

THE LAW

RELATING TO

ROMAN CATHOLIC SEPARATE SCHOOLS IN UPPER CANADA

AND TO

DISSENTIENT SCHOOLS IN LOWER CANADA,

(Arranged in parallel columns, with references to identical or analogous passages in each.)

EXPLANATION OF ABBREVIATED REFERENCES:

"L. C. Act."—Lower Canada Act relating to Dissentient Schools.
"U. C. Act."—Upper Canada Roman Catholic Separate School Act of 1855.

"L. C. Cir."—Lower Canada Circular.
"U. C. Cir."—Upper Canada Circular.
"U. C. Dep. Reg."—Upper Canada Departmental Regulations.

*** The figures refer to the parts of the Lower Canada School Act, Circular, &c., which have been numbered for convenience of reference.

AN ACT TO AMEND THE LAWS RELATING TO ROMAN CATHOLIC SEPARATE SCHOOLS IN UPPER CANADA.

18 VICTORIA, CHAPTER 131.

[Received Royal Assent, 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 amend 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:

Acts repealed.

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and all other provisions of the said acts or of any other act, inconsistent with the provisions of this act, are hereby repealed so far only as they severally relate to the Roman Catholics of Upper Canada. [13 & 14 Vic., ch. 48, § xix. 14 & 15 Vic., ch. 111. 16 Vic., ch. 185, § iv, repealed.]

Five Heads of Families may call Meeting.

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.

Majority present to elect three Trustees.

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:

(See left hand column, 2nd page.)

THE LAW RELATING TO DISSENTIENT SCHOOLS IN LOWER CANADA.

(Taken from the School Acts.)

9th Victoria, chapter 27.

How to establish Dissentient Schools.

XXVI. And be it enacted, (1) That when in any [Sch.] municipality the regulations and arrangements made by the School Commissioners for the conduct of any school, shall not be agreeable to any number whatever of the inhabitants professing a religious faith different from that of the majority of the inhabitants of such municipality, the inhabitants so dissentient may collectively signify such dissent in writing to the Chairman of the said Commissioners, (2) and give in the names of three Trustees, chosen by them for the purposes of this Act; (3) and such Trustees shall have the same powers and be subject to the same duties as School Commissioners, (4) but for the management of those schools only which shall be under their control; (5) and such dissentient inhabitants may, by the intervention of such Trustees, establish in the manner provided with regard to other schools, one or more schools, (6) which shall be subject to the same provisions, duties and supervision, (7) and they shall be entitled to receive from the Superintendent (a) or from the School Commissioners, such sum out of the general (b) or local school fund as shall be proportionate to the dissentient population they represent: (8) Provided always, that whenever the majority of the children attending any school now in operation, and the school-house, shall belong to or be occupied by such dissentients, the said school-house shall continue to be occupied by them so long as the number of children taught in such school shall amount to the number required by this act to form a School District (9) and the entire amount of moneys raised by assessment on such dissentients shall be paid to the Trustees of such school, together with a due proportion of the building fund.

Conditions of receiving aid.

XXVII. And be it enacted, (10) That to entitle any school to its allowance out of the general or local school fund, it shall be requisite and sufficient that such school has been under the management of School Commissioners or [Dissentient] Trustees appointed in the manner provided by

(See right hand column, 2nd page.)

References to
Lower Canada
Acts, Circulars,
& Instructions.

References to
Upper Canada
Acts, Circulars,
& Instructions.

1 and 2 not
in U.C. Act.

3, 4, 5, and
part of 6 in
U.C. Act.
§ viii.

"Supervi-
sion" (6) not
in U.C. Act.

7 (in part)
and 8, not in
U.C. Act.

a In U.C.
Act, § xiv.

b In U.C.
Sch. § xiii.

9 in U.C.
Act § viii,
power to tax
vested in E.
C. Trustees.

10 in U.C.
Act, § xiii.