

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbishire and George Desbarts, 1852.

16 Victoria – Chapter 156

An Act to amend the Law relating to Grammar Schools in Upper Canada. Assented to 14th June, 1853.

Whereas it is expedient to make further provision for the better establishment and maintenance of Grammar Schools in the several Counties and Cities in 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 all moneys arising from the sale of lands set apart or which may hereafter be set apart for the encouragement of Grammar Schools in Upper Canada, and which shall not have been specially granted to or vested in or for the benefit of any particular College, Grammar School, or other Seminary or place of Education, or otherwise departed with by the Crown, and all annual grants which have been or may hereafter be made by Parliament, or which may be or become otherwise available from any other sources for that purpose, shall form a fund to be called *The Upper Canada Grammar School Fund*, and shall be invested in Government or other securities by the direction of the Governor in Council; and the annual income thereof, after the deduction therefrom of One Hundred Pounds yearly for a Senior Grammar School for each County or Union of Counties in Upper Canada, and certain other sums of money otherwise specially appropriated by this Act, shall be, with the said sum of One Hundred Pounds for each such Senior Grammar School as aforesaid, annually apportioned to the several Counties and Unions of Counties in Upper Canada, by the Chief Superintendent of Schools, according to the ratio of population in each County and Union of Counties as compared with the population of Upper Canada; or if he shall think it expedient in case of a defective census, he shall, with the approbation of the Governor in Council, apportion such moneys according to the best evidence which he can obtain of the relative proportions of such population, having respect to an equitable apportionment thereof according to the said ratio of population: Provided always, that when the Senior County Grammar School of any County or Union of Counties is situate within the limits of any City, the said sum of One Hundred Pounds a year shall be paid to such School, although the same may continue within the limits of such City.

II. And be it enacted, That it may and shall be lawful for the Municipal Council of each County, City, Township, Town or incorporated Village from time to time, to levy and collect by assessment such sum or sums as it shall judge expedient, to purchase the site or sites of, to rent, build, repair, furnish, warm and keep in order a Grammar School House or Grammar School Houses, and its or their appendages, grounds and enclosures, for procuring apparatus and text-books, for providing the salary of the Teacher or Teachers, and all other necessary expenses of such County Grammar School or Schools; and all sums so collected shall be paid over to the Treasurer of the County Grammar School for which the said assessment was made.

III. And be it enacted, That the Chief Superintendent of Schools for Upper Canada shall, on or before the first day of May in each year, notify each County Council, through the Clerk of the Council, of the annual apportionment of Grammar School moneys to such County, and shall give notice of the same to the Inspector General; and such moneys shall be payable to the Treasurer of each County entitled to receive it, one half on or before the first day of July, and the other half on or before the thirty-first day of December, in each year, in such manner as may be determined by the Governor: Provided always, that the sum or sums raised by local assessment or subscriptions for the support of Grammar Schools shall be payable each year on or before the fourteenth day of December.

IV. And be it enacted, That the sum or sums of money annually apportioned to each County, as provided in the first section of this Act, shall be expended in the payment of the salaries of Teachers, and for no other purpose.

V. And be it enacted, That in each County Grammar School provision shall be made for giving instruction, by a Teacher or Teachers of competent ability and good morals, in all the higher branches of a practical English and Commercial Education including the Elements of Natural Philosophy and Mechanics, and also in the Latin and Greek Languages and Mathematics so far as to prepare students for University College or any College affiliated to the University of Toronto, according to a programme of studies and general rules and regulations to be prescribed by the Council of Public Instruction for Upper Canada, and approved by the Governor in Council: Provided always, that no Grammar School shall be entitled to receive any part of the Grammar School Fund, which shall not be conducted according to such programme, rules and regulations.

VI. And be it enacted, That the Council of Public Instruction for Upper Canada, (of which the President of University College and the President or other Head of each of the Colleges in Upper Canada affiliated to the University of Toronto, shall be Members for the purposes of this Act,) shall prepare and prescribe a list of text-books, programme of studies, and general rules and regulations for the organization and government of the County Grammar Schools, to be approved by the Governor in Council.

VII. And be it enacted, That it shall be the duty of the Chief Superintendent of Schools, to make annually to the Governor on or before the first day of July, a report of the actual state of the Grammar Schools throughout Upper Canada, showing the amount of moneys expended in connection with each and from what sources derived, with such suggestions for their improvement as he shall deem useful and expedient, — to see that the County Grammar School Fund apportioned by him, is, in all cases, applied to the purposes hereinbefore prescribed, and that each County Grammar School is conducted according to the rules and regulations provided according to law, and 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 a sufficient number of copies of this Act and such general rules and regulations as shall be approved of as aforesaid for the better organization and government of

Grammar Schools, to be printed in a convenient form and transmitted to the parties required to execute the provisions of this Act.

VIII. And be it enacted, That the Trustees of the several Grammar Schools in Upper Canada appointed before this Act shall come into force, shall continue and be *ex officio* Trustees of the respective Schools for which they shall have been appointed, and shall continue to discharge their duties as such until the appointment and organization of new Boards of Trustees for their respective Schools as herein provided.

IX. And be it enacted, That the several Grammar School Trustees for each County and Union of Counties in Upper Canada, shall meet together on the first Wednesday in January next after the passing of this Act, and select from amongst themselves three Trustees, (one of whom shall retire annually from the said Board, on the thirty-first day of January in each year,) for each of the Grammar Schools within such County or Union of Counties, who, with three other Trustees for each such school, to be chosen as hereinafter provided by the Municipal Council of the County or Union of Counties, shall compose the Board of Trustees (consisting of six members, three of whom shall constitute a *quorum*) for each such Grammar School, and the order in which the persons so selected by the said Trustees shall retire from the said Board shall be decided by lot: And the several County Municipalities in Upper Canada, at their first sittings to be held after the said first day of January next, shall select and appoint three fit and proper persons, one of whom shall also retire annually from the said Board on the thirty-first day of January in each year, to be Trustees for each of the Grammar Schools within their Counties or Union of Counties, and shall also decide the order in which the said persons so chosen, and all persons to be chosen by them as Trustees, shall retire from the said Board: And the vacancy occasioned by the retirement of the said two Trustees annually, as also any occasional vacancy in the said Board, shall be filled up by such County Municipality, provided that the person appointed to fill such occasional vacancy shall hold office only for the unexpired part of the term for which the person whose place shall have become vacant was appointed to serve, and the places of the two persons who shall retire from office annually (but may be re-elected) shall be filled up by the County Municipality at its first meeting to be held after the first day of January in each year, although the year within which such two Trustees should retire may not then have wholly expired.

X. And be it enacted, That it may and shall be lawful for the Municipal Council of each County or Union of Counties hereafter to be formed or set apart in Upper Canada, to appoint not less than six or more than eight fit and proper persons (three of whom shall be a *quorum* for the transaction of business) as a Board of Trustees for each Grammar School in such County or Union of Counties; Provided always, that two of the persons thus appointed (to be determined by such Council) shall retire from office annually on the thirty-first day of January in each year, (but may be re-appointed) and their places, as also any occasional vacancy, shall be filled up by such Councils: Provided also, that the person appointed to fill such vacancy shall hold office only for the unexpired part of the term for which the person whose place shall have become vacant, was appointed to serve: Provided likewise that such Municipal Councils shall appoint such Trustees at their first or other meeting after the Municipal Elections in each year, although the time may not

then have expired for the retiring of the two Trustees who are to go out annually, and all Trustees under this Act shall hold their offices until their successors shall be appointed as herein provided.

XI. And be it enacted, That the Board of Trustees of each County Grammar School shall be and is hereby declared to be a Corporation, and to have and possess all the powers which are usually enjoyed by Corporations so far as the same are necessary for carrying out the purposes of this Act; they shall meet at or near the place where each such School is held, on the first Wednesday in February in each and every year, and it shall be the duty of such Trustees:

First. To appoint annually, or oftener, from amongst themselves, a Chairman, Secretary and Treasurer, and to fix the times and places of their meetings, the mode of calling and conducting such meetings, and of keeping a full and correct account of their proceedings.

Secondly. To take the charge of the County Grammar School for which they are appointed Trustees, and the buildings and lands appertaining to it; to remove if they see fit and in case of vacancies to appoint the Master and other Teacher or Teachers in such School, to fix their salaries and prescribe their duties; to appoint such other officers or servants in such School as they may judge expedient, and fix their remuneration; to do whatever may be expedient with regard to erecting, repairing, warming, furnishing or keeping in order the building or buildings of such School and its appendages, lands and enclosures, and to apply (if necessary) for the requisite sum or sums to be raised by Municipal authority for such purpose or purposes: Provided always, that no person (except a Graduate of some University or University College,) shall hereafter be appointed Master of a Grammar School unless he shall have previously obtained a Certificate of qualification from a Committee of Examiners (one of whom shall be the Head Master of the Normal School,) appointed by the Council of Public Instruction.

Thirdly. To settle the amount to be paid by parents and guardians for each pupil attending such School, and to fix the time or times of payment, and to apply the moneys received therefor as they shall judge expedient towards making up the salaries of Teachers, providing the proper apparatus, maps, text books and registers, and for any other necessary expenses of such School; and they shall have authority to sue for and recover such amounts, and when collected the same shall, be paid over to the Treasurer of the said Board of Trustees.

Fourthly. To employ such means as they may judge expedient, in concurrence with the Trustees of the School Section or the Board of 'Common School Trustees in the Township, Village, Town or City in which such Grammar School may be situate, for uniting one or more of the Common Schools of such Township, Village, Town or City, or departments of them, with such Grammar School; Provided always, that no such union shall take place without ample provision being made for giving instruction to the pupils in the elementary English branches, by a duly qualified English Teacher or Teachers; And provided also, that the Schools thus united shall be under the management of the Joint Board of Grammar and Common School Trustees, who shall have the powers of the Trustees of both the Common and Grammar School, but when the Trustees of the Common-School' shall exceed six in number, then they shall reduce their number to six in the Joint Board.

Fifthly. To see that the pupils of such Grammar School are supplied with proper text-books; that public half-yearly examinations of the pupils are held, and due notice given of them; and that such School is conducted in accordance with the regulations which shall be provided according to law.

Sixthly. To give the necessary orders upon the County Treasurer for the amount of public money to which such School is entitled, and upon their own Treasurer for any moneys in his hands for the payment of the salaries of the officers of such School and of any necessary expenses; to prepare and transmit, before the fifteenth day of January, to the Chief Superintendent of Schools, an annual report, which shall contain a full and accurate account of all matters appertaining to such School, in accordance with a form of report which shall be provided according to law.

XII. And be it enacted, That each County Grammar School shall be distinguished by prefixing to the term "County", the name of the City, Town or Village within the limits of which it may be situate; and that the Trustees of all such Grammar Schools shall severally use such distinguishing titles as their corporate name.

XIII. And be it enacted, That the Grammar School of the County or Union of Counties situate at the County Town of every County or Union of Counties in Upper Canada, shall be the Senior County Grammar School of such County or Union of Counties, and if the Courts of Assize and Nisi Prius for any of such Counties or Union of Counties are usually held in a City, such City for the purposes of this Section shall be considered a County Town.

XIV. And be it enacted, That from and after the time when this Act shall come into force, the several County Municipalities shall have power and authority to establish additional Grammar Schools within their limits, and appoint Trustees therefor according to the tenth Section of this Act, but no new Grammar School shall be established until the state of the Grammar School Fund shall permit the application of a sum equal at the least to Fifty Pounds annually to such new School, after paying to each Senior County Grammar School the sum of One Hundred Pounds annually, and to all other Grammar Schools within such County, an amount which on the average would equal at least the annual sum of Fifty Pounds to each of such Schools; Provided always, that the sum or sums of money apportioned out of the Grammar School Fund to each County, shall be distributed amongst the several Grammar Schools of such County within the restrictions imposed by this Act, under such rules and regulations as may from time to time be made by the Council of Public Instruction for Upper Canada, and approved by the Governor in Council.

XV. And be it enacted, That the Grammar Schools at present established, or which may be established at the time this Act comes into force, shall be continued at the places where they are respectively held; but the Board of Trustees of each of the said Schools may change the place of holding such School by a resolution to be passed for that purpose and approved by the Governor in Council: But the place of holding any Grammar School to be established after this Act comes into force, may be changed by the County Council of the County within which it is established.

XVI. And whereas it is desirable at Seminaries and places of Education to direct attention to natural phenomena, and to encourage habits of observation; And whereas a better knowledge of the climate and meteorology of Canada will be serviceable to agricultural and other pursuits, and be of value to scientific enquirers: Be it therefore enacted, That it shall be part of the duty of the Master of every Senior County Grammar School, to make the requisite observations for keeping and to keep a Meteorological Journal, embracing such observations and kept according to such form as shall from time to time be directed by the Council of Public Instruction; and all such Journals or Abstracts of them shall be presented annually by the Chief Superintendent of Schools to the Governor with his Annual Report:

Every senior County Grammar School shall, on or before the last day of November, one thousand eight hundred and fifty-four, be provided, at the expense of the County Municipality, with the following Instruments:

One Barometer:

One Thermometer for the temperature of the air:

One Daniel's Hygrometer, or other instrument for showing the Dew-Point:

One rain-guage and measure:

One wind-vane:

And it shall be duty of the Chief Superintendent of Schools to procure these Instruments at the request and expense of the Municipal Council of any County, and to furnish the Master of the Senior County Grammar School with a Book for registering observations, and with forms for abstracts thereof, to be transmitted to the Chief Superintendent by such Master, who shall certify that the observations required have been made with due care and regularity.

XVII. And be it enacted, that the Act of the Parliament of Upper Canada, passed in the forty-seventh year of the Reign of King George the Third, and intituled, *An Act to establish Public Schools in each and even) District of this Province*, and the Act of the said Parliament, passed in the forty-eighth year of the same Reign, and intituled, *An Act to amend an Act passed in the forty-seventh year of His Majesty's Reign, intituled, 'An Act to establish. Public Schools in each and every District of this Province,'* and the Act of the said Parliament, passed in the second Session held in the fifty-ninth year of the same Reign, and intituled, *An Act to repeal part of and to amend the Laws now in force for establishing Public Schools in the several Districts of this Province, and to extend the provisions of the same*, and the Act of the said Parliament, passed in the seventh year of the Reign of King William the Fourth, and intituled, *An Act to repeal part of an Act passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, intituled, 'An Act to repeal part of and to amend the Laws now in force for-establishing Public Schools in the several Districts of the Province,' and to establish the Public School for the London District, in the Town of London*, and the Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of

Her Majesty's Reign, and intituled, *An Act to make temporary provision for the appropriation of the Funds derived, from, the Sale of School Lands in that part of the Province formerly Upper Canada,* and for other purposes, and the Act of the Parliament of this Province, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to amend the Act therein mentioned, relating to the appropriation of moneys derived from the Sale of School Lands in Upper Canada,* and the Act of the Parliament of this Province, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to provide for the payment of a sum of money therein mentioned, for the use and support of three additional Grammar Schools in the County of York, for the year one thousand eight hundred and forty-nine,* and the Act of the Parliament of this Province, passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to repeal the provision limiting the distance between the County Town and any additional Grammar School in the same County, in Upper Canada,* and all other laws and statutes relating to the Grammar Schools or Grammar School moneys in Upper Canada, so far as they are contrary to the provisions of this Act, shall be and the same are hereby re pealed from and after the day this Act shall come into force; Provided always, that all appointments of Trustees, Masters or Teachers of Grammar Schools shall continue in force, as if made under the authority of this Act, until revoked or changed according to the provisions of the same.

XVIII. And be it enacted, That this Act shall have force and effect upon, from and after the first day of January, one thousand eight hundred and fifty-four, and not before.