

Laws of Her Majesty's Province of United Canada, passed in the year 1847. Montreal:
Stewart Derbishire & George Desbarats, 1847.

10 & 11 Victoria – Chapter 19

An Act for amending the Common School Act of Upper Canada. 28th July, 1847.

Whereas it is expedient to make further provision for the better establishment and maintenance of Common Schools in the Cities and incorporated Towns, and in the several Municipal Districts 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, 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 each incorporated City and Town in Upper Canada shall be a Corporation for all Common School purposes, and the Council of each City and the Board of Police of each incorporated Town, shall be invested with all the authority and subject to all the obligations, in respect to all matters relating to the interests of Common Schools in such City or Town, as is now, or may be hereafter conferred by law upon the Municipal Council of each District in Upper, Canada; subject to such modifications and regulations as are hereinafter provided for by this Act.

II. And be it enacted, That it may and shall be lawful for the Council of each City and the Board of Police of each Town aforesaid to appoint at its next, or any ensuing meeting after the passing of this Act, by a By-law or vote of a majority of its members present at such meeting, a Board of Trustees, not exceeding six in number, three of whom shall form a *quorum* for the transaction of business: Provided always, that one third of the members of such Board thus appointed shall retire from office at the end of each year; the order of their retiring to be determined by lot, and their places filled by such Council or Board of Police; so that all the members of such Board shall be changed once in three years: Provided also, that any member of such Board, on the expiration of his period of office, shall be eligible to be re-appointed: Provided also, that, in addition to the number thus appointed, the Mayor of such City, or the President or Chairman of such Board of Police, shall be, *ex-officio*, Chairman of the Board of Trustees, and shall have a vote in all the proceedings of such Board, and in case of an equality of votes shall have a second or casting vote; Provided likewise, that, in the absence of such Mayor or President or Chairman the Board at any lawful meeting shall have authority to select from its own members a Chairman *pro tempore*, and provided further that the Chairman and members of such Boards of Trustees shall perform their duties as such gratuitously.

III. And be it enacted, That all the monies which may be raised in such City or Town by assessment or rate bill, or which may be granted to such City or Town for Common School purposes, shall be paid into the hands of the Chamberlain or Treasurer of the Corporation or Board of Police of such City or Town, and shall be expended under the direction of the Board appointed as aforesaid, by cheque or order signed by the Chairman of the said Board, on such

Chamberlain or Treasurer; Provided always that nothing herein contained shall extend or be construed to extend to monies so raised or granted for Common School purposes during the current year.

IV. And be it enacted, that all the lands, houses, tenements and property of every description, which have heretofore been acquired or rented for Common School purposes, and which have been vested in the hands of Trustees in any City or Town aforesaid, shall, after the passing of this Act, be vested in the Corporation of such City or the Board of Police of such Town, to be employed or disposed of as such Board of Trustees, appointed as aforesaid, shall judge expedient for the interests of Common Schools in the said City or Town: Provided always, that no lands, house, houses or other Common School property shall be sold by said Board without the express sanction of the said Corporation or Board of Police: Provided also, that the proceeds of the sales of such lands, house, houses or other Common School property shall be applied to Common School purposes in the City or Town in which such property is situated, and provided also that all lands, houses, tenements and property of every description now vested in the District Council of any District for the purposes of a model School within any such City or incorporated Town shall remain vested in such District Council.

V. And be it enacted, That it shall be the duty of the Board of Trustees for such City or Town, appointed as aforesaid:

First, — To take possession of all Common School property which may have been acquired or given for Common School purposes in such City or Town, by any title whatsoever, and which may be vested in the Corporation of such City or the Board of Police of such Town under the provisions of this Act, and to manage for the Corporation or Board of Police, all property, monies or income acquired for Common School purposes, until the power hereby given shall be taken away or modified by law, and to apply the same according to the terms of acquiring or receiving them.

Secondly, — To do whatever may be expedient with regard to building, repairing, renting, renewing or keeping in order the school house or school houses, and its or their appendages, lands, fences and moveable property, which shall be held in trust by the said Board out of whatever funds may be provided for such purpose by the Corporation or Board of Police of such City or Town.

Thirdly, — To determine the number, sites and description of Schools which shall be established and maintained in such City and Town aforesaid, and whether such school or schools shall be denominational or mixed; 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; to prepare from time to time, and lay before the Corporation of such City or Town, an estimate of the sum or sums which they may deem expedient for paying the salaries of school teachers, for furnishing the school or schools under their charge with suitable apparatus and books, and for repairing and warming and keeping in order the school house or school houses in their possession.

Fourthly, — To appoint and remove at pleasure, prescribe the duties, and fix the compensation of a Superintendent of Common Schools in each City or Town aforesaid; which Superintendent shall be subject to the obligations which are imposed by law on District Superintendents of Common Schools, as far as is consistent with the provisions of this Act.

Fifthly, — To appoint, from time to time, for the special management of the affairs of each school within such City or Town, and under such rules and regulations as they may deem necessary, a Committee of not more than three persons for each school, who shall hold office for one year at a time, but may be re-appointed at the pleasure of the Board of Trustees; and which Board of Trustees shall also have authority to fill up any vacancy or vacancies which may occur in such Committee or Committees, from death, removal or otherwise: Provided always, that in denominational schools, the persons composing such Committee shall be of the religious persuasion to which such schools belong.

Sixthly, — To exercise in general all the powers, and be subject to all the obligations with which Trustees of Common Schools, generally, are invested, and to which they are subjected according to law, as far as is consistent with the provisions of this Act: Provided also, that their annual School Reports shall be made to the Superintendent of Schools for Upper Canada; and they shall likewise account each year, and oftener if required, to the Council or Board of Police of each incorporated City or Town appointing them, for the expenditure of all monies placed at their disposal.

VI. And be it enacted, That the teachers employed by any such Board, shall be subject to the obligations which are imposed by law upon Common School teachers generally.

VII. And be it enacted, That the Members of the Council of each City, and of the Board of Police of each incorporated Town in Upper Canada, and all Clergymen or Ministers recognized by law, of whatever denomination, who shall reside or have pastoral charge in each City and incorporated Town, and no others, shall be Visitors of Common Schools in such City or Town, and shall have authority to perform all the duties imposed by law upon Visitors of Common Schools in Upper Canada, except in the case of denominational schools, which shall be visited by no other clergymen or ministers than such clergymen or ministers as are of the religious denomination to which such schools belong, unless by the consent of such last mentioned clergymen or ministers.

VIII. And be it enacted, That it may and shall be lawful for the Council of any City, and the Board of Police of any incorporated Town, and the Municipal Council of any District in Upper Canada, to impose, from time to time, such assessment upon the inhabitants, of all or any School Districts, Sections or Divisions within their respective jurisdictions, over and above the assessment which they are now authorized by law to impose, as such Council, Board of Police or Municipal Council shall judge expedient, for the purchasing or procuring school sites, the erecting, repairing, renting or furnishing of school houses, the payment of teachers, and for Common School purposes generally any thing contained in any law or statute to the contrary notwithstanding.

IX. And be it enacted, That in case of any violation or neglect of duty on the part of any District Superintendent of Common Schools, the Governor in Council shall have authority to remove him

from office and appoint another person in his place, until the next meeting of the Municipal Council by which such District Superintendent may have been appointed; and a copy of the order making such removal, and specifying the causes of it shall be transmitted to the Clerk of the Municipal Council by whom such Superintendent had been appointed, to be laid before such Council.

X. And be it enacted, That the Mayor for the City of Toronto shall be, *ex officio*, Member of the Board of Education for Upper Canada; anything contained in the Act, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act for the better establishment and maintenance of Common Schools in Upper Canada*, to the contrary notwithstanding.

XI. And be it enacted, That the words "Upper Canada" wherever they occur in this Act, shall mean all that part of this Province called Upper Canada.