



ANNO OCTAVO  
VICTORIÆ REGINÆ.

CAP. XLI.

An Act to make better Provision for Elementary Instruction in Lower Canada.

[29th March, 1845.]

**W**HEREAS the establishment and support of Common Schools, for the instruction of Youth, is of paramount importance, and it is necessary to ensure more ample funds and to make better Legislative provision than has been heretofore made for this purpose in Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, there shall be in each of the Cities of Quebec and Montreal, and in each Parish, Township, Town or Village in Lower Canada, Common Schools for the Elementary instruction of Youth, to be managed by School Commissioners, in the manner hereinafter provided.

Preamble.

Common Schools to be established in the local divisions of Lower Canada.

II. And be it enacted, That each separate Parish, Township or Place, which, immediately before the passing of this Act, was entitled to elect or to participate, either separately or in union with any one or more Parishes and Townships, in the election of a District Councillor or Councillors, shall be held to be a Parish or Township for the purposes of this Act, until other Territorial subdivisions of the Province for School purposes shall be made according to Law; and that each

What shall be deemed a Parish, Township or Village.

new

new Parish, Township or Village hereafter separately recognized as such, shall be deemed to be a new Parish, Township or Village for the purposes of this Act.

Failure to elect School Officers in any local division provided for.

III. And be it enacted, That no failure to elect any Officer or to assess or levy any rate shall be construed to prevent the effect of any of the provisions of this Act, which shall then be carried into effect by the Governor in Council, by the means of the Superintendent of Schools hereinafter mentioned, and of School Commissioners, Assessors, Collectors, Teachers, and other Functionaries, who may be requisite according to the true intent and meaning of this Act, who shall be appointed by the Governor, at the instance of the Superintendent of Schools, and shall have all the rights, powers and authority, which under this Act, would have been possessed by the persons who ought to have been elected or to act under the like names of office or with similar functions, and shall have the same duties and be liable to the same penalties

Times of the first and other meetings for the Election of School Commissioners.

IV. And be it enacted, That forthwith after the passing of this Act, a general meeting of all the landholders and householders in the Parish or Township shall be called by the Senior Justice of the Peace, or in his default by any other Resident Justice of the Peace, or in their default by any three land-holders, by giving eight days previous public notice at the door of the Churches or places of Public Worship, or if there be no Church or place of Public Worship, then by a notice posted at two of the most public places in the Township or Parish; and at such meeting the Senior Justice present, or in his default any other Justice of the Peace present, or in their default, such other person as shall be appointed by the meeting, shall preside; and that thereafter the general annual meeting for the election of School Commissioners shall be held on the first Monday, in July, in each year.

Election of School Commissioners.

V. And be it enacted, That at such meeting, the persons qualified to vote thereat, shall elect as many School Commissioners as there shall be School Districts in the Township or Parish; provided there be no less than five nor more than nine Commissioners elected: Provided also, that in Parishes or Townships, where no School Districts have been established, there shall be elected five School Commissioners.

Term for which the Commissioners shall hold office.

VI. And be it enacted, That such School Commissioners shall remain in office for three years, except that in the first instance one-third (to be determined by lot) shall go out of office at the end of one year, and another third (to be determined in like manner) at the end of two years, and the other third at the end of three years, and shall be replaced by others to be elected at the annual general meeting.

VII.

VII. And be it enacted, That if the number of School Commissioners shall not be divisible by three without a remainder, such remainder shall be added to the number to go out of office at the end of the third year.

When the number shall not be divisible by three without a remainder.

VIII. And be it enacted, That no School Commissioner shall be a Teacher of any School in his District.

No Commissioner to be Teacher of any School in his District.

IX. And be it enacted, That the School Commissioners in office at the passing of this Act, shall continue to act as such until they shall be replaced by others under the provisions of this Act, but may with their own consent be re-elected under it.

Present School Commissioners continued for a certain time.

X. And be it enacted, That the Chairman of any general meeting shall, within eight days thereafter, report the proceedings thereat to the Superintendent of Schools, and transmit to him a list of the persons elected thereat as School Commissioners.

Report of proceedings at any meeting.

XI. And be it enacted, That for the Parishes and Townships in which no election of School Commissioners shall have been had at the time hereby prescribed, the Superintendent of Schools shall *ex officio*, upon an order from the Governor, appoint them, and also a Secretary-Treasurer.

Superintendent to appoint Commissioners in default of Election.

XII. Provided always, and be it enacted, That within fifteen days after the time when the said election ought to have been had, the School Commissioners for the then last year, the School Visitors, the acting Church-wardens, Elder, Class Leader or Trustees of the several religious denominations, and the Clergyman or Minister of the most numerous congregation, may meet and submit to the Superintendent of Schools the names of so many persons as School Commissioners as are provided by the fifth section of this Act; and on the approval of the Superintendent signified to the Chairman of such meeting, such persons shall become School Commissioners for the purposes of this Act.

Proviso: Certain Functionaries may recommend persons as Commissioners.

To be approved by the Superintendent.

XIII. And be it enacted, That if one or more vacancies shall happen among the School Commissioners, by reason of the permanent absence from the Township or Parish, death or incapacity from sickness of any Commissioner, he shall be replaced by the Electors for the locality at a meeting to be called for that purpose by the Chairman of the Commissioners.

Vacancies among Commissioners how filled.

XIV. And be it enacted, That no School Commissioner shall be re-elected, except by his own consent, during the four years next after his going out of office.

Re-election.

XV.

Meetings of  
School Com-  
missioners.  
Chairman and  
Secretary-  
Treasurer.  
Proviso.

XV. And be it enacted, That the School Commissioners shall meet on the first Monday after their appointment or after notice of their election, for the purpose of choosing a Chairman and Secretary-Treasurer, who shall give sufficient security, himself for one half and two sureties each for one-quarter of the sum deemed right and sufficient by the Commissioners: Provided, that in Townships or Parishes where two-thirds of the population shall belong to one religious persuasion, the *Curē* or residing Minister of that persuasion shall be *ex officio* one of the School Commissioners.

Decisions by  
plurality of  
votes.

Chairman  
shall have but  
the casting  
vote.

XVI. And be it enacted, That at the meetings of the School Commissioners all questions shall be decided by plurality of votes; and that when the votes upon any question proposed are found to be on both sides equal, without the vote of the Chairman, then and in such case the Chairman shall be entitled to give his vote, as a casting vote, but on no other occasion shall the Chairman be entitled to vote.

Parish, &c., to  
be divided into  
School Dis-  
tricts.

Alteration of  
limits.

XVII. And be it enacted, That the Commissioners shall divide the Parish or Township into School Districts in all places where this shall not have been already done, and shall designate them by the numbers 1, 2, &c., and the limits assigned by them to each District shall be entered in the Register of their proceedings; they may also at their discretion alter the limits of Districts already existing, and erect new ones from time to time, so as to suit the population and local circumstances.

Requisite  
number of  
children.

XVIII. And be it enacted, That no School District shall contain less than twenty children between the ages of five and sixteen years: Nevertheless, the Commissioners may allow one School District, in each Parish or Township, to have less than the aforesaid number of children.

A School to be  
in each Dis-  
trict.  
United Dis-  
tricts.

XIX. And be it enacted, That the School Commissioners shall take care that there be a School in each School District, and may, when they shall deem it expedient, unite two or more Districts, and again separate them, and shall give notice to the Superintendent of Schools of their having so done.

Duties of  
School Com-  
missioners.

XX. And be it enacted, That it shall be the duty of the School Commissioners in each Parish or Township:

As to present  
School proper-  
ty.

Firstly. To take possession of all lands and School-houses which may have been acquired, given to or erected by the School Trustees or Commissioners, or by the Royal Institution, (which Institution is hereby authorized to surrender the same) under

under any Act for the encouragement of education, and in case of opposition, to give notice thereof to the Superintendent of Schools, who shall advise them as to the means of removing or overcoming such opposition.

Secondly. To acquire and hold for the Corporation, by any title whatsoever, all real or personal property, monies or income, for the purposes of education, until the power hereby given shall be taken away or modified by law, and to apply the same according to the instructions of the donors.

Acquisition of School property.

Thirdly. To do whatsoever it may be expedient to do with regard to building, repairing, keeping in order or renewing all School-houses, lands, fences and moveable property which shall be held by them, or to have temporarily or accept the gratuitous use of houses and other buildings for the purpose of keeping Schools therein: Provided that no rate should be levied for the building of a Superior or Model School to exceed the sum of one hundred and fifty pounds, nor for a Common School to exceed the sum of seventy-five pounds; and all accounts relative to the objects aforesaid shall be transmitted annually to the Superintendent of Schools.

Keeping such property in order.

Proviso.

Accounts.

Fourthly. To appoint and engage from time to time School-Masters and School-Mistresses duly qualified to teach in the Schools under their control, and to remove them at pleasure.

Engaging Teachers.

Fifthly. To comply, as regards the Accounts and Registers to be kept by the Secretary-Treasurer, with the instructions, whether special or general, which may from time to time be given them by the Superintendent of Schools, to whom they shall report their proceedings yearly, before the first day of July.

To comply with instructions as to Management. Discipline, &c.

Sixthly. To keep and cause to be kept Registers of their proceedings, signed for each sitting by the Chairman and Secretary; and also correct Accounts of their Receipts and Expenditure, with reference to the Schools in each District under their control, mentioning specially what relates to each School; and such Accounts shall be open to all persons paying towards the Schools, at seasonable hours.

To keep Registers and Accounts.

Seventhly. To cause to be levied by assessment and rate, in the manner herein-after provided by this Act, or by voluntary subscriptions in each Parish or Township, a sum equal to that allowed out of the Common School Fund for each Parish or Township, and to report their proceedings in this respect to the Superintendent; and to enable the School Commissioners to receive from the Superintendent of Education, their share of the Common School Fund, they shall furnish him with a declaration from the Secretary-Treasurer, that he has actually and *bonâ fide* received

To levy by assessment a sum equal to that allowed out of the Common School Fund.

received and has in his possession for the purposes of this Act, a sum equal to the said share accruing to such Commissioners, and stating whether the same has been levied by assessment and rate, or by voluntary subscription.

Superior or Model Schools.

.Eighthly. Out of the monies arising from the School Fund, or from assessments imposed to raise a like sum in the Parishes and Townships, or from any other source, they may, if they think proper, allow a sum not exceeding twenty pounds yearly for the support of any Superior School, or Model School, at the most thickly settled place in the Parish or Township, over and above the share which would otherwise come to such School, and the remainder or whole of the said monies, if there is no Model School, shall be distributed in equal shares among the School Districts, the Model School being counted alone as one.

Fixing rates to be paid by parents for their children.

Ninthly. They shall fix the Fees per month to be paid for each child attending any School under their control—such Fees not exceeding one shilling and three pence per month, according to the means of the parents, age of children and course of instruction; but in Model Schools, the Commissioners may ask higher Fees.

Exempting indigent persons.

Tenthly. They may wholly or in part exempt indigent persons from paying such Fees, and shall fix the times of payments as well for such indigent persons as for others.

To direct prosecutions.

Eleventhly. To cause any party neglecting or refusing to pay his portion of any School rate, to be prosecuted before any Justice of the Peace or before the nearest Commissioners, Court for the trial of small causes, having jurisdiction in the locality, (and any such Justice of the Peace or Commissioners' Court is hereby authorized and required to hear and adjudge upon such prosecution in a summary manner, and to cause the sum for which judgment shall be given to be levied by the seizure and sale of the goods and chattels of the defendant, under a Warrant to be granted by such Justice or Commissioner.

Deposit of monies not required in any District.

Application of the same.

XXI. And be it enacted, That if in any School District there shall be no School in operation, the School Commissioners shall deposit the money to which such District would otherwise be entitled in some Savings Bank, at interest, where, with the consent of the inhabitants of such District, they shall allow it to accumulate during the term which shall not exceed four years, to be thereafter by them used either in the purchase of ground for or in building a School-house, or towards other educational purposes in such School District.

School Commissioners to

XXII. And be it enacted, That the School Commissioners in each Parish or Township shall be a Corporation under the name of "*The School Commissioners of*"

of the Parish (Township or Municipality) of  
County of

in the

," and shall have perpetual succession and a common Seal, if they think proper to have one, and may sue and be sued, and shall, generally, have the same power which any other body politic or corporate has with regard to the purposes for which it is constituted; but they shall not at any time hold real property to the value of more than five hundred pounds yearly, in the Parishes of Quebec or Montreal, or of three hundred pounds yearly value for any other Parish or any Township.

be a Corporation.

Their Corporate powers.

Limitation as to real property.

XXIV. And be it enacted, That no such Corporation shall alienate any portion of the property held by it without the express authority of the Superintendent of Schools; and no such Corporation shall cease by reason of the want of School Commissioners in any Parish or Township at any time, but in such case the powers of the Corporation as regards the possession of any property real or personal, shall become vested in the Superintendent of Schools in trust, until it shall be otherwise provided by law, and all Lands, School-houses or other property, real or personal, belonging to the Common Schools in any Parish or Township, under any law or by any title whatsoever, is hereby vested in the Corporation of the School Commissioners for the same in trust.

Proviso: as to alienation of School property.

Corporation may be in abeyance.

School property vested in the Corporation.

XXV. And be it enacted, That the *Fabrique* of any Parish, and the School Commissioners thereof, may by mutual agreement in due form made, unite for one or more years the *Fabrique* Schools in operation, with the Schools to be kept under this Act; and any *Fabrique* contributing not less than twelve pounds ten shillings for the year, towards the support of any School under the management of School Commissioners, shall thereby acquire a right to the *Curé* and Church-warden in office to be Commissioners, if they were not so before; but no *Fabrique* shall so unite its School to those managed by Commissioners of another faith, except under an express and formal agreement with the School Commissioners of such other faith.

Conditions on which a *Fabrique* may unite its Schools to those under the Commissioners.

Proviso.

XXVI. And be it enacted, That when in any Parish or Township the regulations and arrangements made by the School Commissioners for the conduct of any School, shall not be agreeable to any number whatever of the inhabitants professing a religious faith different from that of the majority of the inhabitants of such Parish or Township, the inhabitants so dissentient may collectively signify such dissent in writing to the Chairman of the Commissioners, and give in the names of one or more (but not more than three) Trustees, chosen by them for the purposes of this Act; and such Trustees shall have the same powers and be subject to the same duties as School Commissioners; and such dissentient inhabitants may, by the intervention of such Trustees, establish in the manner provided by

Provision in the case where a minority of the inhabitants professing a different faith from the majority may wish to have a separate School or Schools.

this

this Act with regard to other Schools, one or more Schools, which shall be subject to the same provisions, duties and supervision, and they shall be entitled to receive from the Superintendent or from the School Commissioners, such sum out of the general or local School Fund as shall be proportionate to the population they represent.

On what condition a School shall be entitled to an allowance out of the School Fund.

**XXVII.** And be it enacted, That to entitle any School to its allowance out of the general or local School Fund, it shall be requisite and sufficient that such School has been under the management of School Commissioners or Trustees appointed in the manner provided by the next preceding section; that it has been in actual operation during at least eight calendar months; that it has been attended by at least fifteen children (periods of epidemic or contagious diseases excepted); that the returns have been certified by the Master and at least two of the Commissioners or Trustees, if there be two, and if not, then by the Trustee; and that a sum equal to the allowance made by the Legislature for such Parish or Township, has been raised as hereinbefore provided.

Trustees of dissentient Schools.

**XXVIII.** And be it enacted, That the Trustees of dissentient minorities shall also be elected for three years; except that at the end of each of the two first years one of the Trustees shall retire and be replaced or re-elected by such dissentients; children from other School Districts, of the same faith as the dissentients for whom the School was established, may attend the same whenever such dissentients shall not be sufficiently numerous in any District to support a School alone.

A separate Girls' School may be established at the most thickly settled place.

**XXIX.** And be it enacted, That the School Commissioners may, if they deem it expedient, establish in the City, Town, Parish or Township, a Girls' School distinct from that for Boys: if any religious community shall have already established a Girls' School for elementary education, such community may place its School from year to year, as may be agreed upon under the management of the Commissioners, and it shall then be considered as entitled to all the advantages hereby granted to Common Schools.

Allowance to the Secretary-Treasurer.

**XXX.** And be it enacted, That the Secretary-Treasurer shall receive a sum not exceeding two-and-a-half per cent. on all moneys by him received, but this allowance shall cover all his contingent expenses, except the purchase of the Book used as a Register, the price of which shall be paid out of the moneys in his hands.

Common Schools to be visited.

**XXXI.** And be it enacted, That the Schools established under this Act in each Parish, Township or Municipality, as well as those in the Cities of Quebec and Montreal, shall be visited at least once in every year by some of the Visitors hereinafter mentioned



mentioned, and oftener, if they deem it requisite ; they shall be entitled to have communication of the Regulations and other documents relative to each School, and of all other information concerning it.

XXXII. And be it enacted, That the Visitors for each Parish, Township or City shall be : First, the resident Clergymen, of whatever denomination ; secondly, the Judges ; thirdly, the Members of the Legislature ; fourthly, the Justices of the Peace ; fifthly, the Mayor or the Warden of the Municipality ; sixthly, the Colonels, Lieutenant Colonels and Majors, and the Senior Captain of Militia resident in the locality ; and the Superintendent of Schools shall be, *ex officio*, Visitor General. No Priest, Minister or Ecclesiastic shall be entitled to visit any School belonging to any inhabitants not of his own persuasion, except with the consent of the Commissioners or Trustees of such School.

Who shall be Visitors.

Ecclesiastics of one persuasion not to visit Schools of another.

XXXIII. And be it enacted, That the Governor may from time to time appoint, by Letters Patent, under the Great Seal of the Province, a fit and proper person to be Superintendent of Schools for Lower Canada, and to hold his office during pleasure ; the said Superintendent shall receive five hundred pounds currency salary, per annum, and shall be allowed one hundred and seventy-five pounds per annum for a Clerk, and the contingent expenses of his office to be by him accounted for, according to the terms of this Act ; and the said Superintendent shall give security to Her Majesty, Her Heirs or Successors, to the satisfaction of the Governor in Council, to the amount of two thousand pounds, currency.

Superintendent of Schools for Lower Canada to be appointed.

XXXIV. And be it enacted, That it shall be the duty of the Superintendent of Schools :

Duties of the Superintendent.

First. To receive from the Receiver-General all sums of money appropriated for the purposes of this Act, and to distribute the same among the School Commissioners of the respective Townships or Parishes, according to law, and in proportion to the population of the same, as ascertained by the then last Census.

Distribution of monies.

Secondly. To prepare and cause to be printed and distributed all necessary Forms.

Preparing Forms.

Thirdly. To prepare and cause to be printed recommendations and advices on the management of Schools, as well for the School Commissioners as for the Secretary-Treasurers, Trustees, School-Masters and Mistresses.

To prepare recommendations, &c.

Fourthly. To keep correct Books and distinct Schedules of all the matters subjected to his superintendence and control, so that all requisite information may be clearly and promptly obtained by the Government, the Legislature or the School Visitors.

To keep Books.

Fifthly.

To examine and control School Accounts.

Fifthly. To examine and control the Accounts of all parties accountable for any public monies appropriated and distributed under the authority of this Act, or of any other Provincial Act, for purposes of education, unless such Act shall contain a special exemption from the obligation to account to the Superintendent for the application of any sum of money so appropriated or distributed, and report whether the said monies are *bonâ fide* applied for the purposes for which they were granted.

To lay Reports before the Legislature.

Sixthly. To lay annually before the Legislature, a detailed Report of the actual state of Education in Lower Canada, Tables of Schools, number of children attending them, and other like matters.

The rate mentioned in 20th Sect. to be laid equally on all property.

To bear *hypothèque* if not paid.

XXXV. And be it enacted, That the assessment mentioned in the twentieth and other sections of this Act, shall be laid equally according to valuation, upon all rateable property in the Parish or Township, and shall be payable by and recoverable from the owner, occupant or possessor of property liable to be rated, and shall, if not paid, be a special charge bearing *hypothèque*, and not requiring registration to preserve it on all immovable property.

Immovable property to be equally rated.

Seignories.

XXXVI. And be it enacted, That the Council of the Municipality shall cause the assessment required for raising the sum equal to that which it shall receive from the Common School Fund, to be equally rated upon all the immovable property within their jurisdiction, in proportion to the value of such property respectively, and that they shall at the same time, and in the same manner, cause an additional sum not exceeding twelve per cent. upon the former, to be raised for the purpose of making good any deficiency which may arise in the collection of the assessment: Provided, that unconceded lands in Seignories shall be free from assessment, but that all the Seigniors shall pay one-fortieth part of the sum assessed in the Parish, or portions of Parishes of which they are Seigniors.

Basis of valuation.

XXXVII. And be it enacted, That in all places where a valuation of property shall have been made by order of the Municipal authorities under the Act passed during the present Session for repealing certain Ordinances and for establishing Municipalities in Lower Canada, such valuation shall serve as the basis of the rates which shall be made under the authority of this Act, but if no such valuation shall have been made, they are hereby authorized to cause the same to be made by one or more fit and proper persons.

When the School rates and School taxes shall be

XXXVIII. And be it enacted, That each School rate imposed by or under the authority of this Act, shall be fixed and laid between the first day of May and the first day of July, (excepting the first year when it shall be fixed and laid between

between the first day of July and the first day of September,) and paid in each year at any time, on demand, after public notice being given at least thirty days before exacting the payment of the same; and the Commissioner and Secretary-Treasurer may, in their discretion, receive the amount of such rates in produce at prices to be fixed by them; and notice given in the manner hereinbefore prescribed, with regard to Parish or Township meetings, that the roll of such rates so fixed lies for inspection in the hands of the Secretary-Treasurer, shall be sufficient publication and notification thereof; and it shall lie in his hands for inspection during thirty days at least after notice, during which time it may be amended by the Municipal Authority, after which it shall be in full force, and shall be conclusive evidence as to the rate of taxes payable by any party or on any property; and in case of voluntary contribution the same must be paid into the hands of the Treasurer, according to the requirements of this Act, on or before the first day of August in each and every year.

assessed and paid, or sued for.

Receipts in Produce.

Notice of completion of Assessment and Tax Roll.

Inspection and correction.

XXXIX. And be it enacted, That in each of the Cities of Quebec and Montreal the provisions of this Act with regard to the establishment of Common Schools in each Parish or Township or School District, shall have effect and be applied according to the true intent and meaning of this Act, except in so far as it may be otherwise herein provided; and all persons appointed or called upon to carry this Act into effect in the said Cities, shall have the same powers as the Corresponding Functionaries in the Parishes and Townships by whatever name they may be designated, and shall be subject to the same obligations and penalties.

Provisions as to the Cities of Quebec and Montreal.

Powers of School Officers in the said Cities.

XL. And be it enacted, That for all purposes relative to the distribution and apportionment of School monies, and for all other purposes of this Act, where it shall not be repugnant to the other provisions thereof, the Cities of Quebec and Montreal shall be respectively considered as one Parish; it shall not be necessary to divide them into School Districts, but each School shall be considered as a District, the School whereof may be attended by Children from any part of the City.

Each of the said Cities to be deemed one Parish for the purposes of this Act. They need not be divided into School Districts.

XLI. And be it enacted, That in Quebec and Montreal the Corporation shall appoint twelve School Commissioners, six of whom shall be Roman Catholics and six Protestants; and such Commissioners shall form two separate and distinct Corporations, the one for the Roman Catholics and the other for the Protestants; and one-half of each of the said Corporations shall be renewed annually by the said Corporation.

Corporation to appoint Commissioners in the said Cities.

XLII. And be it enacted, That in the said Cities no School rate shall be levied; but the Treasurer of each City shall pay out of the funds thereof to the said Boards

How the School Funds shall be raised

in the said Cities.

Boards of Commissioners, and in proportion to the population of the religious persuasion represented by them, a sum equal to that coming to such City out of the Common School Funds, to be employed by them for the purposes of this Act.

Proportion of public monies to be allowed for each City.

XLIII. And whereas the Cities of Quebec and Montreal possess Educational Institutions which do not and cannot exist in the Country parts: Be it enacted, That the said City of Montreal shall be entitled to receive out of the Common School Fund only one-fourth, and the City of Quebec two-thirds of the sum they would have been respectively entitled to according to their population.

City School Commissioners to obey instructions of Superintendent.

XLIV. And be it enacted, That the School Commissioners for Quebec and Montreal shall, in their intercourse with the Superintendent of Education, be guided by the same rules and regulations as other School Commissioners.

Deposit of School monies belonging to any locality and not immediately required.

XLV. And be it enacted, That any sum of money whatever arising from the general local School Fund, from whatever source derived, which shall not have been employed or paid, shall be deposited by the School Commissioners, Trustees, or Secretary-Treasurer, at interest, to be drawn out as need may be, by the Corporation by whom it may have been so deposited.

Mode of paying public monies out of the Common School Fund.

XLVI. And be it enacted, That the sums annually paid out of the Common School Fund, shall be paid by the Receiver General on the Warrant of the Governor to the Superintendent of Schools from time to time, as they can be apportioned and distributed by that Officer, and the Superintendent shall pay their respective shares to the several School Commissioners, who shall have power to direct the payment as well out of the local fund as out of the public monies coming to any School, of such contingent expenses as may not have been otherwise specially provided for by this Act; and the due application of all public monies shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct; and accounts thereof shall be laid before the Legislature at the then next Session thereof.

Accounts to Her Majesty.

And to the Legislature.

Indemnity for payments made out of the Common School Fund before the first day of March, 1845.

XLVII. And whereas it is expedient to indemnify all officers and persons who, before the passing of this Act, have, under orders of the Governor in Council, acted in the apportionment, distribution, and application of monies out of the Common School Fund, in any manner which, though consistent with the spirit and intention of the laws then in force, may not have been strictly in accordance with the letter thereof: Be it enacted, That all officers or persons in any manner concerned in the making of any Order in Council made before the first day of March, one thousand eight hundred and forty-five concerning the distribution, apportionment,

apportionment, payment or application of any such monies as aforesaid, or in distributing, apportioning, paying or applying such monies under the said Orders or any of them, shall be and are hereby indemnified and held harmless for all acts so done or advised by them, any thing in any Act or Law to the contrary notwithstanding; and the distribution, apportionment, payment, and application so made as aforesaid shall be held to have been legally and validly made and performed: Provided always, that all such officers and persons, and all persons entrusted with the distribution and application of any such monies in the various Districts, Counties, and other subdivisions of the Province, shall duly account for the same.

Provision for  
accounting.

XLVIII. And be it enacted, That the balance remaining unexpended or unclaimed out of the proportion of the Common School Fund belonging to Lower Canada, shall be appropriated by the Superintendent of Schools in aiding to finish School-houses actually commenced or to build new ones or to make extensive repairs to old ones in such manner as he shall deem most conducive to the advancement of Elementary Education.

XLIX. And be it enacted, That every person duly called upon to accept any office or perform any functions under this Act, who shall refuse to accept or neglect to perform the same, or shall in any way wilfully contravene the provisions of this Act, shall thereby for each such offence, whether of omission or commission, incur a penalty of not less than five shillings, nor more than three pounds, according to the gravity of the offence, at the discretion of the Court or authority having cognizance thereof; and any Justice of the Peace residing within the locality or County or the nearest Court of Commissioners for the Trial of Small Causes shall have jurisdiction with regard to any such offence, and may, after judgment cause the penalty to be levied under Warrant by the seizure and sale of the goods and chattels of the offender; and the amount of all penalties so levied shall be paid into the hands of the Secretary-Treasurer, of the Parish, Township, or City in which the offence shall have been committed, and shall make part of the Local School Fund: And all persons entrusted in any manner with carrying this Act into effect, or having paid the amount of rates due by them, shall be competent to prosecute for the recovery of such penalties.

Penalty on  
persons appointed to  
office under this  
Act, who shall  
refuse to accept,  
&c.

How such  
penalty may be  
enforced.

Application of  
penalties.

Who may  
prosecute.

L. And be it enacted, That the *quorum* of any Corporation or body constituted by this Act shall be the absolute majority of all the Members thereof; and any majority of the Members present at any meeting regularly held, at which there shall be a *quorum*, may validly exercise all the powers of the Corporation.

*Quorum* of  
Commissioners  
fixed.

Powers of  
majority.

LI. And be it enacted, That nothing herein contained shall affect the rights of Her Majesty, Her Heirs or Successors, or of any Body politic or corporate or of any person whomsoever, except in so far as may be herein specially provided and enacted.

Saving of  
Rights not  
specially affect-  
ed, &c.

LII.

Interpretation  
clause.

Lower Canada.

Governor.

Governor in  
Council.

Assessment.

Rate.

Tax.

Singular number or masculine gender.

General rule.

Commencement of this Act.

Act of Canada 4 & 5  
Vict. cap. 18,  
repealed in  
part as to  
Lower Canada.

Distribution of  
printed copies  
of Act.

Duration of  
Act.

LII. And be it enacted, That the words "Lower Canada," wheresoever they occur in this Act, shall mean all that part of this Province which formerly constituted the Province of Lower Canada; the word "Governor" shall mean the Governor, Lieutenant-Governor, or person administering the Government of this Province; and the words "Governor in Council" shall mean the Governor, Lieutenant-Governor, or person administering the Government of the Province, acting by and with the advice and consent of the Executive Council thereof; the word "Assessment" shall mean the determining of the total sum to be raised by a rate; the word "Rate" shall mean the proportionate sum to be paid by each party under any assessment; and the word "Tax" shall mean a definite sum to be paid by some certain classes of persons, without regard to the value of their property, or on some certain property without regard to its value; and all words importing the singular number or the masculine gender only, shall include several persons, matters, and things of one kind, as well as one person, matter, or thing, and females as well as males, unless there be something in the subject or context inconsistent with or repugnant to such construction; and generally all words, expressions, and provisions herein occurring, shall receive such large, beneficial and liberal construction as will best insure the attainment of the objects of this Act, and the enforcement of its several enactments according to their true intent, meaning and spirit.

LIII. And be it enacted, That this Act shall have force and effect from and after the day of the passing thereof.

LIV. And be it enacted, That the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to repeal certain Acts therein mentioned, and to make further provision for the establishment and maintenance of Common Schools throughout the Province*, shall, from and after the passing of this Act, be repealed so far as relates to Lower Canada, in and with regard to which it shall have no force or effect, save and except always the first, second, and third Sections of the said Act, and so much of the twenty-first Section as provides for the due accounting for the application of the monies appropriated by the second and third Sections aforesaid.

LV. And be it enacted, That it shall be the duty of the Provincial Secretary forthwith after the passing of this Act, to cause to be printed and distributed in the several Parishes and Townships of Lower Canada a sufficient number of copies of the same.

LVI. And be it enacted, That this Act shall continue and be in force for and during the period of two years, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

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MONTREAL:—Printed by STEWART DERBISHIRE and GEORGE DESBARATS,  
Law Printer to the Queen's Most Excellent Majesty.