

## CAP. II.

## An Act concerning Schools.

Establishment of  
Schools

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That, for the Education and Instruction of the Youth and Children of this Province, in common reading, writing and arithmetic, in morals and manners, English Schools shall be established and supported throughout the Province, in manner hereinafter provided.

In Districts

**II.** *And be it further enacted,* That the Justices assigned to keep the Peace in each County and District, shall, at their General or Quarter Sessions, upon the presentment and return of the Grand Jury therefor, cause the whole of the inhabited parts of the same to be laid off and subdivided into such and so many convenient School Districts as to them it may appear necessary to establish for the education of the children therein residing respectively, and shall allot to each District such extent and dimensions that the School-House therein to be erected may be within a reasonable distance from the residences of the Scholars.

Description of  
School Districts

**III.** *And be it further enacted,* That the said Justices and Grand Jury shall establish the boundaries of every School District with as much accuracy as possible, and shall transmit a description thereof to the Commissioners of Schools for the County, to be appointed as is hereinafter provided.

Proceedings of In-  
habitants

**IV.** *And be it further enacted,* That whenever two thirds in number of the Inhabitants in any School District, rateable or subject to be assessed as herein enacted, desire the establishment of an English School under this Act, they shall certify the same in writing, signed by them respectively, to the Justices in any General or Special Sessions, who, upon proof made of such certificate, and that the parties subscribing the same compose two thirds of such rateable Inhabitants, shall allow such certificate, and order such School to be established, whereupon this Act, and every matter and thing herein contained, shall attach to such School District, and all the Inhabitants thereof, and commence and begin to be in operation therein.

Appointment of  
Trustees

**V.** *And be it further enacted,* That the Inhabitants rateable as aforesaid in each School District, shall, at such convenient time and place, and in such manner as shall be appointed by the Justices aforesaid, choose and nominate three fit and proper Persons to be Trustees of the School in such District, and certify such nomination forthwith, to the said Justices, to be by them allowed and recorded; and the same proceedings shall be adopted in all cases of vacancy in the trust.

Trustees Incorporated

**VI.** *And be it further enacted,* That the Trustees so chosen, allowed and recorded, and their Successors in Office, shall be a Body Corporate in deed and in law, by the name of the School Trustees, for the District for which they are chosen, and by that name shall have succession; a common Seal and Corporate Powers for the purposes of this Act; and be capable of suing, and being sued, in relation to all matters connected with the School of the District, and the rights and property thereof; and shall and may receive grants and devises of Land, and gifts, and bequests, for the use or benefit of the School; stand seized of the School House, and Land thereto appertaining; contract with, hire and employ, any licenced Teachers for the School; direct the studies and discipline thereof; collect, recover, receive, pay and appropriate all monies, rents, and funds, raised, granted, or applicable for its support and maintenance, and generally manage, direct, conduct and superintend, all the affairs, concerns and business thereof; and have, possess, exercise and enjoy, all powers, authorities and privileges,

privileges, necessary to such their office, and the well-being and support of the School. Moreover the said Trustees shall, once in every year, make a report in writing under their hands, of the state, affairs and condition, of the School, to the Board of Commissioners, hereinafter mentioned, and observe their instructions thereon.

VII. *And be it further enacted,* That, upon the request and representation of the said Board of Commissioners, and upon proof of misconduct or neglect of duty, by any such Trustees, the said Justices in Session shall, and they are hereby authorised, to remove him from office, and he shall not again be eligible thereto, and the Inhabitants shall proceed to choose another Trustee in manner aforesaid. Trustees neglecting their duty

VIII. *And be it further enacted,* That there shall be established in every County, and in the Districts of Colchester and Pictou, for the inspection and general superintendance of the whole of the Schools therein respectively, a Board of Commissioners, consisting of three Persons, to be named and commissioned by His Excellency the Governor, and to hold such office during his pleasure. Appointment of Commissioners

IX. *And be it further enacted,* That it shall be the duty of every such Board of Commissioners, and they shall have power and authority within their jurisdiction, to superintend and inspect the Schools, and the management, conduct, and affairs thereof: to cause the provisions of this and all other Acts relating to Schools to be duly observed; to licence such persons to be Teachers or Schoolmasters, as, after due and careful investigation into their literary acquirements, general competency and moral characters, they shall deem fit to be employed in that office; to establish all the general regulations and course of instruction to be observed in the Schools; to decide all differences that may arise; to receive returns annually from the respective School Trustees, of the state, progress, and improvement of each School; to report thereon at the end of each year, for the information of the General Assembly, in such manner as the Governor shall direct; and generally to attend to, and enforce, the operation of the system of Schools hereby established. Duty of Commissioners

X. *And be it further enacted,* That the said Commissioners shall be authorized to appoint a Clerk for the business of the Board, to whom such allowance for his services shall be paid from the Treasury, as the Governor, upon the Report of the Board, shall order, provided the sum do not exceed, in any year, the sum of Ten Pounds. Appointment of Clerk to Commissioners

XI. *And be it further enacted,* That a sufficient School House shall be erected, provided and maintained, in every School District. Erection of School House

XII. *And be it further enacted,* That in every School all the Youths and Children within the District shall be taught and instructed in reading, writing and the common rules of arithmetic, in morals and manners, without any charge or expense therefor, save only for their respective proportions of the necessary fuel for the School; but if it be at any time desired or requested of the Trustees, that any child shall be instructed beyond the common course of reading, writing and arithmetic, the Trustees shall, if they think proper, direct such further and additional instruction to be given by the Master. Tuition

XIII. *And be it further enacted,* That in every School District containing thirty families or Householders, the School shall be kept up and supported during the whole year. *Provided always,* That the Board of Commissioners shall and may be authorised, under the particular circumstances or situation of any School District, to enlarge or diminish the number of families or householders to which is attached the obligation of maintaining a School during the whole year. Continuance of School  
Proviso

XIV. *And be it further enacted,* That whenever the number of families or householders, by this Act, or by the order of the Commissioners required to maintain a year- School Districts may be united

ly School, shall not be found in any one School District, such District shall be, by the order of the Commissioners, attached to and connected with the nearest School District, where the number of families, to which a yearly School shall be assigned, shall be likewise deficient, and the two Districts shall conjointly maintain the School during the year, and the same shall be kept in each during such part of the year as the Commissioners, having reference to the number of families in each, shall appoint.

Schoolmasters to be licenced

**XV. And be it further enacted,** That no person shall be employed as a Teacher or Schoolmaster of an English School within this Province, unless he shall be first licenced in the manner hereinbefore directed, under a Penalty not exceeding Ten Pounds, to be recovered by the Trustees.

Salary to Schoolmasters

**XVI. And be it further enacted,** That each Schoolmaster or Teacher, employed in the Schools hereby established, shall be entitled to receive from the Trustees of the District, or combined Districts, for which he shall be engaged, such salary as shall have been contracted and agreed for, but the amount of such salary, shall not be less than after the rate of the sum of Fifty Pounds Currency for the year, or such lesser amount as the Commissioners shall establish for each School District, upon consideration of the ability and situation of the Inhabitants.

A proportion of Salary may be paid in produce

**XVII. And be it further enacted,** That the Trustees shall and may also agree with the Schoolmaster, if they think it convenient, that a proportion of his salary shall be payable by the Inhabitants in produce, according to the custom of the Country; and all sums which the Schoolmaster shall certify to be so paid to him, shall be allowed to the Inhabitants on account of their School rates; and if the composition so agreed for shall not be duly paid, the said Trustees shall, and they are hereby required, to sue therefor.

School-Houses built and maintained by assessment

**XVIII. And be it further enacted,** That the expense of building and maintaining the School House in repair, of the salary of the Schoolmaster, and of other charges necessary for the support and maintenance of the School, in each School District, or in any combined School Districts, shall be raised and levied from the Inhabitants thereof, in each and every year, by an equal rate or assessment, upon each person according to his ability, and in all respects, in the like manner, and under and subject to the same regulations, and by the same means, course and proceedings, as by any Acts of the General Assembly of this Province now in force, or hereafter to be enacted, are, or may be provided for levying rates for the support of the Poor, and shall be assessed at the same time with the Poor Rate for the County, District or Township, wherein the School District may be situate, and shall be collected by, and be paid over, to the Trustees of the School District, from which it was raised.

Trustees to certify amount required to be raised

**XIX. And be it further enacted,** That the Trustees shall certify in every year, to the said Justices in Sessions, the amount required to be raised for the expenses of the School aforesaid, and after allowance by the said Justices of the sum necessary to be assessed for that purpose, they shall order and direct the rate therefor to be assessed by the Assessors of the Poor Rates.

Schools may be voluntarily supported

**XX. Provided always, and be it further enacted,** That if the Inhabitants of any School District, or combined Districts, shall voluntarily raise and pay in any year the expense of the School House, and the salary of the Master, with the charges attendant on the maintenance of the School, then and in that case the said Inhabitants shall be exempt from such School Rate, for the year wherein such salary and expense would otherwise have been assessed.

Provincial allowance towards support of Schools

**XXI. And to the end, that the education of the Children of the Poor, may be duly provided**

provided for, *Be it further enacted*, That, during the continuance of this Act, there shall be placed at the disposal of His Excellency the Governor, in each and every year, the sum of Two Thousand and Five Hundred Pounds, wherefrom there shall be paid and allowed to the Board of Commissioners in each of the eleven Counties and Districts of Nova-Scotia, a sum not exceeding One Hundred and Eighty Pounds; and for the County of Cape Breton a sum not exceeding Two Hundred and Twenty Pounds; and for the Town of Halifax a sum not exceeding Three Hundred Pounds—that is to say, One Hundred Pounds each, for the National, Acadian and Catholic Schools; which monies, except the said three sums of One Hundred Pounds, shall be applied by the Board of Commissioners, according to the situation, ability and circumstances, of the People of each School District, within their Jurisdiction, towards defraying the expense of the schooling poor Orphans, and the children of the Poor within the same, in proportion to their numbers in each School District respectively, and the ability of the Inhabitants.

XXII. *And be it further enacted*, That the sum allowed by the Commissioners shall be drawn by Warrant from the Treasury, upon their certificate to His Excellency the Governor. How to be drawn

XXIII. *And be it further enacted*, That this Act may be altered or amended during the present Session of Assembly. Act may be altered

XXIV. *And be it further enacted*, That this Act shall continue and be in force for three years, and thence to the end of the next Session of the General Assembly. Act continued for three years

### CAP. III.

#### An Act relating to Highways, Roads and Bridges.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Grand Juries in the several Courts of General or Quarter Sessions of the Peace for the respective Counties and Districts in this Province, at such terms as the said Courts shall respectively direct, yearly and every year, to nominate so many fit and proper Persons as they may consider necessary, as Surveyors of Highways, for each Township or Settlement; and the said Court shall, from the Persons so nominated, appoint as many as may be deemed expedient, to be Surveyors of Highways for the Township or Settlement for which they are so nominated; and the Persons so appointed shall be sworn to the faithful discharge of the duties of that office; and any Person, so appointed, having received notice thereof, who shall refuse to accept of the said appointment, or shall neglect to be sworn to the faithful discharge of the duties thereof, within fourteen days next after such appointment, or having accepted shall neglect his duty therein, shall forfeit for such refusal or neglect of duty the sum of Five Pounds. Surveyors of Highways—How appointed—

II. *And be it further enacted*, That every Person within each Township or Settlement, keeping any Cart, Team, or Truck, shall send, on every day appointed by the Surveyor of Highways, one Cart, or Team, or Truck, with two oxen or two horses, or with one horse, in case he owns no more, and one able man to drive the same, four days in every year, to work on the Highways, Roads, Streets, or Bridges, allowing eight hours to each day's work; and such Person not attending, or neglecting to perform the said duty, shall forfeit, for every day's neglect, if owning two or more horses or oxen, ten shillings; and if owning one horse only, seven shillings; and that every other householder or other person, able of body, between the ages of sixteen and sixty, not being a Military Person, or holding a Commission from His Majesty, in the Military or Civil To be sworn—  
Refusing to serve  
Statute Labor