

LXXXIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices and others whomsoever without being specially pleaded. Act to be a public Act, &c.

LXXXIV. And be it enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c., this Session.

CAP. LXXXIII.

An Act for the better establishment and maintenance of Public Schools in Upper Canada, and for repealing the present School Act.

[30th May, 1849.]

WHEREAS it is expedient to make provision for the better establishment and maintenance of Public Schools, in that part of this Province formerly Upper 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 intituled, *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 the Governor of this Province may from time to time appoint by Letters Patent under the Great Seal of this Province, a fit and proper person to be Superintendent of Schools for Upper Canada, and to hold his office during pleasure; and the said Superintendent shall be allowed Four hundred and twenty pounds currency salary per annum, and shall be allowed Three hundred and fifteen pounds currency 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, to the satisfaction of the Governor in Council, in the sum of Two thousand pounds currency, and shall in the exercise of his duty be subject to all lawful directions or orders that the Governor or person administering the Government of this Province may by and with the advice of the Executive Council give in respect thereto. Preamble.

II. And be it enacted, That it shall be the duty of the Superintendent of Schools for Upper Canada: Superintendent of Schools to be appointed for Upper Canada—his salary, &c.

First. After deducting certain sums, as hereinafter provided, to apportion, on or before the fifteenth day of April in each year, all moneys appropriated by the Legislature for Common Schools in Upper Canada, for the then current year, according to the ratio of population in each County in Upper Canada, as compared with the whole population of such part of this Province according to the census of the population thereof, which shall have been last taken and returned at the time of such apportionment; or, if the census or returns upon which such apportionment, according to this provision of this Act, ought to be made, be so defective in respect to any County that it will be impracticable to ascertain thereby the share of the School moneys which ought to be apportioned to the said County, then he shall apportion To give security, and be subject to the Governor in Council.

apportion such moneys according to the best evidence in his power, having respect to a fair and equitable apportionment thereof according to the said ratio of population.

Certifying apportionments, &c.

Secondly. To certify to the Inspector General of this Province the apportionment so made, and to give also immediate notice thereof to the Clerk of the Municipal Council of each County in Upper Canada, stating the amount of money apportioned to each, the aggregate amount of the apportionments, and the ratio of population according to which the several apportionments shall have been made.

Seeing to application of moneys.

Thirdly. To see that all moneys apportioned by him, under the authority of this Act, be applied to the purposes for which they shall have been granted, and to withhold from each and every County from which a satisfactory report respecting the moneys last apportioned thereto shall not have been received, all further share of the Legislative Grant for Schools till such report shall have been furnished by the said County.

Preparing forms, regulations, &c.

Fourthly. To prepare suitable forms and regulations for making all reports, and conducting all necessary proceedings under this Act, and to cause the same, with such instructions as the Board of Education for Upper Canada shall deem necessary for the better organization and Government of Public or Common Schools, to be transmitted to the several Boards and Officers required to execute the provisions of this Act; and to prepare and to transmit to the Clerk of each Township, Town or City in Upper Canada, for the use of the Municipal Council of such Township, Town or City, a copy of any plan or plans of School Houses that the Governor in Council may approve of and order to be furnished for such purpose.

Also copies of plans for School Houses.

Furnishing forms, copies of Act, &c.

Fifthly. To furnish, from time to time, to the order of any Superintendent of the Common Schools of any Township, Town or City in Upper Canada, such and so many copies of this Act, and of the forms, regulations and instructions prepared by him, as shall in such order be stated to be necessary for the use of any School or Schools in the said Township, Town or City.

Collecting information respecting education.

Sixthly. To employ all lawful means in his power to collect information on the subject of education, and to diffuse it among the people in Upper Canada.

Reporting yearly to the Governor.

Seventhly. To submit annually to the Governor of this Province, on or before the first day of August in each year, a report of the state of the Normal, Grammar, Common and other Public Schools or Educational Institutions in Upper Canada, shewing the amount of public moneys expended for educational purposes in Upper Canada, so far as the same shall have been made known to him, and shewing likewise from what sources the said moneys shall have been derived, together with such information respecting the state of education in Upper Canada, and plans and suggestions for the improvement thereof, as he shall deem to be expedient, in order that the same may be laid before the Legislature at the meeting thereof next following.

School moneys when and how payable to County Treasurers.

III. And be it enacted, That the sum of money to be annually distributed for the encouragement of Common Schools in Upper Canada aforesaid, shall be payable on the first day of May in each year, by Warrant to the Treasurers of the several Counties in Upper Canada.

IV. And be it enacted, That each County Treasurer shall, when he shall have received the sum of money apportioned to his County, immediately give notice thereof in writing to the Clerk of the Municipal Council of his County.

Duty of County Treasurers.

V. And be it enacted, That the duty of the said Clerk shall be, when he shall have received notice of the apportionment of School moneys for his County, and also when the Treasurer of his County shall have given him notice that the said apportionment has been received by him, to lay the same as soon as possible before the Municipal Council of the said County.

Duty of Clerk of Municipal Council.

VI. And be it enacted, That the said Municipal Council shall in its discretion cause a sum not exceeding Twenty-five per cent. of the said apportionment to be deducted from the said apportionment, and constituted a fund for the relief of such School Sections as may not, without special assistance, be able to establish or maintain Schools; and the said Municipal Council shall, in its discretion, cause the said fund to be distributed to such School Sections in such amounts as it shall judge to be proper: Provided always, that the said Municipal Council shall not authorize any such School Section to receive in any year, from such School Relief Fund, a sum exceeding ten pounds currency; And provided also, that it shall not authorize any portion of the said fund to be paid to any School Section in which the inhabitants may be sufficiently wealthy to be able to support a School without such assistance; nor to any section which may be conveniently united to another School Section, and so be made able to support a School; nor to any School Section which shall not have raised, by taxation or otherwise during the then current year, a sum at least equal in amount to the sum which the said Municipal Council shall have apportioned to such section; nor unless it shall appear that the sum which such section shall have raised, shall have been applied to the payment of the Teacher of such section for such year; nor unless it shall have been certified to the Council that such section shall not have received any portion of the residue of the Legislative Grant, to be distributed as hereinafter provided, after the aforesaid sum shall have been deducted.

Reserved fund as an aid to certain poorer School Sections.

Proviso as to amount of aid.

Proviso: aid not to be granted in certain cases.

VII. And be it enacted, That the said Municipal Council, after deducting from the apportionment of School moneys for its County as aforesaid, a sum sufficient for a School Relief Fund, shall apportion the residue of the said apportionment to the several Townships, Towns and Cities in the County, according the ratio of population in each, as compared with the whole population which shall have been last taken and returned at the time of such apportionment; or if the census or returns upon which such apportionment ought to be made, be so defective that an apportionment made according to it would be unjust, it may and shall be lawful for the Council to apportion such School moneys according to the best evidence in its power, having respect to a fair and equitable apportionment thereof according to the said ratio of population: Provided always, that before such apportionment be made, the population of such School Section or Sections as are to receive any portion of the School Relief Fund, shall be deducted from the population of the several Townships, Towns or Cities in which such section shall be located, and the apportionments to such Townships, Towns or Cities shall be made according to the population in them respectively, (exclusive of the population of the relieved School Sections,) as compared with the whole population of the County in which such Townships, Towns or Cities may be.

Distribution of the rest of the apportionment for any County.

Proviso as to the ratio of apportionments.

Notice to the Township, Town, and City Councils in the County, and to the Superintendents of Schools.

VIII. And be it enacted, That the Municipal Council of each County in Upper Canada shall, after it shall have apportioned as aforesaid the School moneys for its County, immediately cause a notice thereof to be given in writing to the Clerks of the several Township, Town or City Councils in its County, and to the Township, Town and City Superintendents of the Schools of the County, and shall cause to be stated therein the amount of money apportioned to each Township, Town and City, respectively,—the aggregate amount of the apportionments,—the ratio of population according to which the said apportionments shall have been severally made,—the number and designations of the School Sections which are not to be included in the number to which the money apportioned to any Township, Town or City is to be distributed,—and the amount granted from the School Relief Fund to each such School Section for the maintenance of a School therein.

Treasurers of County to pay moneys to Superintendents of Townships, &c.

IX. And be it enacted, That the notice in writing which the said Municipal Council shall give any Township, Town or City Superintendent of the Schools of its County as aforesaid, shall be sufficient Warrant to the said Superintendent to receive from the Treasurer of the said County the sum of School money which shall have been apportioned to his Township, Town or City; and it shall be the duty of the said Treasurer to pay the same to the said Superintendent on the authority of the said notice, and on no other, without retaining any per-centage thereon.

Superintendents of Schools for Towns, Townships, &c., how appointed—security, &c.

Proviso: if insufficient sureties be taken.

X. And be it enacted, That the Superintendent of Schools in each Township, Town and City shall be appointed by the Council of such Township, Town or City, and shall hold office during the pleasure of the said Council, and shall, before he enter on the duties of his office, enter into a bond with two or more sufficient sureties to such amount as shall be required by the said Council, and such bond shall be to the said Council, and shall be conditioned for the faithful performance of the duties of such Superintendent, and the sureties thereto shall be to the satisfaction of the said Council; Provided always, that if insufficient sureties be accepted by the said Council, the members of such Council who shall have voted for the accepting of such sureties shall be personally holden in lieu of the said sureties and amenable in their stead, if the said Superintendent shall fail to perform the duties required of him by this Act.

Superintendent may be appointed for more than one place.
Proviso as to security.

XI. And be it enacted, That any person appointed to be the Superintendent of the Schools of any Township, Town or City, may likewise be appointed to be the Superintendent of any other Township, Town or City in his County, or of the Schools of all the Townships, Towns and Cities in the same; Provided always, that he shall, as is required by the tenth section of this Act, enter into a bond to the Municipal Council of each Township, Town or City for which he shall have been appointed, for the faithful performance of his duties, in respect to the Township, Town or City to the Municipal Council of which the said bond shall be.

Duties of local Superintendents.

XII. And be it enacted, That the duty of every Township, Town or City Superintendent of Schools in Upper Canada, in respect to each Township, Town or City whereof he shall be Superintendent of Schools as aforesaid, shall be—

Visits and examinations.

First—To visit and publicly examine every Common School in the Township, Town or City, at least once a year, and oftener if he shall deem it necessary, or if the Municipal Council of the Township, Town or City shall require him.

Secondly—

Secondly—To deliver in each School Section, at least once a year, a public lecture on some subject connected with the objects or interests of Common Schools. Lectures.

Thirdly—To give notice to the Teacher of the School which he shall intend to visit, of his intention to visit and examine the same, at least three days before that on which he shall visit and examine the same, and the duty of the Teacher shall be to give public intimation of the notice, so that all having an interest in the School may have an opportunity to be present. Notice of visit.

Fourthly—To prevent the use of such books as shall not have been authorized as hereinafter provided,—to recommend the use of the books which shall have been authorized,—and to give to Teachers, Trustees and Parents or Guardians, such advice in regard to the interests and management of their Schools as he may judge to be proper, or as he shall, by any of the said persons, be asked to give. Choice of books, &c.

Fifthly—To see that Teachers and Trustees perform the duties required of them by this Act. Overseers, Teachers.

Sixthly—To sue for and collect, by his name of office, all penalties and forfeitures imposed by this Act and which shall have been incurred by any officer or inhabitant of the Township, Town or City, and with respect to which no other provision shall have been made. Suing for penalties, &c.

Seventhly—To apply for and receive from the Treasurer of the County the sum or sums of money apportioned to the said Township, Town or City by the Municipal Council of the County thereof, and apply the same as the Municipal Council of the said Township, Town or City shall direct; Provided always, that he shall not pay any part of the money apportioned to any School Section of said Township, Town or City by the Municipal Council thereof, unless it shall appear that a sum at least equal in amount to the moneys apportioned to such sections, shall for the payment of the salary of the Teacher of the Common School thereof for the then current year, have been levied on the inhabitants of such section; nor unless a School shall have been in operation therein during six consecutive months, either within the year for which the said money shall have been apportioned, or within the last three months of the preceding year, and so much of the then current year consecutively following such portion of the preceding year, as with the said portion shall constitute six months; nor unless, when there shall have been a School in operation therein during a portion of the preceding year, a sufficient report therefrom shall have been received; nor unless it shall be that no portion of the money apportioned to such Township, Town or City for the preceding year shall have been paid to such section for the payment of the salary of the Teacher of the School thereof for such year. Receiving and applying school moneys. Proviso: conditions on which money may be allowed to any School section.

Eighthly—To call for and receive from the Collector of such Township, Town or City, all moneys that for School purposes shall by virtue of and under the authority of any By-law or By-laws of the Municipal Council of the Township, Town or City, be raised in the Township, Town or City, and distribute or apply them for such purposes as the provisions of such By-law shall direct. Receiving moneys from Collectors and applying the same.

Ninthly—

Ninthly—To retain in his hands, subject to the order of the Municipal Council of the said Township, Town or City, all moneys which shall have been apportioned to the School Sections of such Township, Town or City, and which shall not have been called for, or which he shall not have been able to apply according to the provisions of this Act; which moneys such Council may, in its discretion, add to the moneys to be next distributed to the School Sections of such Township, Town or City, and distribute them as a part of the apportionment to be then next distributed.

Tenthly—To see generally that the provisions of this Act, so far as they relate to such Township, Town or City, be complied with; and to make a Report annually on or before the first day of March in each year to the Municipal Council of such Township, Town or City, and a similar report annually, on or before the same day to the Municipal Council of the County in which such Township, Town or City shall be; which Report shall be in such form as the Chief Superintendent of the Common Schools of Upper Canada shall have appointed: and shall state:

1. The whole number of School Sections or parts of School Sections in such Township, Town or City, separately numbered and described.

2. The number of children, over the age of five and under the age of sixteen years, taught in each,—also the number of persons over the age of sixteen years taught in each,—the sexes of each of such classes,—and the number of children over the age of five years and under the age of sixteen years residing in each of such sections or parts of sections, and their sexes.

3. The length of time a School shall have been in operation during the year in each Section,—the books used, and the subjects taught,—and whether the Teacher shall have been duly qualified, and the Trustees have duly reported.

4. The amount of moneys which shall have been received by each section, and the amount collected by each, distinguishing the amount appropriated by the Municipal Council of the Township, Town or City,—the amounts from the School Relief Fund,—the amounts raised by assessment,—the amounts raised by the Trustees,—and the amount from any other and what sources; also, how all such moneys have been expended, and whether any and what part remains unexpended, and from what cause or causes.

5. The number of his School visits during the year,—the whole number of School Houses in the Township, Town or City; the number hired,—the number which are the property of their School Sections; and the number which shall have been erected during the year; with his opinion respecting such School Houses as respects their affording accommodation,—their healthfulness and their adaptedness for the purposes of a School; also whether such School Houses were built by voluntary contribution or by a tax imposed on the inhabitants of the School Section.

6. So far as he may be able to ascertain, the number of private Schools kept in the Township, Town or City,—the number of pupils and the subjects taught in such Schools.

7. The number and extent of the Schools and Public Libraries in such Township, Town or City, where situate, and how established and supported; also any other information

Retaining moneys not called for.

Seeing to the execution of this Act, and reporting.

What the report shall contain.

Description of School sections.

Number and description of those taught.

Time each School was in operation, &c.

Moneys received, and expended.

School visits, School Houses, &c.

Private Schools;

Libraries, and miscellaneous information.

information he may possess respecting the educational state, wants and advantages of the Township, Town or City: and any suggestions he may think proper to make, with a view to the improvement of the Schools and to the diffusion of useful knowledge in such Township, Town or City.

XIII. And be it enacted, That in case the Superintendent of the Common Schools of any Township, Town or City, shall not, on or before, the first day of March in any year, transmit to the Municipal Council of his County, or shall not on or before the said day in any year, transmit to the Municipal Council of his Township, Town or City, his Report as hereinbefore provided, it shall be the duty of the said Clerk of such Council to give immediate notice of such neglect to the Townreeve, Mayor or Warden of his Council; and the share of the School moneys apportioned to the Township, Town or City whose Superintendent shall not have reported, may be, in the discretion of the Municipal Council of the County in which such Township, Town or City may be situate, withheld till such Report for such Township, Town or City shall have been made and transmitted either by such Superintendent or by a person authorized by the Municipal Council of such Township, Town or City to make and transmit the same; and the Superintendent who shall have neglected to make such Report, shall forfeit to the use of his Township, Town or City, for the School purposes thereof, the sum of Ten pounds, which shall be recoverable from such Superintendent at the suit of his successor in office, whose duty it shall be to sue for and collect the same, in his name of office, in any Court possessing competent jurisdiction; Provided always, that if the Municipal Council of his Township, Town or City shall continue in his office of Superintendent the person who shall have been guilty of such neglect, any person whatever being an inhabitant of such Township, Town or City may in such Court sue for and recover the same for the use of his Township, Town or City as aforesaid; And provided likewise, that the suit for the recovery of said sum of Ten pounds shall have been commenced, on the complaint of such person, within three calendar months from and after the time when such Report ought to have been transmitted.

Case of the Superintendent not reporting provided for: Penalty on him.

How recoverable.

Proviso: if defaulting Superintendent be continued.

Proviso: limitation of suit.

XIV. And be it enacted, That each Township, Town and City Superintendent of Common Schools shall keep a just and true account of all School moneys received and expended by him in each year, and shall deliver the same to the Clerk of the Municipal Council of his Township, Town or City, to be by such Clerk laid before the Council; and in case of the removal from office of any such Superintendent, or in case of his resignation or his removing his residence from the County in which the Township, Town or City for which he shall be Superintendent may be situate, he shall immediately render to his successor in office a just and true account of all School moneys received and expended by him during the then current year, and of all balances in his hands, and shall forthwith pay over all such balances to his said successor, who shall appropriate the same in like manner as it should have been appropriated by such Superintendent, had he remained in office; and if any vacancy in the office of such Superintendent shall occur, by the death of such Superintendent, his personal representatives or sureties shall render such account and pay over such balances; and every such Superintendent who shall refuse or neglect to render such account or to pay over such balance, shall forfeit and pay the sum of Twenty-five pounds, which together with such balance, so far as the same can be ascertained, and interest and costs thereon, shall be recoverable from such Superintendent or his sureties, at the suit of

Accounts to be kept by Superintendents for Townships, Towns, &c., and rendering thereof—case of removal, death, &c., provided for.

Penalty for neglect to account, or pay over balance.

such successor, whose duty it shall be to sue for the same in his name of office, in any Court possessing competent jurisdiction; and every personal representative or surety of any deceased Superintendent who shall refuse to render such account or to pay over such balances, shall forfeit and pay a like sum, to be in like manner sued for and collected.

Appointments of Superintendents to be reported to the Council of the County, &c.

XV. And be it enacted, That it shall be the duty of every Township, Town or City Clerk, to report in writing to the Municipal Council of the County in which his Township, Town or City may be, every appointment of a Township, Town or City Superintendent of Common Schools which shall have been made from time to time by the Municipal Council of his Township, Town or City, and the name and address of the person so appointed, within seven days after such Superintendent shall have entered into a bond as aforesaid, for the faithful performance of his duties as such Superintendent, and it shall be the duty of such Clerk likewise within seven days after a vacancy shall have occurred in the office of Township, Town or City Superintendent, to report such vacancy to the Municipal Council of his County, and also to report the same as soon as possible to the Municipal Council of his Township, Town or City.

Also vacancies.

Emoluments of Superintendents.

XVI. And be it enacted, That the Superintendent of the Common Schools of any Township, Town or City, shall be paid by such salary or per-centage as the Municipal Council of such Township, Town or City shall appoint, and such salary shall be raised and levied rateably upon the whole rateable property in the Township, Town or City, according to the assessment laws which shall then be in force.

What shall be deemed "School Sections," under this Act.

XVII. And be it enacted, That all the divisions of Townships, Towns or Cities in that part of this Province formerly Upper Canada, which shall have been established before this Act shall be in force, and which shall then exist and be called "School Sections," shall not cease, but shall continue to be School Sections for the purposes of this Act, until altered as hereinafter provided; and the Trustees of such Sections shall be as if they had been chosen by virtue of and under the authority of this Act, and shall have all the powers, and discharge all the duties of Trustees, and be subject to all the liabilities and penalties to which Trustees are subjected by this Act, until their successors shall have been appointed.

Municipal Council to fix and alter School Sections.

XVIII. And be it enacted, That it shall and may be lawful for the Municipal Council of each Township, Town and City in Upper Canada to alter any School Section of such Township, Town or City, or cause a new division of such Township, Town or City into School Sections, or to unite two or more of such Sections, and determine the site on which the School House of any School Section in the Township, Town or City shall be built; Provided always, that any alteration of the site of any School House, or any alteration of any School Section which shall not have been made with the consent of the Trustees of the Section, shall not take effect until three months after notice thereof shall have been given in writing to one or more of such Trustees.

Proviso as to notice to Trustees, &c.

Duty of the Council as to new Sections.

First Meeting, Notice, &c.

XIX. And be it enacted, That it shall be the duty of the Municipal Council of each Township, Town or City aforesaid, whenever it shall have formed a new School Section in any Township, Town or City, to appoint a person or persons who shall call the first School Section Meeting in said section; and to communicate to such person

or persons, in writing, the description and number of the Section; and it shall be the duty of such person or persons, within twenty days thereafter, to prepare a notice in writing, describing such section and appointing the time and place for the meeting; and to cause copies of such notice to be posted in at least three public places in the section, at least six days before the time of holding such meeting.

XX. And be it enacted, That at the first School Section Meeting which shall be held in a new School Section, the landholders and householders thereat, being residents in said Section, shall elect three fit and proper persons to be Trustees of such Section, and such persons shall hold office until the second Tuesday in January next after their election, and until their successors in office shall have been appointed.

Election of School Trustees, in new Sections.

XXI. And be it enacted, That on the second Tuesday in January next after there shall have been a first School Section Meeting held in any new School Section, the landholders and householders resident in such Section shall again meet at the hour of twelve of the clock at noon, at such place as shall have been appointed by a majority of the Trustees of the Section, who shall cause notice of the meeting to be posted in at least three public places in the Section, at least six days before the time therein appointed for the holding of the meeting; and a like meeting shall, from and after the passing of this Act, be in like manner held in every School Section in Upper Canada, on the second Tuesday in January in every year; and the duty of the Trustees of each School Section in Upper Canada shall be to give notice of such meeting in the manner aforesaid and at the time aforesaid.

Annual Meeting for election of Trustees for each Section.

Notice of Meeting.

XXII. And be it enacted, That when the meeting held on the second Tuesday of January in such School Section shall be the first School Section Meeting held on such day, the landholders and householders present thereat shall choose three fit and proper persons to be the Corporate School Trustees of such section, who shall respectively hold office for a term of one, two and three years, and shall retire from office in the order of their appointment,—the first appointed to retire at the end of one year, the second appointed to retire at the end of two years, and the third appointed to retire at the end of three years; Provided always, that no Trustee shall retire from office until his successor shall have been appointed, nor be relieved from the obligations, liabilities and penalties belonging to his office as Trustee, till the Township, Town or City Superintendent of Schools, whose duty it shall be to see that he shall have faithfully discharged his duty, shall have relieved him therefrom.

First elections of Trustees and their term of office—three to be elected.

Proviso as to retirement from office.

XXIII. And be it enacted, That at each meeting of the landholders and householders of each School Section in Upper Canada, which shall be held on the second Tuesday in January in any year after the year in which Corporate Trustees shall have been appointed, the landholders and householders present shall by a majority elect one fit and proper person who shall succeed the Trustee whose term of office shall have expired, and the person then elected shall continue in office three years, and until his successor in office shall have been elected; Provided always, that the person whose term of office shall have expired may be re-elected, if he be willing.

Subsequent elections—ono Trustee to be elected.

Term of office.

Proviso as to re-election.

XXIV. And be it enacted, That if in consequence of the notice hereinbefore required not having been given, there shall have been held no first School Section Meeting, or meeting for the election of Corporate Trustees, or subsequent meeting for the election of

Penalty on persons required to give notice of meet- of

ing for election
and not giving
it—how levied,
&c.

of one Trustee, the person or persons whose duty it shall have been to give such notice, shall individually forfeit a sum not exceeding Two pounds, which shall be recoverable for the School purposes of such section, by prosecution before any Justice of the Peace, who is hereby authorized on the complaint on oath of any two inhabitants of such section to hear and determine the same, and to convict the party, and to issue a Warrant to levy the penalty, by sale and distress of the offender's goods: and in such default of holding such meeting, any three resident freeholders shall have authority, within twenty days after the time at which such meeting should have been held, to call such meeting, by giving six days' notice to be posted in at least three public places, in such School Section.

Penalty on
Trustees refus-
ing to serve
or to act.

Vacancies,
how filled.

XXV. And be it enacted, That if any person chosen as a Trustee shall refuse to serve or shall, at any time during the term of his Trusteeship, refuse to do his duty as a Trustee, he shall forfeit a sum not exceeding Five pounds, which sum shall be collected and applied in the same manner as the fines imposed by the foregoing provision of this Act are to be collected and applied; and, if one or more vacancies shall occur among the Trustees, by reason of refusal to serve, permanent absence from the School Section, death or incapacity from sickness, such vacancy or vacancies shall be filled up by the electors of such School Sections, at a meeting to be called for that purpose by the surviving Trustee or Trustees; and in case of there being no surviving Trustee, the Municipal Council of the Township, Town or City shall fill up the vacancies, and the person or persons who shall be appointed to fill up the vacancy or vacancies shall continue in office during the period for which the person or persons whom he or they shall succeed would have been required to serve.

Re-election
must be volun-
tary.

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

Who shall
preside at
elections of
Trustees, &c.

Records of the
proceedings.

XXVII. And be it enacted, That at every School Section Meeting of the landholders and householders of each Section in Upper Canada, whether the same shall have been called as hereinbefore provided or otherwise, the landholders and householders present thereat shall by a majority, appoint one of themselves to preside over the proceedings of the said meeting, and one of themselves also to record the said proceedings; and the duty of the said persons shall be to prepare two copies of the record of the said proceedings and transmit one of them to the Clerk of the Municipal Council of the Township, Town or City, and post one in such place as they shall deem to be the most public one, within the School Section in which such meeting shall have been held.

School Trus-
tees to be a
Corporation.
Corporate
name and
powers.

XXVIII. And be it enacted, That the School Trustees in each School Section shall be a Corporation, under the name of *The School Trustees of Section number* ;
in the Township, Town or City of *in the* *County of* ;
and shall have perpetual succession and a common seal, and may sue and be sued, and shall generally have the same powers 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.

Corporation
not to fail for
want of Trus-
tees.

XXIX. And be it enacted, That no such Corporation shall cease by reason of the want of Trustees, but the powers of the Corporation in such case, as regards the holding of any personal property belonging to such Corporation, shall become vested in the

the Superintendent of the Schools of the Township, Town or City in which the said Corporation may be situate, until the Municipal Council of such Township, Town or City, shall as hereinbefore provided appoint persons to fill up the vacancy which shall have occurred.

XXX. And be it enacted, That it shall be the duty of the Trustees of each School Section in Upper-Canada :

Duties of the Trustees.

First. To appoint one of themselves to be Secretary-Treasurer of their School Section, whose duty it shall be to keep a minute of the proceedings of the Trustees in a book kept for that purpose,—to receive the moneys from whatever source derived, belonging to his School Section, for School purposes,—to account to his colleagues for such moneys,—and to disburse them as a majority of the Trustees shall direct; Provided always, that the directions of the majority shall be in accordance with the provisions of this Act.

Appointing Secretary-Treasurer.

Secondly. To take possession of all property which shall have been acquired for Common School purposes in their section, and hold the same for such purposes; and acquire and hold for the Corporation of their section, any and all personal property, moneys and incomes belonging to said Corporation for Common School purposes; and use and apply the same according to the terms of acquiring or receiving them, until by law the power hereby given be taken away or modified.

Taking possession of School property, and using the same.

Thirdly. To do whatever may be expedient with regard to building, repairing, renting, renewing, warming or keeping in order the School House of their section, and also to do whatever may be expedient for the keeping in order the appendages to the same, and the lands, fences and moveable property of whatever description which shall be the property of their School Section; Provided that no rate shall be levied for the building of a School House, or for the purchasing of a site for a School House in any School Section, otherwise than under a By-law of the Municipal Council of the Township, Town or City in which such section shall be; nor unless a memorial praying that such rate shall be levied, shall have been signed by a majority of the landholders and householders of such section, and shall have been submitted to said Council by a person or persons authorized by the said majority to submit the same.

Taking care of School property.

Proviso as to rates for building School Houses.

Fourthly. To adopt such means for the maintenance of the School of their section as at the School Section Meeting of the landholders and householders of their section, held on the second Tuesday of January in any year, shall have been approved of for such year by a majority of the landholders and householders present at such meeting, being residents in the section; Provided always, that the means approved of at such meeting shall be in accordance with the provisions of this Act as hereinafter provided.

Maintenance of the School.

Proviso.

Fifthly. To determine on and prepare a Rate Bill, which, in their discretion, may be payable quarterly, half yearly or yearly, and shall contain the name of every person liable to pay for the instruction of children sent by him to the Common School of their section, or for the instruction of himself at such School, or for firewood, or for any charge necessarily incurred by such attendance; and shall contain the amount also for which such person shall be liable; and the same may be collected by themselves,

Preparing Rate Bill—its contents, &c.

Collection.

or

or by any one of them, or by their Collector appointed by them to collect the same ; and if they employ a Collector, five per centum may be added thereto for the cost of collection and be collected therewith ; Provided always, that they shall not enforce the payment of any Rate Bill, if the majority of the landholders and householders of their section as aforesaid, and as hereinafter provided, shall have determined to support the Common School thereof by a tax upon the rateable property in the section, and the Municipal Council of the Township, Town or City shall have, accordingly, levied an assessment on such section sufficient for the support of such School.

Proviso : pay-
ment not to be
enforced in
certain cases.

Exempting in-
digent persons,
&c.

Levying the
Rate, &c.

Powers of Col-
lector.

Determining
number of
children, &c.

Engaging
Teacher, &c.

Selecting
books.

Seeing to the
conduct of the
School.

Making an-
nual report to
the Superin-
tendent.

Contents of
the Report.

Sixthly. To exempt wholly or in part from the payment of the Rate Bill, such indigent person or persons within their School Section, as they shall think proper ; and in case of default of payment by any person to whom the claim against him, on the Rate Bill shall have been made known by them, to levy the amount by distress and sale of the goods and chattels of such person under the authority of a Warrant issued by any Justice of the Peace, and in case such person reside without the School Section, and have no goods or chattels within it at the time of making such collection, to sue for the amount of the claim in their name of office, in any Court of competent jurisdiction and recover the same with costs thereon ; and for the collection of such rate, the Collector appointed by the Trustees shall have within their School Section the same powers that the Collector of any County Rate shall have for the collection of such rate.

Seventhly. To ascertain the number of children over the age of five years and under the age of sixteen years, residing in their School Section, and allow them and any person, and all persons residing in their section, to attend the Common School thereof, so long as the conduct of such persons shall be agreeable to the rules of the School.

Eighthly. To engage and appoint from time to time a duly qualified person or persons to teach the Common School of their section ; and to give such person or persons the necessary orders upon the Superintendent of their Township, Town or City, for the portion or portions of School money to which, according to the provisions of this Act, the said person or persons shall be entitled.

Ninthly. To select from a list of books which shall have been made out by the Board of Education for their County, the books that shall be used in their School ; and to allow the use of no other.

Tenthly. To see that their School is conducted according to the regulations which shall be furnished by the Chief Superintendent.

Eleventhly. To prepare and transmit annually, on or before the second Tuesday in January, a Report to the Superintendent of the Common Schools of their Township, Town or City, which shall be signed by a majority of them, and be according to a form which shall be provided by the Chief Superintendent, and shall specify :

1. The whole time that the School of their section shall have been in operation, under a qualified Teacher, during the year which shall have ended on the thirty-first day of December next before the day on which the Report shall be dated.

2. The amount of moneys received from the Superintendent of the Schools of their Township, Town or City, and the amount of moneys received from other sources, distinguishing the same, and the purposes for which all such moneys shall have been expended.

Contents of
the Report.

3. The number of children over the age of five years and under the age of sixteen years, residing in their section on the last day of December aforesaid; the names of the parents or others with whom such children shall then respectively have been residing; and the number of children that shall have been residing with each.

Contents of
the Report.

4. The number of children over the age of five years and under the age of sixteen years that shall have attended their School during the year; the number of persons over the age of sixteen years that shall have attended during the same; the name of each individual of both classes, and the number of days that each individual shall have attended, and the month or months in which those days were.

Contents of
the Report.

5. The branches which shall have been taught in their School during the year,—the number of pupils in each branch,—the sex or sexes of such pupils,—the text books used,—the number of public lectures on subjects connected with the objects and interests of education which shall have been delivered in their section during the year,—by whom they shall have been delivered,—the number of times which the Township, Town or City Superintendent and any other person or persons shall have visited their School during the year,—and the names of such pupils as shall have distinguished themselves by good conduct and proficiency during the same.

Contents of
the Report.

XXXI. And be it enacted, That the Secretary-Treasurer of each School Section in Upper Canada, shall make a fair copy of the Report of the Trustees of his section, and shall at or before the time of transmitting the said Report to the Township, Town or City Superintendent, certify the said copy to be true, and shall forthwith give it to the Teacher of the School of his section; and the duty of the Teacher shall be to post the same immediately in a conspicuous place in the School House of the said section, and see that it be preserved for the information of the inhabitants of such section, during at least one month from and after the time at which it shall have been posted.

Secretary-
Treasurer to
make a copy,
for the Tea-
cher, of the
Report, &c.
Duty of Tea-
cher as to the
Report.

XXXII. And be it enacted, That it shall be the duty of every Teacher of a Common School in Upper Canada, further:

Duties of
Teachers.

First. To teach diligently and faithfully, all the branches required to be taught in his School, according to the terms of his engagement with the Trustees of such School, and according to the provisions of this Act.

Teacher's
duties.

Secondly. To keep a record, which shall be according to a form which shall be provided by the Chief Superintendent.

Teacher's
duties.

Thirdly. To maintain proper order and discipline in his School, according to the regulations which shall be provided by the Chief Superintendent.

Teacher's
duties.

Fourthly. To have at the end of each quarter a public examination of his School, and to give due notice of the time thereof to the Trustees of his School, and to the parents

Teacher's
duties.

parents and guardians of his pupils, so that all interested in his School may have an opportunity of attending.

Teacher's
duties.

Fifthly. To act as the Secretary to the Trustees of his School, if they shall require him, in the preparing of their Reports: Provided always, that the time of his engagement with such Trustees shall not have expired before the time of preparing such Report.

Teacher's
duties.

Sixthly. To furnish in writing such information as the Superintendent of the Common Schools of his Township, Town or City shall require respecting the state of his School, or respecting any of his pupils, or respecting any thing in regard to which it shall be the duty of such Superintendent to report, and respecting which it shall be in the power of such Teacher to give information.

Superintend-
ent may with-
hold moneys
until the an-
nual Report is
made.

XXXIII. And be it enacted, That the Superintendent of the Common Schools in each Township, Town or City in Upper Canada, shall have authority to withhold from any School Section, and from the Teacher or Teachers of any School Section, such portion or portions of moneys which shall have been apportioned to such section, or raised therein for the School purposes thereof, and shall be in his hands on the first day of December in each year, until he shall have received from the Trustees of such section their annual Report for such year.

Punishment of
Trustees or
Teachers
making false
Reports, &c.

XXXIV. And be it enacted, That if any Trustee of a Common School in Upper Canada, or any Teacher of such School, shall, with the intent of obtaining a larger sum than the just proportion of School moneys to such School, make a false report, or communicate false information to the Superintendent of the Common Schools of his Township, Town or City, he shall on his being convicted thereof before any Justice of the Peace, on the complaint of any person whatever, for each offence, forfeit a sum not exceeding Five pounds to the School Fund of his Township, Town or City, and shall be liable to be tried and punished for misdemeanor.

Duty of Muni-
cipal authori-
ties in levying
a sum equal to
that obtained
from Govern-
ment.

How collected.

XXXV. And be it enacted, That the Municipal Council of each Township, Town and City, in Upper Canada, shall, in every year, and within the limits of its powers of imposing taxes, cause to be levied for the payment of the Teachers of the Common Schools of its Township, Town or City, for the then current year, such sum of money as, clear of all charges for the collection thereof, shall be at least equal to the amount of public money which shall have been apportioned to such Township, Town or City for such year; and this sum, to be so raised, shall be placed upon the proper Collectors' Rolls, and shall be collected by such Collector in such manner as his duty shall be to collect any other tax for such Township, Town or City, and shall be by him paid over to the Superintendent of the Common Schools of such Township, Town or City, within the period fixed by law for the payment of rates to the Treasurer, to whom such other taxes or rates collected by him shall be payable; and such Collector shall there-with give to such Superintendent a statement in writing whereby such Superintendent shall know the amount which shall have been collected in each School Section; and such Superintendent shall pay to the Teachers of the Common Schools of his Town-ship, Town or City, such amounts as shall have been so certified by such Collector to have been collected in their School Sections respectively; Provided always, that such Superintendent shall retain in his hands the sum which shall be payable to the Teacher of any School Section from which no sufficient Report for the year shall have been received, until the Trustees of his School shall furnish such Report.

Account by
Collector.

Payments to
Teachers.

Proviso as to
Schools not
reported
upon.

XXXVI.

XXXVI. And be it enacted, That in case the amount which the Superintendent of the Common Schools of any Township, Town or City shall receive from the Collector of the rates of such Township, Town or City for any School purpose, shall be less than the amount which, according to the By-law of the Municipal Council of his Township, Town or City providing for the collection of the same, should have been collected in such Township, Town or City, it shall be the duty of such Superintendent to give notice of the discrepancy immediately to the Clerk of such Council, so that the Council may as soon as possible cause the Collector to account for it.

Superintendent's duty, if the collector do not pay over the proper sum.

XXXVII. And be it enacted, That when the Municipal Council of any Township, Town or City shall have caused to be levied, for the payment of the salaries of the Teachers of the Common Schools of its Township, Town or City, for the current year as aforesaid, a sum at least equal to the amount of public money apportioned to such Township, Town or City for such year, it may and shall be lawful for such Council to apportion the said public money to such Teachers according to the ratio of days which the aggregate attendance of the scholars of each School in such Township, Town or City shall exhibit as compared with the days which the aggregate attendance of all the scholars of all the Schools in such Township, Town or City shall exhibit, and the Superintendent of the Schools of such Township, Town or City shall pay such apportionments at such time as the said Council shall direct: Provided always, that a rate equal to the whole amount apportioned to such Township, Town or City shall have been levied as aforesaid; And provided also, that the attendance of any person or persons over the age of sixteen years shall not be included in the attendance according to which such apportionment shall be made.

When the proper amount is raised, the money may be apportioned among the Teachers by a certain rule.

Proviso.

XXXVIII. And be it enacted, That it may and shall be lawful for the Municipal Council of each Township, Town and City in Upper Canada, to cause to be levied on the inhabitants of all or any School Section within its Township, Town or City, for the purchasing or procuring of School sites,—the erecting, repairing, renting, furnishing or warming of School Houses,—the purchasing of necessary books, maps, globes, black-boards and other apparatus for the use of the Schools of such section,—for the payment of Teachers, and for Common School purposes generally, (and over and above the sum of money required by this Act to be equal to the public money apportioned to such Township, Town or City),—such assessment as such Council shall judge to be expedient; any thing in any law or statute to the contrary notwithstanding; Provided always, that the said additional assessment shall in no case be levied unless a majority of the Trustees of the School for the benefit of which such assessment shall be intended, shall have petitioned for the same, and shall have certified such Council that a majority of the landholders and householders present at the School Section Meeting of their section, held on the second Tuesday of January in the then current year, did approve of such assessment; And provided also, that when an assessment for the full amount required for the support of the School of any section for any year shall have been levied on the inhabitants of such section, such School shall be free, and no fee shall be required of any inhabitant of the section for instruction received therein, by his children or himself, during such year; And provided further, that it may and shall be lawful, nevertheless, for the Trustees of such School Section to determine and prepare a Rate Bill for the contingent expenses of such year, and to recover the same from the person or persons liable for the same, according to the provisions of this Act regarding the duties of Trustees.

Municipality may impose such rates as shall be thought requisite for School purposes, on any School Section.

Proviso: conditions of additional assessment—consent of Trustees, &c.

Proviso.

Proviso.

XXXIX.

How such assessment shall be collected.

XXXIX. And be it enacted, That the assessment so to be made for Common School purposes generally, shall be placed upon the proper Collectors' Rolls and shall be collected by the Collector, in the same manner as it shall be his duty to collect any other rate for his Township, Town or City, and shall be paid over by him to the Superintendent of the Common Schools of the Township, Town or City, within the period fixed for the payment of rates to the Treasurer, to whom the payment of such other taxes or rates collected by him shall be payable: and such Collector shall give in writing to such Superintendent a statement of the amount payable to each School Section, and of the purposes also for which they shall be payable; and such Superintendent shall according to such statement disburse such amounts to the Trustees of the School Sections in which they shall severally have been collected; and in case the amounts specified in the said statement shall not agree with the amounts specified in the By-law or By-laws of the Municipal Council authorizing such assessment, it shall be the duty of such Superintendent to give to the Clerk of the said Council immediate notice of the discrepancy.

Collector to account.

Superintendent's duty.

Superior Schools may be formed for Unions of Sections.

Provide; suitable School House to be provided.

XL. And be it enacted, That in case a majority of the rateable inhabitants of each of any two or more adjoining School Sections shall petition the Municipal Council of the Township, Town or City in which such sections may be situate, to unite such sections for the purpose of establishing a School in which the Scholars shall be classified according to their knowledge, and each class shall be a separate department and each department shall be under a different Teacher, and the Teachers thereof be under the supervision of a Head Master who shall be Teacher of the senior department thereof, it may and shall be lawful for said Council to unite said sections; Provided always, that the Schools of the sections respectively shall not be discontinued, nor such sections be constituted one School Section until a suitable School House shall have been erected in a central and convenient place within the limits which shall constitute the new section, nor until such School House shall have been completed to the satisfaction of the said Council, and according to a plan which shall have been approved of by such Council.

Effect of such Union of Sections as to their School property, &c.

Provide as to Trustees.

XLI. And be it enacted, That when two or more sections shall have been constituted one School Section, the powers of the Trustees of the several sections shall cease, and the personal property of the several sections which shall have been held by the Trustees of them for School purposes, shall become vested in the Superintendent of the Common Schools of the Township, Town or City, in trust for the new section, until the Municipal Council of such Township, Town or City shall have called a first School Section Meeting in such section, and until Trustees shall have been elected, as hereinbefore provided; but the Trustees whose powers shall cease shall, nevertheless, not be relieved thereby from the obligations, liabilities and penalties belonging to their office as Trustees, till the Superintendent of the Common Schools of their Township, Town or City, shall have been satisfied respecting the same, and have relieved them as hereinbefore provided.

Real property held for School purposes to be vested in the Municipality in trust.

XLII. And be it enacted, That all lands, houses, tenements and property of every description, which have been heretofore acquired for Common School purposes, and vested in the District Council of any District in Upper Canada, or vested in the hands of Trustees in any Township, Town or City in Upper Canada, shall after this Act shall be in force, be vested in the Municipal Council of the Township, Town or City

City in which such trust may be situate; and all such property to be hereafter acquired for Common School purposes, in Upper Canada, shall be vested in such Municipal Councils, in trust for the School Sections to which they shall respectively belong; and it may and shall be lawful for such Councils to sell, convey or exchange such property in such portions and in such manner, and at such times as they shall judge to be expedient for the interests of the sections to which such property shall belong; Provided always, that such property shall not be sold, nor conveyed nor exchanged, nor in any way disposed of by any such Municipal Council, unless a petition or memorial, signed by a majority of the landholders and householders resident in the section to which such property shall belong, and praying for such disposal of such property, shall have been presented to the said Council; nor unless such disposal shall be for the better promoting of the objects for which such property shall have been acquired.

They may alienate it, &c.

Proviso: in what case only it may be alienated.

XLIII. And be it enacted, That for the purposes of this Act, two or more adjoining School Sections which may be severally situated in two or more adjoining Townships, may be constituted one School Section; Provided always, that the provisions hereinbefore enacted in respect to such union shall have been complied with, and that the Municipal Councils of the Townships, Towns or Cities respectively in which such sections may be situated, shall have concurred in such union.

Sections in different Townships may be united.

Proviso.

XLIV. And be it enacted, That every such Union School Section as shall be composed of portions of adjoining Townships, Towns or Cities, shall for the purposes of this Act belong to the Township, Town or City in which the School House of the section shall be located, and the inhabitants of such portion or portions as may not be in the Township, Town or City in which the School House may be located, shall for all the purposes of this Act, be rated as belonging to the said Township, Town or City, and the apportionments of public money which shall belong to said portion or portions, shall be paid into the hands of the Superintendent of the Common Schools of the Township, Town or City in which such School House shall be located; any thing in this Act or in any law or Statute to the contrary notwithstanding.

In what Township, &c. any such Union shall be held to be.

XLV. And be it enacted, That in case any portion of any Township or portions of adjoining Townships be so situated that the inhabitants shall be unable to support a properly qualified Teacher, it may and shall be lawful for the Municipal Council of such Township to authorize any such Teacher to take charge of two Schools, and teach them on alternate days, or during alternate periods on the same day or during alternate weeks or months, or any period that such Municipal Council shall judge to be expedient; Provided that the distance from the extreme limits of one School Section to the extreme limits of the other shall not be less than eight miles.

Teachers may be allowed to teach in two Sections.

Proviso as to distance between such Schools.

XLVI. And be it enacted, That if the majority of the inhabitants of any School Section in which a Grammar School is located, shall petition the Municipal Council of the County in which such section may be situate, to constitute such Grammar School the Senior Department of the School of the said section, it may and shall be lawful for such Municipal Council to grant such petition; Provided always, that the union of the said School and the Common Schools of a section shall not take place unless a suitable building shall have been erected and completed as aforesaid; And provided also, that the sum of money now annually appropriated and applied to the

As to a Section in which the Grammar School lies.

Proviso as to proper School House.

Proviso as to Act of U. C. 59, G. 3, c. 4.

Teachers

Teachers of each Grammar School in Upper Canada, by virtue of and under the authority of the Act of the Legislature of Upper Canada, passed in the fifty-ninth year of the Reign of King George the Third, and intituled, *An Act to repeal part of, and to amend the Laws now in force for establishing Public Schools in the several Districts of this Province, and to extend the provisions of the same*, shall, after the union of any such School and the Common Schools of its section, be still appropriated and applied to the paying of the salary of the Teachers thereof; And provided likewise, that no person being an inhabitant of the County in which such section may be situate, shall be debarred from attending such School on the same terms that the inhabitants of such section shall be allowed to attend; And provided, moreover, that ten poor children, as is provided for in the Statute aforesaid, shall be taught thereat *gratis*.

Proviso: right to attend School.

Proviso as to poor children.

Trustees of Grammar School, and of the Section, to act together for certain purposes.

XLVII. And be it enacted, That when any Grammar School and the Common School of its section shall have been united as aforesaid, the Trustees of the Common School and the Trustees of the Grammar School shall conjointly direct the course of instruction to be pursued in such united School, and conjointly manage the separate trusts thereof as the provisions of law relative to such trusts shall direct.

Grammar School to become a Model School in certain cases, and on certain conditions.

XLVIII. And be it enacted, That in case the Municipal Council of any County in Upper Canada shall have made provision in aid of any Grammar School lying within the boundaries of such County, and shall have caused suitable buildings to be erected and furnished for the accommodation of such School, such School shall thereafter be a Model-School, and gratuitous instruction shall be afforded thereat to any Teacher of a Common School within the boundaries of such County, during such periods and under such regulations as the Superintendent of the Common Schools of the Township, Town, or City, in which such Common School may be located, shall direct.

Teachers of Grammar Schools, &c., hereafter appointed must have a certain certificate of qualification.

XLIX. And be it enacted, That in Upper Canada, from and after the passing of this Act, no person shall be appointed to be the Teacher of any Grammar School or the Head Master of any Model School, or the Head Master of any Common School in which there shall be more than one Master, unless he shall have produced a certificate of qualification signed by the Principal or Head Master of the Normal School in and for Upper Canada, or shall have graduated at some University.

Head Master of Normal School may give a certificate of qualification as a Teacher: its effect. Proviso.

L. And be it enacted, That it may and shall be lawful for the Principal or Head Master of the Normal School in Upper Canada, to give to any person a certificate of qualification to teach a Public School in that part of this Province; and any Public School that shall have been taught by a person holding such certificate shall be entitled to receive such apportionment of public moneys as by this Act or any other Act or Statute is or shall be directed to be paid to such School: Provided always, that such certificate shall not be valid and shall not entitle the holder thereof to any advantage therefrom, if it shall have been cancelled by the giver thereof or his successor, or by any person having competent authority.

County Boards of Education to be appointed.

LI. And be it enacted, That it may and shall be lawful for the Governor or Person administering the Government of this Province, to appoint not more than seven persons in each County in Upper Canada who shall be a Board of Education for their County.

LII.

LII. And be it enacted, That the said Board shall meet on the first Tuesday in January, April, July and October in each year, or oftener if they deem it to be necessary,—that three of their number shall form a *quorum* for the transaction of business,—that at their first meeting in every year they shall choose one of their number to be their Chairman for the year,—and that their meetings shall be held in the County Hall of their County; and it shall be the duty of the person whose name shall stand first in the Commission appointing each Board, to call the first meeting of each.

Meetings of the Board.

Quorum.

Chairman.

Calling first meeting.

LIII. And be it enacted, That the Clerk of the County Municipal Council of each County in Upper Canada shall be the Clerk of the Board of Education of his County, and shall enter all the proceedings of the said Board in a book to be kept by him for that purpose, and shall receive and keep for such Board all books and papers belonging to the Board, and under the direction of the Board shall prepare all their Reports, and do and execute all such writing, having reference to the duties of the Board, as the Chairman thereof or any member thereof shall require of him.

County Clerk to be Clerk of the Board: his duties as such.

LIV. And be it enacted, That the duties of the said Board shall be:

Duties of the Board.

First. To examine all persons who shall offer themselves as candidates for teaching Common Schools in their County, with respect to their moral character, learning and ability; and if satisfied of the candidate's qualifications in these respects, to give him a special certificate authorizing him to teach the School specified therein for one year only; or a general certificate authorizing him to teach any Common School in the County until such certificate shall be revoked.

Examining Teachers and giving certificates.

Secondly. To annul any certificate given by them, or by any former Board or by the Master of the Normal School whenever they shall see just cause for doing so.

Annulling certificates.

Thirdly. To select and recommend proper books for the use of the Public Schools of their County, and to cause a list of such books as they shall select to be sent to each Township, Town and City Superintendent of Schools in their County, for his guidance and direction: Provided always, that no person attending any public School shall be required to read or study any book containing controverted theological dogmas or doctrines, or to join in any exercise of devotion or religion, which shall be objected to by him, or (in case he be a child) shall be objected to by his parents or guardians.

Selecting School books.

Proviso as to religious exercises.

Fourthly. To keep a record of their proceedings, and report, annually, to the Superintendent of Schools for Upper Canada, at their meeting which shall be in July, giving a statement of their proceedings, and such other statements and suggestions relative to education as they may deem expedient.

Recording their proceedings and reporting to Superintendent for U. C.

LV. And be it enacted, That it may and shall be lawful for the Municipal Council of any Township, Town or City to constitute any one of the Common Schools of its Township, Town or City a Model-School for such Township, Town or City, and to appropriate in aid thereof, a sum in each year not exceeding twenty-five pounds, over and above the sum to which such School shall be entitled as a Common School of such Township, Town or City: Provided always, that any sum so appropriated shall be expended in the payment of a Teacher or Teachers, and for no other purpose; And provided also, that a suitable School House shall have been provided for the accommodation

Municipal Council may constitute any School a Model-School.

Proviso.

Proviso as to suitable School House, &c.

accommodation of such School, and gratuitous instruction shall be afforded at such School to all Teachers of Common Schools within such Township, Town or City, during such periods and under such regulations as the Superintendent of such Schools may from time to time direct.

Normal School for Upper Canada: its purposes.

LVI. And be it enacted, That there shall be in Upper Canada a Normal School which shall contain one or more Elementary Model-Schools, in which Teachers of Common Schools shall be instructed in the science of education, and be taught the art of teaching, according to such regulations as the Board of Managers hereinafter provided for may make, and as the Governor in Council shall approve of.

Board of Directors to be appointed for the Normal School.

LVII. And be it enacted, That the Governor of this Province shall have the authority to appoint not more than seven persons (of whom the Superintendent of Schools for Upper Canada shall be one) who shall be a Board of Directors for superintending the Normal School for Upper Canada, and shall hold office during pleasure, and be subject to all lawful orders and directions, in the exercise of their duties, that shall from time to time be issued by the Governor.

Duties of the Board of Directors.

LVIII. And be it enacted, That the duty of the said Board of Directors shall be to adopt needful measures for establishing a Normal School as aforesaid, and for procuring and furnishing suitable buildings for the accommodation of such School and for procuring books and apparatus,—to determine the number of Teachers which shall be in such School, and the compensation which they or others who may be employed therein, shall receive for their services,—to prescribe the conditions on which pupils shall be received into such School,—to make from time to time rules and regulations for the management and good government of such School,—and to do all other things that they may deem expedient to promote the objects and interests of such School.

Meetings of the Board. Chairman, &c.

Special Meetings.

Quorum. Secretary; his duties, &c.

LIX. And be it enacted, That the meetings of such Board shall be held at such place as shall be appointed by the Superintendent of Schools for Upper Canada,—that the first meeting thereof shall be called by the said Superintendent,—that thereat the Board shall appoint a Chairman, who shall hold office during the pleasure of the Board,—that in the absence of such Chairman, a Temporary Chairman may be appointed,—that the said Board shall appoint the times of its ordinary meetings,—that a special or extraordinary meeting may be called at any time by the Chairman of the Board, or by the said Superintendent, but notice thereof must be given in writing to the other members to be present,—that at all meetings of the Board, three members shall be a quorum for the transaction of business,—that the Secretary or Clerk of the Normal School shall be the Recording Clerk to the Board, and shall enter all its proceedings in a book to be kept for that purpose,—and that the expense attending the proceedings of the Board shall be accounted for as part of the contingent expenses of the Normal School.

Appropriation for Normal School continued.

LX. And be it enacted, That a sum not exceeding one thousand five hundred pounds, shall be, as heretofore, yearly allowed for the salaries of Teachers, and for all other contingent expenses of such Normal School; and that a further sum not exceeding one thousand five hundred pounds in the aggregate shall, when required, be expended in procuring suitable buildings and accommodation for the said School.

LXI.

LXI. And be it enacted, That the Board of Directors for the Normal School, shall be a Board of Education for Upper Canada, and its duty as such Board of Education shall be to counsel and direct the Chief Superintendent of Schools for Upper Canada in respect to the duties hereinbefore and hereinafter required of the said Superintendent to discharge.

Directors of Normal School to be a Board of Education for U. C. Their duties.

LXII. And be it enacted, That it may and shall be lawful for the Superintendent of Schools for Upper Canada, by and with the advice of the other Members of the Board of Education for Upper Canada, to appropriate out of the Legislative grant for Common Schools, a sum not exceeding one thousand pounds annually, to the assisting of such persons as may be desirous to be qualified to be Teachers of Common Schools, and shall have been recommended by the Board of Education of any County, as fit and proper to be received into the Normal School, but shall not have means sufficient for their maintenance thereat; Provided always, that any person to be so assisted shall, before he be received into the said School, enter into a bond with two sufficient sureties, which shall be to the Board of Directors of the said School, that he shall, during such time as the Board of Directors of the Normal School shall have stipulated with him, after he shall have received a certificate of qualification, teach a Common School in Upper Canada, or repay the amount which shall have been expended from the aforesaid grant on his account.

Aid to persons wishing to become Teachers.

Proviso: conditions on which such aid may be given.

LXIII. And be it enacted, That it shall and may be lawful for the Board of Education in Upper Canada, to give to any person who shall have satisfactorily complied with such course of studies as shall have been required of him, according to the regulations of the Normal School, a certificate of qualification to teach a Public School in Upper Canada, and such certificate shall, until the end of one year after the date thereof, entitle any Public School that shall have been taught by the holder of such certificate, during not less than six months of such year, to receive such apportionment of public money as by this Act or any other Act or Statute is or shall be directed to be paid to such School.

Board may grant certificates of qualification as Teachers: their effect.

LXIV. And be it enacted, That it shall be the duty of the Board of Directors of the Normal School of Upper Canada, and the duty likewise of the Trustees or Managers of all Trusts for purposes of Education in Upper Canada, (respecting a Report from whom there is no other provision in this Act,) to prepare and transmit annually, on or before the twenty-first day of December, to the Superintendent of Schools for Upper Canada, a detailed account of all moneys received by them for their respective trusts during the year, and of how such moneys shall have been expended, and to give such additional information respecting such trusts and the Institution for which they shall be held, as shall be in their power to give.

Directors of Normal School, and all Trustees for School purposes in U. C., to report and account yearly to the Chief Superintendent.

LXV. And be it enacted, That it may and shall be lawful for the Governor in Council, to expend annually a sum not exceeding twenty-five pounds in any County or Riding in Upper Canada for the encouragement of a Teachers' Institute in each County or Riding, under such regulations as may from time to time be prescribed by the Superintendent of Schools for Upper Canada, by and with the sanction of the Governor in Council.

Aid towards a Teacher's Institute in each County.

Aid towards
Common
School Libra-
ries in U. C.

LXVI. And be it enacted, That it may and shall be lawful for the Governor in Council, to expend annually a sum not exceeding two thousand pounds, for the establishment and support of Common School Libraries in Upper Canada, under such regulations as may from time to time be prescribed by the Superintendent of Schools for Upper Canada, by and with the sanction of the Governor in Council.

Premium to be
given for best
plans for
School
Houses.

LXVII. And be it enacted, That it shall and may lawful for the Governor of this Province, by and with the advice of the Executive Council, at such time as he shall deem expedient to publish in the Canada Gazette, or other Official Gazette, and such other papers as he shall deem necessary to give the same sufficient publicity, that fifty pounds will be given for such three best plans of School Houses as shall, at such time as the Governor shall name, have been submitted and approved of.

Sums appro-
priated by this
Act to be de-
ducted from
the grant to U.
C.

LXVIII. And be it enacted, That the sums specially authorized to be expended under the provisions of this Act, shall in the order in which provision is made for the expending of them, be deducted from the portion of the Legislative grant for Common Schools, payable to Upper Canada, and be payable in the same order; Provided always, that the amount heretofore appropriated for the support of the Normal, Model and Common Schools in Upper Canada, shall not be lessened by the deduction of such sums therefrom.

Proviso as
to certain
grants.

Recital.

Schools may
be established
for colored
people.

Proviso as to
aids, &c., to
such Schools.

LXIX. And whereas the children of the colored inhabitants of certain portions of Upper Canada, have by causes arising from the prejudices and ignorance of certain other inhabitants of the said portions in the said part of this Province, been prevented from attending the Common Schools of the sections in which they respectively reside: Be it enacted, That it may and shall be lawful for the Municipal Council of the Township, Town or City in which such colored inhabitants reside, to authorize the establishing of any number of Schools for the education of the children of colored people that they may judge expedient; and such Schools shall be subject to the same regulations and obligations that this Act prescribes in respect to all the Common Schools in Upper Canada: Provided always, that such Schools shall be aided from the School Relief Fund of the County in which their Section may be situate, or shall receive their apportionments of the public moneys for the support of Common Schools according to the same ratio according to which such moneys shall be apportioned to the other Common Schools in Upper Canada.

Allowance for
the Teachers
of colored
Schools.

LXX. And be it enacted, That such colored people shall be entitled to receive for the support of the Teachers of their School or Schools such sum or sums of money as they may have paid for School purposes to the Collector of the rates of their Township, Town or City; and it shall be the duty of such Collector to account for the same to the Superintendent of the Schools of such Township, Town or City, in the way and manner hereinbefore prescribed in respect to the School moneys belonging to other Common Schools, and the duty of such Superintendent shall be to pay to the Trustees of such colored School or Schools the sum or sums so belonging to such Teacher, or belonging to such colored School or Schools for the purposes thereof.

Duty of local
Superintend-
ent, as to co-
lored Schools.

LXXI. And be it enacted, That it shall be the duty of the Superintendent of the Common Schools of any Township, Town or City in Upper Canada, in which there may be separate Schools for colored people, to report respecting such Schools in his Annual Reports

Reports to the Municipal Council of his Township, Town or City, and to the Municipal Council of his County, stating, in respect to the colored population of his Township, Town or City, all that he is hereinbefore required to state in respect to the white population thereof; and it shall be the duty also of such Superintendent in whose Township, Town or City there may be colored people, or people who are aborigines of Canada, residing, to communicate in his Reports aforesaid, such information respecting the state of education among such people as may be in his power.

LXXII. And be it enacted, That it shall be the duty of each County Municipal Council in Upper Canada, to cause an Annual Report of the state of the Common Schools of their County to be made in such form as shall be prescribed by the Superintendent of Common Schools for Upper Canada, and to be transmitted at such time as the said Superintendent shall appoint; and also to furnish to the said Superintendent, from time to time, such additional information as he may require; and it shall be the duty of such Superintendent to retain in his hands the sum apportioned to any County, till from the Municipal Council of such County he shall have received such Report and such information as he shall have required therefrom.

Municipal Council to make yearly reports on School matters to the Superintendent for U. C., &c.,

LXXIII. And be it enacted, That each District Superintendent of Common Schools who may be in office on the thirty-first day of December of this present year, shall continue to exercise all the powers which he is now authorized to exercise, and to perform all the duties which he is now required to perform, until the first day of March of the year one thousand eight hundred and fifty; and shall on the said day, deliver into the hands of the Superintendent of Common Schools for each Township, Town or City within his District, all papers in respect to the Common Schools of each, and all moneys (remaining in his hands) which shall have been apportioned to each; and for every refusal to comply with this enactment, on the part of any District Superintendent of Common Schools, he shall be subject to forfeit, to the use of the Township, Town or City interested in such refusal, twice the amount of the sum or sums of money (exclusive of costs) which may be involved in such refusal; and it shall be the duty of the Superintendent of Common Schools for each Township, Town or City interested in such refusal, to sue any such defaulting District Superintendent of Common Schools, for the amount of such forfeit before any Court of Law competent to take cognizance of such cases, and to collect the same with the costs thereon; and the amount which he shall collect, shall, after deducting necessary expenses, be added to the apportionment of School moneys to such Township, Town or City for the then current year, and be distributed therewith to the Common Schools of such Township, Town or City as hereinbefore provided.

Present District Superintendents to deliver all papers, moneys, &c., to the Superintendents appointed under this Act, on 1st March, 1850.

Action given in case of refusal, &c.

LXXIV. And be it enacted, That the Normal School now in operation at Toronto, in Upper Canada, shall for the purposes of this Act, and until otherwise provided for according to the provisions of this Act, continue to be the Normal School for Upper Canada; and the Teachers thereof, and all others being servants employed therein, shall continue to discharge their duties as heretofore, until they shall have been superseded by the appointment of other persons according to the provisions of this Act.

Present Normal School to be that of U. C. until altered, &c.

LXXV. And be it enacted, That the Board of Education for Upper Canada, shall, on the first day of January of the year one thousand eight hundred and fifty-one, deliver to the Superintendent of Schools for Upper Canada, all papers and moneys in their hands

Board of Education for U. C. to deliver its papers and

moneys to Superintendent for U. C. hands or keeping respectively, and belonging to their respective trusts; and the said Superintendent shall hold the same for such trusts respectively, or shall dispose of them as hereinbefore provided, or if there be no provision relative to the disposal of them, then the Governor in Council may give the necessary directions relative thereto.

Teachers to be classified. LXXVI. And be it enacted, That the Teachers who shall receive certificates of qualification under this Act, shall be arranged in three classes, according to their attainments and ability, in such manner as shall be prescribed by the Superintendent of Schools for Upper Canada, with the sanction of the Governor in Council.

After 1st Jan., 1850, no Teacher to be deemed qualified unless he has a certificate. LXXVII. And be it enacted, That from and after the first day of January of the year one thousand eight hundred and fifty-one, no Teacher of a Common School in Upper Canada shall be deemed to be qualified unless he shall have received a certificate of qualification, either from the County Board of Education, signed by the Chairman, or from the Principal of the Normal School of Upper Canada.

School of Art and Design to be established in U. C. when the state of the School Fund shall permit. LXXVIII. And be it enacted, That when, over and above the sums hereinbefore provided for the purpose of Education in Upper Canada, there shall be of that portion of the Legislative grant for Common Schools, which shall belong to Upper Canada, a sum sufficient for the establishing and maintaining of a School of Art and Design for Upper Canada, it shall and may be lawful for the Governor in Council, to appropriate for the establishing and maintaining of such a School, a sum not exceeding in any year, five hundred pounds; and such School shall be in connexion with the Normal School of Upper Canada, and shall be under the control of the Board of Directors of the said Normal School: and such Board shall make regulations for the said School of Art and Design, and shall manage all the affairs thereof, and do in respect thereof in all things as they are hereinbefore required to do in respect to the said Normal School.

Power to Municipal Council to decide certain School matters. LXXIX. And be it enacted, That the Municipal Councils of Townships, Towns and Cities in Upper Canada, shall, within the limits of their respective Townships, Towns and Cities, have competent jurisdiction to decide upon all matters relating to Common Schools, which shall have been submitted to them by the parties interested, and for the deciding of which no provision is hereinbefore made; and the decisions of such Councils shall be final.

Interpretation clause. LXXX. And be it enacted, That the word "Teacher" wherever it occurs in this Act, shall mean female Teacher as well as male Teacher, excepting when it is applied to the Principal or Head Master of a Normal or Model-School in which there may be more than one Teacher; and for all the purposes of this Act, Incorporated Villages shall be implied in the terms, "Township, Town and City," and the word "School," shall likewise mean Schools and shall apply to Schools for females as well as males, and such Villages shall be entitled to all the privileges, and be under all the obligations belonging to Townships, Towns and Cities, by virtue of and under the authority of this Act.

Repeal of former Acts and commencement of this Act. LXXXI. And be it enacted, That upon, from and after the first day of January of the year one thousand eight hundred and fifty, all Laws and Statutes heretofore or now in force for the establishment and maintenance of Common Schools in Upper Canada, or for the amendment of any such Laws or Statutes, shall be repealed; and that

that this Act shall have force and effect, upon, from and after the said day, and not before; Excepting always, that it may and shall be lawful for the Governor, immediately after the passing of this Act, to issue any Commission, or make any appointments, or for the Governor in Council to adopt such preparatory measures for the carrying out the provisions of this Act as he may deem expedient; such Commission, appointments and measures to come into force upon, from and after the said first day of January, one thousand eight hundred and fifty, and not before.

Proviso as to preparatory measures.

CAP. LXXXIV.

An Act to authorize the formation of Joint Stock Companies for the construction of Roads, and other Works in Upper Canada.

[30th May, 1849.]

WHEREAS it is expedient to encourage the construction of sawed, hewed or split Plank, Macadamized or Gravelled Roads, and also Bridges, Piers, Wharves Slides and Dams connected therewith, in Upper Canada, by Companies who may be disposed to subscribe the necessary capital for the completion thereof; And whereas the delay and expense incident to obtaining a special Act of Incorporation from the Legislature for each separate Company, operate as a great discouragement to persons desirous of embarking capital for the formation of such Companies: 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, intituled, *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 any number of persons not less than five, respectively, may in Upper Canada, in their discretion, form themselves into a Company or Companies, under the provisions of this Act, for the purpose of constructing in and along any public Road or Highway, allowance for Road or otherwise, any Road or Roads of the kind mentioned in the Preamble to this Act, not less than two miles in length, and also any Bridge or Bridges, Pier or Piers, Wharf or Wharves, Slide or Slides, and Dam or Dams connected therewith in Upper Canada: Provided always, that no such Company shall construct any such road or other such works aforesaid, through, over, along or upon any private property or property of the Crown, without having first obtained the permission of the owner or owners, occupier or occupiers thereof, or of the Crown, so to do, except as hereinafter provided; nor shall any such road be made of a higher grade than one foot elevation to twenty feet along the road, without the sanction of the Chief Engineer superintending Public Works in the neighbourhood thereof; And provided also, that no such Company shall be formed under the provisions of this Act to construct any line of road for which a Charter shall have heretofore been granted, provided such Chartered Company shall have its stock subscribed and be in a course of completing the work for which such Charter shall have been granted, within one year from the passing of this Act, nor shall any private property be taken for any other such work as aforesaid without the consent of the owner, if such owner shall himself commence such work within one year and shall complete the same within two years from the time he shall be notified that a

Company

Preamble.

Companies may be formed for the construction of Plank and other Roads, Bridges, Slides and other works.

Proviso as to taking property.

Grade of Road.

Proviso as to Lines for which other Companies have been Chartered.