

Laws of His Majesty's Province of Upper Canada, passed in the year 1816. York: R. C. Horne, 1816.

56 George III – Chapter 38

An Act granting to His Majesty a sum of Money, to be applied to the use of Common Schools throughout this Province, and to provide for the Regulations of the said Common Schools. Passed 1st April, 1816.

Most Gracious Sovereign,

Whereas, it would be conducive to the happiness of the Inhabitants and general prosperity of this Province, to encourage the Education of Youth in Common Schools: We, your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most humbly beseech your Majesty, that it may be enacted, And be it enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly, of the Province of Upper Canada, constituted and assembled, by virtue of, and under the authority of an Act, passed in the Parliament of Great Britain, entitled, an Act to repeal certain parts of an Act, passed in the fourteenth year of His Majesty's Reign, entitled, an Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province," and by the authority of the same, That for the establishment of Common Schools, in each and every District of this Province, there shall be annually paid, during the continuance of this Act, the sum of six thousand pounds in manner herein-after mentioned, out of any monies which are now raised or levied, or which hereafter may be raised or levied, by authority of Parliament, to or for the uses of this Province: of which said sum of six thousand pounds, there shall be paid annually to the Home District, six hundred pounds; to the District of Newcastle, four hundred pounds; to the Midland District, one thousand pounds; to the District of Johnstown, six hundred pounds; to the Eastern District, eight hundred pounds; to the District of London, six hundred pounds; to the District of Gore, six hundred pounds; to the Niagara District, six hundred pounds; to the Western District, six hundred pounds; to the District of Ottawa, two hundred pounds.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, it shall and may be lawful, for the Inhabitants of any Town, Township, Village or place, to meet together for the purpose of making arrangements for Common Schools in such Town, Township, Village or place, on or before the first day of June in the present Year, and on the first day of June in each and every year during the continuance of this Act.

III. And be it further enacted by the authority aforesaid, That so soon as a competent number of persons as aforesaid, shall unite and build or provide a School-House, engage to furnish twenty Scholars or more, and shall in part provide for the payment of a Teacher, it shall and may be lawful for such persons as aforesaid, or the majority of them, giving eight days previous notice thereof, to meet at some convenient place appointed for that purpose, and it shall and may be lawful for such persons as aforesaid, and they are hereby required to appoint three fit and discreet persons

Trustees to the said common School, who shall have power and authority to examine into the moral character and capacity of any person willing to become Teacher of such common School, and being satisfied of the moral character and capacity of such Teacher, to nominate and appoint such person as the Teacher of said common School.

IV. Provided always nevertheless, and be it enacted by the authority aforesaid, That no person shall be appointed Teacher to such common School unless such person is a Natural Born Subject of His Majesty, or a Subject of His Majesty naturalized by Act of the British Parliament, or a Subject of His Majesty having become such by the conquest and cession of the Province of Quebec, or by having taken the Oath of Allegiance to His Majesty.

V. And be it further enacted by the authority aforesaid, That the said Trustees or the majority of them, shall have power and authority under the provisions hereinafter-mentioned for that purpose, in their discretion to remove such Teacher as aforesaid from his School, for any misdemeanor or impropriety of conduct, and it shall and may be lawful for the said Trustees or the majority of them, in case of demise, dismissal or removal of any Teacher as aforesaid, to nominate and appoint as often as the case may require, one other fit and discreet person as aforesaid, to become such Teacher, as aforesaid. Provided always nevertheless, that no Teacher of any common School under the provisions of this Act, shall be removed or dismissed from his said School, unless the Board of Education herein-after appointed in each and every District of this Province, sanction the removal or dismissal.

VI. And be it further enacted by the authority aforesaid, That the Trustees appointed under, and by virtue of this Act, to any common School as aforesaid, or the majority of them, shall have power and authority to make Rules and Regulations for the good government of the said common Schools, with respect to the Teacher, for the time being, and to the Scholars, as in their discretion shall seem meet, and that it shall and may be lawful for the said Trustees, and they are hereby required to report to the District Board of Education hereinafter to be appointed, the Books used with the Rules and Regulations used in the said Schools, once in every three months, Provided always, That it shall and may be lawful for the said District Board of Education, on such report as aforesaid, being received, to order and direct such Books, or any of them, not to be used in the said Schools, and to rescind the said Rules and Regulations, or any part of them, if it should be deemed expedient, giving sufficient notice thereof to the said Trustees, who shall warn the subscribers to the said School, to provide other Books for the Tuition of the said Scholars, and to make such other alterations, rules or regulations in the said Schools as they shall deem necessary, in order that there may be a more uniform system of Education throughout the Province.

VII. And be it further enacted by the authority aforesaid, That all engagements, contracts, or subscriptions entered into by the subscribers, to any common Schools, in any District of the Province, with any person or persons, for the erecting, building, or keeping in repair any School House for the purpose aforesaid, or the payment of the Teacher thereto; such subscriber or subscribers, shall be liable to be sued for their subscription, by the said Trustees to such common Schools, or their successors in office, in any court of this Province having competent jurisdiction.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Trustees of the common Schools, in each and every District of this Province, and they are hereby required, once in each and every year, to report to the Board of Education, for that purpose herein after appointed, in each and every District of this Province, the state of the common Schools, which, such Trustees aforesaid, shall have the direction of, the number of Scholars, the state of Education, with the different branches taught in the said School, and all other matters and things that may tend to cherish the prosperity of the said common Schools, or that may in any wise benefit the same, in order that the said Board of Education may report the state of the District Common Schools to the Governor, Lieutenant Governor, or person administering the government, that the same may be laid before the Legislature at its first meeting for their inspection.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful, for the Governor, Lieut. Governor or person administering the government, to appoint not more than five fit and discreet persons to compose a Board of Education, in each and every District of this Province, three of whom shall be a quorum, who shall have full power to superintend such common Schools in the Districts for which they are appointed, and shall annually report to the Governor, Lieut. Governor or person administering the government, the state of the said common Schools, to be laid before the Legislature at their meeting.

X. And be it further enacted by the authority aforesaid, That the monies granted by this Act, shall be apportioned to the Teachers of the several common Schools, in each and every District of this Province, to be paid to the Teachers yearly, or half yearly, as may be directed by the said Trustees, in proportion to the number of Scholars educated in such school as aforesaid.

XI. And be it further enacted by the authority aforesaid, That the Teachers of such common Schools established as aforesaid, in any Town, Township, Village or place, in each and every District of this Province, producing a Certificate signed by the Trustees of any such common School, stating his having well demeaned himself as Teacher of the said School for Six Months, with the number of Scholars Educated in the said School being not less than twenty, in such school aforesaid, it shall and may be lawful for the Treasurer of the District, to pay to such Teacher his proportion of any sum or sums of money, that may be granted by the Legislature of this Province for common schools in the respective districts thereof during the continuance of this act.

XII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the District Boards, to be appointed in each and every District in this Province, to apply such part of the money hereby Granted to the several Districts, not exceeding One Hundred Pounds as they shall see fit, for the purchase of proper Books for the use of the said common Schools, and after having purchased such books, to cause the same to be distributed for the use of such Schools, in such manner as to them shall seem meet.

XIII. And be it further enacted by the authority aforesaid, That the Board of Education, to be appointed by virtue of this Act, in each and every District of this Province, shall have full power and authority to proportion the sums of money for the common Schools of the said Districts, and after

proportioning the same to each of the said Schools, to send to the Treasurer of the said District, a copy thereof, in order that the Treasurer aforesaid, may discharge the certificates granted to the Teacher as aforesaid; Provided always, that no allowance to any common School, in each and every District of the Province, shall exceed the sum of Twenty-five Pounds annually; Provided always nevertheless, that no allowance whatever shall be paid to the Teacher of any common School, in any District of this Province, unless the Trustees of the said common Schools, report to the Board of Education agreeably to the provisions of this act.

XIV. And be it further enacted by the authority aforesaid, That when two adjoining Districts may find it convenient to compose such School as aforesaid, a portion of the Scholars of which may reside in each District, that the Trustees of such school shall have full power to make the necessary returns as are required by this Act, and receive an equal proportion of the monies so granted for the support of such Schools, from each of the respective Districts, in proportion to the number of scholars sent to the said school from each District.

XV. And be it further enacted by the authority aforesaid, That the several sums hereby granted to the several Districts of this Province, shall be paid by the Receiver General of this Province, to the Treasurer of each District respectively, in discharge of such warrant or warrants as shall from time to time be issued by the Governor, Lieut. Governor, or person administering the government of this Province, and shall be accounted for by the Receiver General, to His Majesty, His Heirs or Successors, through the Lords Commissioners of His Treasury for the time being, in such manner and form as His Majesty, His Heirs or Successors shall be graciously pleased to direct.

XVI. And be it further enacted by the authority aforesaid, That this Act shall be, and is hereby declared to be in force, for and during the term of Four Years.