

of the Superior Court of the District wherein such Minister shall have usually resided or officiated.

V. Provided always, and be it enacted, That on his removal from one city, town, township or place to another city, town, township or place in Lower Canada, such Minister shall be entitled to have and obtain a new Register for the place to which he shall have removed if none shall have been previously obtained or kept at such place by some Minister of the said Church.

Minister may obtain a new register at another place in L. C.

VI. And be it enacted, That the Registers which shall have been so kept, and the several entries made therein according to the laws in force in Lower Canada, as well as authentic copies of such entries, shall to all intents and purposes be good and available in law in like manner as entries and authentic copies thereof made in any other like Register, kept under the authority of the Act of the Legislature of Lower Canada passed in the thirty-fifth year of the Reign of King George the Third, and intituled, *An Act to establish the forms of Registers of Baptisms, Marriages and Burials, and to confirm and make valid in law the Register of the Protestant Congregation of Christ Church, Montreal, and others which may have been informally kept, and to afford the means of remedying omissions in former Registers*; Provided always, that all and every the regulations and requirements of the said Act with respect to the Registers therein mentioned, be also observed with respect to the Registers to be kept pursuant to this Act; And provided also, that the Ministers keeping Registers under this Act, shall be governed by the said Act, and shall in case of contravention thereof, be liable to the penalties in like cases provided by the said Act, to be recovered, paid, applied and accounted for in the same manner.

Legal effect of entries in such registers or of extracts therefrom.

VII. And be it enacted, That this Act shall be a Public Act, and construed as such.

Public Act.

CAP. XLVIII.

An Act for the better establishment and maintenance of Common Schools in Upper Canada.

*14 & 15 Vic  
cap 111: -  
Vide*

[ 24th July, 1850. ]

WHEREAS it is expedient to make provision for the better establishment and maintenance of Common Schools in the several Villages, Towns, Cities, Townships and Counties of 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 Act of the Parliament of this Province, passed in the seventh year of Her Majesty's reign, and intituled, *An Act for the better Establishment and Maintenance of Common Schools in Upper Canada*, and also the Act passed in the twelfth year of Her Majesty's reign, chapter eighty-three, and intituled, *An Act for the better Establishment and maintenance of Public Schools in Upper Canada, and for repealing the present School Act*, shall be, and the same are hereby repealed: Provided always, nevertheless, firstly, that no Act or part of an Act repealed by either of the Acts hereby repealed, shall be revived by the passing of this Act: And provided also, secondly, that the repeal of the said Acts shall not extend or be construed to extend to any act done, any penalty incurred, or any proceeding had under the said Acts, or either of them: And provided also, thirdly, that all School Sections or other School divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, made under the authority of the said Acts, or of any preceding Act, and not annulled by the said Acts or by this Act, or by any of them, shall be valid and in full force and binding upon all parties concerned, as if made under the authority of this Act, and shall so continue until altered, modified, or suspended, according to the provisions of this Act: And provided also, fourthly, that nothing herein

Preamble. 14 vic cap 23

*Supplement  
act 15 vic cap 185*

Two Acts repealed.

*14 vic cap: 29  
12 Vic cap 48: -*

Proviso.

All school divisions, elections, appointments, contracts, &c., confirmed.

herein contained shall affect the liability of any District, County, City, Town, or Township Superintendent of Common Schools, to the Municipal Corporation to which he would otherwise be responsible for the same, for any moneys received by him under either of the said Acts ; but the liabilities of every such Superintendent for such moneys shall be and remain as if this Act had not been passed : And provided also, fifthly, that nothing in the said Act secondly above recited, contained, shall extend, or be construed to extend, to have repealed any Act of the Parliament of this Province, whereby provision was made for the appropriation of money from the Consolidated Revenue Fund of this Province, for or towards the establishment and maintenance of Common Schools in this Province, or in any part thereof.

#### FIRST—ELECTION AND DUTIES OF SCHOOL TRUSTEES.

Annual school meetings.

II. And be it enacted, That the annual meetings for the elections of School Trustees, as hereinafter provided by this Act, shall be held in all the Villages, Towns, Cities and Townships of Upper Canada, on the second Wednesday in January, in each year, commencing at the hour of Ten of the clock in the forenoon.

One Trustee in each school section to be elected.

III. And be it enacted, That in all School divisions (except in Cities, Towns and Incorporated Villages) which have been established according to law, and which have been called "School Sections," and in which there shall be three Trustees in office at the time this Act shall come into force, one Trustee shall be elected to office at each ensuing annual school meeting, in place of the one who shall have been three years in office : Provided always, that the same individual, if willing, may be re-elected : And provided also, that no School Trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

Proviso: as to re-election.

Mode of calling the first school meeting in a new section.

IV. And be it enacted, That whenever any school section shall be formed in any Township, as provided in the eighteenth section of this Act, the Clerk of the Township shall communicate to the person appointed to call the first school meeting for the election of Trustees, the description and number of such school section ; and such person shall, ~~within twenty days thereafter,~~ prepare a notice in writing, describing such section, and appointing a time and place for the first school section meeting, and shall cause copies of such notice to be posted in at least three public places in such school section, at least six days before the time of holding such meeting.

Mode of proceeding at first meeting. Election of Chairman and Secretary; their duties.

V. And be it enacted, That at every such first school section meeting, the majority of the freeholders or householders of such school section present, shall elect one of their own number to preside over the proceedings of such meeting, and shall also appoint a Secretary, whose duty it shall be to record all the proceedings of such meeting ; and the Chairman of such meeting shall decide all questions of order, subject to an appeal to the meeting, and shall give the casting vote in case of an equality of votes, and shall have no vote except as Chairman, and shall take the votes in such manner as shall be desired by the majority of the electors present, and shall at the request of any two electors, grant a poll for recording the names of the voters by the Secretary : and it shall be the duty of the electors present at such meeting, or a majority of them, to elect from the freeholders or householders in such section, three Trustees who shall respectively continue in office as follows : the last person elected shall continue in office until the next ensuing annual school meeting in such section, and until his successor is elected ; the second person elected, one year, and the first person elected, two years, from such next ensuing annual school meeting, and until their successors are elected respectively : Provided always, that a correct copy of the proceedings of such first school section meeting, and of every annual school section meeting, signed by the Chairman and Secretary, shall be forthwith transmitted by the Secretary to the Local Superintendent of Schools.

A poll when to be granted.

Three Trustees to be elected.

Order of retiring from office.

Proviso.

Proceedings at annual meetings.

VI. And be it enacted, That at every annual school section meeting in any Township, as authorized and required to be held by the second section of this Act, it shall be the duty of the freeholders or householders of such section, present at such meeting, or a majority of them—

*Firstly.—*

*Firstly.*—To elect a Chairman and Secretary, who shall perform the duties required of the Chairman and Secretary, by the fifth section of this Act. Chairman and Secretary.

*Secondly.*—To receive and decide upon the report of the Trustees, as authorized and provided for by the eighteenth clause of the twelfth section of this Act. Annual financial report.

*Thirdly.*—To elect one or more persons as Trustee or Trustees, to fill up the vacancy or vacancies in the Trustee Corporation, according to law: Provided always, that no Teacher in such section shall hold the office of School Trustee. Election of Trustees.

*Fourthly.*—To decide upon the manner in which the salary of the Teacher or Teachers, and all the expenses connected with the operation of the School or Schools, shall be provided for. Expenses of the school.

VII. And be it enacted, That if any person offering to vote at an annual or other school section meeting, shall be challenged as unqualified by any legal voter in such section, the Chairman presiding at such meeting shall require the person so offering, to make the following declaration: Challenging voters.

"I do declare and affirm that I am a freeholder (or householder) in this school section, and that I am legally qualified to vote at this meeting." Declaration required.

And every person making such declaration, shall be permitted to vote on all questions proposed at such meeting; but if any person shall refuse to make such declaration, his vote shall be rejected: Provided always, that every person who shall wilfully make a false declaration of his right to vote, shall be deemed guilty of a misdemeanour, and punishable by fine or imprisonment, at the discretion of any Court of Quarter Sessions, or by a penalty of not less than One Pound Five Shillings, or more than Two Pounds Ten Shillings, to be sued for and recovered, with costs, by the Trustees of the school section, for its use, before any Justice of the Peace, having jurisdiction within such school section. Proviso: false declaration for voting illegally.

VIII. And be it enacted, That if any person chosen as Trustee, shall refuse to serve, he shall forfeit the sum of One Pound Five Shillings; and every person so chosen and not having refused to accept, who shall at any time refuse or neglect to perform the duties of his office, shall forfeit the sum of Five Pounds; which sum or sums may be sued for and recovered by the Trustees of the school section, for its use, before any such Justice of the Peace: Provided always, that any person chosen as Trustee may resign with the consent of his colleagues in office and of the Local Superintendent, expressed in writing. Mode of recovering penalty.

IX. And be it enacted, That in case no annual or other school section meeting be held for want of the proper notice, the Trustees or other person whose duty it was to give such notice, shall respectively or individually forfeit the sum of One Pound Five Shillings, to be sued for and recovered for the purposes of such school section, on the complaint of any resident in such section, before any such Justice of the Peace: Provided always, that in the default of the holding of any school section meeting, as hereinbefore authorized by this Act, for want of the proper notice, then any two freeholders or householders in such section, are hereby authorized, 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; and the meeting thus called shall possess all the power, and perform all the duties of the meeting in the place of which it shall have been called. Refusing to serve as Trustee.

X. And be it enacted, That the Trustees in each school section shall be a Corporation, under the name of "The Trustees of School Section Number \_\_\_\_\_, in the Township of \_\_\_\_\_, in the County of \_\_\_\_\_:" Provided always, that no such Corporation of any school section shall cease by reason of the want of Trustees, but in case of such want, any two freeholders or householders of such section shall have authority, by giving six days' notice to be posted in at least three public places in such section, to call a meeting of the freeholders or householders, who shall proceed to elect three Trustees, in the manner prescribed in the fifth section of this Act, and the Trustees thus elected shall hold and retire from office in the manner prescribed for Trustees elected under the authority of the said fifth section of this Act. Proviso: resigning as Trustee.

XI.

Mode of deciding on the site of a school-house.

XI. And be it enacted, That in any case of difference as to the site of a school-house between the majority of the Trustees of a school section and a majority of the freeholders or householders, at a special meeting called for that purpose, each party shall choose one person as arbitrator, and the two arbitrators thus chosen, and the local Superintendent, or any person appointed by him to act on his behalf, in case of his inability to attend, or a majority of them, shall finally decide on the matter.

Duties of Trustees.

XII. And be it enacted, That it shall be the duty of the Trustees of each school section :

Secretary-Treasurer: his duties.

*Firstly.*—To appoint one of themselves, or some other person, to be Secretary-Treasurer to the Corporation ; and it shall be the duty of such Secretary-Treasurer to give such security for the correct and safe keeping and forthcoming (when called for) of the papers and moneys belonging to the Corporation, as may be required by a majority of the Trustees ; to keep a record of all their proceedings, in a book procured for that purpose ; to receive and account for all school moneys collected by rate-bill, subscription, or otherwise, from the inhabitants of such school section ; to disburse such moneys in such manner as may be directed by the majority of the Trustees.

Collector. his duties.

*Secondly.*—To appoint, if they shall think it expedient, a Collector (who may also be Secretary-Treasurer), to collect the rates they have imposed, or shall impose upon the inhabitants of their school section, or which the said inhabitants may have subscribed ; and to pay such Collector, at the rate of not less than five or more than ten per cent. on the moneys collected by him for his trouble in collecting ; and every Collector shall give such security as may be satisfactory to the Trustees, and shall have the same powers, by virtue of a warrant, signed by a majority of the Trustees in collecting the school-rate or subscription, and shall proceed in the same manner as ordinary Collectors of County and Township rates or assessments.

His remuneration.

To give security.

Powers.

Trustees to have the keeping of the school property.

*Thirdly.*—To take possession and have the custody and safe keeping of all Common School property, which may have been acquired or given for Common School purposes in such section, and to acquire and hold as a Corporation, by any title whatsoever, any land, moveable property, moneys or income for Common School purposes, until the power hereby given shall be taken away or modified, according to law, and to apply the same according to the terms of acquiring or receiving them.

Providing school premises.

*Fourthly.*—To do whatever they may judge expedient with regard to the building, repairing, renting, warming, furnishing and keeping in order the section school-house, and its appendages, wood-house, privies, enclosures, lands, and moveable property, which shall be held by them, and for procuring apparatus and text books for their School ; also, to rent, repair, furnish, warm, and keep in order a school-house, and its appendages, if there be no suitable school-house belonging to such section, or if a second school-house be required.

2-11609 211

Apparatus and books.

Teachers.

*Fifthly.*—To contract with and employ all Teachers for such school section, and determine the amount of their salaries ; and to establish, if they shall deem it expedient, by and with the consent of the local Superintendent of schools, both a female and male school in such section, each of which shall be subject to the same regulations and obligations as common schools generally.

Female school.

Orders to Teachers for money.

*Sixthly.*—To give the Teacher or Teachers employed by them the necessary order or orders upon the Local Superintendent for the School Fund apportioned and payable to their school section : Provided always, that the Trustees of any school section shall not give such order in behalf of any Teacher who does not, at the time of giving such order, hold a legal certificate of qualification.

Providing for salaries of Teachers and expenses of the school.

*Seventhly.*—To provide for the salaries of Teachers and all other expenses of the School, in such manner as may be desired by a majority of the freeholders or householders of such section, at the annual school meeting, or a special meeting called for that purpose, and to employ all lawful means, as provided for by this Act, to collect the sum or sums required for such salaries and other expenses ; and should the sums thus provided be insufficient to defray all the expenses of such school, the Trustees shall have

And for deficiencies.

have authority to assess and cause to be collected any additional rate, in order to pay the balance of the Teacher's salary, and other expenses of such school.

*Eighthly.*—To make out a list of the names of all persons rated by them for the school purposes of such section, and the amount payable by each, and to annex to such list a Warrant directed to the Collector of the school section, for the collection of the several sums mentioned in such list: Provided always, that any school-rate imposed by Trustees, according to this Act, may be made payable monthly, quarterly, half-yearly, or yearly, as they may think expedient.

To make out a rate-bill list and Warrant.

Proviso: such rate-bill how payable.

*Ninthly.*—To apply to the Municipality of the Township, or employ their own lawful authority, as they may judge expedient, for the raising and collecting of all sums authorized in the manner hereinbefore provided, to be collected from the freeholders and householders of such section, by rate, according to the valuation of taxable property, as expressed in the Assessor's or Collector's Roll; and the Township Clerk or other officer having possession of such roll is hereby required to allow any one of the Trustees or their authorized Collector, to make a copy of such roll, as far as it shall relate to their school section.

To apply to the Township Council for raising school moneys.

Duty of Township Clerk.

*Tenthly.*—To exempt wholly or in part, from the payment of school-rates, such indigent persons as they shall think proper, and the amount of the same shall be a charge upon the other rateable inhabitants of the school section, and shall not be deducted from the salary of a Teacher.

To exempt indigent persons.

Teacher's salary not to be lessened.

*Eleventhly.*—To sue for and recover by their name of office, the amounts of school-rates or subscriptions due from persons residing without the limits of their school section, and making default of payment.

To sue defaulters.

*Twelfthly.*—To appoint the place of each annual school meeting, and to cause notices to be posted in at least three public places of such section, at least six days before the time of holding such meeting; to call and give like notices of any special meeting of the freeholders or householders of such section, for the filling up of any vacancy in the Trustee Corporation, occasioned by death, removal, or any other cause whatever, or for the selection of a new school site, or for any other school purpose, as they may think proper; to specify the object or objects of such meeting; which meeting shall be organized, and its proceedings recorded in the same manner, as those of an annual school meeting; and a copy of them, in like manner, shall be transmitted to the local Superintendent: Provided always, that in case of a vacancy in the office of any of the Trustees, during the period for which they shall have been respectively elected, the person or persons chosen to fill such vacancy, shall hold office only for the unexpired term.

To fix the place of the school meeting.

To call special meetings.

Mode of conducting special meetings.

Proviso.

*Thirteenthly.*—To permit all residents in such section between the ages of five and twenty-one years of age, to attend the school, so long as their conduct shall be agreeable to the rules of such school, and so long as the fees or rates required to be paid on their behalf, are duly discharged: Provided always, that this requirement shall not extend to the children of persons in whose behalf a separate school shall have been established, according to the nineteenth section of this Act.

To admit persons to attend the school, on conditions.

Exceptions.

*Fourteenthly.*—To visit the school from time to time, and see that it is conducted according to the regulations authorized by law.

To visit the school, &c.

*Fifteenthly.*—To see that no un-authorized books are used in the school, but that the pupils are duly supplied with an uniform series of text books, sanctioned and recommended according to law; and to procure annually, for the benefit of their school section, some periodical devoted to education.

To see that proper books are used.

*Sixteenthly.*—To exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them; and in case any of the Trustees shall wilfully neglect or refuse to exercise such powers, he or they shall be personally responsible for the fulfilment of such contract or agreement.

To be personally responsible in certain cases.

*Seventeenthly.*—To appoint a Librarian, and to take such steps as they may judge expedient, and as may be authorized according to law, for the establishment, safe-keeping, and proper management of a school library, whenever provision shall have been made and carried into effect for the establishment of school libraries.

To appoint a librarian and provide a library.

*Eighteenthly.*—



To ascertain the number of children of school age.

To read the school report.

Proceeding if the account is not satisfactory to the majority of the meeting.

To prepare and transmit the annual school report.

Contents of such report: time of keeping the school open.

Amount of moneys received and expended.

Number of children.

Attendance of pupils.

Average attendance.

Branches taught, &c.

Penalty for a false report by a Trustee; or false register or return.

*V. H. Rice  
cap 183 sec 4*

Foreign books when only to be used.

Parental and religious rights.

Proviso.

*Eighteenthly.*—To ascertain the number of children between the ages of five and sixteen years residing in their section on the thirty-first day of December in each year; and to cause to be prepared and read at the annual meeting of their section, their annual school report for the year then terminating, which report shall include, among other things prescribed by law, a full and detailed account of the receipts and expenditures of all school moneys received and expended in behalf of such section, for any purpose whatsoever, during such year; and if such account shall not be satisfactory to a majority of the freeholders or householders present at such meeting, then a majority of the said freeholders or householders shall appoint one person, and the Trustees shall appoint another; and the two arbitrators thus appointed shall examine the said account, and their decision respecting it shall be final: or, if the two arbitrators thus appointed shall not be able to agree, they shall select a third, and the decision of the majority of the arbitrators so chosen shall be final; and such arbitrators, or a majority of them, shall have authority to collect, or cause to be collected, whatever sum or sums may be awarded against any person or persons by them, in the same manner and under the same regulations as those according to which Trustees are authorized by the twelfth section of this Act to collect school-rates; and the sum or sums thus collected shall be expended in the same manner as are other moneys for the common school purposes of such section.

*Nineteenthly.*—To prepare and transmit, or cause to be prepared and transmitted annually, before the fifteenth day of January, a report to the Local Superintendent; which report shall be signed by the majority of the Trustees, and made according to a form provided by the Chief Superintendent of Schools, and shall specify:

*Firstly.*—The whole time the school in their section shall have been kept by a qualified Teacher during the year ending the thirty-first day of the previous December.

*Secondly.*—The amount of moneys received from the school fund, from local rates or contributions, and from other sources, distinguishing the same; and the manner in which all such moneys have been expended.

*Thirdly.*—The whole number of children residing in the school section, over the age of five years, and under the age of sixteen; the number of children and young persons taught in the school in winter and summer, distinguishing the sexes, and those who are over and under sixteen years of age; the average attendance of pupils in both winter and summer.

*Fourthly.*—The branches of education taught in the school; the number of pupils in each branch; the text-books used; the number of public school examinations, lectures and visits, and by whom, and such other information respecting the school premises and library, as may be required in the form of a report provided by the Chief Superintendent of Schools.

XIII. And be it enacted, That every Trustee of a Common School who shall knowingly sign a false report, and every Teacher of a Common School who shall keep a false school Register, or make a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such Common School, shall, for each offence, forfeit to the Common School Fund of the Township, the sum of five pounds, and may be prosecuted before any such Justice of the Peace, by any person whatever, and convicted on the oath of any one credible witness other than the prosecutor, and if convicted, the said penalty shall, if not forthwith paid, be levied with costs, by distress and sale of the goods and chattels of the offender, under Warrant of such Justice, and paid over by him to the said Common School Fund, or the said offender shall be liable to be tried and punished for the misdemeanor.

XIV. And be it enacted, That no foreign books in the English branches of education shall be used in any Model or Common School, without the express permission of the Council of Public Instruction; nor shall any pupil in any such School be required to read or study in or from any religious book, or join in any exercise of devotion or religion, which shall be objected to by his or her parents or guardians: Provided always, that within this limitation, pupils shall be allowed to receive such religious instruction

instruction as their parents and guardians shall desire, according to the general regulations which shall be provided according to law.

SECONDLY.—COMMON SCHOOL TEACHERS AND THEIR DUTIES.

XV. And be it enacted, That no Teacher shall be deemed a qualified Teacher within the meaning of this Act, who shall not at the time of his engaging with the Trustees, and applying for payment from the School Fund, hold a certificate of qualification, as hereinafter provided by this Act; Provided always, that certificates of qualification given by local Superintendents, shall be in force until the first of January, one thousand eight hundred and fifty-one.

A qualified Teacher defined.

Proviso.

XVI. And be it enacted, That it shall be the duty of every Teacher of a Common School—

Duties of Teachers.

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

To observe the law and agreement.

*Secondly.*—To keep the daily, weekly and monthly or quarterly registers of the School; to maintain proper order and discipline therein, according to the forms and regulations which shall be provided according to law; also to keep a Visitors' Book (which the Trustees shall cause to be provided for that purpose) and he shall enter therein the visits made to his school, and shall present such book to each Visitor, and request him to make such remarks as may have been suggested by such visit.

Registers.

Discipline.

Visitors' book, &c.

*Thirdly.*—To have, at the end of each quarter, a public examination of his school, of which he shall give due notice, through the pupils, to their parents and guardians, and the Trustees of the school, and of which he shall also give due notice to any School Visitors who shall reside in or adjacent to such school section.

Quarterly examinations, &c.

*Fourthly.*—To furnish to the Local or Chief Superintendent of Schools, when desired, any information which it may be in his power to give respecting any thing connected with the operations of his school, or in any wise affecting its interest or character.

Information to the Superintendents.

*Fifthly.*—To keep carefully, and at the time of his leaving a school, to deliver up to the order of the Trustees, the Registers and Visitors' Book, appertaining to the school: Provided always, that he shall, at all times, when desired by them, give Trustees or Visitors access to such Registers and Visitors' Book.

To deliver papers, &c.

Proviso.

XVII. And be it enacted, That any Teacher shall be entitled to be paid at the same rate mentioned in his agreement with the Trustees, even after the expiration of the period of his agreement, until the Trustees shall have paid him the whole of his salary, as Teacher of the school, according to their engagement with him: Provided always, that in case of any difference between Trustees and a Teacher in regard to his salary, the sum due to him, or any other matter in dispute between them, it shall be lawful to submit such matter in dispute to arbitration, and each party shall choose one Arbitrator, and in case either party in the first instance shall neglect or refuse to name and appoint an Arbitrator on his behalf, it shall be lawful for the party requiring such arbitration, by a notice in writing to be served upon the party so neglecting or refusing to make such appointment, to require the opposite party within three days, inclusive of the day of the service of such notice, to name and appoint an Arbitrator on his behalf, which notice shall name the Arbitrator of the party serving such notice; and in case the party upon whom such notice is served shall not, within the three days mentioned in such notice, name and appoint such arbitrator, then the party requiring such arbitration shall and may nominate and appoint the second arbitrator, and the two Arbitrators in either way chosen, and the Local Superintendent, or any person chosen by him to act on his behalf, in case he cannot attend, or any two of them, shall have full authority to make an award between them, and such award shall be final: Provided always, that, so often as any such submission shall fall through, it shall be lawful to re-submit the matters in dispute until a final award shall be made between them.

Protection of Teachers.

Mode of settling any differences between Trustees and Teachers.

*Remanded  
16<sup>th</sup> vic cap 1850  
Dec 13<sup>th</sup>*

THIRDLY.—

## THIRDLY.—DUTIES OF TOWNSHIP COUNCILS.

Duties of Township Councils.

XVIII. And be it enacted, That it shall be the duty of the Municipality of each Township in Upper Canada :

Levying assessments for school purposes, as desired by Trustees.

*Firstly.*—To levy such sum, by assessment, upon the taxable property in any school section, for the purchase of a school-site, the erection, repairs, renting and furnishing of a school-house, the purchase of apparatus and text-books for the school, books for the library, salary of the Teacher, as shall be desired by the Trustees of such school-section, on behalf of the majority of the freeholders or house-holders at a public meeting called for such purpose or purposes, as provided for by the twelfth section of this Act : Provided always, that such Municipality may, if it shall judge expedient, grant to the Trustees of any school section, on their application, authority to borrow any sum or sums of money which may be necessary for the purposes herein mentioned, in respect to school-sites, school-houses and their appendages, or for the purchase or erection of a Teacher's residence, and cause to be levied upon the taxable property in such section, such sum in each year as shall be necessary for the payment of the interest thereon, and as shall be sufficient to pay off the principal within ten years.

Authorizing loans for school buildings.

Establishing a Township Model school.

*Secondly.*—To levy, at its discretion, such sum or sums as it shall judge expedient for procuring the site and for the erection and support of a Township Model School, and for purchasing books for a Township Library, under such regulations as shall be provided according to law : Provided always, that the members of the Township Municipality shall be the Trustees of such Model School, and shall possess the powers of Common School Trustees in respect to all matters affecting such Model School : Provided also, that the Trustees of any one or more common schools shall have authority, at their discretion, and with the consent of such Council, to merge their school or schools into such Model School ; and provided likewise, that tuition to student-teachers in such Model School shall be free.

Members of the Council to be Trustees.

Proviso.

Forming new school sections.

*Thirdly.*—To form portions of the Township, where no schools have been established, into school sections ; to appoint a person in each new school section to call the first school section meeting ; and to cause such person to be notified in the manner prescribed in the fourth section of this Act.

Altering and uniting school sections.

*Fourthly.*—To alter any school section already established, and to unite two or more school sections into one, at the request of the majority of the freeholders or house-holders in each of such sections, expressed at a public meeting called by the Trustees for that purpose : Provided always, that the first election of Trustees in such section, consisting of two or more sections united, shall be appointed and held in the same manner as is provided for in the fourth section of this Act in respect to a new school section : Provided secondly, that any alteration in the boundaries of a school section shall not go into effect before the twenty-fifth day of December next after the time when it shall have been made ; nor shall any step be taken towards the alteration of the boundaries of any school section, nor any application be entertained for that purpose, unless it shall clearly appear that all parties affected by such alteration have been duly notified of such intended step or application : Provided thirdly, that the several parts of such united or altered school sections shall have the same claim to a share of the Common School Fund, to which they would have been entitled, had they not been altered or united ; and provided fourthly, that any school site, or school-house, or other school property which shall not be required in consequence of such alteration or union of school sections, shall be disposed of by sale or otherwise, in such a manner as a majority of the freeholders or house-holders in the altered or united school sections shall think proper, at a public meeting called for that purpose, and the proceeds shall be applied to the erection of a new school-house, or other common school purposes of such united or altered sections ; except that the inhabitants transferred from one school section to another, shall be entitled, for the common school purposes of the section to which they are attached, to such a proportion of the proceeds of the disposal of such school-house or other common school property, as the assessed value of their property bears to that of the other inhabitants of the school section from which they shall

First meeting in a united section.

Alterations in school sections when to go into effect.

Parties concerned to be apprized.

Privileges of altered sections secured.

Disposal of property.

shall



shall have been separated: Provided fifthly, that union school sections consisting of parts of two or more Townships, may be formed and altered (under the conditions prescribed in this clause in respect to alterations of other school sections,) by the Reeves and Local Superintendent or Superintendents of the Townships out of parts of which such sections are proposed to be formed, at a meeting appointed for that purpose by any two of such Town Reeves; of which meeting the other party or parties authorized to act with them shall be duly notified: Provided sixthly, that each union school section composed of portions of adjoining Townships, shall, for all purposes of Trustee elections and control, be deemed one school section, and shall be considered, in respect to superintendence and taxing for the erection of a school-house, as belonging to the Township in which the school-house may be situated.

Union school sections how formed and altered.

*Fifthly.*—To cause the Clerk of such Township, to furnish the Local Superintendent of schools with a copy of all the proceedings of such Council relating to the formation or alteration of school sections, all school assessments, and other educational matters.

Proviso: as to parts of adjoining Township.

XIX. And be it enacted, That it shall be the duty of the Municipal Council of any Township, and of the Board of School Trustees of any City, Town or incorporated Village, on the application in writing of twelve or more resident heads of families, to authorize the establishment of one or more separate schools for Protestants, Roman Catholics, or coloured people, and, in such case, it shall prescribe the limits of the divisions or sections for such schools, and shall make the same provision for the holding of the first meeting for the election of Trustees of each such separate school or schools, as is provided in the fourth section of this Act for holding the first school meeting in a new school section: Provided always, that each such separate school shall go into operation at the same time with alterations in school sections, and shall be under the same regulations in respect to the persons for whom such school is permitted to be established, as are Common Schools generally: Provided secondly, that none but coloured people shall be allowed to vote for the election of Trustees of the separate school for their children, and none but the parties petitioning for the establishment of, or sending children to a separate Protestant or Roman Catholic school, shall vote at the election of Trustees of such school: Provided thirdly, that each such separate Protestant or Roman Catholic, or coloured school, shall be entitled to share in the school fund according to the average attendance of pupils attending each such separate school, (the mean attendance of pupils for both summer and winter being taken,) as compared with the whole average attendance of pupils attending the Common Schools in such City, Town, Village or Township: Provided fourthly, that no Protestant separate school shall be allowed in any school division except when the Teacher of the Common School is a Roman Catholic, nor shall any Roman Catholic separate school be allowed except when the Teacher of the Common School is a Protestant: Provided fifthly, that the Trustees of the Common School sections within the limits of which such separate school section or sections shall have been formed, shall not include the children attending such separate school or schools, in their return of children of school age residing in their school sections.

Copies of certain proceedings to be furnished.

Separate schools for Protestants, Roman Catholics and Coloured People.

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Manner of electing Trustees for the same.

And of apportioning school moneys.

Proviso as to certain returns.

XX. And be it enacted, That whenever the majority of the resident house-holders of the several school sections of any Township, at public meetings called by Trustees for that purpose, shall desire to abolish local school section divisions, and have all their schools conducted under one system and one management, like the schools in Cities and Towns, the Municipality of such Township shall have authority to comply with their request thus expressed, by passing a By-law to that effect; and all the Common Schools of such Township shall be managed by one Board of Trustees, one of whom shall be chosen in and for each ward of the Township, if the Township be divided into wards, and if not, then the whole number shall be chosen in and for the whole Township, and invested with the same powers, and subject to the same obligations, as are provided and required, in respect to Trustees in Cities and Towns, by the twenty-fourth section of this Act.

All the school sections in a Township under the management of one Board of Trustees.

FOURTHLY.—COUNCILS AND TRUSTEES IN CITIES, TOWNS, AND INCORPORATED VILLAGES, AND THEIR DUTIES.

Powers of Municipal Councils in Cities & Towns.

XXI. And be it enacted, That the Council or Common Council of such City or incorporated Town in Upper Canada, shall be and is hereby invested, within its limits and liberties as prescribed by law, and shall be subject to the same obligations as are the Municipal Council of each County and the Municipality of each Township by the eighteenth and twenty-seventh sections of this Act: Provided nevertheless, that the appointment of the Local Superintendent of schools for such City or Town, shall be made by the Board of School Trustees for such City or Town.

Two Trustees in each ward.

Order of retiring from Office.

XXII. And be it enacted, That in each ward into which any City or Town is or shall be divided according to law, two fit and proper persons shall be elected School Trustees by a majority of all the taxable inhabitants of such ward; one of which Trustees (to be determined by lot, at the first Trustee meeting after their election) shall retire from office the second Wednesday of January following his election; and the second of whom shall continue in office one year longer, and until his successor is elected; and the persons thus elected shall form one Board of School Trustees for such City or Town.

Board of Trustees.

A Trustee to be selected in each ward of a City or Town.

Election.

XXIII. And be it enacted, That on the second Wednesday in January of each year, at the time prescribed by the second section of this Act, one fit and proper person shall be elected Trustee in each ward of every City and Town, and shall continue in office two years, and until his successor is elected: Provided always, that such election shall be held at the place where the last municipal election was held for such ward, and under the direction of the same returning officer, or, in his default, of such person as the electors present shall choose; and such election shall be conducted in the same manner as an ordinary municipal election in each ward of such City or Town.

To be a Corporation.

Duties of the Board.

XXIV. And be it enacted, That the Board of School Trustees for each City and Town, shall be a corporation under the name of "The Board of School Trustees of the City (or Town) of \_\_\_\_\_ in the County of \_\_\_\_\_;" (the first meeting thereof may be called in the City or Town Council room by any Trustee), and it shall be the duty of such Board:

To appoint certain Officers, &c.

*Firstly.*—To appoint annually or oftener, a Chairman, Secretary, Superintendent of Schools, and one or more Collectors of school rates, (if required); and to appoint the times and places of their meetings, and the mode of calling them,—of conducting and recording their proceedings,—and of keeping all their School accounts.

To hold school property, &c.

*Secondly.*—To take possession of all Common School property, and to accept and hold as a Corporation all property which may have been acquired or given for Common School purposes in such City or Town, by any title whatsoever; to manage or dispose of such property, and all moneys or income for Common School purposes, until the power hereby given shall be taken away or modified by law, and to apply the same, or the proceeds, to the objects for which they have been given or acquired.

To provide common school premises, text-books, &c.

*Thirdly.*—To do whatever they may judge expedient with regard to purchasing or renting school-sites and premises,—building, repairing, furnishing, warming and keeping in order the school-house or school-houses and its or their appendages, lands, enclosures and moveable property,—for procuring suitable apparatus and text-books,—and for the establishment and maintenance of a school library or school libraries.

To determine the number and kind of schools; employ Teachers, &c.

*Fourthly.*—To determine the number, sites, kind and description of schools which shall be established and maintained in such City or Town,—the Teacher or Teachers who shall be employed,—the terms of employing them,—the amount of their remuneration, and the duties which they are to perform,—the salary of the Superintendent of Schools appointed by them, and his duties; and to adopt, at their discretion, such measures as they shall judge expedient, in concurrence with the Trustees of the County Grammar School, for uniting one or more of the Common Schools of the City or Town with such Grammar School.

A Committee to take the charge of each school.

*Fifthly.*—To appoint annually, or oftener, if they shall judge expedient, for the special charge, oversight, and management of each school within such City or Town, and

and under such regulations as they shall think proper to prescribe, a Committee of not more than three persons for each school.

*Sixthly.*—To prepare from time to time, and lay before the Municipal Council of such City or Town, an estimate of the sum or sums which they shall judge expedient, for paying the whole or part of the salaries of Teachers,—for purchasing or renting school premises,—for building, renting, repairing, warming, furnishing and keeping in order the school-houses and their appendages and grounds,—for procuring suitable apparatus and text-books for the schools,—for the establishment and maintenance of school libraries,—and for all the necessary expenses of the schools under their charge; and it shall be the duty of the Common Council or Council of such City or Town, to provide such sum or sums in such manner as shall be desired by the said Board of School Trustees.

To make an estimate of expenses.

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The Municipal Council to provide for such expenses.

*Seventhly.*—To levy at their discretion, any rates upon the parents or guardians of children attending any school under their charge, and to employ the same means for collecting such rates, as Trustees of Common Schools in any Townships may do under the twelfth section of this Act: Provided always, that all moneys thus collected shall be paid into the hands of the Chamberlain or Treasurer of such City or Town for the Common School purposes of the same, and shall be subject to the order of the said Board of School Trustees.

To levy school rate bills.

The sums thus collected to be paid over.

*Eighthly.*—To give orders to Teachers and other school officers and creditors upon the Chamberlain or Treasurer of such City or Town, for the sum or sums which shall be due them.

To give orders for money to Teachers, &c.

*Ninthly.*—To call and give notice of annual and special school meetings of the taxable inhabitants of such City or Town, or of any Ward in it, in the same manner and under the same regulations as are prescribed in the twelfth section of this Act, for the appointment of annual and special school meetings in the school sections of Townships; Provided always, that any person elected at any special ward school meeting, to fill a vacancy which shall have occurred in the Board of Trustees, from any cause whatever, shall hold office only during the unexpired part of the term for which the person whose place shall have become vacant, was elected to serve.

To call school meetings.

As to persons elected to fill vacancies.

*Tenthly.*—To see that all the pupils in the schools are duly supplied with an uniform series of authorized text-books,—to appoint a Librarian, and take charge of the school library or libraries, whenever established.

Supplying proper text-books, &c.

*Eleventhly.*—To see that all the schools under their charge are conducted according to the regulations authorized by law; and, at the close of each year, to prepare and publish, in one or more of the public papers, or otherwise, for the information of the inhabitants of such City or Town, an annual report of their proceedings, and of the progress and state of the schools under their charge,—of the receipts and expenditure of all school moneys,—and to prepare and transmit annually, before the fifteenth of January, to the Chief Superintendent of Schools, a report, signed by a majority of the Trustees, and containing all the information required in the reports of Common School Trustees by the twelfth section of this Act, and any additional items of information which may be lawfully required, and made according to a form which shall be provided for that purpose by the Chief Superintendent of Schools.

Further duties.

Annual school reports, &c.

Annual report to the Chief Superintendent.

Contents of such report.

XXV. And be it enacted, That the Municipality of every incorporated Village, shall possess and exercise all the powers, and be subject to all the obligations with regard to the levying and raising of moneys for Common School purposes, and for the establishment and maintenance of school libraries, within the limits of such incorporated Village, as are conferred and imposed by this Act upon the Municipal Corporations of Cities: Provided always, that on the second Wednesday in January, one thousand eight hundred and fifty-one, in each such incorporated Village, at the place of the then last annual election of Councillors, there shall be a meeting of the taxable inhabitants of such incorporated Village, and which meeting shall be organized and conducted in the same manner as is prescribed in the twenty-third section of this Act, for the conducting of annual school meetings in the wards of Cities and Towns; and at such

Powers of Councils of incorporated Villages.

First election of Trustees.

How held and conducted,

meeting,

Six Trustees to be elected.  
Mode of retirement from Office.

meeting, six fit and proper persons, from among the resident house-holders, shall be elected School Trustees for such incorporated Village; and the persons thus chosen shall be divided by lot into three classes, of two individuals each, to be numbered one, two, three; the first class shall hold office one year,—the second, two years, and the third, three years, and until their successors are elected; but each Trustee retiring from office shall be eligible to be re-elected with his own consent; Provided secondly, that there shall be a like school meeting annually in each such incorporated Village, at which two persons shall be chosen Trustees in the place of the two retiring from office, and shall continue in office two years, and until their successors are elected: Provided thirdly, that the first annual school meeting in each incorporated Village, shall be called by the Townreeve of such Village, who shall cause notices to be posted in at least six public places of such Village, at least six days before the time of holding such meeting.

Two Trustees to be elected thereafter.  
+ 16 Vice on 1855  
see 2  
Mode of calling the first meeting.

Trustees thus substituted for the present Trustees.

XXVI. And be it enacted, That the Trustees elected in each incorporated Village, according to the provisions of the preceding section, shall succeed to all the rights, powers, obligations and liabilities of the present Trustees of such incorporated Village, and shall be a Corporation under the title of the "Board of Trustees of the Incorporated Village of \_\_\_\_\_, in the County of \_\_\_\_\_;" and shall possess all the powers, and be subject to all the obligations, within the limits of such incorporated Village, as are conferred and imposed by the twenty-fourth section of this Act upon the Trustees of Cities and Towns.

7 16 Vice on 1855  
To be a Corporation.  
Their powers, obligations and duties.

FIFTHLY.—DUTIES OF COUNTY MUNICIPAL COUNCILS.

Duties of County Councils.

XXVII. And be it enacted, That it shall be the duty of the Municipal Council of each County—

To raise a sum equal to the Legislative school grant.

Firstly.—To cause to be levied each year upon the several Townships of such County, such sum or sums of money, for the payment of the salaries of legally qualified Common School Teachers, as shall at least be equal (clear of all charges of collection) to the amount of school money apportioned to the several Townships thereof for such year, by the Chief Superintendent of Schools, as notified by him to such Council, through the County Clerk: Provided always, that the sum or sums so levied may be increased at the discretion of such Council, either to increase the County School Fund, or to give special or additional aid to new or needy School Sections, on the recommendation of one or more Local Superintendents: Provided also, that the sum required to be levied in such County in each year; for the salaries of legally qualified Teachers, shall be collected and paid into the hands of the County Treasurer, on or before the Fourteenth day of December; and provided likewise, that in case of the non-payment of any part of such sum into the hands of the County Treasurer at that time, no Teacher shall, upon application, be refused the payment of the sum to which he may be entitled from such year's County School Fund, but the County Treasurer shall pay any local Superintendent's lawful order in behalf of such Teacher, in anticipation of the payment of the County School assessment; and the County Council shall make the necessary provision to enable the County Treasurer to pay the amount of such lawful order.

Such sum may be increased.

Time for payment of County school assessment.

No Teacher to be refused the payment on account of the non-collection of assessment.

To raise money for school library.

Secondly.—To raise by assessment such sum or sums of money as it shall judge expedient, for the establishment and maintenance of a County Common School Library.

To appoint local Superintendents.

Thirdly.—To appoint annually a Local Superintendent of Schools for the whole County, or for any one or more Townships in such County, as it shall judge expedient; to fix (within the limits prescribed by the thirtieth section of this Act) and provide for the salary or salaries of such Local Superintendent or Superintendents: Provided always, that no such Local Superintendent shall have the oversight of more than one hundred schools; and provided also, that the County Clerk shall forthwith notify the Chief Superintendent of Schools of the appointment and address of each such Local Superintendent, and of the County Treasurer; and shall likewise furnish him with a copy of all proceedings of such Council, relating to School assessments and other educational matters.

No local Superintendent to have charge of more than 100 schools, &c.

Fourthly.—

*Fourthly.*—To see that sufficient security be given by all officers of such Council to whom school moneys shall be entrusted,—to see that no deduction be made from the School Fund by the County Treasurer or Sub-treasurer, for the receipt and payment of school moneys,—to appoint, if it shall judge expedient, one or more Sub-treasurers of school moneys, for one or more Townships of such County: Provided always, that each such Sub-treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys and the payment of lawful orders for such moneys given by any Local Superintendent within the parts of the County for which he is appointed Sub-treasurer, as are imposed by this Act upon each County Treasurer, in respect to the paying and accounting for school moneys.

To secure all school moneys, &c.  
No deduction allowed.

May appoint a sub-treasurer.

*Fifthly.*—To appoint annually, or oftener, Auditors, whose duty it shall be to audit the accounts of the County Treasurer and other officers to whom school moneys shall have been intrusted, and report to such Council; and the County Clerk shall transmit to the Chief Superintendent of Schools, on or before the first day of March in each year, a certified copy of the abstract of such report, and also give any explanation relating thereto, as far as he is able, which may be required by the Chief Superintendent.

To cause school accounts to be audited, &c.

Abstract of such accounts to be transmitted, &c.

**SIXTHLY—CONSTITUTION AND DUTIES OF THE COUNTY BOARDS OF PUBLIC INSTRUCTION.**

**XXVIII.** And be it enacted, That the Board of Trustees for the County Grammar School and the Local Superintendent or Superintendents of Schools in each County, shall constitute a Board of Public Instruction for such County: Provided always, that where there is more than one Grammar School in a County, the County Council shall have authority to divide such County into as many Circuits as there are County Grammar Schools, and the Trustees of each County Grammar School and the Local Superintendent or Superintendents of Schools in each circuit, shall be a Board of Public Instruction for such circuit: Provided also, that at any lawful meeting of such Board, not less than three members, including a Local Superintendent of schools, shall constitute a *quorum* for examining and giving certificates of qualification to Common School Teachers, and not less than five members shall constitute a *quorum* for the transaction of any other business: Provided likewise, that the incidental expenses connected with the meeting and proceedings of each County Board of Public Instruction, shall be provided for by the Municipal Council of such County.

County Board of Public Instruction constituted.

Quorum for the examination of Teachers: and for other purposes.

Incidental expenses how defrayed.

**XXIX.** And be it enacted, That it shall be the duty of each County Board of Public Instruction—

Duties of each County Board.

*Firstly.*—To meet not less than four times a year,—to determine the time and places of its own meetings,—and the order of its proceedings, and the manner of recording them.

To meet quarterly, &c.

*Secondly.*—To examine and give certificates of qualification to Teachers of Common Schools, arranging such Teachers into three classes according to their attainments and ability, as shall be prescribed in a programme of examination and instructions to be provided according to law; also, to annul any such certificate as it shall judge expedient: Provided always, that no certificate of qualification shall be given to any person as a Teacher, who shall not furnish satisfactory proof of good moral character; nor to any person who shall not, at the time of applying for such certificate of qualification, be a natural-born or naturalized subject of Her Majesty, or who shall not produce a certificate of having taken the oath of allegiance to Her Majesty, before some one of Her Majesty's Justices of the Peace for the County in which he shall be a resident; and all Justices of the Peace are hereby authorized to administer such oath of allegiance: Provided also, that any such certificate of qualification shall be general, as regards the County, or limited as to time or place, at the pleasure of the majority of the members of the County Board of Public Instruction present at such examination: Provided likewise, that every such certificate shall have the signature of at least one Local Superintendent of Schools.

To examine and give certificates of qualification to Teachers.

Proviso.

Proviso: certificate may be general or limited.

Proviso: must be signed.



To select text-books, &c.

*Thirdly.*—To select (if deemed expedient) from a list of text-books recommended or authorized by the Council of Public Instruction, such books as they shall think best adapted for use in the Common Schools of such County or Circuit, and to ascertain and recommend the best facilities for procuring such books.

To provide for a County school library: and promote interests of schools.

*Fourthly.*—To adopt all such lawful means in their power as they shall judge expedient, to advance the interests and usefulness of Common Schools, to promote the establishment of School Libraries, and to diffuse useful knowledge in such County or Circuit.

**SEVENTHLY. — DUTIES OF LOCAL SUPERINTENDENTS OF SCHOOLS.**

Remuneration; &c.

**XXX.** And be it enacted, That each Local Superintendent of Common Schools, appointed as provided for in the twenty-seventh section of this Act, shall be entitled annually, to not less than one pound currency per School placed under his charge, together with any additional remuneration or allowance which the Council appointing him shall grant; and such Superintendent shall be paid the same in quarterly instalments by the County Treasurer.

To be paid quarterly.

Duties.

**XXXI.** And be it enacted, That it shall be the duty of each Local Superintendent of Schools—

To distribute the common school fund.

*First.*—As soon as he shall have received from the County Clerk a notification of the amount of money apportioned to the Township or Townships within the limits of his charge, to apportion the same among the several School sections entitled to receive it, (unless otherwise instructed by the Chief Superintendent of Schools) according to the rates of the average attendance of pupils attending each Common School, (the mean attendance of pupils for both summer and winter being taken) as compared with the whole average number of pupils attending the Common Schools of such Township.

To give checks to Teachers for school moneys. Conditions.

*Secondly.*—To give to any qualified Teacher, and to no other, on the order of the Trustees of any School section, a Check upon the County Treasurer or sub-Treasurer, for any sum or sums of money apportioned and due to such section; Provided always, that he shall not pay any such order of the Trustees of any School section, from whom no satisfactory annual school report shall have been received for the year ending the last day of December preceding; nor unless it shall appear by such report, that a School has been kept by a qualified Teacher in such section, for at least six months during the year ending at the date of such report; Provided also, that the foregoing condition shall not apply to the order or orders of Trustees in any new School section, for money apportioned and due to such section.

Conditions not to apply to new school sections.

To visit each school.

Duties at such visitations.

*Thirdly.*—To visit each Common School within his jurisdiction, at least once in each quarter; and at the time of each such visit, to examine into the state and condition of the School, as respects the progress of the pupils in learning,—the order and discipline observed,—the system of instruction pursued,—the mode of keeping the School Registers,—the average attendance of pupils,—the character and condition of the building and premises,—and to give such advice as he shall judge proper.

To deliver public lectures.

Topics.

Other duties.

*Fourthly.*—To deliver in each school section, at least once a year, a public lecture on some subject connected with the objects, principles and means of practical education; and to do all in his power to persuade and animate Parents, Guardians, Trustees and Teachers, to improve the character and efficiency of the Common Schools, and secure the universal and sound education of the young.

To enforce the law.

To recommend the use of text-books, &c.

*Fifthly.*—To see that all the schools are managed and conducted according to law,—to prevent the use of unauthorized, and to recommend the use of authorized books in each school,—to acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantages of using them.

To attend the meetings of the County Board of Instruction, &c.

*Sixthly.*—To attend the meetings of the County Board of Public Instruction,—to meet and confer with the Chief Superintendent of Schools at such time and place as he may appoint when making an official visit to such County, for the promotion of the interests of Education.

*Seventhly.*—

*Seventhly.*—To attend the Arbitrations, and to meet the Townreeves as provided for in the twelfth and eighteenth sections of this Act,—to decide upon any other questions of difference which may arise between interested parties under the operation of this or any preceding Act, and which may be submitted to him; Provided always, that he may, if he shall deem it advisable, refer any such question to the Chief Superintendent of Schools: Provided also, that any aggrieved or dissatisfied party, in any case not otherwise provided for by this Act, shall have the right of appeal to the Chief Superintendent of Schools.

To attend arbitrations.  
To decide other questions.  
Or refer them to the Chief Superintendent.  
Proviso: for appeal.

*Eighthly.*—To suspend the certificate of qualification of any Teacher, for any cause which shall appear to him to require it, until the next ensuing meeting of the County Board of Public Instruction, where the case shall be disposed of in such manner as a majority of the members present shall think proper: Provided always, that due notice shall be given to the Teacher suspended, of such meeting of the County Board: Provided also, that the cancelling or suspension of a Teacher's certificate of qualification shall release his School Trustees from any obligation to continue him in their employment.

To suspend certificates of qualification in certain cases.

Effect of such cancelling.

*Ninthly.*—To act in accordance with the regulations and instructions which shall be provided according to law,—to give any information in his power (when desired) to the Chief Superintendent of Schools respecting any Common School matter within his jurisdiction,—to furnish the County Auditors, when required, with the Trustees' orders as the authority for his Checks upon the County or Sub-Treasurer for School moneys,—to deliver copies of his official correspondence, and all school papers in his custody, to the order of the County Council on retiring from office.

To observe all lawful regulations, &c., give information to Chief Superintendent, and accounts, &c. to auditors.

*Tenthly.*—To prepare and transmit to the Chief Superintendent of Schools, on or before the first day of March, an annual report, which shall be in such form as shall be provided by the said Chief Superintendent, and which shall state:

To transmit an annual school report.

1st.—The whole number of Schools and School sections or parts of sections in each Township within his jurisdiction.

Contents of such report.

2nd.—The number of pupils taught in each school over the age of five and under the age of sixteen,—the number between the ages of sixteen and twenty-one years,—the whole number of children residing in each section, or part of a section, over the age of five and under the age of sixteen years.

Number of schools and of children of school age, &c.

3rd.—The length of time a school shall have been kept in each of such sections or parts of sections, by a qualified Teacher,—the branches taught,—the number of pupils in each branch, and the books used,—the average attendance of pupils, both male and female, in summer and in winter.

Time of keeping the schools open; branches taught. Books used, &c.

4th.—The amount of moneys which have been received and collected in each section or part of section—distinguishing the amount apportioned by the Chief Superintendent of Schools, the amount received from County Assessment, the amount raised by Trustees, and the amount from any other and what source or sources; also how such moneys have been expended, or whether any part remains unexpended, and from what causes; the annual salary of Teachers, male and female, with and without board.

The amount of moneys received and expended, &c.

5th.—The number of his and other School visits during the year,—the number of school lectures delivered,—the whole number of school-houses, their sizes, character, furniture and appendages, the number rented, the number erected during the year, and of what character, and by what means.

The number of school visits and lectures. Of school houses, &c.

6th.—The number of qualified Teachers,—their standing, sex, and religious persuasion,—the number, so far as he may be able to ascertain, of private Schools,—the number of pupils and subjects taught therein,—the number of Libraries, their extent, how established and supported; also, any other information which he may possess respecting the educational state, wants and advantages in each Township of his charge, and any suggestions which he shall think proper to make with a view to the improvement of Schools and diffusion of useful knowledge.

Of Teachers, &c. Of private schools, libraries, &c.

EIGHTHLY.—SCHOOL VISITORS AND THEIR DUTIES.

Who shall be school visitors.

Proviso: as to County Magistrates.

School visitors may visit the schools, attend examinations of each school, &c.

Proviso: general meetings may be called.

Duties and objects of such meetings.

Chief Superintendent of schools.

His salary.

To account for the contingent expenses of his Office.

To be allowed two clerks; their salaries.

Duties.

To apportion all moneys granted for the support of common schools.

To certify such apportionment to the Inspector General, &c.

XXXII. And be it enacted, That all Clergymen recognized by law, of whatever denomination, Judges, Members of the Legislature, Magistrates, Members of County Councils and Aldermen, shall be School Visitors in the Townships, Cities, Towns and Villages where they shall respectively reside: Provided always, that persons holding the Commission of the Peace for the County only, shall not be School Visitors within Towns and Cities: Provided also, that each Clergyman shall be a School Visitor in any Township, Town or City where he may have pastoral charge.

XXXIII. And be it enacted, That it shall be lawful for each of the said School Visitors, to visit, as far as practicable, all the Public Schools in such Township, City, Town or Village; especially to attend the quarterly examinations of Schools, and, at the time of any such visit, to examine the progress of the pupils, and the state and management of the School, and to give such advice to the Teachers and pupils, and any others present, as he may think advisable, in accordance with the regulations and instructions which shall be provided in regard to School Visitors according to law: Provided always, that a General Meeting of such Visitors may be held at any time or place which may be appointed by any two Visitors, on sufficient notice being given to the other Visitors in the Township, City, Town or Village, and it shall be lawful for such Visitors, thus assembled, to devise such means as they may deem expedient for the efficient visitation of the Schools, and to promote the establishment of Libraries and the diffusion of useful knowledge.

NINTHLY.—DUTIES OF THE CHIEF SUPERINTENDENT OF SCHOOLS.

XXXIV. And be it enacted, That the Governor may, from time to time, by Letters Patent under the Great Seal of the Province, appoint a fit and proper person to be Chief Superintendent of Schools for Upper Canada, who shall hold his office during pleasure, and shall receive a salary of the same amount as that now provided by law, or as may hereafter be provided by law, for the Superintendent of Education in Lower Canada; and shall be responsible to, and subject to the direction of the Governor General, communicated to him through such Department of Her Majesty's Provincial Government, as by the Governor may be directed in that behalf; and shall account for the contingent expenses of his office, as provided in respect of other public offices; and shall be allowed two Clerks, who shall receive the same salaries as are or shall be by law attached to similar offices in the education law for Lower Canada, to commence from the first of July, one thousand eight hundred and fifty.

XXXV. And be it enacted, That it shall be the duty of the Chief Superintendent of Schools—

Firstly.—To apportion, annually, on or before the first day of May, all moneys granted or provided by the Legislature for the support of Common Schools in Upper Canada, and not otherwise appropriated by this Act, to the several Counties, Townships, Cities, Towns and incorporated Villages therein, according to the ratio of population in each, as compared with the whole population of Upper Canada; or when the census or returns upon which such an apportionment is to be made, shall be so far defective, in respect to any County, Township, City, Town or Village, as to render it impracticable for the Chief Superintendent to ascertain from such data the share of school moneys which ought then to be apportioned to such County, Township, City, Town or Village, he shall ascertain, by the best evidence in his power, the facts upon which the ratio of such apportionment can be most fairly and equitably made, and make it accordingly.

Secondly.—To certify such apportionment made by him, to the Inspector-General, so far as it relates to the several Counties, Cities, Towns and incorporated Villages in Upper Canada, and to give immediate notice thereof to the Clerk of each County, City, Town and Village interested therein, stating the time when the amount of moneys thus apportioned will be payable to the Treasurer of such County, City, Town or Village.

Thirdly.—

*Thirdly.*—To prepare suitable forms, and to give such instructions as he shall judge necessary and proper, for making all reports, and conducting all proceedings under this Act, and to cause the same with such general regulations, as shall be approved of by the Council of Public Instruction, for the better organization and government of Common Schools, to be transmitted to the officers required to execute the provisions of this Act.

To prepare forms, &c. and transmit them to local Officers.

*Fourthly.*—To cause to be printed from time to time, in a convenient form, so many copies of this Act, with the necessary forms, instructions, and regulations to be observed in executing its provisions, as he may deem sufficient for the information of all officers of Common Schools, and to cause the same to be distributed for that purpose.

To cause copies of school law, regulations, &c., to be distributed.

*Fifthly.*—To see that all moneys apportioned by him, be applied to the objects for which they were granted; and for that purpose, to decide upon all matters and complaints submitted to him (and not otherwise provided for by this Act) which involve the expenditure of any part of the School Fund; and to direct the application of such balances of the School Fund as may have been apportioned for any year and forfeited according to the provisions of this Act: Provided always, that such balance of the School Fund shall be expended in making up the salaries of Teachers in the County to which they shall have been apportioned.

To see that school moneys are duly applied.

*Sixthly.*—To appoint one of his Clerks as his Deputy, to perform the duties of his office in case of his absence; and to appoint one or more persons, as he shall, from time to time, deem necessary, to inspect any school, or examine into any school matter, in the County where such person or persons reside, and report to him: Provided, that no allowance or compensation shall be made to such special inspector or inspectors for any service or services performed by him or them.

Disposal of balances of such moneys, &c., in certain cases.

To appoint a Deputy and Special Inspectors.

*Seventhly.*—To take the general Superintendence of the Normal School; and to use his best endeavours to provide for and recommend the use of uniform and approved text-books in the Schools generally.

Duties as to the Normal School: and text books.

*Eighthly.*—To employ all lawful means in his power to procure and promote the establishment of School Libraries for general reading, in the several Counties, Townships, Cities, Towns and Villages,—to provide and recommend the adoption of suitable plans of School-houses, with the proper furniture and appendages,—and to collect and diffuse useful information on the subject of education generally, among the people of Upper Canada.

School libraries.

Plans of school houses, &c.

*Ninthly.*—To submit to the Council of Public Instruction, all books or manuscripts which may be placed in his hands with the view of obtaining the recommendation or sanction of such Council, for their introduction as text-books or library books,—and to prepare and lay before the Council of Public Instruction, for its consideration, such general regulations for the organization and government of Common Schools, and the management of School Libraries, as he shall deem necessary and proper.

To submit books, manuscripts, &c., for approval.

To prepare general regulations, &c.

*Tenthly.*—To apportion whatever sum or sums of money shall be provided by the Legislature for the establishment and support of School Libraries: Provided also, that no aid shall be given towards the establishment or support of any School Library unless an equal amount be contributed and expended from local sources for the same object.

To apportion moneys for school libraries.

Proviso: condition of such apportionment.

*Eleventhly.*—To appoint proper persons to conduct County Teachers' Institutes, and to furnish such rules and instructions as he shall judge advisable in regard to the proceedings of such Institutes, and the best means of promoting their objects, in elevating the profession of school teaching and increasing its usefulness.

To appoint persons to conduct Teachers' Institutes, &c.

*Twelfthly.*—To be responsible for all moneys paid through him in behalf of the Normal and Model Schools, and to give such security for the same as shall be required by the Governor,—and to prepare and transmit all correspondence which shall be directed or authorized by the Council of Public Instruction for Upper Canada.

To account for moneys, &c.

*Thirteenthly.*—To make annually to the Governor, on or before the first day of July, a report of the actual state of the Normal, Model and Common Schools throughout Upper Canada, showing the amount of moneys expended in connexion with each, and from what sources derived, with such statements and suggestions for improving the

To report annually to the Governor.

Common

Common Schools and the Common School laws, and promoting education generally, as he shall deem useful and expedient.

TENTHLY.—CONSTITUTION AND DUTIES OF THE COUNCIL OF PUBLIC INSTRUCTION.

Council of Public Instruction for U. C.

Of whom to consist.

XXXVI. And be it enacted, That the Governor shall have authority to appoint not more than nine persons (of whom the Chief Superintendent of Schools shall be one) to be a Council of Public Instruction for Upper Canada, who shall hold their office during pleasure, and shall be subject from time to time to all lawful orders and directions in the exercise of their duties, which shall from time to time be issued by the Governor.

Providing a place and defraying the expenses of the meetings of such Council, &c.

XXXVII. And be it enacted, That the Chief Superintendent of Schools shall provide a place for the meetings of the Council of Public Instruction, and shall call the first meeting of the Council, and shall have authority to call a special meeting at any time by giving due notice to the other members; that the expenses attending the proceedings of the said Council, shall be accounted for by the Chief Superintendent of Schools as part of the contingent expenses of the Education Office; that the Senior Clerk in the Education Office shall be Recording Clerk to the said Council,—shall enter all its proceedings in a book kept for that purpose,—shall, as may be directed, procure the books and stationery for the Normal and Model Schools, and shall keep all the accounts of the said Council.

Clerk to the Council. His duties.

Duties of the Council.

XXXVIII. And be it enacted, That it shall be the duty of the said Council of Public Instruction, (three members of which, at any lawful meeting, shall form a quorum for the transaction of business)—

To regulate its own proceedings.

*First.*—To appoint a Chairman, and establish the times of its meetings, and the mode of its proceedings; which Chairman shall be entitled to a second or casting vote in cases of an equality of votes on any question.

To provide for permanent establishment and efficiency of Normal school.

*Secondly.*—To adopt all needful measures for the permanent establishment and efficiency of the Normal School for Upper Canada, containing one or more Model Schools for the instruction and training of Teachers of Common Schools in the science of Education and Art of Teaching.

To make rules for the Normal school: prescribe terms of admission, &c.

*Thirdly.*—To make from time to time the rules and regulations necessary for the management and government of such Normal School,—to prescribe the terms and conditions on which students shall be received and instructed therein,—to select the location of such school, and erect or procure and furnish the buildings therefor,—to determine the number and compensation of teachers, and all others who may be employed therein; and to do all lawful things which such Council shall deem expedient to promote the objects and interests of such school.

To appoint Teachers, &c.

To make regulations for the government of common schools.

*Fourthly.*—To make such regulations from time to time as it shall deem expedient for the organization, government and discipline of Common Schools,—the classification of Schools and Teachers, and for School Libraries throughout Upper Canada.

To examine and recommend books.

*Fifthly.*—To examine, and at its discretion, recommend or disapprove of text-books for the use of schools, or books for School Libraries: Provided always, that no portion of the Legislative School Grant shall be applied in aid of any school in which any book is used that has been disapproved of by the Council, and public notice given of such disapproval.

Proviso.

To account annually Grant for the Normal school.

*Sixthly.*—To transmit annually, through the Chief Superintendent of Schools, to the Governor, to be laid before the Legislature, a true account of the receipt and expenditure of all moneys granted for the establishment and support of the Normal School.

ELEVENTHLY.—MISCELLANEOUS PROVISIONS.

Grant for the Normal school.

XXXIX. And be it enacted, That a sum not exceeding Fifteen Hundred Pounds per annum shall be allowed out of the Legislative School Grant for the salaries of officers and other contingent expenses of the Normal School; and that a sum not exceeding one thousand pounds per annum be allowed out of the said grant to facilitate the

And to facilitate the attendance of Teachers.



the attendance of Teachers in training at the Normal School, under such regulations as shall from time to time be adopted by the Council of Public Instruction.

XL. And be it enacted, That the sum of money apportioned annually by the Chief Superintendent of Schools to each County, Township, City, Town or Village, and at least an equal sum raised annually by local assessment, shall constitute the Common School Fund of such County, Township, City, Town or Village, and shall be expended for no other purpose than that of paying the salaries of qualified Teachers of Common Schools: Provided always, that no County, City, Town or Village shall be entitled to a share of the Legislative School Grant without raising by assessment a sum at least equal (clear of all charges for collection) to the share of the said School Grant apportioned to it; and provided also, that should the Municipal Corporation of any County, City, Town or Village, raise in any one year a less sum than that apportioned to it out of the Legislative School Grant, the Chief Superintendent of Schools shall deduct a sum equal to the deficiency, from the apportionment to such County, City, Town or Village in the following year.

Common school funds constituted.

Conditions of apportionment.

XLI. And be it enacted, That it may and shall be lawful for the Governor in Council, to authorize the expenditure annually, out of the share of the Legislative School Grant coming to Upper Canada, of a sum not exceeding three thousand pounds, for the establishment and support of School Libraries, under such regulations as are provided for by this Act; of a sum not exceeding twenty-five pounds in any County or Riding for the encouragement of a Teacher's Institute, under the regulations hereinbefore provided; and of a sum not exceeding two hundred pounds in any one year to procure plans and publications for the improvement of School Architecture and practical Science in connexion with the Common Schools: Provided always, that the amount heretofore apportioned in aid of common schools to the several Counties, Cities, Towns and Villages in Upper Canada, shall not be lessened by the appropriation of such sums, but they shall be taken out of any additional amount awarded to Upper Canada, out of the said Grant, in consideration of the increase of its population in proportion to that of the whole Province.

Certain sums to be expended for school libraries, &c.

Proviso: the amount heretofore apportioned in aid of common schools, not to be lessened.

XLII. And be it enacted, That the sum of money annually apportioned in aid of Common Schools in the several Counties, Cities, Towns and Villages in Upper Canada, shall be payable on or before the first day of July, in each year, to the Treasurer of each County, City, Town and Village, in such way as the Governor in Council shall from time to time direct.

Moneys apportioned when to be payable.

XLIII. And be it enacted, That if any part of the Common School Fund shall be embezzled or lost through the dishonesty or faithlessness of any party to whom it shall have been entrusted, and proper security against such loss shall not have been taken, the person or persons whose duty it was to have exacted such security, shall be responsible for the sum or sums thus embezzled or lost, and the same may be recovered from them by Civil Suit in any Court of Law having jurisdiction to the amount claimed, by the party or parties entitled to receive such sum or sums, or at the suit of the Crown.

Protection of the common school fund against loss.

XLIV. And be it enacted, That it may and shall be lawful for the Chief Superintendent of Schools, on the recommendation of the Teachers in the Normal School, to give to any Teacher of Common Schools a certificate of qualification which shall be valid in any part of Upper Canada, until revoked according to Law; Provided always, that no such certificate shall be given to any person who shall not have been a student in the Normal School; Provided always, that if any Secretary-Treasurer appointed by the School Trustees of any school division, or any person having been such Secretary-Treasurer, and having in his possession any books, papers, chattels, or moneys, which shall have come into his possession, as such Secretary-Treasurer, shall wrongfully withhold or refuse to deliver up, or to account for and pay over the same or any part thereof to such person, and in such manner as he may have been lawfully directed by any majority of the School Trustees for such School division then in office, such withholding or refusal shall be a misdemeanor; and upon the application of the majority of such Trustees, supported by affidavit of such wrongful withholding or refusal made by

Certificates of qualification for U. C. may be granted to Teachers under certain circumstances.

Proviso.

Proviso: Proceedings if any Secretary-Treasurer shall wrongfully hold over money, chattels, &c.

them before some Justice of the Peace, to the Judge of the County Court, such Judge shall thereupon make an order that such Secretary-Treasurer or person having been such, do appear before such Judge at a time and place to be appointed in such order, which shall, by a Bailiff of any Division Court, be personally served on the party complained against, or left with a grown-up person at his residence, and at the time and place so appointed, the Judge being satisfied that such service has been made, shall, in a summary manner, and whether the party complained of do or do not appear, hear the complaint; and if he shall be of opinion that the complaint is well founded, he shall order the party complained of to deliver up, account for and pay over the books, papers, chattels or moneys as aforesaid by a certain day to be named by the Judge in such order, together with reasonable costs incurred in making such application, as the Judge may tax, and in the event of a non-compliance with the terms specified in the said order or any or either of them, then to order the said party to be forthwith arrested by the Sheriff of any County in which such party shall be found, and be by him committed to the Common Gaol of his County, there to remain without bail or mainprize until such Judge shall be satisfied that such party has delivered up, accounted for or paid over the books, papers, chattels or moneys in question in the manner directed by the majority of the Trustees as aforesaid, upon proof of his having done which, such Judge shall make an order for his discharge, and he shall be discharged accordingly; Provided always, that no proceeding under this proviso shall be construed to impair or affect any other remedy which the said Trustees may have against such Secretary-Treasurer, or person having been such, or his sureties.

Proviso.

Salaries of Superintendents, &c., how paid.

XLV. And be it enacted, That no part of the salaries of the Chief or Local Superintendent of Schools, nor of any other persons employed, or expenses incurred, in the execution of this Act, shall be paid out of the Common School Fund, which shall, wholly and without diminution, be expended in the payment of Teachers' salaries as hereinbefore provided.

Punishment of persons disturbing meetings, &c.

XLVI. And be it enacted, That any person who shall willfully disturb, interrupt, or disquiet the proceedings of any school meeting authorized to be held by this Act, or any school established and conducted under its authority, shall, for each offence, forfeit, for Common School purposes, to the School Section, City, Town or Village, within the limits of which such offence shall have been committed, a sum not exceeding five pounds, and may be prosecuted before any Justice of the Peace, by any person whatever, and convicted on the oath of one credible witness other than the prosecutor, and if convicted, the said penalty shall, if not forthwith paid, be levied with costs by distress and sale of the goods and chattels of the offender, under a Warrant of such Justice, and paid over by him to the School-Treasurer of such Section, City, Town or Village; or the said offender shall be liable to be indicted and punished for the same as a misdemeanor.

Temporary provisions for holding the first elections in Cities and Towns.

XLVII. And be it enacted, That the first election of Trustees in all the Cities and Towns of Upper Canada, as provided for in the twenty-second section of this Act, shall commence at ten of the clock in the forenoon of the first Tuesday in September, one thousand eight hundred and fifty, and that the places of election in the several Wards of each City or Town, together with the name of the Returning Officer for each such Ward, shall be duly notified, by causing notices to be put up in at least three public places in each such Ward, and not less than six days before such election, by the Mayor of each City and Town respectively: Provided always, that the School Trustees then elected in each City and Town, shall be subject to all the obligations which have been contracted by the present School Trustees of such City or Town; and shall be invested with all the powers conferred by this Act on School Trustees of Cities and Towns for the fulfilment of such obligations, and for the performance of all other duties imposed by this Act; and the word "County" shall include Unions of Counties for Municipal purposes.

Interpretation clause.

XLVIII. And be it enacted, That the Interpretation Act shall apply to this Act; that the word "Teacher," shall include female as well as male teachers; that the word "Townships" shall include Unions of Townships made for Municipal purposes.

C A P .