

PART XI.—SPECIAL PROVISIONS.

Public Schools to be free.—Fees in Cities, &c., for Text Books.

125. [The one hundred and twenty-fifth section has been superseded by the first section of the School Law Improvement Act of 1871, as follows: 1. All common schools, which shall hereafter be designated and known as public schools, shall be free schools; and the trustees of school sections, and the municipal councils of cities, towns, villages and townships, shall, in the manner now provided by law, levy and collect the rate upon the taxable property of the school division or municipality (as the case may be), to defray the expenses of such schools, as determined by the trustees thereof; provided, that public school boards in cities, towns and villages may, if they deem it expedient, collect from parents and guardians of children attending their school, a sum not exceeding twenty cents per month, per pupil, to defray the cost of text books, stationery and other contingencies.

A Resident in one Section sending his Children to another Section.

126. Any person residing in one school section, and sending a child or children to the school of a neighbouring school section, shall, nevertheless, be liable for the payment of all rates assessed [on his property] for the school purposes of the section in which he resides, as if he sent his child or children to the school of such section; and 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;

Exception as to Separate Schools and Non-Resident Ratepayers.

But this clause shall not apply to persons sending children to or supporting separate schools; or prevent any person who may be taxed for public school purposes on property situate in a different school section from that in which he resides, from sending his children to the school of the section in which such property may be situate, on as favourable terms as if he resided in such section.

Rates on Lands of Non-Residents to be returned to the Clerk of the Municipality.

127. If the collector appointed by the trustees of any school section be unable to collect that portion of any school rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the trustees shall make a return to the clerk of the municipality, before the end of the then current year, of all such parcels of land, and the uncollected rates thereon, and the clerk shall make a return to the county treasurer of all such lands, and the arrears of school rates thereon, and such arrears shall be collected and accounted for by such treasurer in the same manner as the arrears of other taxes; and the township, village, town, or city in which such school section is situate, shall make up the deficiency arising from uncollected rates on lands liable to assessment, out of the general funds of the municipality.

Foreign Books not to be used without the Permission of the Council of Public Instruction.

128. No person shall use any foreign books in the English branches of education, in any model or public school, without the express permission of the Council of Public Instruction; and no portion of the Legislative School Grant shall be applied in aid of any public [or separate] school in which any book is used that has been disapproved of by the Council of Public Instruction, and public notice given of such disapproval.

Pupils not to be required to observe Religious Exercises objected to by their Parents.

129. No person shall require any pupil in any such school to read or study in or from any religious book, or to join in any exercise of devotion or religion objected to by his or her parents or guardians; but within this limitation, pupils shall be allowed to receive such religious instruction as their parents and guardians desire, according to any religious regulations provided for the government of public schools.

PART XII.—VARIOUS PENAL CLAUSES.

Penalty on Secretary-Treasurer or Trustee for refusing to account.

130. If any secretary-treasurer appointed by the [public or

separate] school trustees of any school section, or any person having been such secretary-treasurer, [or any trustee] has in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, [or trustee] and wrongfully withholds or refuses to deliver up, or to account for, and pay over the same or any part thereof to the person, and in the manner directed by a majority of the school trustees for the school section then in office, such withholding or refusal shall be a misdemeanor.

Mode of proceeding in the case.

131. Upon application to the Judge of the County Court, by a majority of such trustees, [or any two ratepayers] supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, such judge shall make an order that such secretary-treasurer, or person having been such, or trustee, do appear before him at a time and place to be appointed in the order.

132. Any bailiff of a Division Court, upon being required by such judge, shall serve such order personally on the party complained against, or leave the same with a grown-up person at his residence.

133. At the time and place so appointed, the judge being satisfied that such service has been made, shall, in a summary manner, and whether the party complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded, such judge shall order the party complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid by a certain day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may tax.

134. In the event of a non-compliance with the terms specified in such order, or any or either of them, the judge shall order the said party to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until such judge be satisfied that such party has delivered up, accounted for, or paid over the books, papers, chattels, or moneys in question, in the manner directed by the majority of the trustees as aforesaid.

135. Upon proof of his having so done, such judge shall make an order for his discharge, and he shall be discharged accordingly.

136. No such proceeding shall impair or affect any other remedy which the said trustees may have against such secretary-treasurer, or person having been such, or his sureties.

Certain Parties personally responsible in case of lost School Fund.

137. If any part of the public school funds [or moneys] be embezzled or lost, through the dishonesty or faithlessness of any party to whom it has been entrusted, and proper security against such loss has not been taken, the person whose duty it was to have exacted such security shall be personally responsible for the sums so embezzled or lost; and the same may be recovered from him by the party entitled to receive the same, by action at law in any court having jurisdiction to the amount, or by information at the suit of the Crown.

Trustees accountability for School Moneys, &c.

137½. The School Law Improvement Act of 1871 provides that: 46. The one hundred and thirtieth and seven following sections of the Consolidated School Act, passed in the twenty-second year of the reign of Her Majesty, and chaptered sixty-four, shall apply to every school trustee or other person, into whose hands any school moneys or school property shall come, and who neglects or refuses to account for, or deliver up the same when called upon by competent authority to do so; and the County Judge, upon application of any two ratepayers in a school section or division, supported by their affidavit of the facts made before a Magistrate, shall have the same jurisdiction in the case, as he has in that of a secretary-treasurer, by the said sections of the Consolidated School Act; Provided always, that it shall be the duty of school trustees to exact security from every person to whom they entrust school money, or other school property, and to deposit such security with the township council for safe keeping.

Penalty for false School Reports and Registers.

138. If any trustee of a public school knowingly signs a false report, or if any teacher of a public school keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, such trustee or teacher shall, for each offence, forfeit to the public school fund of the township, the sum of twenty