

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 131

An Act to amend the laws relating to Separate Schools in Upper Canada. Assented, to 30th May, 1855.

Whereas; it is expedient to amend the laws relating to Separate Schools in Upper Canada so far as they affect the Roman Catholic inhabitants thereof: 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 reunite the Provinces of Upper and Lower Canada and for the Government of Canada*, and it is hereby, enacted by the authority of the same, as follows:

- I. The nineteenth Section of "*the Upper Canada School Act of 1850*," and the fourth Section of "*the Upper Canada Supplementary School Act of 1853*," and all other provisions of the said Acts, or of any other Act inconsistent with the provisions of this Act, are hereby repealed so far only as they severally relate to the Roman Catholics of Upper Canada.
- II. Any number of persons not less than five heads of families being freeholders or householders resident within any School Section of any Township or within any Ward of any City or Town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a Separate School for Roman Catholics in such School Section or Ward for the election of Trustees for the management thereof.
- III. A majority of the persons present, not less than ten in number, being freeholders or householders, and being Roman Catholics, at any such meeting may elect three persons resident within such Section to act as Trustees for the management of such Separate School, and any person, being a British subject, may be elected as such Trustee whether he be a freeholder, or householder, or not.
- IV. A notice addressed to the Reeve, or to the Chairman of the Board of Common School Trustees, in the Township, City or Town in which such section is situate, may be given by all persons resident within such Section being freeholders or householders, and being Roman Catholics, favorable to the establishment of such Separate School, whether they were present at such meeting or not, declaring that they desire to establish a Separate School in such School Section, and designating by their names, professions and places of abode the persons elected in the manner aforesaid as Trustees for the management thereof.
- V. Every such notice shall be delivered to the proper officer by one of the Trustees so elected, and it shall be the duty of the officer receiving the same to endorse thereon the date of the

reception thereof, and to deliver a copy of the same, so endorsed and duly certified by him, to such Trustee.

VI. From the day of the date of the reception of every such notice, the Trustees therein named shall be a body Corporate under the name of "The Trustees of the Roman Catholic Separate School for the Section Number _____, in the Township (City or Town, as the case may be), in the County of _____."

VII. If a Separate School or Separate Schools shall have been established in more than one Ward of any City or Town, the Trustees of such Separate Schools may, if they think fit, form an union of such Separate Schools, and, from the day of the date of the notice in any public newspaper published in such City or Town announcing such union, the Trustees of the several Wards shall together form a Body Corporate under the title of "The Board of Trustees of the Roman Catholic United Separate Schools for the City (or Town) of _____, in the County of _____."

VIII. All Trustees elected and forming a body Corporate under this Act shall have the same power to impose, levy and collect school rates or subscriptions upon and from persons sending children to, or subscribing towards the support of Separate Schools, and all other powers in respect of Separate Schools, as the Trustees of Common Schools have and possess under the provisions of the Acts hereinbefore cited in respect of Common Schools; and they shall also be bound to perform all duties required of, and shall be subject to all penalties provided against the Trustees of Common Schools; and Teachers of Separate Schools shall be liable to all penalties provided against Teachers of Common Schools.

IX. All Trustees elected under this Act shall remain in office until the second Wednesday of the month of January next following their election, on which day in each year an Annual Meeting shall be held, commencing at the hour of ten of the clock in the forenoon, for the election of Trustees for Separate Schools theretofore established; but no Trustee shall be re-elected at any such meeting without his consent, unless after the expiration of four years from the time when he went out of office.

X. All Trustees elected under this Act shall allow children from other School Sections to be received into any Separate School under their management, at the request of the parents or lawful guardians of such children, provided such children of their parents or guardians are Roman Catholics; and to children attending such School shall be included in the return hereafter provided to be made to the Chief Superintendent of Schools unless they shall be Roman Catholics.

XI. A majority of the Trustees in any Township or Village or of the Board of Trustees in any Town or Village elected under this Act shall have power to grant certificates of qualification to Teachers of Separate Schools under their management, and to dispose of all School Funds of every description coming into their hands for School purposes.

XII. Every person paying rates, whether as proprietor or tenant, who, on or before the first day of February of any year, shall have given notice to the Clerk of the Municipality in which any Separate

School is situated, that he is a Roman Catholic and a supporter of such Separate School, shall be exempted from the payment of all rates imposed within such Ward or School Section for the support of Common Schools and of Common School Libraries for the year then next following, and every Clerk of a Municipality, upon receiving any such notice, shall deliver a certificate to the person giving the same to the effect that such notice has been given, and shewing the date of such notice; but any person who shall fraudulently give any such notice, or shall wilfully make any false statement therein, shall not secure any exemption thereby, but shall, on the contrary, be liable to a penalty of ten pounds currency, recoverable, with costs, before any Justice of the Peace at the suit of the Municipality interested: Provided always, that nothing herein contained shall exempt any such person from paying any rate for the support of Common Schools or Common School Libraries, or for the erection of a School-house or School-houses, which shall have been imposed before such Separate School was established.

XIII. Ever separate School established under this Act shall be entitled to a share in the fund annually granted by the Legislature of this Province for the support of Common Schools, according to the average number of pupils attending such school during the twelve next preceding months or during the number of monies which may have elapsed from the establishment of a new separate school as compared with the whole average number of pupils attending school in the same City, Town, Village or Township: Provided always that no Separate School shall be entitled to a share in any such fund unless the average number of pupils so attending the same be fifteen or more, (periods of epidemic or contagious diseases excepted). Provided also, that nothing herein contained shall entitle any such separate School within any City, Town, Village or Township to any part or portion of School moneys arising or accruing from local assessment for Common School purposes within any such City, Town, Village or Township, or the County or Union of Counties within which such Town, Village or Township is situate: Provided also, that if any Separate School shall not have been in operation for a whole year at the time of the appointment, it shall not receive the stun to which it would have been entitled for a whole year, but only an amount proportional to the time during which it has been kept open.

XIV. The Trustees of each separate School shall on or before the thirtieth day of dime and the thirty-first, day of December of each year, transmit to the Chief Superintendent of Schools for Upper Canada a correct statement of the names of the children attending such school, together with the average attendance during the six next preceding months, or during the number of months which may have elapsed since the establishment thereof, and the number of months it shall have been so kept open, and the Chief Superintendent shall thereupon determine the proportion which the Trustees of such separate school will be entitled to receive out of such Legislative grant, and shall pay over the amount thereof to such Trustees, and every such statement shall be verified under oath before any Justice of the Peace for the County or Union of Counties within which such separate school is situate by of least one of the Trustees making the same.

XV. But the election of any Trustee or Trustees made under this Act shall become void unless a separate school be established under his or their management within two months from the election of such Trustee or Trustees.

XVI. And no person subscribing towards the support of a separate school or sending children thereto shall be allowed to vote at the election of any Trustee for a common school in the City, Town, Village or Township in which such separate school is situate.