

## 2. MEMORANDUM, WITH ACCOMPANYING DRAFT OF BILL TO RESTORE CERTAIN RIGHTS TO THE PARTIES THEREIN MENTIONED IN RESPECT TO SEPARATE SCHOOLS.

No new principle is introduced into this Draft of Bill, nor does it contain any provision (except those of the last section) which was not embraced in the Common School Acts of 1850 and 1853. The framers of the Roman Catholic School Act of 1855 aimed to assimilate the Separate School Law of Upper Canada, with the Dissentient School Law of Lower Canada, but they were ignorant of the effect of some of the provisions of their Act arising from the municipal system of Upper Canada, in connection with School sections, Assessments, &c.

The provisions of the accompanying Draft of Bill only restore to the parties concerned rights of which they were deprived by the Roman Catholic Separate School Act of 1855.

I will now advert to the specific provisions of the accompanying Draft of Bill.

1. The supporters of a separate school cannot establish a separate school in an incorporated village, nor in a town as such, though they may establish a separate school in any school section or any village not incorporated, and in any ward of a town. Such anomalies and absurdities should, of course be corrected as the first clause of the Bill proposes.

2. Since 1856 the managers of dissentient schools in Lower Canada have not been required to make their returns and reports on oath; nor is there any reason why the trustees of separate schools in Upper Canada should be required to do so, especially as the penalties are the same for making a false return or report, whether made on oath or not, as the ordinary trustees are not required to make their reports or returns on oath, and separate school trustees were not required to do so before 1855. The second clause of the Bill provides to abolish this invidious and needless anomaly.

3. Two or more common school sections can be united into one; nor is there any just reason why separate school sections should not be allowed to do the same as is provided by the third clause of the Bill.

4. The requiring each individual supporter of the Separate School to go and notify the Clerk of the Municipality annually, imposes a needless trouble and burden, after the first such notice; and when the school is once organized, the annual notice of the names and residences of the supporters of the separate school is quite sufficient, as the only object of such notice is to give the Municipal Council such authentic information as to the parties and properties to be exempted from common school taxes, and as the trustees are liable to a penalty if they insert any name in their notice without the authority of the bearer of it.

5. The fifth section has been prepared with the consent of the heads of the parties concerned, upon the principle that schools

thus receiving public aid upon definite and periodical returns, should be subject to such examination from time to time as may enable the Department paying the money to ascertain whether the conditions of its payment have been fulfilled.

(Signed) E. RYERSON.

Department of Public Instruction  
for Upper Canada,  
Toronto, March, 1862.

### DRAFT OF BILL REFERRED TO IN THE FOREGOING MEMORANDUM.

*An Act to restore certain Rights to the parties therein mentioned in respect to Separate Schools.*

Whereas it is expedient to restore to the parties therein mentioned certain rights of which they were deprived by the Act 22 Victoria, chapter 65, of the Consolidated Statutes of Upper Canada: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The words "any incorporated Village or Town," shall be inserted between the words "within" and "any" in the third line of the eighteenth clause of said Act.

2. So much of the thirty-fourth section of said Act, as requires Trustees to make their returns or reports under oath is hereby repealed.

3. It shall be lawful for the majority of the rate-paying supporters of the Separate School, in each school section (in two or more School sections,) whether in the same or adjoining municipalities, at Public Meetings duly called by the Separate School Trustees of each such section, to form such sections into a Separate School Union Section, of which union of sections the Trustees shall give notice within fifteen days to the Clerk or Clerks of the Municipality or Municipalities, and to the Chief Superintendent of Education, and each such Separate School Union Section thus formed shall be deemed one School Section for all Roman Catholic Separate School purposes.

4. The twenty-ninth section of said Act, 22 Victoria chapter 65, shall be amended as follows:

After the first notice required to be given to the clerk of the municipality by the supporters of a separate school section, each subsequent annual notice required by law to be given, of the names and residences of the supporters of a separate school in any rural school section, city, town or incorporated village, shall be given in writing by the trustees or such separate school; but subject, in case of incorrect returns, to the penalties imposed by law on school trustees in case of other false returns.\*

5. The Roman Catholic separate schools (with their registers) shall be subject to such inspection as may be directed from time to time by the Department of Public Instruction for Upper Canada.

## 3. BILLS RELATING TO ROMAN CATHOLIC SEPARATE SCHOOLS IN UPPER CANADA.\*

### No. 1.

An Act to amend "An Act respecting Separate Schools" in Upper Canada, in so far as the same relates to Roman Catholic Separate Schools.

[Bill No. 2 of the Session of 1862, as originally introduced into the Legislature by R. W. Scott, Esq., M. P. P. for the City of Ottawa.]

Her Majesty, &c., enacts as follows:—

1. Sections eighteen to thirty-six, both inclusive, of chapter sixty-five of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Separate Schools," are hereby repealed, and the following shall be substituted in lieu thereof, and be deemed to form part of the said Act.

*Five heads of families may call meeting.*

2. Any number of persons, not less than five, being heads of families, and freeholders or householders, resident within any school section of any township, village or town, 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 of the same."

### No. 2.

An Act to amend "An Act respecting Separate Schools" in Upper Canada, in so far as the same relates to Roman Catholic Separate Schools.

[Reprinted and amended by Select Committee, to which it was referred, consisting of the Hon. Attorney General Macdonald, Hon. M. H. Foley; Messrs. R. W. Scott, J. Crawford, H. W. McCann, R. Bell, (Russell) W. Anderson, Jr., and Dr. Bown.]

Her Majesty, &c., enacts as follows:—

1. Sections eighteen to thirty-six, both inclusive, of chapter sixty-five of the Consolidated Statutes for Upper Canada, intituled, "An Act respecting Separate Schools," are hereby repealed, and the following shall be substituted in lieu thereof, and be deemed to form a part of the said Act.

*Five heads of families may call meeting.*

2. Any number of persons, not less than five, being heads of families, and freeholders or householders, resident within any school section of any township, [incorporated] village or town, 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 of the same.

### No. 3.

An Act to amend "An Act respecting Separate Schools" in Upper Canada, in so far as the same relates to Roman Catholic Separate Schools.

[Reprinted with the amendments agreed to between the Mover of the Bill and the Chief Superintendent of Education for Upper Canada, and accepted as a settlement of the question by the authorities of the Roman Catholic Church.]

Her Majesty, &c., enacts as follows:—

1. Sections eighteen to thirty six, both inclusive, of chapter sixty-five of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Separate Schools," are hereby repealed, and the following shall be substituted in lieu thereof, and be deemed to form part of the said Act.

*Five heads of families may call meeting.*

2. Any number of persons, not less than five, being heads of families, and freeholders or householders, resident within any school section of any township, incorporated village or town, 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 of the same.

\* The chief verbal alterations made in the sections of each amended Bill are inserted in brackets.