

The Provincial Statutes of Lower-Canada, Being the second session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1832.

2 William IV – Chapter 26

An Act to repeal certain Acts therein mentioned, and for the further encouragement of Elementary Schools in the Country parts of this Province. (25th February, 1832.)

MOST GRACIOUS SOVEREIGN.

Whereas it is expedient to appropriate certain sums of money for the encouragement of Elementary Education in this Province, and to make further and more ample Legislative provision for the same purpose: 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 Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Québec, in North-America,' and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that for the period between the fifteenth day of May next after the passing of this Act, and the fifteenth day of May which will be in the year one thousand eight hundred and thirty-four, there shall be yearly allowed, and paid out of any unappropriated monies in the hands of the Receiver General, the sums hereinafter mentioned for the encouragement of Elementary Schools, situate without the limits of the Cities of Québec and Montreal, and the Town of Three Rivers [Trois-Rivières], and kept according to the provisions of this Act, in any School District laid out and approved by the School Visitors, under the authority of an Act passed in the last Session of the Provincial Parliament, intituled, "An Act to make further provision for the encouragement of Education this Province, and to amend two certain Acts therein mentioned," that is to say:—For twenty-two School Districts in the County of Bonaventure; for fourteen in the County of Gaspé; for thirty-three in the County of Rimouski; for thirty-four in the County of Kamouraska; for thirty-one in the County of l'Islet; for forty-nine in the County of Bellechasse; for thirty in the County of Dorchester; for sixty-seven in the County of Beauce; for seventeen in the County of Megantic; for forty-eight in the County of Lotbinière; for fifty-five in the County of Nicolet; for thirty in the County of Yamaska; for twenty in the County of Drummond; for seventy-five in the County of Sherbrooke; for sixty-two in the County of Stanstead for forty-eight in the County of Missiskoui [Saint-Alban]; for twenty-five in the County of Shefford; for thirty in the County of Richelieu; for three in the Borough of Sorel; for thirty-one in the County of Saint Hyacinthe; for thirty-nine in the County of Rouville; for twenty in the County of Verchères; for thirty-one in the County of Chambly; for thirty in the County of La Prairie; for twenty-six in the County of L'Acadie; for fifty-one in the County of Beauharnois; for twenty-two in the County of Vaudreuil; for nineteen in the County of Ottawa; for forty-three in the County of

Two Mountains; for twenty in the County of Terrebonne; for twenty-one in the County of Lachenaie; for thirty-six in the County of L'Assomption; for eighteen in the County of Montreal; for forty-nine in the County of Berthier; for thirty-six in the County of Saint Maurice; for twenty-seven in the County of Champlain; for forty-five in the County of Portneuf; for sixteen in the County of Québec; for seventeen in the County of Montmorency; for twenty-one in the County of Saguenay; for ten in the County of Orleans. For one Elementary School in a central situation in each of the said Districts herein above enumerated, at the rate of twenty pounds currency per annum, and for one additional and separate School for Girls in the School District in each Roman Catholic Parish or Mission in which the Church or Chapel is situate, (excepting those in which there is a Convent School for Girls, kept by the Religious Ladies of the Congregation of Notre Dame at Montreal, in which case the said Ladies shall be entitled to the said allowance) at the rate of twenty pounds currency per annum: Provided always, that such Schools for Girls shall be open for the tuition of all the female children in such Parish or Mission at rates not exceeding the rates hereinafter mentioned.

II. And be it further enacted by the authority aforesaid, that there shall be also allowed to the School Visitors for each County thereafter appointed, and to be applied by them at their discretion and during their visits for the encouragement of such children as they shall find to excell at such schools, ten shillings per annum for each School District in which a school is kept according to the provisions of this Act, to be paid according to the number of Districts in each County by a pay list on the Receiver General in favor of the resident member, the first on the return or in default to the member not resident the first on the return.

III. And be it further enacted by the authority aforesaid, that the said allowances may be made from the fifteenth day of May next after the passing of this Act, to any one school in each District, and to the separate Girls School aforesaid, which may have existed before the passing of this Act, and be kept from the said day forward, provided the requirements of this Act shall have been in other respects conformed to, and that Trustees shall be elected for such School District in the manner hereinafter directed, on or before the second Monday in the month of August, one thousand eight hundred and thirty-two.

IV. And be it further enacted by the authority aforesaid, that the heads of families in each School District qualified to vote at the election of Members to serve in the Assembly, shall meet on the second Monday in the month of June next after the passing of this Act, and on the second Monday of June in every second year thereafter, or on the second Monday of any succeeding month within the period before mentioned, public notice being previously given of such meeting at the door of the Parish Church immediately after Divine Service in the forenoon, and at the most public places in each School District, by virtue of an order to that effect, directed to some Peace Officer and signed by a Justice of the Peace (or in default, by the Officer of Militia, highest in grade, residing in the Parish, Township or extraparochial place, or in default by the next highest in grade,) during at least two Sundays previous to such meeting, such notice stating the place the hour and purpose of the

meeting; and the Justice of Peace or the Officer of Militia who shall have signed such order or the next senior or highest in grade present shall preside and preserve order at the meeting, and shall take and record the decision of the heads of families present at such meeting, as to the three most fit and proper persons (not being Schoolmasters) to be Trustees for such District for the two years then current from the first Monday in June one thousand eight hundred and thirty-two, until the election of their successors, not exceeding three months after the expiration of the said two years, under the provisions of this Act; and the person so presiding, shall make a minute in the form of the Schedule A. of such decision, and shall deposit the same without delay with the nearest Notary in the County (or if there be no Notary in the County, with the nearest Justice of the Peace) who shall give authentic copies thereof when thereunto duly required.

V. And be it further enacted by the authority aforesaid, that the Trustees so elected and their successors for ever, may and are hereby authorised to acquire and take by purchase, donation, will grant concession or legal conveyance of any kind for the use of the School of any such District, and to have, hold, possess and enjoy, and to institute and defend all actions and suits at law relating to, or necessary for the conservation of their rights in any School situate within the District for which they are respectively elected, and which may have been erected at the public expense, under the direction of any Trustees of Schools for any Parish, Seigniorie [seigneurie], Township or extra Parochial place, elected under the authority of a certain Act passed in the ninth year of the Reign of His said late Majesty, and intituled, "An Act for the encouragement of Elementary Education," and of a certain other Act passed in the tenth and eleventh years of the Reign of His late Majesty, intituled, 'An Act to amend an Act passed in the ninth year of His Majesty's Reign, concerning Elementary Education, and to make further provision for the instruction of youth,'" or of a certain other Act passed in the first year of the Reign of His present Majesty, intituled, "An Act to make further provision for the encouragement of Elementary Education in this Province, and to amend two certain Acts therein mentioned," and all Trustees and persons whosoever being in possession of any School House so erected, or of any titles, papers, books, monies or other things thereunto appertaining, shall on being duly notified of the election of Trustees for such School, under the provisions of this Act, deliver up the same to the Trustees last mentioned: Provided always, that all the inhabitants of the Parish, Township, Seigniorie or extra Parochial place in which such School shall be situated, shall be entitled to have their children taught thereat on the same terms as the children of persons residing in the School District for which such Trustees shall have been elected.

VI. And be it further enacted by the authority aforesaid, that the Trustees elected under the authority of this Act, and their successors for ever, shall have the management and direction of the Elementary Schools in the District for which they shall have been respectively elected, and shall and may receive, pay over, and account for, (at any meeting of heads of families held under the provisions of this Act for election of Trustees,) all monies raised, collected, given or appropriated in any way for the use of the said Schools, and may engage, appoint and remove the Teachers of such Schools, and may hire, erect, repair or purchase School Houses or apartments for holding such Schools, and may and are hereby empowered to sell,

exchange, convey, and alienate any School House or School Lot, for the purpose of erecting or acquiring another in a more central part of the District: Provided that for the house or lot of land so sold, exchanged or alienated, the full value shall be received, and the School be continued in such School House, until another of at least equal value shall have been acquired, and the property thereof vested in such Trustees, and shall be ready to receive the School: and provided also, that no such School House or lot being once erected or acquired shall be sold or exchanged or alienated or other School House or lot acquired in lieu thereof, without consent in writing signed by the majority of the School Visitors of the County duly entered in the book of School minutes.

VII. And be it further enacted by the authority aforesaid, that in case of any vacancy arising from the death or removal from the Parish, Township, Seignior, or extra Parochial place in which the said District School is situate, of any Trustee elected under the provisions of this Act, another Trustee may be elected in his stead at a special meeting to be called, and held in the manner herein provided with regard to meetings for the election of Trustees.

VIII. And be it further enacted by the authority aforesaid, that the allowances hereby granted for the encouragement of Elementary Schools, shall not be paid for any such School, unless the Teacher thereof shall, previous to his appointment, have produced a certificate signed by the Curate or Minister of the most numerous Religious denomination, according to the then last census, in the Parish, Seignior, Township, or extra Parochial place in which the School is situate, and by one Justice of the Peace therein, and by the Militia Officer therein, the highest in grade, or any two of them, that the said Teacher is known as a person of sober life and conversation, and has been examined by them and found qualified to teach reading, writing and arithmetic in the language of the majority of the inhabitants of the School District in which he or she is to teach, nor unless open School shall have been kept in the said School District at the rate of one hundred and ninety days in the year, from nine o'clock in the forenoon of each day until noon, and from one o'clock in the afternoon until four; nor unless twenty children at least, between the ages of five and fifteen years inclusively, have usually attended such School during the said hours and been taught therein, (Saturdays, Sundays and Holidays, and the vacations allowed by the regulations of the School at Christmas and Easter, and during seed time and harvest only, excepted): nor if any higher rate shall have been demanded or paid at such School for teaching any one child than two shillings currency a month; unless by previous agreement signed by the parent or guardian of such child, nor unless a public examination of the children taught at such School (duly notified at least eight days before, in the School and at the most public places in the School District, shall have been held, nor unless the School House have been visited by the Visitors for the County, or any three of them at least once during the year, and they have certified under their hands (and in the form of the schedule B.) that they verily believe that the foregoing provisions of this section and the other requirements of this Act have been bona fide complied with, as regards such School, and that such School is properly conducted, the Teacher thereof duly qualified, and the children taught thereat exemplary in their progress and behaviour.

IX. And be it further enacted by the authority aforesaid, that no child or person under five or above fifteen years of age, shall be admitted as a pupil, at any Elementary School during the school hours established by this Act, but may be taught therein at such extra hours as shall be agreed on with the Teacher, and at a rate not exceeding two shillings currency per month, unless a higher rate shall be voluntarily consented to by the person paying for the tuition of such pupil.

X. And be it further enacted by the authority aforesaid, that the Teacher of each School shall keep a journal, in the form of the schedule E. containing the names of the pupils, their age, the days on which they attend the School, and what they are taught; and shall enter therein the payments made by the scholars, (which payments shall be made on and up to the last school day in each month): and shall also enter in a book, a minute of all titles and agreements relating to the School House and a copy of his or her agreement with the Trustees; the date, amount and nature of all payments or allowances received or made by the Trustees; and a copy of all instructions and regulations made by them; and such book shall be open for inspection to all heads of families in the School District at all reasonable times except during school hours, and shall be given over by such Teacher to his successor, and shall be preserved and continued by him and every succeeding Teacher in such School.

XI. And be it further enacted by the authority aforesaid, that all children attending such Schools shall be equally taught in classes, according to their age and progress; the name of each pupil shall be written on his or her book by the Teacher, with the date when the book was put into the pupil's hand, and shall be also written on the copy books used in the School, with the date as aforesaid, and the time at which the pupil began to learn to write: and the Trustees and Teacher of the majority of them, shall, from time to time make such other regulations for the School as they may deem expedient: such regulations not being repugnant to the provisions of this Act, and to continue in force at least until the fifteenth day of May next after the day on which they shall be made; and all such regulations shall as long as they remain in force be and remain exposed to public view in the School Room, and shall be duly observed and enforced by the Teacher.

XII. And be it further enacted by the authority aforesaid, that such Trustees or a majority of them may admit gratuitously in any School under their direction any number of scholars not exceeding ten; provided such scholars be the children of poor parents having more than one child between five and fifteen years of age, and that such parents have actually one child at such School for whose tuition they pay the Teacher.

XIII. And be it further enacted by the authority aforesaid, that all Teachers shall and may be removed by the Trustees before the expiration of the time for which they shall have been engaged, upon a recommendation of the majority of the County Visitors entered in the book of the school minutes: or after a public hearing and decision thereupon had by the Trustees on a complaint to them made by any three heads of families duly qualified to vote in the School District for the election of Trustees, such decision being entered as aforesaid and the Teacher paid up to the time of such entry.

XIV. And be it further enacted by the authority aforesaid, that the Members of the Legislative Council resident in the County, the Members of the Assembly for the County, the senior acting Justice of the Peace in the County, the Militia Officer of highest grade resident in the County, and the Rector, Priest or Minister of the most numerous religious denomination in the Parish, Township or extra Parochial place (if such there be) for such places only shall be the County Visitors for Elementary Schools, and they, or any three of them, (or in default, the Justices of the Peace for the County, the next in seniority, the Officers of Militia next in grade in such Parish, Township or extra Parochial place,) shall annually visit all the Elementary Schools in their Counties, Parishes and Townships respectively, in the months of June or July, or as soon after as may be, (but not during the vacation time of such Schools,) and shall cause a certificate of such visit, (in the form of the schedule B.) to be entered in the book of school minutes signed by them, or a majority of them, of which they shall give copies in duplicate to the Trustees, and upon such certificates being signed by the Trustees and transmitted with a return of the School, (in the form of schedule D.) signed by the Trustees, or a majority of them, to the resident Member of the County, whose name is first on the return of the Members elected for the County, or in case of there being no resident Member, to the Member whose name is first on said return, he shall make out, up to the fifteenth of May in every year, a list of the Elementary Schools in the County, (in the form of the schedule E.) signed by him; and on the transmission of such list to the Civil Secretary, a pay list, (in the form of the schedule F.) shall be forthwith made out, and the sums therein mentioned shall be paid by the Receiver General, (to whom such pay list shall be transmitted,) to the person or persons therein mentioned, on their receipts or the receipts of the person or persons holding their Power of Attorney, (in duplicate and in the form of the schedule G.) and depositing the same with the Receiver General.

XV. And be it further enacted by the authority aforesaid, that it shall be the duty of such County School Visitors to hear and determine all differences and difficulties relating to School Houses and the sites thereof, Schools, Trustees and Teachers; and to adjust and settle the limits of School Districts, and diminish the number thereof, and to recommend any increase of such number; and to determine and report under their hands, the most suitable site as regards the convenience of the whole population of the County, for the erection of a Superior School in each County.

XVI. And be it further enacted by the authority aforesaid, that until Trustees shall have been elected, and Schools kept in the manner provided by this Act, in any School District, any one School under the direction of the Royal Institution for the advancement of learning, existing previous to the passing of this Act, or any one Fabrique School, or Proprietors School, heretofore receiving an allowance out of the public money in such School District, shall be entitled to receive the allowance made by this Act for the School District in which such School shall be situate, and shall continue under the authority by which such School was established, subject nevertheless to the visit and mode of proceeding hereby-provided for obtaining the payment of such allowance; and if there be more than one such School in the District, the County Visitors shall determine which of them shall receive the District

allowance, after duly considering the ability of the Teacher, and the number of pupils and the progress made by them at each School; and it shall be lawful for the heads of families, at any School District Meeting, or the majority of them, to adopt such Royal Institution School, Fabrique School or Proprietors School, to continue for any limited time under the authority under which they shall have been before the passing of this Act, and such School shall, (in that case,) be solely entitled to receive the allowance for such School District during such limited time, not exceeding the said period of two years, subject to the visit and mode of proceeding for obtaining payment before mentioned.

XVII. And be it further enacted by the authority, aforesaid, that a sufficient number of copies of this Act, and of blank forms of the Schedules thereof, A. B. C. D. E. F. and G. together with a list of the School Districts in each County shall be printed in a cheap and convenient form, and transmitted to the Members of the Assembly for each County, to be distributed to the Officers of Militia highest in grade, in each School District and to Trustees of Schools in office at the time of the passing of this Act, to be by them transmitted to any Trustees who may be elected in such District, under the provisions of this Act, and by them used, or preserved for the use of and handed over to their successors in office.

XVIII. And be it further enacted by the authority aforesaid, that a certain Act passed in the ninth year of the Reign of His late Majesty, and intituled, "An Act for the encouragement of Elementary Education," and a certain other Act passed in the tenth and eleventh years of the Reign of His late Majesty, intituled, 'An Act to amend an Act passed in the ninth year of His Majesty's Reign, concerning Elementary Education, and to make further provisions for the instruction of youth," and a certain other Act passed in the first year of the Reign of His present Majesty, intituled, "An Act to make further provision for the encouragement of Elementary Education in this Province," shall be and the said Acts are hereby repealed, from and after the fifteenth day of May next.

XIX. And be it further enacted by the authority aforesaid, that every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated, excepting only the School Visitors, for the sums by them expended for the encouragement of pupils so excelling, as aforesaid, shall make up detailed accounts of such expenditure, showing the sum advanced, to the accountant, the sum actually expended, the balance (if any) remaining in his hands, and the amount of the monies hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the Receiver General, and that every such account shall be supported by Vouchers therein distinctly referred to by numbers corresponding to the numbering of the Items in such account, and shall be made up to and closed on the tenth day of April and tenth day of October in each year, during which such expenditure shall be made and shall be attested before a Justice of the Court of King's Bench or a Justice of the Peace, and shall be transmitted to the Officer whose duty it shall be to receive such account, within fifteen days next after the expiration of the said periods respectively.

XX. And be it further enacted, that the due application of the monies appropriated by this Act shall be accounted for 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 direct, and that a detailed account of the expenditure of all such monies shall be laid before the several branches of the Provincial Legislature, within the first fifteen days of the next Session thereof.

Schedule A.

At a Meeting of the Pleads of Families in the School District No. _____ in the [insert the name of the Parish, Township or extra-Parochial place,] in the County of _____ called by public notice, given (at the Church Door immediately after divine service in the forenoon, if there be a Church,) and at the most public places in the said School District, for the purpose of electing School Trustees by order of (insert name, surname, and addition, as the case may be,) held at (insert the place or house where the meeting was held) on Monday, the _____ day of _____ one thousand eight hundred _____

PRESENT.

(Insert name, and addition,) _____ Chairman.
(Insert name, surname and addition.
of the three Trustees Elected.)

were duly elected School Trustees for the said School District, to serve until the second Monday of June, one thousand eight hundred _____ and thence until the election of their successors, provided such election take place on or before the expiration of three months from that date.

(Certified,) _____
(Signature with addition,) _____
Chairman.

(To be deposited forthwith, with the nearest Notary, or in default of a Notary in the County, with the nearest Justice of the Peace.)

Schedule B.

We, the undersigned, School Visitors for the County of _____ hereby certify that we visited the Elementary School, No. _____ in the (insert the name of the Parish, Township or extra-Parochial place, kept by (name of the Teacher,) on (day of the week,) the _____ day of _____ in the present year, and having examined the Journal and Minute Book of the said School, the Regulations thereof, and the Certificate of qualification of; the Teacher, and having examined the Teacher, out of the presence of the Scholars, and also the Scholars themselves, we verily believe that the conditions and requirements of the

Law have been bona fide complied with, and that said School is properly conducted, the Teacher duly qualified and the Children exemplary in their progress and behaviour.

And we recommend (here insert any recommendation deemed expedient.)

(Signed,
(Name and addition.) } Visitors.
.. .. }
.. .. }

A Copy of this Certificate is to be entered in the Books of School Minutes, and two duplicates thereof to be signed by the Trustees, and by them forwarded to the Senior Resident Member, (or the Senior Member for the County,) if there be no Resident Member, with the School Return in the form of the schedule D.

Schedule C.

Journal of the School in the District No. _____ of _____ in the County of _____
 Master.

Names of the Children.	Age.	Present when the List was called over on each day in the																															Month of	What each pupil is taught.	Total of Schooling and Pupils whose month's schooling is paid and amount due.					
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31								
A. B. C. D. E. F.																																						Reading Writing. Artith- metic	Paid. Due. Free.	Opposite to the Names of those whose schooling have been paid for, the word "paid" should be written;—if such payment be due, the word "due"; and if the pupil be taught gratuitously, the word "free."
		Opposite to the Name of each Pupil who attended the School only once on the day which the List was called, there should be a short line drawn, (thus—) in the column; and this line should be crossed if the Pupil attended School both in the forenoon and in the afternoon of such day, (thus X) and opposite the names of those also who have not attended, a blank should be left.																																						

Schedule D.

Return of the School in the District No. _____ in the _____ of _____ in the County of _____ from (date) to _____ (date.)

Name of the parish, seignior or Township and date of the establishment of the School.	No. of the District.	Names of the Trustees and date of their Election.	Name of the Teacher	Up to what time the Teacher has been paid and the rate of the allowance made him by the Trustees.	Number of Pupils attending the School regularly.			Date of the Public Examination.	Date of the last visit of the County Visitor.	Date of the last Return.	Total number of Pupils by last Return.
					Boys.	Girls.	<table border="1"> <tr> <td>Paid for.</td> <td>Free.</td> </tr> </table>				
Paid for.	Free.										

School List.				
Names of the Pupils	Age.	Number of days in which each Pupil has attended the school since the last Return.	What they are taught.	Rate paid for the School of each, per month.
<p>Made at _____ this _____ day of 18____</p> <p>(Signatures) A.B. Trustee C.D. do. E.F. do. G.H. Teacher.</p>				

Schedule E.

Return of the Schools in the County of

Names of Parishes, Seignories or Townships and the date of the establishment of each School.	No. of the District	Names of the trustees and dates of their Election.	Names of the Teachers.	Up to what time the Teacher has been paid, and the rate of the allowance made him by the Trustees.	Number of Pupils who attend regularly at each School.				Date of the last public Examination.	Date of the last visit of the County Visitors.	Periods for which the payment is to be made.	Amount to be paid			Date of the last return.	Number of Pupils by the last return.	
					B o y s .	G i r l s .	T o t a l .	P a i d f o r .				£	s	d			
Township of A.B.	1	C.D. E.F. G.H.	J.K.	1 st Jan. 1832	1	1	3	2	5	15 th Aug. 1832.	1 st Oct. 1832.	From To	£	.	.	1 st Nov. 1831	25

Dated this day of 18

Schedule F.

List of persons to whom Payments are to be made under the Act for the encouragement of Elementary Schools, from _____ to _____ both days inclusive.

Name of the persons to whom payments are to be made.	County.	Parish.	School District, No.	Amount to be paid.	Receipt of the persons receiving the same.

A. B. Signature of the Officer by whom the List was made out.

The Receiver General is required to pay the several sums herein above mentioned, to the persons to whom such sums are to be respectively paid, or to such persons as may by them be legally empowered to receive the same.

By order of His Excellency the Governor in Chief.
(Signature of the Secretary.)

Schedule G.

We empower (name, residence and addition of the person) to receive for us the Government allowance for the School in the District No. in the (Parish, Seignior, or Township) County of _____ for which District we are Trustees.

Given in Duplicate at _____ the _____ day of _____ 1833.

If the Trustees are unable to write, they are to make their Mark, in presence of two persons who are to sign as Witnesses.