

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Wednesday, the First day of February, 1826, in the Seventh year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. being the Sixth Session of the Twelfth General Assembly, convened in the said Province.

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An Act concerning 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.

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.

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.

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.

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.

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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 licensed 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, 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.

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.

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 government shall direct; and generally to attend to, and enforce, the operation of the system of schools hereby established.

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.

XI. And be it further enacted, that a sufficient school house shall be erected, provide and maintained, in every school district.

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.

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.

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 yearly 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.

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 licensed in the manner hereinbefore directed, under a penalty not exceeding ten pounds, to be recovered by the trustees.

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 as 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.

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.

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.

XIX. And be it further enacted, that the trustees shall certify in every year, to the said justices in session, 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.

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.

XXI. And to the end, that the education of the children of the poor, may be duly 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 two hundred and eighty 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.

XXIII. And be it further enacted, that this act may be altered or amended during the present session of assembly.

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.