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21 Victoria – Chapter 9

An Act relating to Parish Schools. Passed 6th April 1858.

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Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Governor in Council may appoint a Chief Superintendent of Schools, who shall perform the duties of Secretary to the Board, and fix his salary not exceeding three hundred pounds per year, besides travelling charges and contingencies of office, and a Clerk or assistant, whose salary shall not exceed one hundred and fifty pounds per year.
2. The Governor and Council with the Superintendent of Schools, shall constitute a Provincial Board of Education. The Governor with three other members and the Superintendent shall be a quorum.
3. The Governor in Council shall from time to time divide the Province into four Districts, and appoint an Inspector of Schools for each District, and fix his salary not exceeding two hundred and fifty pounds per year, including travelling expenses.

BOARD OF EDUCATION.

4. The Board of Education shall have power to establish a Training School, or continue any one now in operation, and a Model School connected therewith, appoint a Teacher of such Training School, and a Male and Female Teacher of the Model School.

To make rules and regulations for the government of such Training School; to prescribe the terms on which Students shall be received and instructed therein; and to make such allowance for the expense of Teachers attending the School as shall be deemed necessary, not exceeding six pounds to any Teacher.

To make regulations for the organization, government, and discipline of Parish Schools, and the examination, classification, and mode of licencing Teachers, and the mode of certifying the time taught and of paying them.

To appoint examiners of Teachers, and to grant and cancel Licences.

To hear and determine all appeals from the decision of Trustees.

To prescribe the duties of Inspectors of Schools.

To apportion all moneys granted by the Legislature for the support of such Schools among the several Parishes, in proportion to the number and classes of Schools reported to have been efficiently conducted for the preceding year, not exceeding an average of two hundred and fifty pounds to each Parish in any one County, nor three hundred and twenty five pounds to any one Parish therein.

To provide for the establishment, regulation, and government of School Libraries, and the selection of Books to be used therein; but no works of a licentious, vicious, or immoral tendency, or hostile to the christian religion, or works on controversial theology, shall be admitted.

To make regulations for the construction and ventilation of School Houses, and the furniture and apparatus to be provided and used therein.

To make such other regulations as may be deemed necessary to carry into effect this Act.

To apply all balances of money arising from the sale of books, maps, and apparatus purchased for the use of Parish Schools, in procuring other books, maps, and apparatus therefor, and to appoint persons in each County to sell the same under their direction.

To divide the City of Saint John into two Parishes for the purposes of this Act.

SUPERINTENDENT.

5. The Superintendent shall have a general supervision and direction of the Inspectors, the Training and Model Schools, and the Parish Schools, subject to the order of the Board of Education.

He shall enforce and give effect to all the regulations made by the Board.

He shall collect information on Education, and hold public meetings in different parts of the Province, to which he shall invite the attendance of the Inspector, Teachers, and Inhabitants, and address such meetings on the subject of Education, using all legitimate means to excite an interest therein.

He shall cause copies of this Act, with the Regulations of the Board of Education, together with all necessary forms and instructions, to lie printed and furnished to the Inspectors, Trustees, School Committees, and Teachers.

He shall adopt the necessary measures to promote the establishment of School Libraries.

He shall provide the necessary plans for the construction of School Houses, and recommend the proper furniture and appendages for the same, and the improvement and embellishment of the grounds on which they are situate.

He shall have power to sue for books, maps and apparatus, purchased for the use of Parish Schools, and for all moneys due on the sale thereof; and every such action shall be brought and prosecuted by him in his name of office, and shall not abate by reason of any vacancy or change of officer.

He shall annually prepare a Report upon the condition of the Schools and School Libraries, with such other information upon the system and state of Education generally, and the amount expended in promoting it, with such suggestions as he may deem necessary, accompanied with a return of the moneys received from the sale of books and apparatus, which shall be laid before the Legislature within ten days after the opening thereof.

TRUSTEES.

6. Three Trustees of Schools shall be annually elected in each Town and Parish, at the time and in the same manner as other Town or Parish officers, who shall be subject to the same pains and penalties for neglect or refusal to act, or the non-performance of their duties as other Town and Parish officers; and when any Town or Parish fails to elect, the Sessions shall appoint as in other cases: in incorporated Towns, Cities or Counties, the Council shall appoint the Trustees; but the Trustees in office at the time of the passing of this Act shall continue to act until others are appointed in their stead.

It shall be the duty of Trustees to divide their respective Parishes into convenient School Districts, and from time to time to reconstruct them, and to define in writing the boundaries of each District, and file a description thereof with the Clerk of the Peace, and in incorporated Counties with the Secretary Treasurer, and a copy thereof with the Town Clerk.

They shall give any licenced Teacher authority in writing to open a School in a District where the inhabitants have provided a sufficient School House, secured the necessary salary, and with their assent agree with such Teacher.

They may suspend or displace any Teacher for incapacity, or any improper or immoral conduct, and shall forthwith transmit a copy of their proceedings to the Superintendent for the decision of the Board.

They shall immediately after ratifying the engagement of a Teacher, and annually thereafter, call a meeting of the Rate-payers of the District for the purpose of electing a School Committee to consist of three persons, giving seven days notice, to be posted on the School House, specifying the time, place and object of such meeting.

The Trustees, when convenient, shall accompany the Inspector in the examination and inspection of the Schools in their respective Parishes.

They shall at least once a year examine all the Schools in their respective Parishes, pursuing as near as may be the mode of examination adopted by the Inspector.

In any Town, Village, or populous District, the Trustees may authorize such number of Schools as the wants of the population may require; and when they deem it necessary, authorize the employment of an assistant licenced Teacher in any large School.

Wherever a convenient District can be laid off so as to include a portion of two Parishes, the Trustees of the two Parishes may lay off such District with the consent of a majority of the inhabitants thereof.

The Trustees shall apportion among the School Districts in their respective Parishes, any money raised by County or Parish assessment for the support and maintenance of the Schools therein, in such manner as they shall deem just and equitable.

Any Parish or District adopting the principle of assessment, and the sum required for the Teacher being assessed and paid, shall for every year such assessment is so made and paid, receive from the Province Treasurer ten per cent. over the allowance to Schools of the same class in Parishes or Districts not so assessed, to be apportioned and paid the Teachers therein.

COMMITTEE.

7. The inhabitants of the School District being rate-payers, shall at the meeting called by the Trustees as aforesaid, elect by a majority of votes three persons who shall constitute a School

Committee for that District, and shall continue in office for one year or until others are elected in their stead.

The School Committee shall have the immediate charge of the School House, with the furniture, apparatus and grounds.

They shall, when necessary, call meetings of the inhabitants of the District for the purpose of providing a School house, books, maps, apparatus, School furniture and fuel, and for the support of the School and the comfort of the scholars.

They shall have the immediate control of any Library provided by the District, and may appoint a Librarian, Secretary, and Treasurer.

They shall receive and appropriate any money raised in the District for the purpose of providing a Library or increasing the same.

The School Committee may admit so many free scholars, and also children at reduced rates, being the children of poor and indigent parents, as they may deem prudent and just; and they may apply the amount so received to the support of the School.

DUTIES AND QUALIFICATIONS OF TEACHERS.

8. The Teachers, male and female, shall be divided into three classes, qualified as follows:—

Male Teachers of the first class to teach spelling, reading, writing, arithmetic, English grammar, geography, history, book-keeping, geometry, mensuration, land-surveying, navigation and algebra;—of the second class, spelling, reading, writing, arithmetic, English grammar, geography, history and book-keeping;—of the third class, spelling, reading, writing, and arithmetic.

Every Teacher of the first and second class shall be qualified and enjoined to impart to his pupils a knowledge of the geography, history, and resources of the Province of New Brunswick, and of the adjoining North American Colonies.

Female Teachers of the first class to teach spelling, reading, writing, arithmetic, English grammar, geography, history, and common needle work;—of the second class, spelling, reading, writing, arithmetic, English grammar, geography, and common needle work;—of the third class, spelling, reading, writing, arithmetic, and common needle work.

Every Teacher shall keep a daily register of the scholars, which shall be open for inspection at all times; a Visitor's book, and enter therein the visits of the Inspectors, Trustees, and School Committee respectively; maintain proper order and discipline, and carry out the regulations made for his guidance.

Every Teacher shall take diligent care, and exert his best endeavours to impress on the minds of the children committed to his care, the principles of christianity, morality and justice, and a sacred regard to truth and honesty, love of their country, loyalty, humanity and a universal benevolence, sobriety, industry and frugality, chastity, moderation and temperance, order and cleanliness, and all other virtues which are the ornaments of human society; but no pupil shall be required to read or study in or from any religious book, or join in any act of devotion objected to by his parents or guardians; and the Board of Education shall, by regulation, secure to all children whose parents or guardians do not object to it, the reading of the Bible in Parish Schools— and the Bible, when read in Parish Schools by Roman Catholic children shall, if required by their parents or guardians, be the Douay version, without note or comment.

The Teachers shall be entitled to receive from the Treasury according to the following rates:—

Male Teachers of the first class, thirty seven pounds ten shillings; of the second class, thirty pounds; of the third class, twenty two pounds ten shillings: Female Teachers of the first class, twenty seven pounds ten shillings; of the second class, twenty two pounds ten shillings; of the third class, seventeen pounds ten shillings.

No Teacher shall be paid for a less period than six months without the sanction of the Board, nor in any case unless the inhabitants shall have raised by assessment, or paid for his support, an amount equal to the Provincial allowance, or shall have furnished him with board, washing, and suitable accommodation during his engagement.

SUPERIOR SCHOOLS.

9. When the inhabitants of any School District shall raise by assessment or otherwise, for the support of a Superior School, the sum of fifty pounds or upwards, and shall have engaged with the consent of the Trustees, a competent Teacher, they shall receive from the Province a sum equal to the amount so raised, not exceeding the rate of seventy five pounds per annum, to be paid to the Teacher upon the Certificate of the Inspector that the School has been taught to his satisfaction, and the payment made to the said Teacher at the rate of fifty pounds per annum by the inhabitants, but not more than one such School shall be allowed in one Parish.
Libraries.

LIBRARIES.

10. Whenever any School District shall raise a sum of money for the purpose of establishing a Library, or increasing any one already established, they shall be entitled to receive from the Province Treasury a sum equal to half the amount so raised, to be expended in the purchase of Books therefor, not to exceed five pounds in any one year.
Assessment.

ASSESSMENT.

11. Whenever any County, Parish, District, or Municipality, determines to provide for the support of the Schools therein by assessment, such assessment shall be levied and collected in the same manner in all respects as other County or Parish rates.

12. If the Council of any Municipality determines to support their Schools by assessment, they shall have power to make such bye laws as they shall deem necessary to levy and collect such assessment.

13. Every County or Municipality adopting the assessment principle, shall receive a sum equal to the amount so raised, if it shall not exceed the average of two hundred and fifty pounds to each Parish, but the whole shall be expended in the payment of salaries of Teachers.

14. A public meeting of the rateable inhabitants of any Parish or District may be called by the Trustees on the written application of twenty or more resident freeholders or householders in any Parish, or three or more resident freeholders or householders in any School District, by notice advertised at least fifteen days in a Newspaper published in the Parish or District, if any, and in five or more of the most public places of the Parish, or two of the District, for the purpose of determining upon the propriety of raising the necessary amount of money required for School purposes by assessment: at which meeting the senior Trustee present, or in case of his absence, such person as the majority of the rate-payers present may appoint, shall preside; and it shall be the duty of the Chairman to take the sense of the meeting upon the question of assessment, if it is decided in the affirmative, then on the amount to be raised, and the object.

15. If a majority of the rate-payers present agree to raise a sum by assessment either for the support of the Teacher, the purchase of land whereon to erect a School House or other buildings for School purposes, the purchase or maintenance of a library, the building or repairing of any School House, the supplying the School with fuel, light, and other necessaries, the purchase of books, maps or apparatus for the use of any such School, or for any of such purposes, the Chairman shall transmit the vote or resolution specifying the sum to be raised, to the Assessors of rates for the Parish, in one of the forms following:—

If the Assessment be made upon the Parish, the following shall be the Form:—

To _____ Assessors of the Parish of _____
You are required to levy and assess the sum of _____ in and upon the Parish of _____ being the amount voted at a Parish Meeting for the purpose of [here specify the object] and cause the same to be collected according to Law, and paid to _____ the Trustees of Schools for the said Parish.

Dated this ____ day of _____ A. D. 18 ____

C. D., Chairman.

If the Assessment be made upon a District of the Parish, the following shall be the Form:—

To _____ Assessors of the Parish of _____

You are required to levy and assess the sum of _____ pounds in and upon School District number ____ in the Parish of _____ being the amount voted at a meeting of the said District for the purpose [here specify the object] and cause the same to be collected according to Law, and paid to the School Committee for the said District.

Dated this ____ day of _____ A. D. 18__

C. D., Chairman.

16. The Assessors shall, without delay, make out the Assessment list as near as may be in the form prescribed for County or Parish rates, and deliver the list to the Collector of rates, with a precept endorsed thereon in the form prescribed for County or Parish rates; if the Parish have been divided into several Districts, with a District Collector for each, they shall furnish each Collector with a separate list, for the purpose of assessing the whole Parish; but if only a School District be assessed, they shall deliver the list to the nearest Collector, and in every case file a duplicate thereof with the Clerk of the Peace; and such proceedings shall be had and taken thereon for the levying and collecting the same, as are provided in other cases of County or Parish rates; and the money, when collected, shall be paid over to the Trustees, if the assessment be made for the whole Parish, and to the School Committee, if for a School District, to be appropriated for the purpose previously determined by the rate-payers.

17. The Assessors and Collectors shall perform their duties under the same pains and penalties as in all other cases, and receive the same fees and allowances.

18. Whenever a written application shall be made to the Clerk of the Peace of any County not incorporated one month before the time of holding the annual election for the Town and Parish officers, signed by at least fifty freeholders or householders of the said County, requesting him to ascertain whether the rate-payers will adopt the principle of assessment for the support of Schools, he shall notify the Town Clerk of each Town or Parish thereof, whose duty it shall be to give notice, with the notice of the annual election of Town or Parish officers, that the question will be put to the vote of the rate-payers at such annual meeting, and the Chairman shall put that question to the meeting, and take the vote of those voting in the affirmative and negative, and certify the number so voting to the Clerk of the Peace, with the list of Town or Parish officers elected, and the Clerk of the Peace shall lay the return before the Sessions at their next meeting.

19. If a majority of the whole voting at such meeting have voted in the affirmative, the Sessions shall determine the amount to be raised upon the County for School purposes, and cause the same to be levied, assessed, and collected as other County rates, and paid into the County Treasury.

20. The Sessions shall apportion the money raised by assessment among the respective Parishes in such manner as they shall deem equitable, having regard to their population and requirements.

21. The money so apportioned shall be paid to the County Treasurer to the credit of the respective Parishes.

22. When a County shall adopt the principle of assessment, any Parish or District therein having been previously assessed for the same year shall not be liable to such County assessment, nor be entitled to receive any part thereof; and when a Parish shall adopt such principle, no District in such Parish having been previously assessed shall be liable for such Parish assessment, or entitled to receive any part thereof; but such exemption shall not extend beyond the first year in which such County or Parish assessment shall be levied.

23. The assessment principle, when adopted, shall continue until reversed in the same manner as provided for its adoption.

24. Any District School supported by assessment shall be free to all the children residing therein.

25. A copy of the memorandum mentioned in Section 6, and of any plan therein referred to, if any, certified by the Clerk of the Peace with whom filed, shall be evidence of the laying off of such District by the Trustees and the bounds thereof.

26. The salary of the Teacher of the Training School shall not exceed two hundred and fifty pounds per annum; the salary of the Male Teacher of the Model School shall not exceed one hundred and twenty five pounds per annum; and the salary of the Female Teacher shall not exceed seventy five pounds.

27. The Governor in Council shall issue Warrants on the Province Treasury for the payment of the several allowances and salaries provided in this Act.

28. Any Trustee or Member of the School Committee, who shall not expend the moneys received by him under any of the provisions of this Act, or who shall misapply the same, shall pay a sum not exceeding twenty pounds for each offence, which, when recovered, shall be applied for the benefit of the Schools of the Parish or District.

29. Any Trustee who shall knowingly sign a false report; any Teacher who shall keep a false register, or make a false entry or returns; or any Inspector who shall make a false report, shall for each offence pay ten pounds; when recovered it shall be paid to the Trustees of Schools for the Parish, to be applied by them for the benefit of Parish Schools.

30. Lands for sites of School Houses or other School purposes may be conveyed to and held by the Sessions; and in Incorporated Towns, Cities or Counties, by the Municipality.

31. Rate-payers in this Act shall mean Rate-payers upon real or personal property or income.

32. An Act made and passed in the twenty first year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to revive and continue Chapters 48, 49, 50, and 51, Title vii, of the Revised Statutes, "Of Parish Schools,"* and the Act in amendment thereof, be and the same are hereby repealed.

33. This Act shall not come into operation or be in force until the fifteenth day of April in the present year of our Lord one thousand eight hundred and fifty eight.