

Laws of Her Majesty's Province of Newfoundland, passed in the year 1843.

6 Victoria – Chapter 6

An Act for the Encouragement of Education in this Colony. (Passed 22nd May, 1843.)

Whereas for the encouragement of Education it is expedient that several Sums of Money should be granted for the establishment and support of Elementary Schools throughout this Island, and that Regulations should be made for the proper expenditure of such Monies and the management of the said Schools.

I. Be it therefore enacted, by the Governor, Council and Assembly, in General Assembly convened, that from and out of such Monies as shall from time to time remain in the hands of the Colonial Treasurer unappropriated, there be granted to Her Majesty, Her Heirs and Successors, annually, the Sum of Five Thousand One Hundred Pounds, which said Sum of Money shall be annually distributed, one part in the support of Schools appropriated to the Instruction of the Children of Members of the several Protestant Churches, and the remaining part in the support of Schools appropriated to the Instruction of the Children of Members of the Roman Catholic Church.

II. And be it further enacted, That the said Sum of Five Thousand One Hundred Pounds shall be applied and expended under the superintendence of Boards of Education to be appointed as hereinafter prescribed, in the several Educational Districts hereinafter named, in the proportions following, that is to say—In the District of St. John's One Thousand Two Hundred and Fifty Pounds, - of which Three Hundred and Twenty Pounds shall be at the disposal of the Protestant Board, and Nine Hundred and Thirty Pounds shall be at the disposal of the Roman Catholic Board:—In the District of Brigus the Sum of Three Hundred and Seventy-five Pounds, of which One Hundred and Fifty-five Pounds shall be at the disposal of the Protestant Board, and Two Hundred and Twenty Pounds at the disposal of the Roman Catholic Board:- In the District of Harbor Grace, the Sum of Five Hundred and Sixty Pounds, of which Three Hundred and Sixty Pounds shall be at the disposal of the Protestant Board, and Two Hundred Pounds at the disposal of the Roman Catholic Board;—In the District of Carbonear, the Sum of Six Hundred Pounds, —of which Three Hundred and Fifty Pounds shall be at the disposal of the Protestant Board, and Two Hundred and Fifty Pounds at the disposal of the Roman Catholic Board;—In the District of Trinity Bay, North, Two Hundred and Twenty Pounds, —of which One Hundred and Eighty Pounds shall be at the disposal of the Protestant Board, and Forty Pounds at the disposal of the Roman Catholic Board In the District of Trinity Bay, West, the Sum of One Hundred and Ten Pounds, —of which Ninety Pounds shall be at the disposal of the Protestant Board, and Twenty Pounds at the disposal of the Roman Catholic Board;—In the District of Trinity Bay, South, the Sum of One Hundred and Thirty Pounds, —of which One Hundred and Fifteen Pounds shall be at the disposal of the Protestant Board, and Fifteen Pounds at the disposal of the Roman Catholic Board;—In the District of Bonavista Bay, South, the Sum of Two Hundred and Thirty Pounds —of which One Hundred and Fifty-five Pounds shall be at the disposal of the Protestant Board, and Seventy-five Pounds shall be at the disposal of the Roman Catholic Board:—In the District of Bonavista Bay, North, the sum One Hundred and Twenty-five Pounds, —of which One Hundred and Fifteen Pounds shall be at the disposal of the Protestant Board, and Ten Pounds at the disposal of the Roman Catholic Board: In the District of

Fogo the Sum of One Hundred and Fifteen Pounds, of which Seventy-five Pounds shall be at the disposal of the Protestant Board, and Forty Pounds at the disposal of the Roman Catholic Board: —In the District of Twillingate, the Sum of Two Hundred and Five Pounds,—of which One Hundred and Ninety Pounds shall be at the disposal of the Protestant Board, and Fifteen Pounds at the disposal of the Roman Catholic Board In the District of Bay Bulls, the sum of One Hundred and Forty Pounds, to be placed at the disposal of the Roman Catholic Board;—In the District of Ferryland, the Sum of Two Hundred and Five Pounds,—of which One Hundred and Eighty Pounds shall be at the disposal of the Roman Catholic Board, and Twenty-five Pounds at the disposal of the Protestant Board: —In the District of Saint Mary's, the Sum of Seventy-five Pounds, to be at the disposal of the Roman Catholic Board; —In the District of Placentia, the Sum of Two Hundred and Thirty Pounds,—of which One Hundred and Eighty-five Pounds shall be at the disposal of the Roman Catholic Board, and Forty-five Pounds at the disposal of the Protestant Board;—In the District of Burin Two Hundred and Five Pounds,—of which One Hundred and Fifteen Pounds shall be at the disposal of the Protestant Board, and Ninety Pounds at the disposal of the Roman Catholic Board:—In the District of Fortune Bay the Sum of Three Hundred and Ten Pounds,—of which Two Hundred and Seventy-three Pounds shall be at the disposal of the Protestant Board, and Thirty-seven Pounds at the disposal of the Roman Catholic Board;—and that the remaining Sum of Fifteen Pounds unappropriated, be placed at the disposal of the Governor or Person Administering the Government for the time being, to be applied to the purposes of the Education of Protestant Children in the Districts of Bay Bulls and Saint Mary's, in such manner as His Excellency shall direct.

III. And be it further enacted, That the present Electoral District of Saint John's shall be the Educational District of Saint John's; that the Educational District of Brigus, aforesaid, shall consist of and include all that part of the Electoral District of Conception Bay, lying between the South-side of Northern Gut in Port-de-Grave Salmon Cove, and Topsail Head; The District of Harbour Grace, aforesaid, shall consist of and include all that part of the Electoral District of Conception Bay, lying between the North Point of Musquito, and the North Side of Northern Gut in Port-de-Grave Salmon Cove; The District of Carbonear, aforesaid, shall consist of and include all that part of the Electoral District of Conception Bay lying between the North Point of Musquito and Split Point; The District of Trinity Bay, South, shall consist of and include all that part of the Electoral District of Trinity, lying between Split Point and Sugar Loaf Head; The District of Trinity Bay, West, shall consist of and include all that part of the Electoral District of Trinity Bay, lying between Sugar Loaf Head and Careless Harbour; The District of Trinity Bay, North, shall consist of and include all that part of the Electoral District of Trinity Bay, from Careless Harbour, inclusive, to Cape Bonavista; The District of Bonavista, South, aforesaid, shall consist of and include all that part of the Electoral District of Bonavista, lying between Cape Bonavista and Salvage, inclusive—The District of Bonavista, North, aforesaid, shall consist of and include all that part of the Electoral District of Bonavista, lying between Salvage and Cape Freels, including all Islands within the said limits:—The District of Fogo, aforesaid, shall consist of and include all that part of the Electoral District of Fogo, lying between Cape Freels and Change Islands inclusive, including the Island of Fogo, and all other Islands within the said limits; The District of Twillingate, aforesaid, shall consist of and include all that part of the Electoral District of Fogo, lying between Change Islands and Cape Saint John, including the Island of Twillingate, and all Islands within the said limits; The District of Bay Bulls, aforesaid, shall consist of and include all that part of the Electoral District of Ferryland lying between the South Head of Petty Harbor and the La Manche river; The District of

Ferryland, aforesaid, shall consist of and include all that part of the Electoral District of Ferryland, lying between La Manche River and Cape Race; The District of St. Mary's, aforesaid, shall consist of and include all that part of the Electoral District of Placentia and St. Mary's lying between Cape Race and Point Lance; The District of Placentia, aforesaid, shall consist of and include all that part of the said Electoral District of Placentia and St. Mary's, lying between Point Lance and Rashoon [Rushoon], including all the islands within the said limits; The District of Burin, aforesaid, shall consist of and have the same limits as the present Electoral District of Burin; And the District of Fortune Bay shall consist of and include all that part of the Coast lying between Garnish and Cape Ray, both places inclusive.

IV. And be it further enacted, that immediately after the passing of this Act, it shall and may be lawful for the Governor or Administrator of the Government for the time being, by Warrant under his hand and seal, to nominate and appoint, in each of the Educational Districts aforesaid, except as is hereinafter otherwise provided, Seven Persons to form and be a Protestant Board of Education for such District, in which Board shall be included the Senior or Superior Clergyman or Missionary actually resident or officiating within such District, of every religious denomination of Protestants therein, and the remainder of the said Board shall consist of Protestants of whom a majority shall be of the same religious persuasion as the majority of Protestants resident within the said District: Provided that it shall not be necessary to appoint a Protestant Board in any District where the amount hereinbefore appropriated to the Protestant part of such District, shall be less than Twenty-five Pounds; but that in every such case it shall be lawful for the Governor, or Administrator, of the Government for the time being, to authorize the Protestant Board most contiguous to such District to expend the sum appropriated for, such District, in such Educational purposes as shall be most for the advantage of the same.

V. And be it further enacted, That immediately after the passing of this Act, it shall and may be lawful for the Governor, or person administering the Government for the time being, by warrant under his hand and seal, to nominate and appoint, in each of the Educational Districts aforesaid, except as is hereinafter otherwise provided, Seven Persons, of the Roman Catholic Church, to form and be a Catholic Board of Education for such District; in which Board shall be included the Senior or Superior Clergyman of the said Church actually resident or officiating within such District. Provided, that it shall not be necessary to appoint a Roman Catholic Board in any District where the amount hereinbefore appropriated to the Catholic part of such District shall be less than Twenty-five Pounds; but that in every such case it shall be lawful for the Governor, or person administering the Government for the time being, to authorize the Catholic Board most contiguous to such District to expend the sum appropriated for such District in such Educational purposes as shall be most for the advantage of the same.

VI. And be it further enacted, That whenever any vacancy shall arise in any of the said Boards of Directors, by the death, resignation, or absence from the Colony, for Twelve Months, of any Member, or for other sufficient cause, it shall and may be lawful for the Governor, or person administering the Government for the time being, by Warrant under his hand and seal, to nominate and appoint a fit and proper person to fill such vacancy, either permanently, or for a time, as may be deemed most expedient.

VII. And be it further enacted, That such Boards of Education shall respectively have full power and authority, so soon as may be after they shall have been respectively constituted, to assemble together, in their respective Districts, and thereon to make and adopt Bye-Laws, Rules, and Regulations, for the establishment and management of Schools, within their respective Districts, and for the appropriation of the respective Sums of Money hereinbefore granted, and of such Sums as may from time to time be hereafter granted for the maintenance of such Schools; Provided always, that Five, at the least, of the Members of any Board shall be present at the transaction of any business by the said Board, and that Four, at the least, of the Members of any Board shall consent to the adoption of any Bye-Law, Rule, or Regulation, to be made as aforesaid; Provided nevertheless, that no such Bye-Law, Rule, or Regulation shall be of any force or effect until the same shall have received the sanction of the Governor, or person administering the Government for the time being.

VIII. And be it further enacted, That an Annual Meeting of each respective Board of Education shall be holden on the First Wednesday in July in each year, for the purpose of choosing a Chairman and other Officers, and of auditing Accounts, and of transacting such other business as may then be necessary; and that the Chairman of each Board shall, as soon thereafter as may be, transmit to the Governor, or Administrator of the Government for the time being, for the information of the Legislature, a report in duplicate of the proceedings of such Boards and of the number of Schools and Children under its management, and of the cost and expenditure attending the same.

IX. And be it further enacted, That the Annual and General Meetings of the said Boards, respectively, shall be holden at the following places, that is to say,—at the Town of St. John's, for the District of St. John's; at Brigus, for the District of Brigus; at Harbour Grace, for the District of Harbour Grace; at Carbonear, for the District of Carbonear; at Old Perlican, for the District of Trinity Bay South; at Trinity, for the District of Trinity Bay North; at Heart's Content, for the District of Trinity Bay West; at Bonavista, for the District of Bonavista Bay South; at Greenspond, for the District of Bonavista Bay North; at Fogo, for the District of Fogo; at Twillingate, for the District of Twillingate; at Bay Bulls, for the District of Bay Bulls; at Ferryland, for the District of Ferryland; at St. Mary's, for the District of St. Mary's; at Great Placentia, for the District of Placentia; at Burin, for the District of Burin; at Harbour Britain, for the District of Fortune Bay: and that General Meetings of the said Boards of Education, respectively, may be held at any time, on the requisition, to the Chairman, of any three or more Members.

X. And be it further enacted, That all School Houses, Lands, Chattels, and Monies, obtained and held by any Board of Education constituted under the provisions of any previous Act for the encouragement of Education in this Colony, shall be held by the Boards to be appointed under the provisions of this Act, to be by them applied for the purposes of this Act, subject to any claim the said former Boards may have upon the same respectively.

XI. And be it further enacted, That the following School Houses, built by Boards of Education appointed under such previous Acts as aforesaid, shall be under the management of the several Protestant Boards of Education to be appointed under this Act,—that is to say,—in the District of St. John's two Schools, one at Broad Cove and one at Quidi Vidi;— in the District of Conception Bay one School at each of the following places,—that is to say,—Lower Island Cove, Western Bay, Crocker's Cove, Bay Roberts and Brigus;—In the District of Trinity, one School in each of the following places, that

is to say,— the North Side of Trinity Harbour, Catalina, New Harbour, Hants Harbour and Old Perlican; and that in all other Districts where the majority of the Inhabitants shall be of the Protestant denomination, all Schools erected therein under the provisions of such previous Acts as aforesaid, shall be under the management of the Protestant Boards of such Districts respectively.

XII. And be it further enacted, That the following School Houses, built as aforesaid, shall be under the management of the several Roman Catholic Boards of Education to be appointed under this Act, that is to say,—in the District of Saint John's, Four Schools,—viz., One at Brookfield; One at Outer Cove; One at Logy Bay, and One at Windsor Lake; —in Conception Bay, Four Schools, that is to say,—One at Harbour Main, One at Musquitto, One at Holyrood and One at Harbour Grace; and that in all other Districts where the majority of the Inhabitants shall be of the Roman Catholic denomination, all Schools erected therein under the provisions of such Acts as aforesaid, shall be under the management of the Roman Catholic Boards for such Districts respectively.

XIII. And be it further enacted, That a Fee of Four Shillings and Fourpence shall be paid by Pupils attending the several Schools to be established under the provisions of this Act, to be paid in addition to the Salaries of the Masters of the said Schools—Provided that nothing herein contained shall be construed to prevent the several Boards aforesaid, from remitting the said Fee, or any part thereof, to such persons as are unable, from poverty, to pay the same.

XIV. And be it further enacted, That the Protestant Boards in the undermentioned Districts shall each year, respectively, out of the Monies hereinbefore appropriated to such Boards, contribute to the support of Schools of the Newfoundland School Society, within the said several Districts, to the amounts following, respectively; that is to say—The Board for the District of St. John's, to an amount not exceeding Seventy-five Pounds: The Board for the District of Brigus, an amount not exceeding Twenty-five Pounds: The Board for the District of Harbor Grace, an amount not exceeding One Hundred Pounds: The Board for the District of Carbonear, an amount not exceeding Twenty-five Pounds: The Board for the District of Trinity Bay, West, an amount not exceeding Thirty Pounds: The Board for the District of Trinity Bay, North, an amount not exceeding Sixty Pounds; The Board for the District of Bonavista, South, an amount not exceeding Twenty-five Pounds; The Board for the District of Bonavista, North, an amount not exceeding Twenty-five Pounds: The Board for the District of Fogo, an amount not exceeding Twenty-five Pounds: The Board for the District of Twillingate, an amount not exceeding Sixty Pounds: The Board, for the District of Fortune Bay, an amount not exceeding Fifty Pounds, which said sums of money shall be paid quarterly, by Warrant of the Governor or person Administering the Government for the time- being, to the Superintendant of the said Society in Saint John's, on production of a Certificate that a School or Schools is or are in operation, under the direction of the said Society, in such Districts respectively.

XV. And be it further enacted, That the Protestant Boards in the District of Saint John's, Brigus, Harbor Grace, Carbonear, Trinity Bay North, Trinity Bay South, and Burin, shall respectively, out of the Sums hereinbefore appropriated to them in each year, contribute to the support of the Wesleyan Methodist Schools, in their several Districts, the Sums following,—that is to say,—The Board for Saint John's, Twenty- five Pounds: The Board for Brigus, Twenty-five Pounds: The Board for Carbonear, One Hundred Pounds: The Board for Trinity Bay, North, Twenty-five Pounds: The Board for Trinity Bay,

South, Twenty five Pounds: The Board for Burin, Twenty-five Pounds: and the Board for Harbor Grace, Twenty-five Pounds: which said Sums of Money shall be paid quarterly, by Warrantor the Governor or Person Administering the Government for the time being, to the Chairman of the Wesleyan Methodist Mission in Newfoundland, at St John's, upon production of a Certificate that a School or Schools is or are in operation under the management of the Wesleyan Methodists in such Districts respectively.

XVI. And be it further enacted, That the Catholic Board for the District of Saint John's, shall appropriate the Sum of One Hundred and Fifty Pounds per Annum, to the support of the Orphan Asylum School, and the Sum of Two Hundred Pounds per Annum to the support of the Nunnery School in the said District, out of the amount hereinbefore appropriated to such District; and the Catholic Board for the District of Harbor Grace shall appropriate the sum of One Hundred Pounds per Annum to the support of the Saint Patrick's Free School, in the said District, out of the amount hereinbefore appropriated to such District; which said Sums of Money shall be paid quarterly, by Warrant from the Governor or Person Administering the Government for the time being, to the respective Committees of management of the said Schools, upon production of a Certificate that such Schools are in active operation.

XVII. And be it further enacted, That it shall be lawful for any one of the Boards of Education established by this Act, in case they shall deem it expedient, to appropriate such portion of the Funds by this Act placed at their disposal, respectively, as they may be enabled so to do, towards the support of any one or more of the Schools established in any other District that may stand most in need thereof, and which any such Board may deem deserving of support.

XVIII. And be it further enacted, That there be granted to Her Majesty, Her Heirs and Successors, a further Sum of Two Hundred Pounds, towards compensating parties who may suffer loss or inconvenience by reason of the operation of the Eleventh and Twelfth Sections of this Act.

XIX. And be it further enacted, That after the Schools established under the provisions of this Act, shall have been in operation Twelve Months, it shall be lawful for the Governor or Person Administering the Government for the time being, to appoint from time to time a fit and proper person to be an Inspector of Schools established or supported by this Act; and it shall be the duty of such Inspector personally, once at least in each year, and oftener if practicable, to visit every School established or supported under the provisions of this Act, and to make an Annual Report to the Governor upon the state of such Schools,—the character and description of the Masters or Mistresses thereof,—the proficiency which the Scholars in such Schools make, and upon any other points to which his attention may be called; And that there shall be granted to Her Majesty, Her Heirs and Successors, out of such Monies as shall be and remain in the hands of the Colonial Treasurer, and unappropriated, the Sum of Three Hundred Pounds annually, towards defraying the Salary and Expenses of such Inspector.

XX. And be it further enacted, That the Sums of Money granted by this Act shall be paid quarterly, by the Treasurer of the Colony, in discharge of such Warrants as may from time to time be issued by the Governor, or Administrator of the Government for the time being, in favour of any person or persons to be applied to the purposes of this Act.

XXI. And be it further enacted, That the Governor or Administrator of the Government for the time being, shall be a Visitor of the several Schools to be established under and by virtue of the provisions of this Act.

XXII. And be it further enacted, That this Act shall continue and be in force for the period Six Years, and from thence to the end of the then next Session of the Legislature of this Colony.