

Sessions to such Treasurer, shall be deemed and allowed as good and sufficient releases and discharges in law or equity.

Clerks, assessors or collectors to perform their duties although neglected to be done within the prescribed time.

XIII. Provided always and be it enacted, That when any Clerk of the Peace, assessors or collector may have neglected to perform any of their said duties within the time prescribed by this Act, it shall nevertheless be lawful for such clerk, assessors or collectors to perform such duty after the time so prescribed, and all such subsequent proceedings shall be held and deemed good and valid to all intents and purposes as if done within the said prescribed period.

Previous assessments to be in force.

XIV. And be it enacted, That all assessments now made, or which shall be made before the passing of this Act, shall continue and be in force in the same manner as if this Act had not been made.

Limitation.

XV. And be it enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty.

Continued to April 1/65 by Jno. C. 34

Continued for 4 years by Act C-10 CAP. VIII.

An Act to repeal all the Acts now in force relating to Parish Schools, and to make other provisions respecting the same.

Passed 1st March 1837.

repealed & ended by 1845 by Act C-38

8 W. 4, C. 31.
6 W. 4, C. 24.
repealed.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of the reign of His present Majesty, intituled "An Act relating to Parish schools," and also an Act made and passed in the sixth year of the same reign, intituled "An Act to continue an Act relating to Parish schools," be and the same are hereby repealed.

Three Trustees of schools to be annually appointed by the Sessions.

II. And be it further enacted, That His Majesty's Justices of the Peace of the several Counties in this Province, at their respective Courts of General Sessions of the Peace, shall and may at the time of making the annual appointments of Town and Parish officers nominate and appoint three fit and proper persons to be Trustees of schools for the several Towns and Parishes within their respective Counties, who shall be sworn to the faithful discharge of their duty, and to be in all respects subject to the same rules, regulations, penalties and forfeitures as any other Town or Parish officers are subject to by virtue of an Act made and passed in the twenty sixth year of the reign of His Majesty King George the Third, intituled "An Act for the appointment of Town or Parish officers in the several Counties of this Province," and of another Act made and passed in the third year of the reign of His late Majesty King George the Fourth, intituled "An Act in addition to an Act, intituled 'An Act for the appointment of Town or Parish officers in the several Counties in this Province.'"

To be sworn and subject to the same rules &c. as other Parish officers.

26 G. 3, C. 28.

3 G. 4, C. 29.

Trustees to divide their Parishes into districts, visit the schools and direct the discipline;

III. And be it further enacted, That it shall be the duty of the said Trustees to divide their respective Parishes into as many school districts as may from time to time be found convenient or necessary; and when the inhabitants of any such district shall provide or erect a good and sufficient school house for the use and purpose of a school, and agree with a schoolmaster or schoolmistress, duly licenced as by His Majesty's Royal Instructions is directed, to teach therein for the space of six months or one year, such Trustees are hereby required to visit and inspect such school at least once in every three months during the said period, and to inquire into the order and morals, and direct the discipline and regulation of such school; and in case the teacher so agreed with or employed as aforesaid shall refuse or neglect to comply with such rules and regulations, or shall

May displace Teachers, reporting the

shall or may be guilty of any misconduct, intemperance or immorality, the said Trustees may in their discretion discharge and displace such teacher: Provided always, that whenever such Trustees shall so displace any such teacher they shall make a report thereof in writing with the cause of such proceeding to the Board of Education of the County or district, whose appointment is hereinafter authorized and provided for.

cause to the board of education.

IV. And be it further enacted, That the said Trustees may and they are hereby authorized to admit into any school to be established in their respective Parishes by virtue of this Act, such number of free scholars, being the children of indigent persons, as they in their discretion shall think fit: Provided always, that the number of such free scholars shall not exceed five in any one school.

Trustees may admit free scholars.

V. And be it further enacted, That when any school shall have been kept pursuant to agreement as aforesaid, by a person duly licenced and employed as aforesaid for the space of six months or one year, to the satisfaction of such Trustees, in a school house provided or erected for that purpose, and that the inhabitants of the district in which the same is situated have subscribed and paid towards the support of the said school ten pounds for each and every half year during which the same has been kept, or shall have furnished the said teacher with boarding, washing and lodging during the period for which he or she shall have been so employed, then and in such case it shall and may be lawful for such Trustees to make a certificate in the form following, that is to say:

Trustees to certify schools to Sessions when kept as herein specified.

We, the Trustees of schools in and for the Parish of _____ in the County of _____ do certify to the Court of General Sessions of the Peace in and for the said County, that in the Parish of _____ the following schools have been established and kept, that is to say:

Form of certificate.

In district number _____ a school house has been erected or provided for the use and purpose of a school, that A. B., a teacher, being of moral and sober habits, duly licenced as by His Majesty's Royal Instructions is directed, has been employed in the same, and has actually taught therein for the period of _____ months, that is, from the _____ day of _____ to the _____ day of _____ one thousand eight hundred and _____ to our satisfaction, and that the inhabitants of the said district have subscribed and paid the sum of _____ pounds [or have furnished the said teacher during the said period with board, washing and lodging,] toward the support of the said school.

'C. D. } Trustees.'
'E. F. }

VI. And be it further enacted, That the said Justices at their General Sessions respectively, shall and they are hereby required twice in each and every year to certify in one general schedule all such certificates of the Trustees of schools as shall or may be laid before them at their General Sessions, under and according to the provisions of this Act, and shall transmit the same to the Secretary of the Province; upon which schedule there shall be allowed and paid toward the support of each school a sum of money at and after the rate of twenty pounds per year for each school taught by the schoolmaster or schoolmistress named in such schedule, that is to say, for a school kept six months pursuant to agreement as aforesaid, ten pounds, and for a school kept one year, twenty pounds; the same to be drawn from the Treasury of the Province by warrant from His Excellency the Lieutenant Governor or Commander in Chief for the time being, in favour of the Trustees of schools of the respective Parishes mentioned in such schedule, to be applied towards the support of the said schools according to the true intent and meaning of

Justices in Sessions to certify to the Lieutenant Governor.

An allowance at the rate of £20 per annum to be drawn from the Treasury for each school.

Referred
3rd Dec
C-39

Aggregate amount for Parishes and Counties limited.

Female schools limited to three in a Parish.

Teachers to make semi-annual returns to the Clerks of the Peace.

Justices to make returns to be laid before the Legislature.

Justices and Trustees to endeavour to cause school houses to be built on public ground.

Removal of school houses.

Boards of education to be appointed for each County.

Their duty.

of this Act: Provided nevertheless, that no larger sum than one hundred and eighty pounds shall be paid out of the Treasury of this Province for schools kept in any Parish in any one year, and provided that no County in the Province shall be entitled to receive a larger sum from the Province Treasury in any one year than would arise from an average of one hundred and sixty pounds for each and every Parish in such County; provided that no more than three female schools shall be included in any such certificate or schedule for any one Parish; and provided also, that when the whole sum allowed for any one Parish pursuant to this Act is not sufficient to afford the above allowance to each and every school by reason of the great number of schools in the Parish, then and in such case it shall and may be lawful for the Trustees, and they are hereby required to apportion the whole sum among all the schools in the Parish according to the nature of their respective claims whether yearly or half yearly schools.

VII. And be it further enacted, That all teachers of schools in this Province, once in every six months during the period in which they may be employed to teach school, shall render to the Clerks of the Peace in the several and respective Counties, to be laid before the General Sessions, a true and correct account of the number of male and female scholars taught by them respectively, with their names and ages, and in case of the neglect or refusal of any teacher so to do, his or her name shall not be included in the schedule of schools to be made up and transmitted as hereinbefore provided.

VIII. And be it enacted, That the Justices of the Peace for the several Counties in this Province shall once in each and every year make return to His Excellency the Lieutenant Governor or Commander in Chief for the time being, of the names of the teachers employed in their respective Counties, and the number of children, male and female, taught in the respective schools, for the purpose of being laid before the Legislature.

IX. And whereas difficulties have frequently arisen from the school house 'being the property of private individuals as built on their land;' Be it therefore enacted, That the Justices of the Peace in their respective Counties and also the Trustees of schools in their several Parishes shall, as much as in them lies, endeavour to cause the school houses to be built on the public ground of any County or on property conveyed to the Justices of the Peace for that purpose, who are hereby empowered to receive conveyances of the same, and to hold the same for the use of such schools; and that no school house shall be removed from one part of the Parish to another part thereof without an order of the Justices in their General Sessions, to be made, if they shall so think fit, upon the application and with the consent of a majority of the Trustees.

X. And whereas it is expedient that applicants for Parish school licences 'should undergo an examination as to moral character, literary attainments and loyal principles, before obtaining a legal authority to undertake the highly important and responsible duty of teacher;' Be it therefore enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Executive Council, to appoint three or more persons in each and every County of this Province, who shall constitute a Board of Education in the same, and them or any of them from time to time at pleasure to remove, and to supply the deficiency caused by such removal or by death, or resignation or absence, by further and other appointments; and it shall be the duty of such Boards respectively to receive applications from such persons as may hereafter desire to obtain Parish school licences for their respective Counties, and to appoint an early and convenient

convenient time to hold a personal examination of the applicant or applicants, and to determine upon his, her or their applications, and report thereon to His Excellency the Lieutenant Governor or Commander in Chief for the time being.

XI. And be it further enacted, That when and so often as the Trustees of schools in any Town or Parish shall displace any teacher, as authorized and provided for in and by the third section of this Act, and shall make report of the same to the Board of Education of the County within which such dismissal shall have taken place, the said Board shall cause a statement thereof to be transmitted to His Excellency the Lieutenant Governor or Commander in Chief for the time being; provided such Board shall be of opinion that there was sufficient cause for such dismissal.

Board of Education to report to the Governor the dismissal of teachers by the Trustees.

XII. Provided always and be it further enacted, That all schools established and in operation at the time of passing this Act, which may not be finished or certified agreeably to the provisions of the said Acts hereinbefore repealed, shall be kept until the termination of the period contracted for, and be subject and entitled in all respects to the same regulations, certificate and encouragement as if the said Acts had not been repealed, and that the Trustees now in office under and by virtue of the provisions of the Acts hereby repealed, shall be to all intents and purposes Trustees to carry into effect the provisions of this Act until the making of the annual appointments of Town or Parish officers.

Reservation for Schools not certified, and Trustees now in office under repealed Acts.

XIII. And be it further enacted, That this Act shall continue and be in force until the first day of April, which will be in the year of our Lord one thousand eight hundred and thirty nine.

Limitation.

*Amended to 23 March 1843 by 2 Act - c. 10
V amended & added by 6 Act - c. 38 to May 1/45*

CAP. IX.

An Act to authorize the Mayor, Aldermen and Commonalty of the City of Saint John to widen the Bridge between the said City and Parish of Portland.

Passed 1st March 1837.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Mayor, Aldermen and Commonalty of the City of Saint John shall have full power and authority to increase the width of the bridge commonly called the mill bridge, lying partly in the said City and partly in the said Parish, on the eastern side thereof, to such an extent as shall form a public bridge, road or highway of not less than forty nor more than fifty feet in breadth in every part thereof, and the same shall, when completed, be one of the public and common highways of the City and County of Saint John: Provided always, that nothing herein contained shall extend or be construed to extend to authorize the said Mayor, Aldermen and Commonalty, in any manner to stop, hinder or diminish the passing of the water, or any boats, timber, logs or other thing whatever, into or out of the mill pond on the eastern side of the said mill bridge, in any flood gates, sluice, flume or other channel or passage now used for such purposes, through or under the said mill bridge, without the consent of the proprietor of the said mill pond.

Authority given to widen the Mill Bridge;

but so as not to injure the passage into or out of the mill pond.

II. And be it further enacted, That as well the value of the land or flats over which such extension of breadth shall pass, as the value of all buildings and improvements of the owner or owners thereof, and his or their lessee or lessees; which may be injured, required to be removed or otherwise deteriorated in value, or the damage to be sustained thereby, shall be paid for by the said Mayor, Aldermen and Commonalty, to be ascertained as follows; to wit: if the said Mayor, Aldermen

Value of the land and improvements to be settled by agreement, arbitration or a Jury.