

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

16 Victoria – Chapter 23

**An Act to make certain provisions with regard to Common Schools in Upper Canada for a limited period. 10th November, 1852.**

Whereas it is expedient to make some further provision for the improvement of Common Schools in Upper Canada, and to modify and extend some of the provisions of the Act thirteenth and fourteenth Victoria, chapter forty-eight, intituled, *An Act for the better establishment and maintenance of Common Schools 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 the Board of School Trustees in each City, Town and Incorporated Village, shall, in addition to the powers with which they are now legally invested, possess and exercise, as far as they shall judge expedient, in regard to each such City, Town and Incorporated Village, all the powers with which the Trustees of each School Section are or may be invested by law in regard to each such School Section.

II. And be it enacted, That no rate shall be imposed upon the inhabitants of any School Section according to the whole number of children, or of the number of children of legal school age, residing in such section: Provided, that the Trustees of each School Section shall see that each School under their charge is, at all times, duly provided with a Register and Visitors' Book, in the form prepared according to law: Provided, secondly, that the Trustees of each School Section shall have authority to take such steps as they may judge expedient to unite their School with any public Grammar School, which shall be situated within or adjacent to the limits of their School Section: Provided, thirdly, that the Trustees of each School Section shall be personally responsible for the amount of any School moneys which shall be forfeited and lost to such School Section during the period of their continuance in office, in consequence of their neglect of duty; and the amount thus forfeited or lost shall be collected and applied in the manner provided by the ninth section of the said Act, thirteenth and fourteenth Victoria, chapter forty-eight, for the collection and application of the fines imposed by the said section: Provided fourthly, that the Trustees of each School Section, shall, each personally forfeit the sum of one pound five shillings for each and every week that they shall neglect, after the fifteenth of January in each year, to prepare and forward to their local- Superintendent of Schools, their School Report, as required by law, for the year ending the thirty-first December immediately preceding; and which sum or sums thus forfeited, shall be sued for by such local Superintendent, and collected and applied in the manner provided by the proviso of this section, immediately preceding: Provided, fifthly, that no agreement between Trustees and a Teacher in any School Section, made between the first of October and the second Wednesday in January, shall be valid or binding on either party after the second Wednesday in January, unless such agreement shall have been signed by the two Trustees

of such School Section, whose period of office shall extend to one year beyond the second Wednesday of January, after the signing of such agreement.

III. And be it enacted, That the Trustees of each School Section shall have the same authority to assess and collect rates for the purpose of purchasing School Sites and the erection of School Houses, with which they are, or may be invested by law to assess and collect for other School purposes: Provided always, that they shall take no steps for procuring a School Site on which to erect a new School House, or changing the site of a School House established, or that may be hereafter established, without calling a Special Meeting of the Freeholders and Householders of their Section to consider the matter; and if a majority of such Freeholders and Householders present at such Meeting, differ from a majority of the Trustees, as to the site of a School House, the question shall be disposed of in the manner prescribed by the eleventh section of the said Act, thirteenth and fourteenth Victoria, chapter forty-eight.

IV. And be it enacted, That in the event of any person residing in one School Section,, sending a child or children to the School of a neighbouring School Section, such child or children shall not be returned as attending any other than the School of-the Section in which the parents or guardians of such child or children reside.

V. And be it enacted, That any person who has been or may be appointed Local Superintendent of Schools shall continue in office, (unless he resigns, or is removed from office for neglect of duty, improper conduct, or incompetency,) until the first day of April of the year following that of his appointment, and during the pleasure of the Council appointing him: Provided always, that no Local Superintendent shall be a Teacher or Trustee of any Common School during the period of his being in office: Provided, secondly, that no Local Superintendent shall be required (unless he shall judge it expedient, and except with a view to the adjustment of disputes, or unless specially required by the County Municipality,) to make more than two official visits to each School Section under his charge; one of which visits shall be made some time between the first of April and the first of October, and the other some time between the first of October and the first of April: Provided, thirdly, that the Local Superintendents of adjoining townships shall have authority to determine the- sum or .sums which shall be payable from the School apportionment and assessment of each Township in support of Schools of Union School Sections, consisting of portions of such Townships; and they shall also determine the manner in which such sum or sums shall be paid: Provided, fourthly, that in the event of one person being Local Superintendent of both of the Townships concerned, he shall act in behalf of such Townships; and in the event of the Local Super-intendents of Townships thus concerned not being able to agree as to the sum or sums to be paid to each such Township, the matter shall be referred to the Warden of the County for final decision: Provided, fifthly, that each Local Superintendent of Schools shall have authority to appoint the time and place of a Special School Section Meeting, at any time and for any lawful purpose, should he deem it expedient to do so; Provided, sixthly, that each Local Superintendent of Schools shall have authority within twenty days after any meeting for the election of Common School Trustees within the limits of his charge, to receive and investigate any complaint respecting the mode of conducting such Election, and to confirm it, or set it aside, and appoint the time and place of a new Election, as he shall judge right and proper; Provided, seventhly, that each Local

Superintendent shall have authority on due examination, (according to the programme authorized by law for the examination of Teachers,) to give any candidate a certificate of qualification to teach a School within the limits of the charge of such Superintendent, until the next ensuing meeting (and no longer) of the County Board of Public Instruction of which such Local Superintendent is a Member; but no such certificate of qualification shall be given a second time, or shall be valid if given a second time, to the same person in the same County; Provided, eighthly, that in the event of a Local Superintendent of Schools resigning his office, the Warden of the County or Union of Counties within which such Superintendent shall have held office, shall have authority, if he shall deem it expedient, to appoint a fit and proper person to the office thus vacated until the next ensuing meeting of the Council of such County or Union of Counties.

VI. And be it enacted, That in any Village in Upper Canada, which shall become incorporated according to Law, an Election of a Board of School Trustees for such Village shall take place as soon as convenient in the manner provided and authorized for incorporated Villages in the twenty-fifth section of the said Act, thirteenth and fourteenth Victoria, chapter forty-eight; Provided always, that the time of the first Election of such Board of School Trustees, shall be fixed by the Reeve of such Village, or in case of his neglecting to do so for one month, by any two Freeholders in such Village, on giving six days' notice in at least three public places in such Village; Provided also, that all Elections of School Trustees that have taken place in Villages which have been incorporated since one thousand eight hundred and fifty, shall be and are hereby confirmed, and the acts of Boards of School Trustees so elected in such Villages are hereby made as valid as if such Boards; had been elected for Villages incorporated before one thousand eight hundred and fifty, and in all cases the Chairman shall be elected by the Trustees from their own body, and shall have a right to vote at all times, and also, a second or casting vote in cases of an equality of Votes.

VII. And be it enacted, That in case of the right of any person to vote at an Election of a Trustee or Trustees in any City, Town, or incorporated Village, be objected to, the Returning Officer presiding at such Election shall require the person whose right of voting is thus objected to, to make the following declaration: "I do declare and affirm that I have been rated on the assessment-roll of this City (Town or Village, as the case may be) as a Freeholder (or householder, as the case may be) and that I have paid a tax in this ward, (or Village, as the case may be,) within the last twelve months, and that I am legally qualified to vote at this Election." And the person making such declaration shall be permitted to vote; Provided always, that any person who shall, on the complaint of any person, be convicted of wilfully making a false declaration of his right to vote, shall be deemed guilty of misdemeanor, and punishable by fine and imprisonment in the manner provided for similar cases in the seventh section of the said Act, thirteenth and fourteenth Victoria, chapter forty-eight.

VIII. And be it enacted, That such of the provisions of the Act thirteenth and fourteenth Victoria, chapter forty-eight, as are contrary to the provisions of this Act, shall be and are hereby repealed.

IX. And be it enacted, That the provisions of this Act shall take effect from the passing thereof.

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X. And be it enacted, That this Act shall be and continue in force until the first day of April next, and not after.