

Laws of Her Majesty's Province of Newfoundland, passed in the year 1853.

16 Victoria – Chapter 2

An Act for the Encouragement of Education. (Passed 15th June, 1853.)

Whereas it is expedient to provide for the Encouragement of Education in this Colony:

Be it therefore enacted, by the Governor, Council, and Assembly, in Legislative Session convened, that from and out of such monies as may remain in the hands of the Colonial Treasurer unappropriated, there be granted to Her Majesty the sum of Seven Thousand Eight Hundred and Eighty Pounds, which said sum of money shall be annually distributed in the proportions hereinafter mentioned, in the support of Schools established or to be established for the instruction of Children of Members of the several Protestant Churches, and of the Roman Catholic Church, in this Colony.

II. That out of the said sum of Seven Thousand Eight Hundred and Eighty Pounds, the sum of Seven Thousand Five Hundred Pounds shall be applied and expended by the several Boards of Education hereinafter appointed in the several Districts; to Protestants, Three Thousand Eight Hundred and Forty-six Pounds; to Roman Catholics, Three Thousand Six Hundred and Fifty-four Pounds (besides the Commercial Schools hereinafter mentioned) in manner following, that is to say:

<i>District.</i>	<i>Sums for Protestants.</i>			<i>Sums for Roman Catholics.</i>		
St. John's	£ 503	0	0	£ 1,320	0	0
Brigus	146	0	0	} 273	0	0
Bay Roberts	280	0	0			
Harbor Grace	288	0	0	250	0	0
Carbonear	451	0	0	280	0	0
Trinity South	161	0	0	15	0	0
Trinity West	106	0	0	23	0	0
Trinity North	203	0	0	31	0	0
Bonavista South	225	0	0	35	0	0
Bonavista West	101	0	0	93	0	0
Bonavista North	171	0	0	15	0	0
Fogo	104	0	0	50	0	0
Twillingate	171	0	0	4	0	0
Morton's Harbor.	125	0	0	23	0	0
Bay Bulls	} 13	0	0	} 156	0	0
Ferryland						
St Mary's	} 75	0	0	} 110	0	0
Placentia						
Burin	100	0	0	} 173	0	0
Lamaline	26	0	0			

Grand Bank	51	0	0	}	28	0	0
Fortune Bay	188	0	0				
Burgeo and La Poile	158	0	0				
	£ 3,646	0	0		£ 3,304	0	0

And to the Commercial School at Great Placentia, Forty Pounds; to the Commercial School at Ferryland, Fifty Pounds; to the Commercial School at Jersey Harbor, Forty Pounds; to the Commercial School at Brigus, Fifty Pounds; to the Commercial School at Trinity, Fifty Pounds; to the Commercial School at St. Mary's, Forty Pounds; and for two Commercial Schools at Burin, Seventy Pounds, that is to say, Forty Pounds for Protestants—viz.—Twenty Pounds for Episcopalians and Twenty Pounds for Wesleyans—and Thirty Pounds for Homan Catholics; and to the Presbyterian School at St. John's, Forty Pounds. And that out of the Homan Catholic grant of Three Thousand Six Hundred and Fifty-four Pounds the sum of Three Hundred and Fifty Pounds shall be paid yearly to the Roman Catholic Bishop of this Island for the support of the Presentation Convent Schools at the following places, viz.—One Hundred Pounds, Harbor Grace; One Hundred Pounds, Carbonear; Seventy-five Pounds, Harbor Main; and Seventy-five Pound's, Renew's.

III. That the Protestant Educational Districts shall be as follows: that of St. John's shall consist of the present Electoral District of St. John's, and that part of the District of Conception Bay lying between Horse Cove and Upper Gully inclusive; that the Educational District of Brigus aforesaid shall consist of and include all that part of the Electoral District of Conception Bay, lying between South side of Northern Gut, in Port-de-Grave Salmon Cove, and Upper Gully; the District of Bay Roberts from the North side of Northern Gut, in Port-de-Grave, to the Northern point of Bay Roberts, inclusive; the District of Harbor Grace aforesaid shall consist of and include all that part of the Electoral District of Conception Bay lying between the North Point of Mosquito and the North Point of Bay Roberts; 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 Mosquito 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 lying between Sugar Loaf Head and West Head of Random; the District of Trinity Bay North shall consist of and include all that part of the Electoral District of Trinity Bay from West Head of Random to Catalina South head inclusive; the District of Bonavista South aforesaid shall consist of and include all that part of the Electoral District of Bonavista and Trinity lying between Catalina South Head and Upper Amherst Cove inclusive; the District of Bonavista West, between Upper Amherst Cove and Great Black Island inclusive; the District of Bonavista North aforesaid shall consist of and include all that part of the Electoral District of Bonavista lying between Great Black Island and Cape Freels, including all Islands within the said limits and the settlements of Cat Harbour and Muddy Hole in Green Bay; the District of Fogo aforesaid shall consist of and include all that part of the Electoral District of Fogo lying between Muddy Hole 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 Merrett's Harbor, including the Island of Twillingate, and the Islands within the said limits; the District of Moreton's Harbor from Merrett's Harbor to Cape John; 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

LaManche River; the District of Ferryland aforesaid shall consist of and include all that part of the Electoral District of Ferryland lying between LaManche 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 Bickford inclusive; the District of Placentia shall consist of and include all that part of the Electoral District of Placentia and St. Mary's lying between Branch and Rashoon, Branch included; the District of Burin, all that part of the Electoral District of Burin from Rashoon to Little St. Lawrence, inclusive; the District of Lamaline, from Little St. Lawrence to Point May; the District of Grand Bank from Point May to Great Garnish; the District of Fortune Bay shall consist of and include all the present Electoral District of Fortune Bay; and the District of Burgeo and La Poile shall consist of and include all that part of the coast lying between Bonne Bay and Cape Ray.

IV. That the Roman Catholic Educational Districts shall be as follows, viz.— that the present Electoral District of St. John's shall be the Educational District of St. John's, and extend to Upper Gully in Conception Bay; 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 Upper Gully; the District of Harbor Grace aforesaid shall consist of and include all that part of the Electoral District of Conception Bay lying between the North Point of Mosquito, 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 Mosquito 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 Harbor; the District of Trinity Bay North shall consist of and include all that part of the Electoral District of Trinity Bay from Careless Harbor, 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 St. 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 LaManche River; the District of Ferryland aforesaid shall consist of and include all that part of the Electoral District of Ferryland lying between LaManche 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 Bickford inclusive; 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 Branch and Cape Rayor, 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 extending to Cape Rayor; 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.

V. That immediately after the passing of this Act it shall and may be lawful for the Governor, with the advice of the Council, by Warrant, to nominate and appoint in each of the Educational Districts hereinafter mentioned, Five or Seven Members of the several Protestant Churches, one of whom shall be the Senior Clergyman of the said Churches actually resident or officiating in such District, to form and to be a Protestant Board of-Education for such District, that is to say:—in St. John’s, Brigus, Bay Roberts, Harbor Grace, Carbonear, Trinity South, Trinity West, Trinity North, Bonavista South, West, and North, Fogo, Moreton’s Harbor and Twillingate, Ferryland, Placentia West, Burin, Grand Bank, Lamaline, Fortune Bay, Burgeo and La Poile: Provided that in St. John’s such Board shall consist of Nine or more Members, of whom a majority shall be Members of the Church of England, and as nearly as may be of the same proportion to the members of the Board as the number of the members of that Church bear to the number of the Protestant inhabitants in that District, and that in other places in this Colony the majority of the Board shall be of the same persuasion of the majority of the Inhabitants, according to the latest census: Provided further, that it shall not be necessary to appoint a Protestant Board in any District where the amount herein appropriated for such District shall be less than Twenty-five Pounds; but that in every such case, it shall be lawful for the Governor 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.

VI. That immediately after the passing of this Act, it shall and may be lawful for the Governor, with the advice of the Council, by warrant to nominate and appoint in each of the Educational Districts aforesaid, Five or Seven Members of the Roman Catholic Church to form and to be a Roman Catholic Board of Education for such District, in which Board shall be included the Senior 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 Roman Catholic part of the District shall be less than Twenty-five Pounds; but that in such case it shall be lawful for the Roman Catholic Board most contiguous to the said District to expend the sum appropriated for such District in such educational purposes as shall be most for the advantage of the same: Provided always, that in the District of Placentia the several Clergymen therein, being Parish Priests, shall be members of the said Board: And Provided also that it shall be lawful for any of the Roman Catholic Boards to appropriate any of their surplus funds in support or establishing of any Roman Catholic Schools in the said Island where the same may be required.

VII. That whenever any vacancy shall occur in any of the said Boards by the death, resignation, or absence from the Colony for Twelve Months of any Member thereof, it shall and may be lawful for the Governor, with the advice of the Council, by Warrant to nominate and appoint a fit and proper Person to fill such vacancy.

VIII. That such Boards of Education shall respectively have full power and authority, so soon as may be after they shall have been severally 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 granted for the maintenance of such Boards: Provided always, that Three at the least of the Members of any Board shall be present at the transaction of any business by the said Board: Provided further, that no Bye-laws, Rules and

Regulations shall be of any force or effect until the same shall have received the approval of the Governor in Council.

IX. That the Annual Meeting of each respective Board of Education shall be held 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 for the time being a true and correct return of the number and position of Schools and date of establishment, the names of Teachers, Salary to be paid to each, the number, names and ages of Scholars, the branches taught them, the Books they have used, and their progress in Education, the Hours of Teaching and Fees received; which return shall be accompanied by a detailed account of the expenditure of the Board for the past year.

X. 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 Bay Roberts, for the District of Bay Roberts; at Harbor Grace, for the District of Harbor 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 Worth; at Heart's Content, for the District of Trinity Bay West; at Bonavista, for the District of Bonavista South; at King's Cove, for the District of Bonavista West; at Greens- pond, for the District of Bonavista North; at Fogo, for the District of Fogo; at Twillingate, for the District of Twillingate; at Moreton's Harbor, for the District of Moreton's Harbor; 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 Grand Bank, for the District of Grand Bank; at Lamaline, for the District of Lamaline; at Harbor Britain, for the District of Fortune Bay; at La Poile, for the District of Burgeo and La Poile. Provided always, that the Protestant Board for the District of Placentia shall meet at Harbor Buffet; 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; or in case of the Chairman refusing or neglecting to call such Meeting within Three Days after such requisition being delivered to him, or left at his house, then such Meeting may be called by such requisitionists.

XI. That the School Houses and Property of Boards under any previous Act, and not herein otherwise provided for, shall vest in and become the property of their respective successors under this Act; and that in any case where it shall be necessary to prosecute or defend any Action at Law or Suit in Equity on behalf of the Board, the same may be brought or defended in the name of the Chairman.

XII. That the following scale of Fees shall be paid by the 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, who shall make a return of the amount received to the Boards of the said Schools, namely; —each Child learning the Alphabet, &c., shall pay in currency at the rate of Two Shillings and Sixpence per Year; each Child learning to Write and Cypher shall pay at the rate of Five Shillings per Year; each Child learning other and higher branches of Education shall pay at the rate of Seven Shillings and Sixpence per Year; each Scholar learning Navigation shall pay an additional fee at the rate of Ten Shillings per Year: Provided that nothing herein contained shall be construed to prevent the several Boards aforesaid

from remitting the said fees, or any part thereof, to such Persons as are or may be unable from poverty to pay the same.

XIII. That the Protestant Boards in the Districts of St. John's, Brigus, Harbor Grace, Carbonear, Trinity Bay West, Trinity Bay North, Bonavista North and South, Fogo, Twillingate and Fortune Bay, shall respectively, out of the sums hereinbefore appropriated to them each year, contribute to the support of the Schools of the Newfoundland School Society within the said several Districts, to the respective amounts following, that is to say:—The Board for the District of St. John's, not exceeding Seventy-five Pounds; the Board for the District of Brigus, Twenty-five Pounds; the Board for the District of Harbor Grace, Fifty Pounds; the Board for the District of Bay Roberts, Fifty Pounds; the Board for the District of Trinity West, Thirty Pounds; the Board for the District of Trinity North, Sixty Pounds; the Board for the District of Bonavista South, Fifty Pounds; the Board for the District of Bonavista North, Twenty-five Pounds; the Board for the District of Fogo, Twenty-five Pounds; the Board for the District of Twillingate, Sixty Pounds; the Board for the District of Fortune Bay, Fifty Pounds; which said several sums of money shall be paid Quarterly by Warrant of the Governor to the Superintendent of the said School Society in St. John's, on the production of a certificate that a School or Schools has or have been in operation under the direction of said School Society in such districts respectively, for the period for which the amount is or may be appropriated and made payable.

XIV. That the Protestant Boards in the Districts of St. John's, Brigus, Bay Roberts, Carbonear, Trinity South, Bonavista South, and Burin, shall respectively, out of the sums hereinbefore appropriated to them, each year contribute to the support of the Wesleyan Methodist Schools within their several Districts the sums following, that is to say; the Board for St. John's, Twenty-five Pounds; the Board for Brigus, Twenty-five Pounds; the Board for Bay Roberts, Twenty-five Pounds; the Board for Carbonear, One Hundred Pounds; the Board for Trinity South, Twenty-five Pounds; the Board at Bonavista South, Twenty-five Pounds; the Board at Burin, Twenty-five Pounds; which said sums of money shall be paid Quarterly, by Warrant of the Governor, to the Chairman of the Wesleyan Methodist Mission at Saint John's, upon the production of a certificate that a School or Schools has or have been in operation under the management of the Wesleyan Methodists in such Districts respectively, for the period for which the amount is payable.

XV. That the Roman Catholic Board for the District of St. 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 Presentation Convent School in the said District, out of the sum hereinbefore appropriated to such District; and the Roman Catholic Board in the District of Harbor Grace shall appropriate the sum of One Hundred Pounds per annum to the support of the St. 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 of the Governor, to the respective Committees of Management of said Schools, upon the production of a certificate that such Schools have been in active operation for the period for which the respective amounts are payable.

XVI. That it shall and may be lawful for any of the Boards of Education established under this Act, in case they or any of them shall deem it expedient, to appropriate such portions 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 Board Schools established in any other District that may stand most in need thereof, and which any such Board may deem deserving of support.

XVII. That in order to carry out an uniform course of Instruction in the Schools to be established under the provisions of this Act, the following branches shall be taught in the said several Schools, viz.:— Reading, Writing, Arithmetic, English Grammar, and, where required, Geography, History and Navigation; and also such Industrial Employment as may be directed and deemed necessary by the said Boards; and further, that the authorized version of the Bible shall be daily used in such Schools.

XVIII. That it shall and may be lawful for the Governor, by Warrant upon the Colonial Treasurer, to authorize the annual expenditure of the sum of Two Hundred Pounds, to be appropriated by the said Local Boards in the erection and repair of School Houses, in providing suitable Books, Maps, and School Furniture, therefor: Provided always that the said Books, Maps, and School Furniture, so to be distributed, shall be sold at a remunerating rate by the said respective Boards to the said several Schools, and that such Boards shall annually account for the proceeds thereof to the Governor in Council: Provided also, that such sum or sums of money as shall or may be appropriated as aforesaid to any of the said several Boards, for the purposes last aforesaid, shall be deducted from the gross amount that shall or may be granted and appropriated under and by virtue of this Act to such Board so receiving such sum or sums of money as aforesaid.

XIX. That no grants shall be made for School Houses, unless the Inhabitants of the locality requiring the same shall contribute an equal amount in Money or Kind for that purpose, and that no grants shall be made for School Houses, where the legal title to the site thereof shall not be vested in the Board for the District in which the same is or may be situated.

XX. That any Protestant Master appointed or confirmed in his situation under and by virtue of this Act, may be instructed in any Church of England School, or in any of the First Class Schools of the Newfoundland School Society, or of the Wesleyan Training School in St. John's, in the system of teaching observed in such Schools respectively; and that for the purpose of affording such instruction to any such Master, there be granted to Her Majesty out of such monies as may remain in the hands of the Treasurer, and unappropriated, out of the Protestant grant, the sum of Two Hundred Pounds: Provided always that it shall and may be lawful for the said respective Boards to dispense with the attendance of any such Master or Teacher at such Schools, upon being satisfied of the competency of such Master or Teacher.

XXI. That it shall not be lawful for the Teachers in any of the Schools appointed under this Act, to impart to any Child or Children attending the same, any Religious Instruction which may be objected to by the Parents or Guardians of such Child or Children.

XXII. 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, in favour of any Person or Persons, to be applied to the purposes of this Act.

XXIII. That this Act shall continue and be in force until the end of the next Session of the Legislature.