

## CAP. CCVIII.

## An Act to amend the School Laws of Lower Canada.

[Assented to 14th June, 1853.]

Preamble.

12 V. c. 50.

**W**HEREAS it is expedient to amend the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the School Law of Lower Canada*, so as to provide more effectually for removing the difficulties which sometimes arise with respect to the election of School Commissioners in Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and 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 from and after the passing of this Act, any School Commissioner whose election shall have been obtained by fraud or stratagem, or by the votes of persons not qualified as electors, contrary to the intention of the Act cited in the Preamble of this Act and of the Act thereby amended passed in the ninth year of Her Majesty's Reign and chaptered twenty-seven, or any person usurping the functions of School Commissioners, or illegally holding that office, is and shall be liable to be summarily prosecuted at the instance of any party interested or of several collectively interested, before one or more Judges of the Circuit Court, or one of the Judges of the Superior Court for Lower Canada in the Circuit or District respectively in which such election, usurpation, or illegal detention of office, shall or may have taken place, for the purpose of declaring such election or such detention of office illegal, and such seat vacant.

Mode of proceeding against any person illegally holding the office of School Commissioner, for the purpose of declaring such detention illegal.

Proceedings to be regulated by 12 V. c. 41.

II. For all the purposes of the next preceding Section of this Act, the procedure to be adopted shall be that prescribed by the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to define the mode of proceeding before the Courts of Justice in Lower Canada in matters relating to the protection and regulation of corporate rights and to Writs of Prerogative, and for other purposes therein mentioned.*

How the vacancy, if declared, shall be filled up.

III. In case the office shall be declared vacant, or a legal election shall not have been had, thereby preventing the operation of the School Laws, it shall be lawful for the Superintendent of Education for Lower Canada to appoint School Commissioners to fill the vacant office, or to replace those who shall have been illegally elected.