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CONTENTS OF THIS NUMBER.

	PAGE
I. SUPPLEMENTARY Common School Act for Upper Canada,	82
II. Judicious Training of Youth,	85
III. Hints to Teachers—by a Pupil,	86
IV. Power of the Voice over Children,	86
V. Public Education—its Importance to a Free People,	86
VI. Opening the Gate—Hints to Parents,	86
VII. LITERARY AND SCIENTIFIC INTELLIGENCE.—1. The Valley of the Ottawa. 2. Geology of Nova Scotia. 3. The Seven Ancient Wonders of the World. 4. Mr. Layard—Nineveh,	87
VIII. EDITORIAL.—Notice relating to Library Book List. 2. The Act Supplementary to the Common School Act of Upper Canada,	88
IX. Official Circulars from the Chief Superintendent of Schools—1. To Clerks of Counties, accompanying a Certified Copy of Apportionment of the Legislative School Grant of Upper Canada. 2. To Clerks of Cities, Towns, and Villages, with ditto. 3. To Local Superintendents. 4. To Trustees of Common Schools in Townships. 5. To City, Town, and Village Boards of School Trustees,	88
X. Provincial Certificates to Common School Teachers in Upper Canada granted by the Chief Superintendent,	95
XI. Advertisements,	96

AN ACT

SUPPLEMENTARY TO THE COMMON SCHOOL ACT FOR UPPER CANADA.
Anno Sexto-Decimo, Victoria Regina, caput CLXXXV.

[14th June, 1853.]

Preamble.

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 passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered forty-eight, and intitled, *An Act for the better establishment and maintenance of Common Schools in Upper Canada*, hereinafter called "the

Upper Canada School Act of 1850:" 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 intitled, *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

13 and 14 Victoria, ch. 48. cited.
 Title of.
 Power of City, Town, and Village trustees extended.

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: Provided always, that the Chairman of each such Board of School Trustees shall be elected by the Trustees from their own number, and shall have a right to vote at all times, and in case of an equality of votes, the maxim *prosumitur pro negante* [it is decided in the negative] shall prevail.

Powers of the Chairman of the Board.

II. And be it enacted, that in any Village or Town not divided into Wards in Upper Canada, which shall become incorporated according to Law, an Election of a Board of School Trustees for such Village or Town shall take place at the time specified in the second section of the said Upper Canada School Act of 1850; Provided always, that the first Election of such Board of School Trustees shall be called by the Returning Officer appointed to hold the first Municipal Election in such Village or Town, or in case of his neglecting to do so for one month, by any two Freeholders in such Village or Town, on giving six days' notice in at least three public places in such Village or Town; Provided, also, that all Elections of School Trustees that have taken place in Villages and Towns not divided into Wards, which have been incorporated

Election. Second Wednesday in January.

First Election to be called by Municipal Returning Officer.

Proviso— or, in default, by two Freeholders.

Proviso—Former Election confirmed.

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 and Towns, are hereby made as valid as if such Boards had been elected for Villages and Towns incorporated before one thousand eight hundred and fifty; Provided likewise, that in the words "two years" which occur in the second proviso of the twenty-fifth section of the said Act,† the word "three" shall be substituted for the word "two," and the said proviso shall be held to have and to have had effect as if the word "three" had been originally inserted therein instead of the word "two;" Provided, nevertheless, that the twenty-fifth and twenty-sixth sections of the said Act shall be construed to apply to all such Boards of School Trustees.

School Act, 1850, error in Proviso 2 of Sec. 25 corrected.

Proviso.

Declaration to be made by person to whose vote objection is made.

III. And be it enacted, That in case an objection be made to the right of any person to vote at an Election of a School Trustee or Trustees in any City, Town, or Incorporated Village, or upon any other subject connected with School purposes, 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

Form.

* See pamphlet edition of the School Act, 1850, page 21; also 14 and 15 Victoria, chapter 111.

† Ibid, page 27.