 5, 6, 7, and 8 of section 23 of the said Act are repealed and the following subsections substituted therefor:—

6 Edw. VII, c. 52, s. 23, subs. 1-8, repealed.

\* \* \* \*

Apportionment of grant for rural schools.

(3) Subject to the regulations of the Department of Education, to apportion all sums of money voted by the Legislative Assembly as a general grant for the rural Public and Separate Schools in the organized counties and districts amongst said rural schools in the organized counties and in the districts respectively on the basis of the salaries paid to the teachers, the value of the

equipment, the character of the accommodations, the grade of the teachers' professional certificates, and the amount of the assessments.

When grants to rural schools payable.

(4) The grant for the rural Public and Separate Schools in the organized counties shall be payable on or before the first day of August, as the Lieutenant-Governor in Council may direct, to the treasurer of each county, and through him (except when the county treasurer acts as sub-treasurer also) to the various township treasurers of the county, for payment to the respective Boards of Rural Public and Separate School Trustees upon the warrants of the Public or Separate School Inspectors concerned.

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No. 46

Statutes of Ontario, 1908, 8 Edw. VII

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CHAPTER 67

*Act to amend the Public Schools Act.*

[Assented to 14th April, 1908.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 8 of *The Public Schools Act* is repealed and the following substituted therefor:

1 Edw. VII., c. 39, s. 8, subs. 1, repealed.

(1) Subject to the regulations of the Department of Education, the school corporation of any municipality or school section in which there is no high school shall have power to establish and maintain in connection with the public school over which it has jurisdiction, courses of study in addition to and in connection with the courses already provided for the fifth form of public schools. The classes established under such courses shall be known as Continuation Schools.

Continuation schools.

2. Subsection 2 of the said section 8 as enacted by section 3 of the Act passed in the 6th year of His Majesty's reign, Chaptered 53, is amended by striking out the word "classes" in the fifth and tenth lines and substituting therefor the word "schools;" and by inserting the words "establishment and" after the word "the" in the tenth line and after the word "of" where it first occurs in the twelfth line.

1 Edw. VII., c. 39, s. 8, subs. 2, amended.

3. Subsection 3 of the said section 8 is repealed and the following substituted therefor:

1 Edw. VII., c. 39, s. 8, subs. 3, repealed.

(3) Pupils shall be admitted into continuation schools and fifth classes in accordance with the regulations governing the admission of pupils into High Schools, or on the report of the principal approved by the public school Inspector of the district.

Regulations for admission of pupils to continuation schools.

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## Statutes of Ontario, 1909, 9 Edw. VII

## CHAPTER 88

*An Act respecting the Department of Education.*

[Assented to 13th april, 1909.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

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## POWERS AND DUTIES OF MINISTER.

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Powers and duties of Minister.

Apportionment of general grant for urban schools.

Division between Public and Separate schools.

Payment of grants to public schools.

Apportionment of special school grants.

Payment of special grant to public schools.

Payment of grants to separate schools.

Apportionment of grant for rural schools.

Payment of grants to rural schools.

6. It shall be the duty of the Minister and he shall have power,
- (a) to apportion all sums of money appropriated as a general grant for urban public and separate schools among the several cities, towns and villages according to the population of each as compared with the population of all the urban municipalities in the Province according to the last annual returns received from municipal clerks;
- (b) To divide the amount so apportioned to each city, town and village between the public and separate schools therein, according to the average number of pupils who attended such schools respectively;
- (c) To pay, on or before the first day of August in each year, the grants so apportioned to the treasurer in each city, town and village, for payment to the respective boards of public schools upon the warrants of the inspectors; 20
- (d) Subject to the Regulations, to apportion all sums of money appropriated as a special grant for urban public and separate schools among the several cities, towns and villages, on the basis of the grade of the teachers' certificates and the length of their successful experience;
- (e) To pay on or before the first day of August in each year, the grants so apportioned to the respective boards of public school trustees upon the warrants of the public school inspectors; 30
- (f) To pay, on or before the first day of August in each year the grants so apportioned to the respective boards of separate schools upon the warrants of the inspector of separate schools;
- (g) Subject to the Regulations, to apportion all sums of money appropriated as a general grant for the rural public and separate schools amongst such rural schools on the basis of the salaries paid to the teachers, the value of the equipment, the character of the accommodation, the grade of the teachers' professional certificates, the length of their successful experience, and the amount of the municipal or school assessments; 40
- (h) To pay, on or before the first day of August, in each year, the grant so apportioned to the rural public and separate schools in counties, to the treasurer of the county, and through him (except when he acts as sub-treasurer also) to the township treasurers for payment by

them to the boards of rural public and separate school trustees upon the warrants of the inspectors of public and separate schools;

- (i) Subject to the Regulations, to pay the grants so apportioned to rural public and separate schools in Provisional Judicial Districts to the respective boards of trustees on or before the first day of August in each year or in two equal instalments, the first on or before the 1st day of August, and the second on or before the 1st day of December; Payments of grants to rural schools in districts.
- 10 (j) Subject to the Regulations, to apportion to public and separate school boards in poor rural districts, and to the residents of lumber, mining, and other settlements all sums of money appropriated for assisted schools; Apportionment of grants to assisted schools.
- (k) Subject to the Regulations, to apportion all sums of money appropriated for high school purposes among the several high schools of the Province, on the basis of the salaries paid to teachers, the character of the accommodation, and the value of the equipment, after providing a minimum grant for each school which is equipped in accordance with the Regulations, and notice of such apportionment shall be given to the county clerk of each county, so that the county grant may be paid to the treasurer of the board of such school; Apportionment of high school grant.
- 20 (l) Subject to the Regulations, to apportion out of any moneys appropriated for such purposes, all sums payable under any Statute or Regulation towards the maintenance of Faculties of Education in any of the universities, the normal, model, or other schools or institutes for the training of teachers, continuation schools and fifth classes, consolidated schools, technical schools, manual training, household science and agricultural departments, school gardens, kindergartens, night schools, public libraries, travelling libraries, art schools, school libraries, art departments of schools, cadet corps and for free text books, inspection of schools, and the examination of teachers, and to apportion and distribute any other special sums that may from time to time be appropriated for educational purposes; Apportionment of grant made to different institutions.
- 30 (m) To accept in lieu of the departmental courses and examinations prescribed for candidates for teachers' certificates, such evidence of academic scholarship or professional training or experience as he may deem equivalent thereto; Accepting other qualifications in lieu of departmental examinations.
- (n) To submit a case on any question arising under *The Public Schools Act*, *The High Schools Act*, or *The Separate Schools Act* or this Act to a Judge of the High Court for his opinion and decision, or, by the leave of a Judge of such Court to a Divisional Court of the High Court for its opinion and decision; Minister may submit questions arising upon school law to High Court.
- 40 (o) To determine all disputes and complaints laid before him the settlement of which is not otherwise provided for by law, and all appeals made to him from the decision of an inspector or other school officer; Power to settle disputes and complaints.
- (p) To suspend or cancel any certificate of qualification granted by the Department; Suspension or cancellation of certificates.
- (q) To appoint as a Commission one or more persons, as he may deem expedient, to inquire into and report upon any school matter, with Power to appoint commissioners.



8 Edw. VII.,  
c. 8.

power to administer oaths to witnesses, and with all the powers which may be conferred on commissioners under *The Public Enquiries Act*; and

Annual report to be made by Minister.

- (r) To report annually to the Lieutenant-Governor upon the condition of education in Ontario, with such suggestions for the improvement thereof as he may deem expedient. (*See* 6 Edw. VII., c. 52, s. 23.)

No. 48

Statutes of Ontario, 1909, 9 Edw. VII

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CHAPTER 90

*An Act respecting Continuation Schools.*

[Assented to 13th April, 1909.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY

Short title.  
Interpretation.  
"Minister."  
"Regulations."

- 1. This Act may be cited as "*The Continuation Schools Act*."
- 2. In this Act,—
  - (a) "Minister" shall mean the Minister of Education.
  - (b) "Regulations" shall mean regulations made under the authority of 20 *The Department of Education Act*.

Application of Part I

3.—(1) Part I. shall apply to all Continuation Schools heretofore established under *The Public Schools Act*, and in operation at the time of the passing of this Act and to Continuation Schools hereafter established under this Act, except those established by county councils as provided in Part II.

Part II.

(2) Part II. shall apply to Continuation Schools hereafter established by county councils as provided in this Act.

Part III.

(3) Part III. shall apply to all Continuation Schools to which Parts I and II. apply.

PART I.

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Establishment of schools by public school boards.

4.—(1) Subject to the Regulations, the Public School Board of any municipality or school section may establish and maintain a Continuation School in connection with any Public School under its control.

(2) The Board shall have in respect of such Continuation School all the powers conferred on Public School Boards, as to acquiring a school site, erecting buildings and additions to existing buildings and providing equipment for such Continuation Schools.

Agreements among boards.

(3) Agreements may be entered into by two or more Public School Boards or by one or more of such Boards and one or more Separate School Boards for the establishment and maintenance of a Continuation School to be conducted in one of the Public or Separate Schools under their control or in some other place agreed upon by the Boards for the benefit of the pupils of all

of such schools, and any such agreement shall specify the proportion of the cost of the establishment and maintenance of the Continuation School to be paid by each of such Boards or shall provide for the manner in which such proportion shall be determined.

(4) Where Boards for sections or municipalities situate in different counties or a union of counties have entered into an agreement for establishing and maintaining a Continuation School the council of the united counties may determine the proportion to be paid by each of such counties.

Where boards agreeing are in different counties of the union.

10 (5) Where the Board of a union school section establishes a Continuation School or enters into an agreement with any other Board for the establishment of the same the council of each municipality included or part of which is included in the union school section shall levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining such Continuation School according to the equalized assessment under *The Public Schools Act* of the part of the union school section comprised in the municipality.

Apportionment of cost in union school sections.

(6) For the purposes of subsections 1 and 2 of section 91 of *The Public Schools Act* a Continuation School shall be deemed a Public School.

Township grant towards salary of teacher.

20 (7) All non-resident pupils and resident pupils who have completed the course of study prescribed for the fifth form of Public Schools may be charged such fees as the board or boards may deem expedient, but such fees shall be uniform for residents and non-residents and shall not exceed \$1 a month for each pupil.

Fees.

PART II.

5.—(1) Subject to the provisions of section 9, the council of a county with the approval of the Minister may establish in any township, town or village in the county one or more Continuation Schools, each of which shall have a staff of at least two teachers engaged for their whole time.

Establishment by county council.

30 (2) Where a Continuation School is established in a village or town the county council may attach to the village or town for the purposes of this section any portion of a township contiguous thereto.

Attaching part of township to village or town.

(3) A village or town in which a Continuation School is established with the territory, (if any), so attached shall constitute an Urban Continuation School District.

Urban district.

(4) Where the school is established in a township, the township, except such part thereof as is included in an Urban Continuation School District shall constitute a Rural Continuation School District.

Rural district.

40 (5) The council of a municipality in territory without county organization, may, with the approval of the Minister, establish a Continuation School and the amount which would be contributed by the county if such school had been established by a county council towards the establishment and maintenance of the school or the maintenance of non-resident pupils attending the same shall be paid by the Treasurer of Ontario on the certificate of the Minister out of any moneys appropriated for that purpose.

In provisional judicial districts.

6.—(1) The control and management of all Continuation Schools in a Continuation School District shall be vested in one Board of Trustees to be composed as follows:—

Board of trustees.

- (a) Three trustees to be appointed by the council of the township or other municipality in which the school is situate;
- (b) Where an Urban Continuation School District includes a part of a township one additional trustee appointed by the township council;
- (c) Three trustees to be appointed by the county council, and
- (d) If there is a Separate School in a Rural Continuation School District, one trustee to be appointed by the county council from among the persons assessed as Separate School supporters in the township, or
- (e) If there is a Separate School in an Urban Continuation School District, one trustee to be appointed by the Separate School Board; or
- (f) If there is a Separate School in territory without county organization, one trustee to be appointed by the council from among the persons assessed as Separate School supporters in the municipality.

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Corporate name.

(2) Every such Board shall be a corporation by the name of "The Continuation School Board," inserting the name of the municipality in which the school is situate.

Application of provisions as to High School Boards.

(3) Except as otherwise provided by this Act the provisions of *The High Schools Act*, with respect to the qualification, appointment and tenure of office, and, subject to the Regulations, the provisions of the said Act, as to the powers and duties of High School Boards shall, *mutatis mutandis*, apply to Continuation School Boards.

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Rates for maintenance.

7.—(1) The council of a township, village or town in which a Continuation School is established shall levy and collect in each year such amount as the Board may deem necessary for the maintenance of the school over and above what is received from the county council and other sources and a further sum not exceeding \$500 in any one year for permanent improvements.

When part of township in urban section.

(2) Where a part of a township has been attached to a town or village under the provisions of this Part the township council shall levy and collect in that part of the township such proportion of the amount required by the Board as the value of the property so liable bears to the value of all the property included in the district according to the equalized assessment of the year.

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Where amount required for permanent improvements exceeds \$500. 9 Edw. VII., c. 91.

(3) Where the sum required by the Board for permanent improvements exceeds \$500 the same shall be raised on the application of the Board in the same manner as is provided with respect to High Schools by section 38 of *The High Schools Act*.

County contribution in lieu of equivalent of legislative grant. 9 Edw. VII., c. 91.

(4) Where the cost of maintenance of county pupils at a Continuation School exceeds the amount apportioned by the Minister and the fees received from the county pupils, the county shall in lieu of the equivalent of the amount apportioned out of the Legislative grant, pay to the Continuation School Board a sum to be ascertained in the same manner as is provided with respect to High Schools by section 34 of *The High Schools Act*.

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Fees.

8. A Continuation School Board may charge such fees as it deems proper, but such fees shall not exceed \$1 a month for each pupil, and shall be uniform for all classes of pupils.

## PART III.

9. A Continuation School shall not be established or maintained in a High School District.

Schools not to be established where there are High Schools.

10.—(1) Subject to the provisions of subsection 4 of section 7, the council of the county in which a Continuation School is situate shall pay towards the maintenance of such school a sum equal to the amount apportioned to the school by the Minister out of the Legislative grant, and the county council may contribute such further sum as it may deem expedient.

County grant.

(2) The council of united counties may apportion the amount to be levied for Continuation Schools so that each county in the union shall be liable only for sums payable in respect to Continuation Schools situate therein.

Apportionment between united counties.

(3) Where an Agricultural Department is established by the Minister in a Continuation School, the council of the county in which the Continuation School is situated, shall on or before the 15th day of December in each year pay to the board of the school in which such department is established the sum of \$500 which shall be applied by the board to the purposes of such department.

Grant from county for agricultural department.

11. Pupils whether resident or non-resident may be admitted to a Continuation School in accordance with the Regulations governing the admission of pupils to High Schools or on the report of the principal approved by the Public School Inspector.

Admission of pupils.

12. Every teacher appointed as principal or assistant in a Continuation School shall possess such qualifications as may be prescribed by the Regulations.

Qualification of teachers.

13. The courses of study in Continuation Schools shall be such as are prescribed by the Regulations.

Courses of study.

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 No. 49

 Statutes of Ontario, 1910, 10 Edw. VII
 

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## CHAPTER 102

[Assented to 19th March, 1910.]

*An Act to amend the Department of Education Act.*

HIS Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of *The Department of Education Act* is amended by adding the following subsections:

9 Edw. VII., c. 88, s. 6, amended.

(2) The Minister shall so divide the sums appropriated for the purposes mentioned in clauses (d) and (g) of subsection 1, that out of each of them there shall be allotted to the Separate Schools a sum which bears the same ratio to the whole sum appropriated as the average number of pupils who attended such schools during the next preceding calendar year bears to the whole

Distribution of legislative grant between grant between public and separate schools.

average number of pupils who attended both Public and Separate Schools during that year and that the residue shall be allotted to the Public Schools, and, subject to the regulations, shall apportion among the Public Schools the sums so allotted to them, and among the Separate Schools the sums so allotted to them on the respective bases mentioned in clauses (d) and (g).

(3) All moneys appropriated for any of the following purposes mentioned in clauses (L) of subsection 1, that is to say:

- (a) Fifth Classes;
- (b) Manual Training, Household Science, Art and Agricultural Departments; 10
- (c) School Gardens;
- (d) Kindergartens;
- (e) Night Schools;
- (f) Free Text Books;
- (g) Other educational purposes not specially mentioned in clause (e) which are applied for the purposes of primary education, shall be allotted, divided and apportioned as provided by subsection 2.

(4) Primary education for the purposes of subsection 3, shall mean education in the Public or Separate Schools.

(5) Any part of the sums appropriated for the purposes mentioned in subsections 2 and 3, and allotted to the Public Schools, as provided by subsection 2, which shall not be required to pay the amounts to which such schools shall be entitled on the respective bases mentioned in clauses (d) and (g) of subsection 1, shall lapse and become part of The Consolidated Revenue Fund, and in like manner any part of the sums allotted to the Separate Schools which shall not be required to pay the amounts to which such schools shall be entitled on the respective bases mentioned in clauses (d) and (g) of subsection 1, shall lapse and become part of The Consolidated Revenue Fund. 20

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**No. 50**

**Statutes of Ontario, 1913, 3 and 4 Geo. V**

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CHAPTER 72

This was a revision of "The Continuation Schools Act," and, as revised, was carried into R.S.O. 1914, as chapter 267.