

THE LAWS

RELATING TO

GRAMMAR AND COMMON SCHOOLS,

IN

CITIES, TOWNS, AND VILLAGES

In Upper Canada;

TOGETHER WITH DECISIONS OF THE COURTS. AND OTHER
INFORMATION.



New edition.

*Edited, under the authority of the Chief Superintendent of Education, with
Notes and References, by*

J. GEORGE HODGINS, LL.B.,

DEPUTY SUPERINTENDENT.



TORONTO :

Printed for the Department of Public Instruction for Upper Canada,

BY LOVELL AND GIBSON.

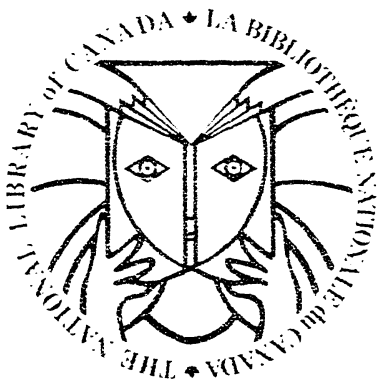
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PREFATORY NOTE.

THE former edition of the Grammar and Common School Acts having been exhausted, a new one is now issued, in consequence of the numerous applications which have been made for these Acts.

The text followed has been that of the recently Consolidated Statutes relating to the Public Schools. The short Grammar School Act, forming the First Part of this Pamphlet, has been inserted in full, with additions from the Municipal Act relating to Grammar Schools; but only such portions of the Common School Act as apply to Cities, Towns and Incorporated Villages have been given. In this Act, which forms Part II. of the Pamphlet, the sections relating to Township and County Council and Rural School Sections, which are made to apply to Cities, Towns, and Villages, have been incorporated in their proper place in the text, thus making the City, Town, and Village School Act complete in itself.

In Parts III. and IV. are inserted such decisions of the Superior Courts and of the Chief Superintendent as apply to Cities, Towns, and Villages.

Part V. contains a selection of the General Regulations for the organization, government, and discipline of Common Schools, and also for the religious instruction which may be given therein.

Part VI. contains a programme of the order and classification of studies prescribed for the Common Schools of Upper Canada. Those for the Grammar Schools will be found on pp. 106-117 of the Chief Superintendent's Annual Report for 1858. As some modification will likely be made in them during this year, they are not inserted in this pamphlet.

Parts VII. VIII. and IX. contain information and notices in regard to the Educational Department, Museum, and Depositories, which will be found of use to parties concerned.

A copy of this pamphlet is sent to each Board of Grammar and Common School Trustees, and also to the Local Superintendent in each City, Town and Incorporated Village, as required by law. Parties requiring extra copies, can be supplied at the terms mentioned on the cover.

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THE LAWS
RELATING TO
GRAMMAR AND COMMON SCHOOLS,
IN
CITIES, TOWNS, AND VILLAGES.

PART I.

THE GRAMMAR SCHOOL ACT OF 1853.

AN ACT RESPECTING GRAMMAR SCHOOLS IN UPPER CANADA.
BEING CHAPTER LXIII 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 :

Name of each County Grammar School.

1. There shall be one or more Grammar Schools in each
County and Union of Counties in Upper Canada to be distin-
guished by prefixing to the term "County" the name of the
City Town or Village within the limits of which it may be
situate.

Which shall be the Senior County Grammar School.

2. The Grammar School of the County or Union of Counties
situate at the County Town of any County or Union of Coun-
ties in Upper Canada, shall be the Senior County Grammar
School of such County or Union of Counties, and if the
Assizes for any of such Counties or Union of Counties are
usually held in a City, such City for the purposes of this Act
shall be considered a County Town.

Where other County Grammar Schools shall be Situated.

3. All other Grammar Schools established, on or before the first January, *one thousand eight hundred and fifty-four*, shall be continued at the places where they are respectively held; but the Board of Trustees of each of the said Schools may change the place of holding such School, by a resolution to be passed for that purpose and approved of by the Governor in Council: and the place of holding any Grammar School established since the first January, *one thousand eight hundred and fifty-four*, may be changed by the County Council of the County within which it is established.

Investment of income from Grammar School Lands.

4. All moneys arising from the sale of lands at any time set apart for the encouragement of Grammar Schools in Upper Canada, and not specially granted to, or vested in, or for the benefit of any particular College, Grammar School, or other Seminary or place of Education, or otherwise departed with by the Crown, and all annual grants which have been or may after this Act takes effect, be made by Parliament, or which may be otherwise available from any other sources for that purpose, shall form a fund to be called *The Upper Canada Grammar School Fund*, and shall be invested in Government or other securities by the direction of the Governor in Council.

Conditions of Special Grant to Senior Schools.

5. Out of the annual income of such Fund, the sum of *four hundred dollars* shall be appropriated for the teacher of the Senior Grammar School in each County, (*unless* the average number of scholars be under ten,) and if the average number of scholars be under ten, then the sum of *two hundred dollars* shall be so appropriated.

Annual Income to be apportioned by Chief Superintendent.

6. After deducting such yearly sum of *four hundred dollars* or *two hundred dollars* appropriated for each senior Grammar

School as aforesaid, the Chief Superintendent of Education shall annually apportion the residue of such annual income to the several Counties and Unions of Counties in Upper Canada, according to the ratio of population in each County and Union of Counties as compared with the population of Upper Canada.

Defective Census Provided Against.

7. If, in case of a defective census, the Superintendent thinks it expedient, he may, with the approbation of the Governor in Council, apportion such residue according to the best evidence which he can obtain of the relative proportions of such population, having respect to an equitable apportionment thereof, according to the said ratio of population.

Grammar School Apportionment Payable Half-yearly.

8. The sums of money annually apportioned to each County, as aforesaid, shall be payable to the Treasurer of the County entitled to receive it, one-half on or before the *first day of July*, and the other half on or before the *thirty-first day of December*, in each year, in such manner as may be determined by the Governor.

To be Expended in the payment of Teachers' Salaries alone.

And such moneys shall be expended in the payment of the salaries of Teachers, and for no other purpose.

Apportionment to each Grammar School.

9. The sums of money apportioned out of the Grammar School Fund to each County, shall be distributed amongst the several Grammar Schools of the County, within the restrictions imposed by this Act, and under such rules and regulations as may from time to time be made by the Council of Public Instruction for Upper Canada, and approved by the Governor in Council.

\$20,000 Granted for Superior Education.

10. In addition to the sums applicable in aid of Grammar Schools as aforesaid, or under the *one hundred and twentieth*

section of the Act respecting *Common Schools* in Upper Canada, the sum of *twenty thousand dollars* shall be yearly appropriated out of the Consolidated Revenue Fund of this Province, for the encouragement of Superior Education in Upper Canada.

This Grant to be Distributed by Parliament.

And shall be distributed among the several Collegiate Educational Institutions in Upper Canada, or such of them as may be designated by an annual vote of the Provincial Parliament.

Council of Public Instruction for Upper Canada to appoint Inspectors of Grammar Schools.

11. The Council of Public Instruction shall appoint Inspectors of Grammar Schools, prescribe their duties and fix their remuneration.

Grammar Schools to prepare Pupils for the University of Toronto, or any affiliated Colleges—Programme of Studies.

12. In each County Grammar School provision shall be made for giving, by a Teacher or Teachers of competent ability and good morals, instruction in all the higher branches of a practical English and Commercial Education, including the Elements of Natural Philosophy and Mechanics, and also in the Latin and Greek Languages, and Mathematics so far as to prepare students for University College or any College affiliated to the University of Toronto,—according to a programme of studies and general rules and regulations to be prescribed by the Council of Public Instruction for Upper Canada, and approved by the Governor in Council.*

* This Programme, Rules and Regulations, will be found in the Appendix to the Chief Superintendent's Annual Report for 1858, pages 106-117, a copy of which has been sent to each Board of Grammar School Trustees addressed to the Chairman.

Penalty for not Observing the Regulations.

And no Grammar School shall be entitled to receive any part of the Grammar School Fund, which is not conducted according to such programme, rules and regulations.

Qualification of Grammar School Masters.

13. No person (except a Graduate of some University) shall be appointed Master of a Grammar School, unless he has previously obtained a Certificate of qualification from a Committee of Examiners (one of whom shall be the Head Master of the Normal School,) appointed by the Council of Public Instruction.

Heads of Colleges, affiliated to the University of Toronto, to be Members of the Council of Public Instruction for Upper Canada.

14. The President of University College and the President or other Head of each of the Colleges in Upper Canada affiliated to the University of Toronto, shall, for the purposes of this Act, be Members of the Council of Public Instruction.

Council of Public Instruction to Prescribe Text Books, Rules, &c.

15. Such Council shall prepare and prescribe a list of textbooks, programme of studies, and general rules and regulations for the organization and government of the County Grammar Schools, to be approved by the Governor in Council, and shall also appoint Inspectors of Grammar Schools, prescribe their duties and fix their remuneration.

DUTIES OF MUNICIPAL COUNCILS IN REGARD TO GRAMMAR SCHOOLS.

16. The Municipal Council of each County, Township, City, Town and Incorporated Village, may, from time to time, levy and collect by assessment such sums as it judges expedient, to purchase the sites of, to rent, build, repair, furnish, warm and keep in order, Grammar School Houses and their appendages

grounds and enclosures, and for procuring apparatus and text-books, and for providing the salary of the Teachers, and for all other necessary expenses of such County Grammar Schools.

Municipal Assessment, to whom Payable, and when.

And all sums so collected shall be paid over to the Treasurer of the County Grammar School for which the assessment is made. And the sums raised by local assessment or subscription for the support of Grammar Schools shall be payable each year on or before the *fourteenth day of December*.

Additional Grammar Schools may be Established.

17. The several County Councils may establish additional Grammar Schools within the limits of their Municipality, and appoint Trustees therefor according to the *twentieth* Section of this Act.

Condition.

But no new Grammar School shall be established until the state of the Grammar School Fund permits the application of a sum equal at the least to *two hundred dollars* annually to such new school, after deducting for each Senior County Grammar School the sum of *four hundred dollars*, and for each of the other Grammar Schools within such County, the sum of *two hundred dollars* annually.

[*The Municipal Institutions Act, chapter fifty-four of the Consolidated Statutes for Upper Canada*, also contains the following enactments :

[286. The Council of every County, City, and Town separated, may pass By-laws for the following purposes :

Lands for Grammar Schools.

[1. For obtaining in such part of the County, or of any City or Town separated within the County, as the wants of the people may most require, the real property requisite for erecting County Grammar School Houses thereon, and for other Grammar School purposes, and for preserving, improving and repairing such School Houses, and for disposing of such property when no longer required.

Aiding Grammar Schools.

[2. For making provision in aid of such Grammar Schools as may be deemed expedient.

Pupils competing for University Prizes.

[3. For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School there, of such of the pupils of the Public Grammar Schools of the County as are unable to incur the expense but are desirous of, and, in the opinion of the respective Masters of such Grammar Schools, possess competent attainments for, competing for any Scholarship, Exhibition, or other similar Prize, offered by such University or College.

[4. For making similar provision for the attendance at any County Grammar School, for like purposes, of pupils of the Common Schools of the County.

Endowing Fellowships.

[5. For endowing such Fellowships, Scholarships or Exhibitions, and other similar prizes, in the University of Toronto, and in the Upper Canada College and Royal Grammar School there, for competition among the pupils of the Public Grammar Schools of the County, as the Council deems expedient for the encouragement of learning amongst the youth thereof.]

CHIEF SUPERINTENDENT OF EDUCATION.

18. The Chief Superintendent of Education for Upper Canada shall, on or before the first day of May in each year, notify each County Council, through the Clerk of the Council, of the annual apportionment of Grammar School moneys to such County, and shall give notice of the same to the Minister of Finance.

Chief Superintendent to report Annually on Grammar Schools.

19. The Chief Superintendent of Education shall make annually to the Governor, on or before the *first day of July*, a report of the actual state of the Grammar Schools throughout Upper Canada, showing the amount of moneys expended in connection with each, and from what sources derived, with such suggestions for their improvement as he deems useful and expedient.

*The Chief Superintendent to administer the Law.**

He shall see that the County Grammar School Fund apportioned by him, is, in all cases, applied to the purpose hereinbefore prescribed, and that each County Grammar School is conducted according to the rules and regulations legally established.

To furnish Act, Forms and Regulations.

And he shall prepare suitable forms, and give such instructions as he judges necessary and proper for making all reports and conducting all proceedings under this Act, and shall cause the same, with a sufficient number of copies of this Act, and so far as the same relate to Grammar Schools, copies of the general rules and regulations established and approved of as aforesaid, to be printed in a convenient form and transmitted to the parties required to execute the provisions of this Act.

GRAMMAR SCHOOL TRUSTEES.

Appointment by the County Council of Grammar School Trustees.

20. In each County in which one or more Grammar Schools are established, there shall be a Board of Trustees, consisting of not less than six or more than eight fit and proper persons, appointed by the County Council in the manner hereinafter provided.

Quorum.

Of which Board *three* shall be a *quorum* for the transaction of business.

Order of the Retirement of Trustees.

21. The Members of each Board of Trustees for each Grammar School in each County, in office at the time this Act comes into force, shall continue in office as such Trustees until

* All communications with the government relating to schools in Upper Canada, conducted under the authority of any Act of the Legislature should be enclosed to the Educational Department, Toronto; otherwise they will be referred back to that Department to be brought before His Excellency through the proper officer.

the *thirty-first day of January* then next, unless a vacancy occurs for which provision is hereinafter made, and on the said thirty-first of January, and annually on the thirty-first of January in each year, two of the Members of each Board of Trustees for the time being shall retire from the said board in rotation according to seniority in office.

Occasional Trustee vacancies supplied.

22. The County Council shall fill up any occasional vacancy in the said Board, and the person appointed to fill such vacancy shall hold office for the unexpired part of the term for which the person causing such vacancy had been appointed to serve.

Annual appointments of Trustees by the County Council.

23. The County Council shall, at its first meeting to be held *after the first day of January* in each year, appoint two Trustees to fill the vacancies caused by the annual retirement of two Trustees as aforesaid; but any retiring Trustee may (with his own consent) be re-appointed, and all Trustees for the time being shall hold office until their successors are appointed as herein provided.

Grammar School Trustees to be a Corporation.

24. The Board of Trustees of each County Grammar School shall be a Corporation by the name of "*The Trustees of the County Grammar School,*" prefixing to the term "*County*" the name of the City, Town, or Village within which such Grammar School is situated.

Powers of the Trustee Corporation.

And shall have and possess all the powers usually enjoyed by Corporations so far as the same are necessary for carrying out the purposes of this Act;* and they shall meet at or near

* By the Provincial Statutes' Interpretation Act, chapter five of the Consolidated Statutes for Canada, section six, sub-section twenty-four, Corporations are required to have a Common Seal, which should be at-

the place where each such School is held, on the *first Wednesday in February* in each year.

Duties of the Board of Trustees.

25. It shall be the duty of such Trustees :*

To appoint Officers of the Board, &c.

(1.) To appoint annually, or oftener, from amongst themselves, a Chairman, Secretary and Treasurer, and subject to the provisions hereinbefore contained, to fix the times and places of the Board meetings, the mode of calling and conducting such meetings, and of keeping a full and correct account of the proceedings of such meetings.

To take Charge of County Grammar School.

(2.) To take charge of the County Grammar School for which they are appointed Trustees, and the buildings and lands appertaining to it.

To Appoint and Remove Masters, Teachers, Officers, &c.

(3.) To remove if they see fit, and in case of vacancies, appoint the Master and other Teachers in such School, and to fix their salaries and prescribe their duties.

(4.) To appoint such other officers and servants in such School as they may judge expedient, and fix their remuneration.

To Erect, repair and furnish School, &c.

(5.) To do whatever they deem expedient with regard to erecting, repairing, warming, furnishing and keeping in order, the buildings of such School and its appendages, lands and

tached to all documents emanating from the Board. all agreements, contracts, &c.

The Seal is required as authenticating the concurrence of the whole body corporate. *Marshall v. School Trustees*, No. 4. Kitley. 4. C. P. R. (U.C.) 375.

* The ninety-fourth and ninety-fifth sections of the Upper Canada School Act of 1850, in the Consolidated Statutes, make Grammar School Trustees members of the County Board of Public Instruction.

enclosures belonging thereto, and to apply (if necessary) for the requisite sums to be raised by Municipal authority for any such purposes ;

To Impose, and Sue for Rate Bill, on parents.

6. To settle the amount to be paid by parents and guardians for each pupil attending such School, and to fix the times of payment, and apply the moneys received therefor as they may judge expedient towards making up the salaries of Teachers, providing the proper apparatus, maps, text-books and registers, and defraying any other necessary expenses of such School ; and they may sue for and recover such amounts, and when collected the same shall be paid over to the Treasurer of the said Board of Trustees :

To unite with Common School Board on certain conditions.

(7.) To employ in concurrence with the Trustees of the School Section, or the Board of Common School Trustees in the Township, Village, Town or City in which such Grammar School may be situate, such means as they may judge expedient, for uniting one or more of the Common Schools of such Township, Village, Town or City, or departments of them, with such Grammar School ; but no such union shall take place without ample provision being made for giving instruction to the pupils in the elementary English branches, by duly qualified English Teachers ;

*Powers of the Joint Board.**

And the schools thus united shall be under the management of a Joint Board of Grammar and Common School Trustees,

* The powers of the Joint Board include the direct levying of property-rates, by the Board itself or an application from it to the Municipal Council to levy and collect whatever sums may be required. See the several clauses of the twenty-seventh and seventy-ninth sections of the Common School Act of 1850, in this Pamphlet. The union of the Boards implies a harmonious system and a gradation of schools ; the Grammar School being

who shall consist of and have the powers of the Trustees of both the Common and Grammar Schools :

Number of Trustees limited in the Joint Board.

But when the Trustees of the Common School exceed six in number, six only of their number to be by them selected shall be the Common School portion of such Joint Board :*

[The powers and duties of the "Joint Board of Grammar and Common School Trustees," in addition to those specified in the Grammar School Act, include those of Common School Trustees in so far as they may be applicable to the circumstances of the schools under the management of the joint Board.—See Common School Act in Part II. of this Pamphlet.]

To Supply Text Books and hold Public Examinations.

(8.) To see that the pupils of such Grammar School are supplied with proper text-books ; that public *half-yearly* examinations of the pupils are held, and due notice given of them ; and that such School is conducted in accordance with the legally established regulations ;

To give orders on Treasurer for salaries and expenses.

(9.) To give the necessary orders upon the County Treasurer for the amount of public money to which such School is entitled, and upon their own Treasurer for any moneys in his

the high school of the city, town or village, and the Common School being the primary and secondary, and being open to all without examination ; the Grammar School teaching the higher branches, with the classics and mathematics, and being open to those Common School pupils, and others, whose literary qualifications enable them to pass the required examination.

* When a union shall have been effected between the Grammar and Common School Boards in cities, towns and villages, as authorized by the seventh clause of the twenty fifth section of this Act, it is the *duty* of the Council of each municipality concerned, upon the requisition of the joint Board, to provide such sums as may be desired by the Board, according to an estimate which the Board shall lay before the Council.—See note on preceding page. The Board can also exercise its own authority to collect these sums by direct assessments.

hands, for the payment of the salaries of the officers of such School and of any necessary expenses ;

To make an annual Report to Chief Superintendent.

(10.) To prepare and transmit, before the fifteenth day of January, to the Chief Superintendent of Education, an annual report, in accordance with a form of report which shall be provided by him for that purpose, and which Report shall contain a full and accurate account of all matters appertaining to such School.

Master of Senior County Grammar School shall make Meteorological observations.

26. The Master of every Senior County Grammar School shall make the requisite observations for keeping and shall keep a Meteorological Journal embracing such observations, and kept according to such form as may from time to time be directed by the Council of Public Instruction; and all such Journals or Abstracts of them shall be presented annually by the Chief Superintendent of Education to the Governor with his Annual Report; and if not already done, every Senior County Grammar School shall be provided, at the expense of the County, with the following Instruments :

List of Meteorological Instruments therefor.

One Barometer ; one Thermometer for the temperature of the air ; one Daniel's Hygrometer, or other Instrument for showing the Dew-Point ; one Rain-Gauge and measure ; one Wind-Vane.*

Duty of Master to transmit abstracts of observations to the Chief Superintendent.

And the Chief Superintendent of Education shall procure these Instruments at the request and expense of the Municipal Council of any County, and shall furnish the Master of the Senior County Grammar School with a Book for registering

* These instruments have been provided by the Educational Department, and will be furnished on application.

observations, and with forms for abstracts thereof, and such Master shall transmit the same to the Chief Superintendent, and shall certify that the observations required have been made with due care and regularity.

All existing Appointments of Masters, &c., Confirmed.

27. All existing appointments of Masters or Teachers of Grammar Schools shall continue in force as if made under this Act, until revoked or changed according to the provisions hereof.

SPECIAL GRANTS OF SCHOOL SITES.

Conveyance of Property for School Sites to Trustees.

28. In case any persons residing in Upper Canada, interested in any School established in any City, Town, Village or Township therein, whether as parents of children frequenting such Schools, or as contributors to the same, or both, have occasion or are desirous to take a conveyance of real property for the use of such Schools, such persons may elect from among themselves, and appoint any number of Trustees, not exceeding seven nor less than five, to whom, and to whose successors, to be appointed in the manner specified in the Deed of Conveyance, the real property requisite for such school may be conveyed.

Powers of these Trustees.

And such Trustees, and their successors in perpetual succession, by the name expressed in such deed, may take, hold and possess such real property, and commence and maintain any action at law or in equity for the protection thereof, and of their right thereto; but there shall not be held in trust as aforesaid more than ten acres of land at any one time for any one school; and this section shall not extend to Common Schools.

Deed to be Registered.

29. The Trustees shall, within twelve months after the execution of any such Deed, cause the same to be registered in the Office of the Registrar of the County in which the land lies.

Certain cases provided for if site be not suitable.

30. In case any lands in Upper Canada have been or after the passing of this Act be surrendered, granted, devised or otherwise conveyed to the Crown, or to the Trustees of any County Grammar School, or to any other Trustees, in trust for the purposes of or as a site for any such Grammar School, or for any other Educational Institution established in any County or place therein for the benefit of the inhabitants thereof generally, and in case such lands be found not to afford the most advantageous site for such School or Institution, or there be no School or Institution bearing the precise designation mentioned in the deed of surrender, grant, devise or other conveyance, or in case it may be for the benefit of such School or Institution that such lands should be disposed of, and others acquired in their stead for the same purpose, or the proceeds of the sale applied thereto.

Such lands may be surrendered to the Crown.

The Trustees in whom any such lands are vested in trust as aforesaid, may, (with the consent of the Municipal Council expressed at a legal meeting and certified under the hand of the head and the corporate seal of the Municipality in which such School or Institution has been or is to be established,) surrender and convey such lands to the Crown unconditionally, and such conveyance shall vest the lands absolutely in the Crown, without formal acceptance, by the Crown, the Governor, or any other Officer or person for the Crown.

Such Land to be Sold for benefit of such School or other Educational Institution.

31. Any lands surrendered, granted, devised or otherwise conveyed to the Crown for any such purpose as aforesaid, may be sold by order of the Governor in Council, and the proceeds applied to the purchase of other lands to be vested in the Crown for the purposes of the same School or Institution, or in the case of their being no School bearing the precise desig-

nation intended as aforesaid by the person who granted or devised the lands to the Trustees, from or through whom the lands so sold came to the Crown, then for the purposes of the Grammar School or other Public Educational Institution established for the benefit of the Inhabitants of the Municipality generally, which in the opinion of the Governor in Council, comes nearest in its purposes and designs to that intended by such person as aforesaid.

Lands purchased with Proceeds.

32. If such proceeds be applied to the purchase of lands for Grammar School purposes, the title to such lands may be vested in the Board of Trustees for any Grammar School, by their corporate name; and if there be any surplus of such proceeds after such purchase, or if it be found that no lands are required as a site for, or for other purposes of such school or institution, then such surplus or proceeds (as the case may be,) may be invested or applied for the purposes of such school or institution in such manner as the Governor in Council deems most for the advantage thereof.

Purchaser not to see to Trusts.

33. No purchaser of land from the Crown under this Act shall be in any way bound to see to the application of the purchase money.

Private Rights protected.

34. Nothing in this Act shall impair the rights of any private party in or upon any lands, in so far as such rights would have existed and could be exercised without this Act.

Crown may grant such lands, &c.

35. The Crown may grant to the Trustees of any Grammar School, or of any other Public Educational Institution established for the benefit of the Inhabitants of the Municipality generally, any lands which have been or may, after the passing of this Act, be surrendered, granted, devised or otherwise conveyed to the Crown as aforesaid.

PART II.

THE COMMON SCHOOL ACT

RELATING TO

CITIES, TOWNS, AND INCORPORATED VILLAGES

IN UPPER CANADA.

*Extracted from the Consolidated Statutes for Upper Canada, Chapter 64, beginning with the Sixtieth Section of the Act.**

Powers of Councils in Cities, Towns, and Villages.

60. The Municipal Council of each City, Town, and Village in Upper Canada is hereby invested, within its limits, with the same powers and shall be subject to the same obligations as the Municipal Council of each County and Township by the thirty-fourth, thirty-fifth and the fiftieth, fifty-first, fifty-fifth, fifty-sixth, fifty-eighth and fifty-ninth sections of this Act, as follows:—

Council to impose certain School Assessments at the request of the Board of Trustees.

[34. For the purchase of a school site, the erection, repair, rent and furniture of a school house, the purchase of apparatus and text-books for the school, books for the library, and salary of the Teacher, each [City, Town, and Village,] Council shall† levy, by assessment, upon the taxable property [of the Municipality], such sum as may be required by the Trustees of such [City, Town, or Village.]

* Sections one to sixty relate to Rural School Sections.

† See note on page 36.

*Authorizing Trustees to borrow money for special purposes :
And provide for repayment.*

[35. Each [City, Town, and Village] Council may grant to the Trustees, on their application, authority to borrow any sums of money necessary for the purposes above mentioned, in respect to school sites, school houses and their appendages, or for the purchase or erection of a Teacher's residence, and in that event shall cause to be levied in each year upon the taxable property in the [Municipality,] a sufficient sum for the payment of the interest on the sum so borrowed, and a sum sufficient to pay off the principal within ten years.

Council to raise equivalent to Legislative School Grant.

[50. Each [City, Town, and Village] Council shall cause to be levied yearly upon the [Municipality,] such sums of money, for the payment of the salaries of legally qualified Common School Teachers, as at least equal (clear of all charges of collection) the amount of school money apportioned by the Chief Superintendent of Education to the [Municipality] for the year, and notified by him to such Council through the [City, Town, or Village] Clerk; and the sums so levied may be increased at the discretion of the Council.

Such equivalent to be collected by 14th December.

[51. The sum annually required to be levied in each [City, Town, or Village,] for the salaries of legally qualified Teachers, shall be collected and paid into the hands of the [Municipal] Treasurer, on or before the *Fourteenth day of December* in each year; but notwithstanding the non-payment of any part thereof to such Treasurer in due time, no Teacher shall be refused the payment of the sum to which he may be entitled from such year's School Fund, but the [Municipal] Treasurer shall pay the [Board of Trustees] lawful order in behalf of such Teacher, in anticipation of the payment of the [Municipal] School Assessment; and the [Municipal] Council shall make the necessary provision to enable the [Municipal] Treasurer to pay the amount of such order.

Clerk to report appointments and proceedings to Chief Superintendent.

[55. The [City, Town or Village] Clerk shall forthwith notify the Chief Superintendent of Education of the appointment and address of the [Municipal] Treasurer; and shall likewise furnish

him with a copy of all proceedings of the Council relating to school assessments and other educational matters.

To obtain security from all persons entrusted with School Moneys.

[56. Each [City, Town, and Village] Council shall see that sufficient security is given by all officers of the Council to whom school moneys are to be entrusted, and shall also see that no deduction is made from the School Fund by the [Municipal] Treasurer or sub-Treasurer for the receipt and payment of school moneys.

Penalty for not taking proper security.

[In case sufficient security has not been taken, as provided in the fifty-sixth section, it is enacted as follows :

[137. If any part of the Common School Fund 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.

Auditors of School Moneys to be appointed.

[58. Each [City, Town, and Village] Council shall annually, or oftener, appoint Auditors, who shall audit the accounts of the [Municipal] Treasurer and other officers to whom school moneys have been entrusted, and who shall report to such Council.

Clerk to transmit Audited Accounts to the Chief Superintendent.

[59. The [City, Town, or Village] Clerk shall transmit to the Chief Superintendent of Education, on or before the first day of March in each year, a certified copy of the abstract of the report of the auditors, and shall also give any explanation relating thereto, as far as he is able, which may be required by the Chief Superintendent.]

Board to appoint Local Superintendent.

61. The Board of School Trustees for every such City, Town, and Village respectively, shall appoint the Local Superintendent

of Schools for the City, Town, or Village. [See No. 8, c. of section No. 79.]

ELECTION IN CITIES AND TOWNS DIVIDED INTO WARDS.

Two Trustees to be annually elected in each Ward of a City or Town.

62. For each ward into which any City or Town is divided, there shall be two School Trustees, each of whom after the first election of Trustees, shall continue in office two years, and until his successor has been elected, and one of such Trustees shall retire on the second Wednesday in January yearly in rotation.

First elections of School Trustees in Cities and Towns.

63. On the incorporation of any City or Town and the division thereof into wards, two fit and proper persons shall, at the first election of School Trustees, be elected School Trustees of each such ward by a majority of the votes of the freeholders and householders thereof.*

Trustees' term of Office.

And one of such Trustees, to be determined by lot at the first meeting of Trustees after their election, shall retire from office at the time appointed for the next annual School Election, and the other shall continue in office one year longer and then retire, but each such Trustee shall continue in office until his successor has been elected.

Annual election on Second Wednesday in January.

[3. The annual meetings for the election of School Trustees, as hereinafter provided, shall be held in all the Cities, Towns, Townships and Villages of Upper Canada, on the second Wednesday in January, in each year, commencing at the hour of ten of the clock in the forenoon.†]

* As defined in the seventieth section, page 30.

† See Section 69, page 30.

Annual elections of one School Trustee in each Ward of Cities and Towns.

64. In every City and Town at the time prescribed by the third section of this Act, [second Wednesday in January] an election shall be held in each ward at the place of the last municipal election, and under the direction of the same Returning Officer, and conducted in the manner as an ordinary municipal ward election; but in case of the default of such Returning Officer, then under the direction of such person as the electors present may choose; and at such election, one fit and proper person to be a Trustee shall be elected by a majority of the votes of the freeholders and householders in and for each such ward respectively, and such Trustee shall continue in office for two years, and until his successor has been elected.

ELECTION OF COMMON SCHOOL TRUSTEES IN VILLAGES AND TOWNS NOT DIVIDED INTO WARDS.

65. In each Town, not divided into wards, and in each Village, there shall be six School Trustees, two of whom after the first election shall retire yearly on the second Wednesday in January.

First election of School Trustees in a Village or Town Municipality.

66. On the incorporation of any such Town or Village, the *Returning Officer* appointed to hold the first Municipal Election in such Town or Village shall call a meeting for the election of School Trustees, to take place at the time prescribed in the third section of this Act, [on the second Wednesday in January,] or in case of his neglect for one month, any two freeholders in such Town or Village, on giving *six days' notice* in at least three public places in the Town or Village, may call a meeting for such purpose, and at such meeting six Trustees shall be elected, who shall hold office during the periods hereinafter expressed, and from thence until their successors respectively have been elected.

Such Trustees to be divided into classes.

67. The Trustees of every such Town and Village shall be divided by lot into three classes, of two individuals each, to be numbered one, two, three, the first of which classes shall hold office one year, the second two years, and the third three years, and until their successors respectively be elected.

Term of office of such Trustees.

68. The Trustees composing one of such classes, shall retire yearly in rotation, the order of such rotation of the Trustees first elected being determined by lot at the first meeting after their election, and, except the Trustees elected at the first election, the Trustees so to retire shall be those who have held the office for the then next preceding three years, or who have been elected to supply any vacancy in the retiring class.

Annual elections of two Trustees in Villages and Town Municipalities

69. A school meeting shall be held annually on the second Wednesday in January, in each such Town and Village, at the place of the then last annual election of Councillors, at which meeting the freeholders and householders of the Town or Village shall elect two persons to be Trustees in the place of the two retiring from office, which Trustees elect shall continue in office three years, and until their successors have been elected.

Challenging voters at School Elections.

70. In case an objection be made to the right of any person to vote at an election in any City, Town, or Village, or upon any other subject connected with school purposes therein, the Returning Officer presiding at the election shall require the person whose right of voting is objected to, to make the following declaration:

Declaration of voters.

“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 the case may be*) and that “I have paid a public School tax in this ward, (Town or Village, *as the case may be*) within the last twelve months, and “that I am legally qualified to vote at this election.”

Whereupon the person making such declaration shall be permitted to vote.

Effect of such Declaration.

71. If any person wilfully makes a false declaration of his right to vote, he shall be guilty of a misdemeanor, and upon conviction, upon the complaint of any other person, shall be punishable by fine and imprisonment in the manner provided for in the eighteenth section of this Act.

Penalty for false Declaration.

[18. If any person wilfully makes a false declaration of his right to vote, he shall be guilty of a misdemeanor, and be punishable by fine or imprisonment, at the discretion of the Court of Quarter Sessions, or by a penalty of not less than five dollars, or more than ten dollars, to be sued for and recovered, with costs, before a Justice of the Peace by the Trustees of the [City, Town, or Village,] for its use.]

Separate School Supporters not to vote at Common School Meetings.

[19. No person subscribing towards the support of a Separate School established under the Act respecting Separate Schools, and belonging to the religious persuasion thereof, and sending a child or 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 established.]

Penalty on Returning Officer for wrong doing.

73. If the Returning Officer at any election of a Common School Trustee be convicted before the County Judge of disregarding the requirements of the law, or acting partially in the execution of his office, he shall be fined a sum of not less than twenty dollars, nor more than one hundred dollars, at the discretion of such County Judge.

Costs of contested elections.

74. The expenses of any school election contest shall be paid by the parties concerned in it, as may be decided by the County Judge.

Term for which persons are elected to fill vacancies.

75. Any Trustee elected to fill an occasional vacancy in a Board of School Trustees, shall hold office only for the unexpired term of the person in whose place he is elected to serve.

Re-election of any Trustee lawful.

76. Any retiring Trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office.

Trustees to be a Corporation.

77. The School Trustees for each City, Town and Incorporated Village, shall be a Corporation under the name of "The Board of School Trustees of the City, [Town or Village] of _____, in the County of _____," and shall succeed to all the corporate rights and powers, and be subject to all the corporate obligations and liabilities of the preceding Trustees.*

First meeting of the Board of Trustees.

78. The first meeting of the Board may be called by any Trustee to take place in the City, Town or Village Council room.

Duties of the Board.

79. It shall be the duty of the Board of School Trustees of every City, Town and Village respectively, and they are hereby authorized:

Election of Chairman, and his vote.

(1) To elect annually, or oftener, from among their own members, a Chairman, who shall have a right to vote at all times, and in case of an equality of votes the question shall be held to be decided in the negative.

* See Note to Decisions of the Superior Courts, No. 22, page 55.

Appointment of Secretary, Superintendent, Collector, Secretary-Treasurer.

(2) To appoint a Secretary, Local Superintendent of Schools, and if requisite one or more Collectors of school rates, which Collector or Collectors may be of their own number; and one of whom may also be Secretary-Treasurer, who shall be subject to the same duties, obligations and penalties as Secretary-Treasurers in school sections, as follows:

Appointment and duties of Secretary-Treasurer.

[27. It shall be the duty of the Trustees of each [City, Town or Village,] and they are hereby empowered:

[(1) To appoint one of themselves, or some other person, to be Secretary-Treasurer to the Corporation; who shall give such security as may be required by a majority of the Trustees;*

(a) For the correct and safe keeping and forthcoming (when called for) of the papers and moneys belonging to the Corporation;

(b) And for the correct keeping of a record of all their proceedings, in a book procured for that purpose;

(c) And for the receiving and accounting for all school moneys collected by rate-bill, subscription, or otherwise, from the inhabitants of such school section;

(d) And for the disbursing of such moneys in the manner directed by the majority of the Trustees.]

Appointment and duty of School Collector.

[(2) To appoint, if they think it expedient, one of themselves or some other person a Collector (who may also be Secretary-Treasurer), to collect the rates imposed by them upon the inhabitants of their school section, or the sums which the said inhabitants have subscribed; and may pay such Collector, at the rate of not less than five nor more than ten per cent. on the moneys collected by him; and every such collector shall give security satisfactory to the Trustees, and shall have the same powers by virtue of a warrant, signed by a majority of the Trustees, in collecting the school rate or subscription, and shall

* Trustees are, by the 130th and following sections of the U. C. Consolidated School Act, authorized to proceed against any Secretary Treasurer withholding papers, or refusing to account to them.

proceed in the same manner as ordinary Collectors of County [City, Town] and Township rates and assessments.]

Time and place of meetings of Board.

(3) To appoint the times and places of their meetings, and the mode of calling them; and of conducting and recording their proceedings; and of keeping all their school accounts.

Board to take possession of School property.

(4) To take possession of all Common School property, and to accept and hold as a Corporation all property acquired or given for Common School purposes in the City, Town or Village by any title whatsoever.

To manage and dispose of School property.

(5) To manage or dispose of such property, and all moneys or income for Common School purposes.

To apply proceeds of School property.

(6) To apply the same, or the proceeds, to the objects for which they have been given or acquired.

To provide School premises, apparatus, text-books, and library.

(7) To do whatever they may judge expedient with regard to purchasing or renting school sites and premises; building, repairing, furnishing, warming and keeping in order the school houses and appendages, lands, enclosures, and movable property; for procuring suitable apparatus and text-books, and for establishing and maintaining School Libraries.*

*To determine kind of Schools—Teachers and their salaries—
Salary of Superintendent.*

(8) To determine (a) the number, sites, kind and description of schools† to be established and maintained in the City, Town or Village;‡ also

* See Departmental Notices in regard to Libraries, Maps, and Apparatus, at the end.

† This permission includes schools for boys, girls, coloured children, high schools, &c. &c.

‡ See Decision of the Superior Courts in regard to coloured children, No. 25, page 56.

(b) The Teacher or Teachers to be employed; the terms of employing them; the amount of their remuneration, and the duties which they are to perform; also

(c) The salary of the Local Superintendent of schools appointed by them, and his duties.

To unite with Grammar School if expedient.

(9) To adopt, at their discretion, such measures as they judge expedient, in concurrence with the Trustees of the County Grammar School, for uniting one or more of the Common Schools of the City, Town or Village with such Grammar School.

To appoint a Committee for each School.

(10) To appoint annually, or oftener, if they judge it expedient, and under such regulations as they think proper, a Committee of not more than three persons for the special charge, oversight, and management of each school within the City, Town or Village.

To prepare and lay before Municipal Council estimate for salaries, cost or rent of premises, building, rents and repairs, apparatus and books, and libraries.

(11) To prepare from time to time, and lay before the Municipal Council of the City, Town or Village, an estimate of the sums which they think requisite:

(a) For paying the whole or part of the salaries of Teachers;

(b) For purchasing or renting school premises;

(c) For building, renting, repairing, warming, furnishing and keeping in order the school houses and their appendages and grounds;

(d) For procuring suitable apparatus and text-books for the schools;

(e) For the establishment and maintenance of school libraries; and

Other expenses.

(f) For all other necessary expenses of the schools under their charge.

Council required to provide necessary funds.

And the Council of the City, Town or Village, shall* provide such sums in the manner desired by the said Board of School Trustees.

Trustees to levy rates for children attending school.

(12) To levy at their discretion any rates upon the parents or guardians of children attending any school under their charge, and to employ the same means for collecting such rates, as Trustees of Common School Sections in Townships; † and all moneys thus collected shall be paid into the hands of the Chamberlain or Treasurer of the City, Town or Village, or of the Secretary-Treasurer, for the Common School purposes of the same, subject to the order of the Board of School Trustees.

Trustees to give orders for sums due to creditors.

(13) To give orders to Teachers and other school officers and creditors for the sums due to them, on the Chamberlain or Treasurer of the City, Town or Village, or on their own Secretary-Treasurer.

Trustees to give notice of annual and special meetings.

(14) To call and give notice of annual and special school meetings of the freeholders and householders of the City, Town or Village, or of any ward therein, in the manner and under the regulations prescribed in the twentieth section of this Act, for the appointment of annual and special school meetings in the school sections of Townships, as follows :

Place of annual school meeting to be named by Trustees.

[20. The Trustees of each [City, Town or Village] shall appoint the place of each annual school meeting of the freeholders and householders of the section, or of a special meeting for the filling up of any vacancy in the Trustee Corporation,

* In the eighteenth section of the second clause of the Interpretation Act to these Consolidated Statutes, it is enacted that "2. The word 'shall' is to be construed as *imperative*; and the word 'may' as *permissive*." See also Decisions of the Superior Courts, Nos. 2 and 3, pages 45, 46.

† See Sub-sections 11 and 14 of Section 27, on page 38.

occasioned by death, removal, or other cause, or of a special meeting for the selection of a new school site; and shall cause notices of the time and place to be posted in three or more public places of such section, at least six days before the time of holding such meeting, and shall specify in such notices the object of such meeting; they may also call and give like notices of any special meeting, for any other school purpose, which they think proper, and each such meeting shall be organized, and its proceedings recorded in the same manner as in the case of a first school meeting.]

To see that authorized text-books be used, and appoint Librarian.

(15) To see that all the pupils in the schools are duly supplied with a uniform series of authorized text-books,* and to appoint a Librarian, and take charge of the school library or libraries when established.

To see that regulations are observed—Publication of financial and general report in some newspapers.

(16) To see that all the schools under their charge are conducted according to the authorized regulations; and, at the close of each year, to prepare and publish, in one or more of the public papers, or otherwise, for the information of the inhabitants of the City, Town or Village, an annual report of their proceedings, and of the progress and state of the schools under their charge, and of the receipts and expenditure of all school moneys.

To prepare annual report for Chief Superintendent.

(17) To prepare and transmit annually, before the fifteenth of January, to the Chief Superintendent of Education, in the form by him provided for that purpose, a report, signed by a majority of the Trustees, containing all the information required in the reports of Common School Trustees, and any additional items of information which may be required.

May exercise same powers as Rural Trustees.

(18) To exercise as far as they judge expedient, in regard to

* See provisions of the law in regard to authorized text books, page 44.

their City, Town or Village, all the powers vested in the Trustees of each School Section in regard to such School Section.

[The only remaining "powers" vested in Trustees of Rural School Sections, and not otherwise incorporated in this Act, are as follows :

Trustee may resign.

[24. Any person chosen as Trustee may resign, with the consent, expressed in writing, of his colleagues in office and of the Local Superintendent.

Rate-bill and Collector's warrant.

[27. (11) To make out a list of the names of all persons rated by them for the school purposes of [the city, town, or village], and the amount payable by each, and to annex to such list a warrant directed to the School Collector of the section, for the collection of the several sums mentioned in such list ; and any school-rate imposed by Trustees, according to this Act, may be made payable monthly, quarterly, half-yearly, or yearly, as they may think expedient.]

Exempting indigent persons.

[27. (13) In their discretion to exempt from the payment of school-rates, wholly or in part, any indigent persons, and to charge the amount of such exemption upon the other ratable inhabitants of the [city, town, or village], but the same shall not be deducted from the salary of a Teacher.]

Suing non-residents.

[27. (14) To sue for and recover by their name of office, the amounts of school-rates or subscriptions due from persons residing without the limits of their school section, who make default in payment.]

Residents between the ages of 5 and 21 are lawful pupils.

[27. (16) To permit all residents in [the city, town, or village, between the ages of five and twenty-one years, to attend the school, so long as they conduct themselves in conformity with the rules of such school, and the fees or rates required to be paid on their behalf are fully discharged ; but such permission shall not extend to the children of persons in whose behalf a separate school has been established, according to the Act respecting the establishment of separate schools.]

COMMON SCHOOL TEACHERS AND THEIR DUTIES.

[80. No [male or female] Teacher shall be deemed a qualified Teacher who does not at the time of engaging with the Trustees, and applying for payment from the School Fund, hold a certificate of qualification, as in this Act provided.]

Teacher not to hold certain offices.

[81. No Teacher shall hold the office of School Trustee or of Local Superintendent.]

Duties—To teach according to law and regulations.

[It shall be the duty of every Teacher of a Common School :

(1) To teach diligently and faithfully all the branches required to be taught in the School, according to the terms of his engagement with the Trustees, and according to the provisions of this Act.

To keep the Register of the School.

(2) To keep the daily, weekly, and monthly, or quarterly registers of the school.*

Penalty for false reports and registers.

[138. If any Trustee of a Common School knowingly signs a false report, or if any Teacher of a Common 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 Common School, such Trustee or Teacher shall, for each offence, forfeit to the Common School Fund of the Township, the sum of twenty dollars, for which any person whatever may prosecute him before a Justice of the Peace, and for which he may be convicted on the oath of one credible witness other than the prosecutor : and if upon conviction the penalty is not forthwith paid, the same shall, under the warrant of such Justice, be levied with costs by distress and sale of the goods and chattels of the offender ; and such penalty, when so paid or collected, shall by such Justice be paid over to the Common School Fund ; or the said offender may be prosecuted and punished for the misdemeanor.]

To maintain proper order and discipline.

(3) To maintain proper order and discipline in his school, according to the authorized forms and regulations.

* See Departmental Notices, at the end of this Pamphlet.

To keep a visitor's book.

(4) To keep a visitor's book (which the Trustees shall provide), and enter therein the visits made to his school; and to present such book to each visitor, and request him to make therein any remarks suggested by his visit.

To give access to registers and visitor's book.

(5) At all times, when desired by them, to give the Trustees and Visitors access to the Registers and Visitors' Book appertaining to the school; and upon his leaving the school, to deliver up the same to the order of the Trustees.

To hold Public Quarterly Examinations.

(6) To have at the end of each quarter, a public examination of his school, of which he shall give due notice to the Trustees of the school, to any School Visitors who reside in or adjacent to such school section, and, through the pupils, to their parents and guardians.

To furnish Information to Chief or Local Superintendent.

(7) To furnish to the Chief or Local Superintendent of Schools, when desired, any information which it may be in his power to give respecting anything connected with the operations of his school, or in anywise affecting its interests or character.

Protection of Teachers in regard to Salary.

[83. Any Teacher shall be entitled to be paid at the same rate mentioned in his agreement with the Trustees, even after the expiration of the period of his agreement, until the Trustees pay him the whole of his salary, as teacher of the school, according to their engagement with him.

Arbitration in case of difference between Teacher and Trustees.

[84. In case of any difference between Trustees and a Teacher, in regard to his salary, the sum due to him, or any other matter in dispute between them, the same shall be submitted to arbitration, in which case :

- (1) Each party shall choose an arbitrator ;
- (2) In case either party in the first instance neglects or refuses to appoint an arbitrator on his behalf, the party requiring the arbitration may, by a notice in writing to be served upon the party so neglecting or refusing, require the last-mentioned party within three days, inclusive of the day of the service of such notice, to appoint an arbitrator on his behalf, and such

notice shall name the arbitrator of the party requiring the arbitration; and in case the party served with such notice does not, within the three days mentioned therein, name and appoint an arbitrator, then the party requiring the arbitration may appoint the second arbitrator.

Local Superintendent to be an Arbitrator.

(3) The Local Superintendent, or in case of his inability to attend, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators, or a majority of them, shall finally decide the matter.

Powers of Arbitrators to examine.

[85. The arbitrators may require the attendance of all or any of the parties interested in the reference, and of their witnesses, with all such books, papers, and writings, as such arbitrators may direct them or either of them to produce, and the arbitrators may administer oaths to such parties and witnesses.

Warrant of Arbitrators equivalent to execution of a Division Court.

[86. The said arbitrators, or any two of them, may issue their warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid, and the person named in such warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same has issued, as any bailiff of a Division Court has in enforcing a judgment and execution issued out of such Court.

*No such dispute to be brought into any Court.**

[87. No action shall be brought in any Court of Law or Equity to enforce any claim or demand between Trustees and Teachers which can be referred to arbitration as aforesaid.]

SCHOOL VISITORS AND THEIR DUTIES.

School Visitors defined.

[100. All Clergymen recognized by law, of whatever denomination, all Judges, Members of the Legislature, Magistrates, Members of County Councils, and Aldermen, shall be School Visitors in the townships, cities, towns, and villages

* See Decisions of the Courts, No. 9 page 50.

where they respectively reside ; but persons holding the Commissions of the Peace for the county only, shall not be School Visitors within towns and cities ; and each Clergyman shall be a School Visitor only in the township, town, or city where he has pastoral charge.

Their authority to visit schools.

[101. Each of the School Visitors may visit the Public School in the township, city, town, or village ; and may attend the quarterly examination of schools, and, at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the Teacher and pupils, and any others present, as he thinks advisable, in accordance with the regulations and instructions provided in regard to School Visitors.

General Meeting of Visitors.

[101. A general meeting of the Visitors may be held at any time or place appointed by any two Visitors, on sufficient notice being given to the other Visitors in the township, city, town, or village ; and the Visitors thus assembled, may devise such means as they deem expedient for the efficient visitation of the schools, and for promoting the establishment of Libraries and the diffusion of useful knowledge.

MISCELLANEOUS PROVISIONS APPLICABLE TO CITIES, TOWNS,
AND VILLAGES.

Penalty for disturbing a school or school meeting.

[139. Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or any school established and conducted under its authority ; or wilfully interrupts or disquiets any Grammar, Common, or other Public School, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of such school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for Common School purposes to the School Section, City, Town, or Village within which the offence was committed, such sum not exceeding twenty dollars, together with the costs of the conviction, as the said Justice may think fit ; or the offender may be indicted and punished for any of the offences hereinbefore mentioned as a misdemeanor.]

How penalties shall be recoverable.

[140. Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceeding, may be sued for, recovered, and enforced, with costs, by and before any Justice of the Peace having jurisdiction within the School Section, City, Town, or Village in which such fine or penalty has been incurred; and if any such fine or penalty and costs be not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied, and collected, with costs, by distress and sale of the goods and chattels of the offender, and shall be by such Justice paid over to the School Treasurer of the School Section, City, Town, or Village, or other party entitled thereto; and in default of such distress, such Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same, be sooner paid.

Uniformity of Decisions in Division Courts.

[108. It being highly desirable that uniformity of decision should exist in cases within the cognizance of the Division Courts, and tried in such Courts, in which the Superintendents, Trustees, Teachers, and others, acting under the provisions of this Act, are parties, the Judge of any Division Court wherein any such action may be tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Chief Superintendent of Education to appeal the case; and after notice of appeal has been served, as hereinafter provided, no further proceedings shall be had in such case until the matter of the appeal has been decided by a Superior Court.

Chief Superintendent may appeal from such Court to the Superior Courts of Law.

[109. The Chief Superintendent may, within one month after the rendering of judgment in any such case, appeal from the Decision of the Division Court Judge to either of the Superior Courts of Law at Toronto, by serving notice in writing of such appeal upon the Clerk of the Division Court appealed from, which appeal shall be entitled, "The Chief Superintendent of Education for Upper Canada, Appellant, in the matter between (A. B. and C. D.)"

Grant payable on 1st of July in each year.

[123. The sum of money apportioned annually by the Chief Superintendent of Education to each county, township, city, town, or village, in aid of Common Schools therein respectively, shall be payable on or before the first day of July in each year, to the Treasurer of each county, city, town, and village, in such way as the Governor in Council from time to time directs, and such sum, together with at least an equal sum raised annually by local assessment, shall constitute and be called the Common School Fund of such county, township, city, town, or village; and no part of the salaries of the Chief or Local Superintendents, nor of any other persons except Teachers employed, or of any expenses incurred in the execution of this Act, shall be paid out of the said Common School Fund; but such Fund shall wholly, and without diminution, be expended in the payment of Teachers' salaries.

Conditions of receiving share or grant.

[124. No county, city, town, or village shall be entitled to a share of the Legislative School Grant without raising, by assessment a sum at least equal (clear of all charges for collection) to the share of the said School Grant apportioned to it; and should the Municipal Corporation of any county, city, town, or village raise in any one year a less sum than that apportioned to it out of the Legislative School Grant, the Chief Superintendent of Education shall deduct a sum equal to the deficiency, from the apportionment to such county, city, town, or village in the following year.

*Foreign books not to be used without leave of the Council of Public Instruction.**

[128. No person shall use any foreign books in the English branches of education, in any Model or Common 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 Common 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 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

* See Part IV. page 59.

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 general regulations provided for the government of Common Schools.]*

PART III.

DECISIONS OF THE COURTS OF QUEEN'S BENCH AND COMMON PLEAS ON SCHOOL QUESTIONS, IN UPPER CANADA.†

The abbreviation 3, Q. B. R. 241, means Vol. 3, Upper Canada Queen's Bench Reports, page 241.

The abbreviation 7, C. P. R. 227, means Vol. 7. Upper Canada Common Pleas Reports, page 227.

CITIES, TOWNS, AND VILLAGES.

1. *Boards of School Trustees in Cities, Towns, and Villages, not subject to the restrictions of rural Trustees, in regard to the number of Schools to be established.*

The School Trustees in cities, towns, and villages, have unlimited discretion, under the twenty-fourth section of the School Act of 1850, as to the number of schools to be kept up, and are not subjected to the restrictions in this respect imposed upon school section trustees in townships.—*In re Board of School Trustees v. Municipality of Brockville.*

2. *Payment by the Town Council of a part of the Trustees' Estimate a recognition of the whole.*

When an estimate of the sum required for school purposes was sent to the Municipal Council, by the Board of School Trustees, and the Council recognized the presentation of such

* See Regulations in regard to Religious Instruction, on page 62 in this Pamphlet.

† Several of the following abstracts of decisions are taken from the "Canada Educational Directory for 1857-58," edited by Thomas Hodgins, Esq., LL.B., Barrister-at-Law, Toronto. The later decisions, and those omitted in the Directory, have been added.

estimate by paying a portion of the amount, and submitted to court their reasons for refusing to pay the balance.

Held. That by such recognition of the Trustees' estimate, they were precluded from pleading that it had not been laid before them as the law required.—*Idem.*

3. *A resolution of a Board of School Trustees is not the Estimate required by law.*

The communication by a Board of School Trustees to the Municipal Council of a town, of a resolution of the Board, that the chairman do order the Town Council to furnish the Board with a sum of money immediately, for the purpose of purchasing a site and erecting a school-house—a copy of which resolution was sent to the Town Council—is not a compliance with the sixth clause of the twenty-fourth section of the School Act of 1850, requiring the Board to prepare an *estimate* of the sums it may require; and consequently does not render the Town Council liable to be compelled to pay the amount by mandamus.—*In re Board of School Trustees v. Municipality of Port Hope*, 4 C. P. R. 418.

4. *A vote of the school rate-payers not necessary in Cities, Towns, and Villages, as in school sections.*

A vote of the rate-payers is not necessary in cities, towns, and villages—although it is in school sections—to authorize an application to the Town Council, or a rate by the Board.—*Idem.*

5. *Ward School Assessments of a City or Town illegal.*

A Board of School Trustees applied to a Municipal Council to levy a distinct sum in each of the wards of the Municipality, and the Council passed a By-law for that purpose :

Held. That it was illegal. An assessment for School (as well as Municipal) purposes must be levied equally upon the rate-payers of the Municipality in proportion to their ratable property, and cannot be levied by an unequal rate in the different wards of such Municipality.—*In re Scott v. Municipality of Ottawa*, 13 Q. B. R. 346.

6. *Order on Treasurer must precede an application for writ of Mandamus to compel payment.*

The Board of School Trustees of a village applied to the Village Municipality to levy a sum of money required to pay for a School site which they had contracted to purchase. The Municipality refused to do so, and the Board applied for a mandamus. It did not appear that the Trustees had appointed a Secretary-Treasurer.

Held, That the Board should first have given an order to the person from whom they had agreed to purchase, upon the Treasurer of the Municipality.—*In re Board of School Trustees v. Municipality of Galt*, 13 Q.B.R. 511. (See No. 21, page 55.)

7. *Meaning of "Taxable Inhabitants," in Cities, Towns, and Villages.*

Persons who are rated for statute labor only, and who are not householders, are not "taxable inhabitants" within the meaning of the twenty-second section of the School Act of 1850, and cannot therefore vote at the election of School Trustees.—*The Queen ex rel. McNamara v. Christie et al.*, 9 Q. B. R. 682.

8. *Extension of time for collection of School rates.—Power of Collector.*

The time for levying a School tax in the City of Kingston, imposed by By-law in December, 1855, was extended by resolutions of the City Council, under 18 Vic., ch. 21, sec. 3, until the 1st August, 1856, and again, on the 22nd December, 1856, to the 1st March, 1857.

Held, That the collector, who was the same person for both years, might distrain, between the 1st August and the 22nd December, 1856, although no resolution extending the time was then in force.—*Newbury v. Stephens, et al.*, 16 Q. B. R. 65.

9. *Moneys collected under a By-law of any Municipality must be paid to the Municipal Treasurer.*

Under a By-law of the District of Huron Municipal Council, a certain School Section was assessed in £25 to build a school-house therein ;

Held. That all monies collected for the erection of school-houses under any By-law of the District Municipal Council were payable to the District Treasurer, who alone under the late Act was authorized to take security from collectors for the payment of moneys collected for public purposes.—*Brown v. Styles et al.*, 2 C. P. R. 346.

TRUSTEES AND TEACHERS.

1. *A Local Superintendent Signing a Contract with a Teacher is a mere approval of the appointment.*

A Local Superintendent signing, together with Trustees, a contract with a Teacher, will be considered as having signed the same only as approving of the appointment, and not as contracting with the Teacher.—*Campbell v. Elliott et al.*, 3 Q. B. R. 241.

2. *The Trustees and not the Teacher, the proper parties to sue for a Trespass on the school-house.*

Under the forty-fourth section of the School Act of 1843, 7 Vic. c. 29, the Trustees of the School, and not the Teacher, should sue for a trespass on the school-house; unless it can be shown that the Trustees have given the Teacher a particular interest in the building, beyond the mere liberty of occupying it during the day for the purpose of teaching.—*Monaghan v. Fergusson et al.*, 3 Q. B. R. 484.

3. *Trustees agreeing to furnish a Teacher with fuel, must be applied to for same.*

A Teacher charged Trustees upon a special agreement stated to have been made by them, to furnish the said Teacher with fuel when required:

Held, that they could not be charged with a breach of covenant, as a request with time and place had not been stated in the Teacher's declaration.—*Anderson v. Vansittart et al.*, 5 Q. B. R. 335. *Qy.*, whether such an agreement could be enforced. See No. 6, page 49.

4. *Teacher's agreement with Trustees should be under Corporate Seal.*

In an action brought by a Teacher against Trustees appointed under the [old] School Act of 1846, 9 Vic. c: 20, setting out a special agreement to retain said Teacher in their employment for a year at a certain salary; and also in a special action brought by the Teacher, founded on a verbal agreement for wrongfully and without cause turning the Teacher away, and preventing him thereby earning his salary, &c.

Held. In both cases that the declaration was bad, in not stating that the agreement was made by the Trustees with their corporate seal. (See No. 22, page 55.)—*Quinn v. Trustees*, 7 Q. B. R. 130.

5. *Trustees cannot be sued for money, but for order when it is their duty to give an order.*

If the School Trustees refuse to sign the order upon the Local Superintendent for the payment of the School Fund as provided for by the Act, they may be proceeded against by *Mandamus*; or, perhaps, they may be sued in a special action for not making the order; but they cannot be sued for the money, as that is not in their hands.—*Idem.*

6. *Trustees cannot agree to provide a Teacher with board and lodging.*

Trustees have no power under the School Act to make an agreement for providing the Teacher with board and lodging.—*Idem.*

7. *No Rate can be imposed for the payment of an Unqualified Teacher.*

No rate can legally be imposed for the salary of an unqualified Teacher.—*Stark v. Montague et al.*, 14 Q. B. R. 473.

8. *Nor for the re-imbusement of Costs in defending illegal acts.*

School Trustees cannot impose a rate to re-imburse themselves for costs incurred in defending unsuccessfully, a suit brought

against them for levying an unauthorized rate, or for travelling expenses incurred in order to consult with the Superintendent.—*Idem.*

9. *Arbitration is the only mode of settling disputes between Trustees and Teacher.*

No action in Law or Equity can be sustained by a School Teacher against Trustees for his salary; arbitration is the only remedy.—*Tiernan v. Trustees, No. — Nepean, 14 Q. B. R.15.*

10. *Arbitrations with Teachers—Difference in two awards.*

The Trustees of a certain School Section had agreed to engage a certain teacher, but differences having arisen as to his salary, &c., an arbitration was had, and the award made was to the effect, that there was due to the Teacher from the Trustees £50, for which they were individually liable. This award not having been complied with, the Teacher named an arbitrator and gave notice to the Trustees, claiming for his salary since the date of the first award; but they, acting under legal advice, did nothing; and the second arbitration took place without their concurrence. The following was the award then made:—1st. That the arbitrators having received indisputable evidence of the former award, and of its recognition by the parties, agreed to adopt the same. 2nd. That as the Trustees had failed to perform said award, and as, by the 17th section of the School Act of 1850, p. 51, the Teacher was entitled to his salary at the rate agreed on till fully paid, the said Teacher was entitled to his salary from the date of such award to the present time, with costs of the arbitration, making altogether £95 12s. 3½d.; and further, that he was entitled to such salary for all time to come, until he should be paid in full. (See No. 4, page 49.)

At the trial, however, the arbitrators quoted an award which was materially different from that proved to have been made by them. (See No. 1, page 51.)

On the second award the arbitrators issued their warrant to a bailiff to make the whole sum awarded (which included the sum

due under the first award), by seizure and sale of the goods and chattels of said Trustees. (See 6 & 7, page 52.)

The Teacher had been engaged by the Trustees at a certain salary, by verbal agreement only. (See 2 below.)

Held, 1. That as the award of the arbitrators proved, differed materially from their award as pleaded, such plea could not be supported.—*Kennedy v. Burness et al.*, 15 Q. B. R., 473.

11. *Agreements with Teachers must be in writing.*

2. That the averment of an agreement with the Teacher could be supported only by a written agreement.—*Idem*. (See 4, page 49.)

12. *Personal liability of Trustees dependent upon their neglect or refusal to exercise their Corporate powers.*

3. That as by the Upper Canada School Act of 1850, sec. 12, sub-section 16 (p. 42), the Trustees can only be personally liable when they have wilfully neglected or refused to exercise their corporate powers, such neglect or refusal should have been alleged and shown in the award, to warrant its directions to levy on the Trustees personally. *Semble*, also, that the evidence showed no sufficient ground for such liability. (See 15, next page.)

Quære. Whether the arbitrators have authority to determine the question of personal liability on the part of the Trustees.—*Idem*.

13. *The Arbitrators' award is final as to Teacher's claim for further salary.*

4. That the non-payment of the first award was not a non-payment of the Teacher's salary under his agreement, so as to entitle him to such salary after the award; nor was it a matter of indifference, within the meaning of the Act, which could authorize a second reference.—*Idem*. (See No. 12, on this page.)

14. *Duties and Responsibilities of Arbitrators.*

5. That the arbitrators were not precluded from raising these objections by the provision in the statute that such award shall be final.

16. *Arbitrators' award final as to Teacher's claim for further salary.*

Arbitration—Personal liability.

A School Teacher, after an award had been made in his favor on a dispute as to salary with the Trustees, afterwards made a claim in a second arbitration for the amount payable under the first award, together with his salary for the further period which had elapsed since such award, and sought under an award obtained *ex parte* and a warrant thereon to recover the amount by a seizure of the Trustees' goods. (See No. 12, page 51.)

Held, On replevin by the Trustees, that such a course was illegal and not contemplated by the School Acts.—*Kennedy v. Burness et al., Murray v. Burness et al.*, 7 C. P. R. 227. (See No. 13, page 51.)

17. *Representation as to the character of a Teacher by a rate payer, with a view to obtain redress, is a privileged communication. Malice and falsehood of the representation must be proved in action for libel.*

A representation by the assessed inhabitants of a School Section as to the character of a Teacher, made with a view of obtaining redress, is a privileged communication, which it is of importance to the public to protect; and such a statement would not be the less privileged if made by mistake to the wrong quarter.

Quære. Whether a communication of this nature made by an inhabitant of any other part of the Province, would not be privileged.

Where the libel complained of is clearly a privileged communication, the inference of malice cannot be raised upon the face of the libel itself, as in other cases it might be, but the plaintiff must give extrinsic evidence of actual express malice, he must also prove the statement to be false as well as malicious; and the defendant may still make out a good defence by showing that he had good ground to believe the statement true, and acted honestly under that persuasion.—*McIntyre v. McBean et al.*, 13 Q. B. R. 534.

MISCELLANEOUS.

18. *Decisions on School Questions by the Chief Superintendent.*

The duties imposed upon the Chief Superintendent and the several Local Superintendents by the School Acts, show that the Legislature intended to provide a domestic forum for the settlement of school questions; and the reference of several other matters involving legal considerations to arbitration, answers the objection sometimes urged that the Legislature did not mean legal questions to be determined by an officer who, perhaps, might not be versed in legal technicalities. It appears, therefore, looking at the whole scope of the acts, that it was supposed the affairs of the schools could be managed by means of arbitrators, and references to the Local Superintendent, and finally to the Chief Superintendent, without troubling the Courts.—10 Q. B. R. 475.

19. *Application to be first made to the Chief Superintendent, in regard to claims on the School Fund.*

The following opinion as to the legal construction of this clause has been expressed by the Honorable Sir J. B. Robinson, Chief Justice of Upper Canada:—

“I have some doubt whether the 35th section, part 5, does not make the Chief Superintendent the proper tribunal for determining all claims upon any part of the school fund: Unless what the present applicants desire to share in, forms part of the ‘school fund,’ it is quite clear they can have no right under the 19th clause of the statute to share in it. If it does form part of the ‘school fund,’ then the 35th clause provides that the Chief Superintendent is ‘to decide upon all matters and complaints submitted to him which involve the expenditure of any part of the school fund;’ and the applicants, before they come to this court with any complaint, should at least be ‘able to show that they have submitted their claim to him, and that he has refused to entertain it; for a mandamus is the proper remedy in those cases only ‘in which a party hath a clear right to have a thing done and hath no other specific means of compelling its performance.’”—8 East, 218. U. C. Queen’s Bench Reports, 359, 1853.

20. *Maximum rate of interest to be paid by Municipal Councils.*

Municipal Corporations cannot, by By-law, provide for money at a rate of interest exceeding that authorized by the

Statute.—*Wilson v. Municipality of the County of Elgin*, 13 Q. B. R. 129.

21. *Treasurer must honor Trustees' Orders for School Moneys.*

That portion of the rate which by the enactment of law goes into the hands of the Treasurer, is subject to the order of the Trustees. He may not have received the money, or may refuse to obey their order, but in neither case can they be liable to an action for not paying the money. They are public officers, who have only to discharge their proper duty. If they refused to make an order, a Mandamus would lie against them, or perhaps a special action for not making the order, but not an action for the money, for that is not in their hands. If the Treasurer fails in his duty he is liable to indictment, and might be found liable also to a remedy by action.—*Quin v. Trustees, No. 4, Seymour*, 7 Q. B. R. 138. (See Nos. 6 and 9, page 47.)

22. *School Trustees contract not valid without their Corporate Seal.*

The Trustees of a School Section being a corporation under the School Act of 1850, are not liable as such to pay for a school-house erected for and accepted by them, not having contracted under seal for the erection of the same. The seal is required as authenticating the concurrence of the whole body corporate.*—*Marshall v. Trustees No. 4. Kitney*, 4 C. P. R. 375. (See 4, page 49.)

23. *School Trustees contract under Seal signed by a majority of the Corporation binding.*

A contract was entered into by two of the Trustees of a Section under their corporate seal for building a school house,

* "A corporation being an invisible body, cannot manifest its will by oral communication; a peculiar mode has heretofore been devised for the authentic expression of its intention,—namely, the affixing of its common seal; and it is held that though the particular members may express their private consent by words, or signing their names, yet this does not bind the corporation; it is the fixing of the seal, and that only, which unites the several assents of the individuals composing it; and makes one joint assent of the whole."—*Smith's Mercantile Law, B. I. C. 4.*

after the house was built the Trustees refused to pay on the plea that the contract was not legal, a jury having given a verdict in favor of the Trustees, a new trial was ordered, and the verdict set aside.—*Forbes v. Trustees, No. 8, Plympton, S C. P. R. 73.* (See 4, page 49; and 56, page 55.)

24. *A Township Superintendent can only sue Collector for Penalties.*

A Township Superintendent has no legal authority to sue the collector of the Township for monies received by him, *not in the nature of penalties.*—*Shirley v. Hope, 4 Q. B. R. 240.*

25. *Separate Schools for Coloured Inhabitants.*

1. Where no Separate School is established for the children of the coloured inhabitants, such children have the same right to attend the Common School as the other children of the Section.—*Washington v. Trustees, No. 14, Charlotteville, 11 Q. B. R. 569.*

2. Residents of a School Section in which a Separate School has been established for the class to which it belongs—as in this case for coloured people—are not entitled to send their children to the general Common School of such Section.—*In re Dennis Hill v. Trustees, Camden and Zone, 11 Q.B.R.573.*

[NOTE.—Abstracts of other Decisions of the Courts will be given, from time to time, in the *Journal of Education* for Upper Canada; a copy of which is sent to each City, Town, and Village Board of Grammar and Common School Trustees and Local Superintendents.]

PART IV.

DECISIONS OF THE CHIEF SUPERINTENDENT OF
EDUCATION.**(Applicable to Cities and Towns.)*NO. 1. POWERS OF TRUSTEES IN CITIES, TOWNS, AND
VILLAGES.†

The exclusive power of selecting and purchasing school sites, erecting school houses, and doing everything which may be judged necessary for the interests of schools in cities, towns, and incorporated villages, is invested in the Board of School Trustees, who are the people's elected representatives for all school purposes. In *School Sections* in Townships, a public meeting has to be called for the selection of a school site, and for determining the *manner* of providing for all expenses; but these provisions of the law do not apply to cities, towns, and incorporated villages, the Boards of School Trustees of which determine the school sites as well as the mode and means of providing for the expenses of the school. They are required to publish the School accounts of all moneys received and expended by them once a year, besides otherwise preparing annual reports of their schools; but they are not required to call meetings in reference to school sites and the modes of supporting their school, as in *School Sections*. On the contrary, it is the *Board of Trustees* which is "to determine the *number, sites, kind and description of schools,*" and everything connected with their purchase, establishment and support.

The Board of School Trustees may include in its estimates laid before the Council of its Municipality the cost of sites, school houses, teachers' salaries, &c.; and the Council is requir-

* See Decisions of the Superior Courts, page 54.

† *Ibid*, page 45.

ed to provide these sums in such manner as shall be desired by Boards of School Trustees. Two or three Town Councils and one or two Village Councils have refused in past years to provide the sums as estimated and requested by their Boards of School Trustees, but they have in every case of resistance been compelled to do so, by the decision of the Court of Queen's Bench. The Municipal Council has no discretion in school matters. The agency of the Council is used to levy and collect school rates from considerations of convenience and economy, as the Council has already in existence and operation all the apparatus of rolls, collectors, &c., necessary for the purpose.

New Village Boards of Trustees.—The incorporation of a village supersedes, of course, the school sections included within the limits of the Corporation, and renders necessary the election of a separate Board of School Trustees for the Village, the new board succeeding to all the rights and obligations of the old Trustees.

Towns and Villages cannot be divided into School Sections.—The Board of School Trustees may establish schools for particular parts or wards of its town or village, and appoint a committee of three, to the special charge of each such school; but a city, or town, or village, cannot be so divided into *School sections*, as to render each a corporation with its own Trustees.

NO. 2. THE ILLEGALITY OF USING UNAUTHORIZED SCHOOL BOOKS.

Summary of the Law.—A summary of the provisions of the Upper Canada Consolidated Statutes of 1858, Cap. LXIV., on this subject, is as follows:

Sec. 128. No person shall use any *foreign books in the English branches of education*, in any Model or Common School, without the *express permission* of the Council of Public Instruction.

Sec. 79, sub-sec. 15. Requires Trustees in cities, towns, &c., to see that all the pupils in the Schools are duly supplied with a uniform series of *authorized text-books*.

Sec. 98, sub-sec. 3. County Boards of Public Instruction are to select (if deemed expedient) from a list of text-books recommended or *authorized* by the Council of Public Instruction, such books as they may think best adapted for use in the Common Schools of the county.

Sec. 91, sub-sec. 6. Provides that it shall be the duty of each Local Superintendent of Schools to prevent the use of *unauthorized*, and to recommend the use of authorized books in each School.

Sec. 106, sub-sec. 13. Empowers the Chief Superintendent of Education to submit to the Council of Public Instruction, all books or manuscripts which, with the view of obtaining the recommendation or sanction of such Council for their introduction as text-books, are placed in his hands.

Sec. 119, sub-sec. 5. Provides that the Council of Public Instruction is to examine, and, at its discretion, recommend or disapprove of text-books for the use of Schools.

Unauthorized Books.—Penalty.—If Teachers employ text-books not authorized to be used in the Schools, such Schools are not entitled to the School Fund apportioned to them, as they are not conducted according to law; nor can any foreign book be used in a School, without such School forfeiting its right to share in the School Fund. The great evil in the country Schools in the State of New York is the multiplication of text-books, according to the fancy of each Teacher, or his agreement with some bookseller,—parents being called upon to buy new books as often as they get new Teachers,—an evil which we have studiously guarded against in Upper Canada.

American Geographies.—The Council has permitted the use of Morse's American Geography until one expressly prepared for Canada, after the same plan, could be provided. I have every reason to believe that as soon as such a one is published (which will be early next spring, as the maps, &c., are now far

advanced), the sanction by the Council of Public Instruction for the use of Morse's Geography will be withdrawn.

5. *List of National and other School Books. Sanctioned by the Council of Public Instruction for Upper Canada.*

- First Book of Lessons.
- Second ditto.
- Sequel to Second Book.
- Third Book of Lessons.
- Fourth ditto.
- Fifth ditto Boys.
- Sixth, or Reading Book for Girls School.
- Introduction to the Art of Reading.
- Spelling Book Superseded, by Prof. Sullivan.
- English Grammar.
- Key to English Grammar.
- Epitome of Geographical Knowledge.
- Compendium of ditto.
- Geography Generalized, by Professor Sullivan.
- Introduction to Geography & History, by ditto.
- First Arithmetic.
- Key to ditto.
- Arithmetic, in Theory and Practice
- Sangster's National Arithmetic in the Decimal Currency.
- Book-Keeping.
- Key to ditto.
- Elements of Geometry.
- Mensuration.
- Appendix to ditto.
- Scripture Lessons, Old and New Testament.
- Sacred Poetry.
- Lessons on the Truth of Christianity.
- Hodgins' Geography and History of the British Colonies.
- Lennie's English Grammar.
- Morse's Geography, Am. Ed.
- Kirkham's English Grammar, Am. Ed.
- Set Tablet Lessons, Arithmetic.
- Ditto Spelling and Reading.
- Ditto. Copy Lines.
- Also the National Maps, &c.

[See Departmental notices, in regard to maps and apparatus, at the end.]

PART V.

GENERAL REGULATIONS FOR THE ORGANIZATION,
GOVERNMENT AND DISCIPLINE OF COMMON
SCHOOLS IN UPPER CANADA.

Adopted after mature consideration, on the 3rd of October, 1850, by the Council of Public Instruction, as authorized by the Act 13th and 14th Victoria, Chapter 48, Section 38.

1. HOURS OF DAILY TEACHING, HOLIDAYS AND VACATIONS.*

(1) The hours of teaching each day shall not exceed six, exclusive of all the time allowed at noon for recreation. Nevertheless, a less number of hours for daily teaching may be determined upon in any school, at the option of the trustees.

(2) Every alternate Saturday shall be a holiday in each school.

(3) There shall be three vacations during each year; the first, eight days, at Easter; the second, the first two weeks in August; the third, eight days, at Christmas.

(4) All agreements between trustees and teachers shall be subject to the foregoing regulations: and no teacher shall be deprived of any part of his salary on account of observing allowed holidays and vacations. See notes * and † below.

* The number of teaching days in each month, omitting the allowed holidays and vacations, is as follows:

<i>(First half of the year.)</i>		<i>(Second half of the year.)</i>	
January	25	July	24
February	22	August	14
March } As Easter is change- }	16	September	23
April } able, these will vary. }	24	October	24
May	25	November	23
June	23	December	17
Total	135	Total	125

† No deduction whatever can be lawfully made from any Teacher's salary for any allowed holidays or vacations; nor for the exemption of indigent persons, authorized on page 38, No. 27 (13).

(5) Union grammar and common schools are subject to the regulations affecting holidays and vacations in grammar schools, for which see Manual.

2. RELIGIOUS AND MORAL INSTRUCTION.

As Christianity is the basis of our whole system of elementary education, that principle should pervade it throughout. The Upper Canada Consolidated Statutes of 1858, Cap. LXIV. Sec. 129, securing individual rights, as well as recognizing Christianity, provides that in any model or common school established under this act, "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 or guardians desire, according to any general regulations provided for the government of common schools." Pages 44, 45.

In the section of the Act thus quoted, the principle of religious instruction in the schools is recognized, the restrictions within which it is to be given is stated, and the exclusive right of each parent and guardian on the subject is secured.

The common school being a *day* and not a *boarding* school, rules arising from domestic relations and duties are not required, and as the pupils are under the care of their parents and guardians on Sabbaths, no regulations are called for in respect to their attendance at public worship.

3. OPENING AND CLOSING EXERCISES OF EACH DAY.

Minute adopted by the Council of Public Instruction, 13th February, 1855.

The following regulations in regard to the opening and closing exercises of the day, apply to all Common Schools in Upper Canada:—

With a view to secure the Divine blessing, and to impress upon the pupils the importance of religious duties, and their entire dependence on their Maker, the Council of Public Instruction recommends that the daily exercises of each Common

School be opened and closed by reading a portion of Scripture and by Prayer. The Lords Prayer alone, or Forms of Prayer provided, may be used, or any other prayer preferred by the Trustees and Master of each school. But the Lord's Prayer should form part of the opening exercises, and the Ten Commandments be taught to all the pupils, and be repeated at least once a week. But no pupil shall be compelled to be present at these exercises against the wish of his parent or guardian, expressed in writing to the Master of the School."

4. WEEKLY RELIGIOUS INSTRUCTION BY THE CLERGY OF EACH PERSUASION.

Minute adopted by the Council of Public Instruction for Upper Canada, on the 22nd April, 1857.

That in order to correct misapprehensions, and define more clearly the rights and duties of Trustees and other parties in regard to religious instruction in connection with the Common Schools, it is decided by the Council of Public Instruction, that the Clergy of any persuasion, or their authorized representatives, shall have the right to give religious instruction to the pupils of their own Church, in each Common School house, at least once a week, after the hour of four o'clock in the afternoon; and if the Clergy of more than one persuasion apply to give religious instruction in the same school house, the trustees shall decide on what day of the week the school house shall be at the disposal of the clergyman of each persuasion, at the time above stated. But it shall be lawful for the Trustees and Clergymen of any denomination to agree upon any other hour of the day at which such Clergyman or his authorized representative may give religious instruction to the pupils of his own church, provided it be not during the regular hours of the school.

FORMS OF PRAYER.

BEFORE ENTERING UPON THE BUSINESS OF THE DAY.

Let us Pray.

O Lord, our Heavenly Father, Almighty and Everlasting God, Who hast safely brought us to the beginning of this day,

defend us in the same by Thy mighty power; and grant that this day we fall into no sin, neither run into any kind of danger, but that all our doings may be ordered by Thy governance, to do always that is righteous in Thy sight, through Jesus Christ our Lord. *Amen.*

O Almighty God, the giver of every good and perfect gift, the fountain of all wisdom, enlighten, we beseech Thee, our understandings by Thy Holy Spirit, and grant, that whilst with all diligence and sincerity we apply ourselves to the attainment of human knowledge, we fail not constantly to strive after that wisdom which maketh wise unto salvation; that so through Thy mercy, we may daily be advanced, both in learning and godliness, to the honor and praise of Thy name, through Jesus Christ our Lord. *Amen.*

Our Father, which art in Heaven, hallowed be Thy name, Thy kingdom come, Thy will be done in earth, as it is in Heaven; give us this day our daily bread; And forgive us our trespasses, as we forgive them that trespass against us; And lead us not into temptation; But deliver us from evil; For Thine is the kingdom, the power, and the glory, for ever and ever. *Amen.*

The Grace of our Lord Jesus Christ, and the Love of God and the Fellowship of the Holy Ghost, be with us all evermore. *Amen.*

AT THE CLOSE OF THE BUSINESS OF THE DAY.

Let us Pray.

Most merciful God, we yield Thee our humble and hearty thanks, for Thy Fatherly care and preservation of us this day, and for the progress which Thou hast enabled us to make in useful learning; we pray Thee to imprint upon our minds whatever good instructions we have received, and to bless them to the advancement of our temporal and eternal welfare; and pardon, we implore Thee, all that Thou hast seen amiss in our thoughts, words and actions. May Thy good Providence still guide and keep us during the approaching interval of rest and relaxation, so that we may be thereby prepared to enter on the duties of

the forms ; and the *Council of Public Instruction* prescribes the the morrow, with renewed vigor, both of body and mind ; and preserve us, we beseech Thee, now and ever, both outwardly in our bodies, and inwardly in our souls, for the sake of Jesus Christ, Thy Son, our Lord. *Amen.*

Lighten our darkness, we beseech Thee, O Lord ; and by Thy great mercy, defend us, from all perils and dangers of this night, for the love of Thy only Son, our Saviour, Jesus Christ. *Amen.*

Our Father, which art in Heaven, hallowed be Thy Name, Thy Kingdom come, Thy will be done in Earth as it is in Heaven ; give us this day our daily bread ; and forgive us our trespasses, as we forgive them that trespass against us ; and lead us not into temptation ; but deliver us from evil ; for Thine is the Kingdom, the Power, and the Glory, for ever and ever. *Amen.*

The Grace of our Lord Jesus Christ, and the Love of God, and the Fellowship of the Holy Ghost, be with us all evermore. *Amen.*

4. DUTIES OF MASTERS*—pp. 39-42.

The 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, and 87th sections of the Upper Canada Consolidated Statutes of 1859, Cap. LXIV. prescribe, in explicit and comprehensive terms, the duties of teachers ; and no teacher can legally claim his salary who disregards the requirements of the law. Among other things, the Act requires each teacher to “maintain proper order and discipline in his school, according to the forms and regulations which shall be provided according to law.” The law makes it the duty of the *Chief Superintendent of Education* to provide

* Teachers, in order to avail themselves of the Superannuation Fund provided in part by the Legislature, must become annual subscribers to the fund from the year 1854. The subscription is four dollars per annum, and should be transmitted, early in the year, to the Chief Superintendent of Education. No teachers now engaged in teaching will be entitled to share in this fund, unless they punctually pay their annual subscriptions beginning with the year 1854. This Regulation will be strictly enforced.

following regulations for the guidance of teachers in the conduct and discipline of their schools.

It shall be the duty of each master of a common school :

1. To receive courteously the visitors appointed by law, (p. 41) and to afford them every facility for inspecting the books used, and to examine into the state of the school; to have the visitors' book open, that the visitors may, if they choose, enter remarks in it. The frequency of visits to the school by intelligent persons, animates the pupils, and greatly aids the faithful teacher.

2. To keep the registers accurately and neatly, according to the prescribed forms;* which is the more important under the present School Act, as the 91st section of the Upper Canada Consolidated Statutes, Cap. LXIV, authorizes the distribution of the local school fund according to the average attendance of pupils attending each school.

3. To classify the children according to the books used; to study those books himself and to teach according to the improved method recommended in their prefaces.†

4. To observe himself, and to impress upon the minds of the pupils, the great rule of regularity and order,—**A TIME AND A PLACE FOR EVERYTHING, AND EVERYTHING IN ITS PROPER TIME AND PLACE.**

5. To promote, both by precept and example, **CLEANLINESS, NEATNESS, and DECENCY.** To effect this, the teacher should

* The 5th clause, 82nd section, of the U. C. Consolidated Statutes, c. lxiv. p. 40, makes it the duty of the teacher, at the time of his leaving a school, "to deliver up to the [written] order of the trustees, the Registers and Visitors' Book appertaining to the school," besides giving access to them at all times, when desired. In case of refusal, the trustees might, under the authority of the 131st section of the U. C. Consolidated Statutes, c. lxiv. make an affidavit of the fact before a Justice of the Peace, and then apply to the Judge of the County Court, to order the delivery of the books to the trustees. In regard to procuring Registers, &c., see Note * on page 39.

† For list of books, see page 60.

set an example of cleanliness and neatness in his own person, and in the state and general appearance of the school. He should also satisfy himself by personal inspection every morning, that the children have had their hands and faces washed, their hair combed, and clothes cleaned, and when necessary, mended. The school apartments, too, should be swept and dusted every evening. See No. 13, page 68.

6. To pay the strictest attention to the morals and general conduct of his pupils, and to omit no opportunity of inculcating the principles of **TRUTH AND HONESTY**; the duties of respect to superiors, and obedience to all persons placed in authority over them.

7. To evince a regard for the improvement and general welfare of his pupils, to treat them with kindness combined with firmness; and to aim at governing them by their affections and reason, rather than by harshness and severity.

8. To cultivate kindly and affectionate feelings among his pupils; to discountenance quarrelling, cruelty to animals, and every approach to vice.

9. Punctually to observe the hours for opening and dismissing the school (pp. 61, 68). Shall, also, during the school hours, faithfully devote himself to the public service; shall see that the exercises of the school be opened and closed each morning and evening as stated in the preceding part of this section (p. 62); shall daily exert his best endeavors, by example and precept, to impress upon the minds of the pupils the principles and morals of the Christian religion, especially those virtues of piety, truth, patriotism and humanity, which are the basis of law and freedom, and the cement and ornament of society.

10. To practise such discipline in his school as would be exercised by a judicious parent in his family; avoiding corporal punishment, except when it shall appear to him to be imperatively necessary; and in all such cases he shall keep a record of the offences and punishments, for the inspection of the trustees, at or before the next public examination, when said record shall be destroyed.

11. For gross misconduct, or a violent or wilful opposition to his authority, the master may suspend a pupil from attending at the school, forthwith informing the parent or guardian of the fact, and the reason of it, and communicating the same to the trustees, through the chairman or secretary. But no pupil shall be expelled without the authority of the trustees.

12. When the example of any pupil is very hurtful to the school, and in all cases where reformation appears hopeless, it shall be the duty of the master, with the approbation of the trustees, to expel such pupil from the school. But any pupil under the public censure, who shall express to the master his regret for such course of conduct, as openly and as explicitly as the case may require, shall with the approbation of the trustees and master, be re-admitted to the school.

13. The Trustees having made such provisions relative to the school-house and its appendages, as are required by the fourth clause of the seventy-ninth section of the Upper Canada Consolidated Statutes of 1858, Cap. LXIV., page 34, it shall be the duty of the master to give strict attention to the proper ventilation and temperature, as well as to the cleanliness of the school-house; he shall also prescribe such rules for the use of the yard and out-buildings connected with the school-house, as will insure their being kept in a neat and proper condition; and he shall be held responsible for any want of neatness and cleanliness about the premises.

14. Care shall be taken to have the school-house ready for the reception of pupils at least *fifteen* minutes before the time prescribed for opening the school, in order to afford shelter to those that may arrive before the appointed hour.

5. DUTIES OF PUPILS.

1. Pupils must come to the school clean in their persons and clothes.

2. Tardiness on the part of pupils shall be considered a violation of the rules of the school, and shall subject the delin-

quents to such penalty as the nature of the case may require, at the discretion of the master.

3. No pupil shall be allowed to depart before the hour appointed for closing school, except in case of sickness, or some pressing emergency; and then the master's consent must first be obtained.

4. A pupil absenting himself from school, except on account of sickness, or other urgent reason satisfactory to the master, forfeits his standing in his class, and his right to attend the school for the remainder of the quarter.

5. No pupil shall be allowed to remain in the school, unless he is furnished with the books and requisites required to be used by him in the school; but in case of a pupil being in danger of losing the advantages of the school, by reason of his inability to obtain the necessary books or requisites, through the poverty of his parent or guardian, the Trustees have power to procure and supply such pupils with the books and requisites needed.

The tuition fees, as fixed by the Trustees, whether monthly or quarterly, shall be payable in advance; and no pupil shall have a right to enter or continue in the school until he shall have paid the appointed fee. See note * below; also pages 36 and 38.

ERRATA.—OMITTED ON PAGE 31.

Judge to decide an Election complaint.

72. The Judge of the County Court shall, within twenty days after the election of a Common School Trustee in any city, town, or incorporated village, receive and investigate any complaint respecting the mode of conducting the election, and confirm it or set it aside, and appoint the time and place of holding a new election, as he may judge right.

* School fees are, by law, payable in advance.

PART VI.

ORDER AND CLASSIFICATION OF STUDIES PRE-
SCRIBED FOR THE COMMON SCHOOLS OF
UPPER CANADA.

As observed in the Upper Canada Model School, Toronto.

[Adopted by the Council of Public Instruction, on the 31st day of
December, 1858.]

(1) *Table defining the course to be completed in the First or
Lowest Division.*

Enunciation.—To be able to enunciate clearly and distinctly the elementary sounds of the English language.

Spelling and Definition.—To be able to spell any word in the First and Second Book of Lessons, and to give the meaning in familiar terms.

Reading.—To be able to read fluently and well any passage contained in the First and Second Books of Lessons, and to know the substance of such lessons.

Writing.—To be able to form correctly and legibly all the letters of the alphabet, and combine them into simple words.

Arithmetic.—To be able to read and write any combination of not more than FIVE Arabic numerals, and the Roman numerals to the sign for 500; to know the Multiplication Table and Tables of Money, Weights, Length and Time; to be familiarly acquainted with Simple Addition, Subtraction, Multiplication, and Division by factors.

Grammar.—To be able to point out the Nouns, Pronouns, Adjectives, Verbs, and Adverbs in any common reading lesson; to know the number, gender, and person of the nouns and pronouns.

Geography.—To know the maps of the World, map of America, map of Canada, and other parts of British America.

Natural History, Object Lessons.—To have a familiar acquaintance with the habits, uses, instincts, &c., of the most important animals of each class. Other Object Lessons may be used.

Needle-work (for girls)—Under the direction of the female teacher.

(2) *Table defining the course of study to be completed in the Second Division.*

Reading.—To be able to read fluently and well any passage contained in the Sequel to the Second Book, or in the Third Book of Lessons, and to know the substance of such Reading Lessons.

Spelling and Definition.—To be able to spell and define any word contained in the Sequel and Third Books of Lessons.

Writing.—To be able to write legibly and correctly.

Arithmetic.—To be able to read and write legibly any combination of not more than TEN Arabic numerals to the *left* and SIX to the *right*, of the decimal point, and the Roman numerals to the sign for 1,000; to be acquainted with the principles of Arabic and Roman Notation; to be thoroughly acquainted with the Arithmetical Tables, and to be familiarly and practically acquainted with the Simple and Compound Rules, Reduction, Greatest Common Measure, Least common Multiple, Vulgar Fractions, and Simple Proportion, including Addition, Subtraction, Multiplication, and Division of Decimals and Decimal Currency.

Grammar.—To be thoroughly acquainted with the grammatical forms, and be able to analyse and parse any easy sentences; and, as an exercise in slate composition, to be able to write short descriptions of any natural object.

Geography.—In addition to former limit Table, to know the Political and Physical Geography of Europe, Asia, Africa, and America, and Oceanica, the different countries in each, with

their capitals; and to know the position and chief cities of the states of the American Union bordering on British America, from the Pacific to the Atlantic Ocean.

History.—To have a general knowledge of the History of the World, as given in the Fifth Book.

Human Physiology.—As contained in the Fifth Book.

Needle-work (for girls)—Under the direction of the female teacher.

(3) *Course of Study (Third Division.)*

Reading.—Fourth and Fifth Books, in same manner as other books are used in lower divisions.

Spelling and definition.—Reading Books and Spelling Book Superseded.

Derivation.—Reading Books and Spelling Book Superseded.

Writing.—Text, and a bold running hand.

Arithmetic.—Second Book of Arithmetic, (National Series.)

Grammar.—Analysis and parsing of compound sentences in prose and verse; changes in construction, &c.; composition.

Geography.—Mathematical, Physical, and Political, with Map sketching on the blackboard.

Algebra.—(Colenso's) Part I.

Euclid.—First six books.

Mensuration.—Of Surfaces and Solids.

Drawing.—Linear and Map.

English Literature.—Spalding.

Book-keeping.—Elements.

Human Physiology.—To possess a familiar acquaintance with the anatomy of the bones and skin, a general knowledge of the structure and uses of the muscles and organs of digestion, and to be familiar with the general principles upon which the healthy action and development of these various organs depend; circulation, respiration, nervous system, senses, &c.

History.—General, English, and Canadian.

Singing.—Hullah's Vocal Music.

Natural Philosophy.—In the Fifth Book of Lessons.

Needle-work (for girls)—Under the direction of the female teacher.

BOYS :

- *Trigonometry.
- *Elements of Geology.
- * ditto Zoology.
- * ditto Botany.
- * ditto Nat. Philosophy.

GIRLS :

- *Science of things familiar.
- *Elements of Geology.
- * ditto Zoology.
- * ditto Botany.
- *Domestic Economy.

REMARKS.—The list of text books prescribed for use in the Common Schools will be found on page 60.

PART VII.

DEPARTMENT OF PUBLIC INSTRUCTION FOR
UPPER CANADA.

1. EDUCATION OFFICE.

Appointed.

HEAD OF THE DEPARTMENT.

1844. The Rev. EGERTON RYERSON, D.D., Chief Superintendent of Education.

Officers of the Department.

1844. John George Hodgins, LL.B., Deputy Superintendent of Education, and Assistant Editor of the *Journal of Education* for U. C.

1854. Alexander Marling, Senior Clerk and Accountant.

1852. Alexander Johnstone Williamson, M.D., Clerk of Correspondence.

1856. Francis Joseph Taylor, Clerk of Statistics.

1857. Herbert Butterworth, Assistant Clerk of Statistics.

1858. James Moore, Messenger.

Map and Library Depository Branch.

1853. Samuel Passmore May, Clerk of Libraries.

1856. Thomas Churchill, Assistant Clerk.

1857. Christopher Alderson, Packer and Messenger.

* Extra subjects, to be taken up at the discretion of the school authorities; no two, however during the same school term.

2. COUNCIL OF PUBLIC INSTRUCTION.

1846. Hon. Samuel Bealy Harrison, Q.C., *Chairman*. (Church of England.)
 1846. Rev. Egerton Ryerson, D.D., Chief Superintendent of Education.
 1850. Right Rev. Armand François Marie de Charbonnel, D.D., Roman Catholic Bishop of Toronto (successor to the late Bishop Power.)
 1846. Rev. Henry James Grasett, B.D., Rector of Toronto.
 1846. Hon. Joseph Curran Morrison, Q.C., Presbyterian Church of Canada
 1846. James Scott Howard, Esq., Church of England.
 1850. Rev. John Jennings, D.D., United Presbyterian Church.
 1850. Rev. Adam Lillie, D.D., Congregational Theological Institute.
 1857. Rev. John Barclay, D.D., Church of Scotland (successor to the late Hugh Scobie, Esq.)
 1854. Rev. John McCaul, LL.D., President of University College. *Ex-Officio member for Grammar School purposes.*
 1846. John George Hodgins, LL.B., *Recording Clerk.*
- Normal School.*
1847. Thomas Jaffray Robertson, M.A., Head Master.
 1858. John Herbert Sangster, Second Master.
 1858. Alexander Russell Strachan, Teacher of Book-keeping and Writing.
 1859. Alphonse Coulon, Drawing Master.
 1858. Henry Francis Sefton, Music Master.
 1852. Henry Goodwin, Teacher of Gymnastics and Calisthenics.
- Inspectors of Grammar Schools.*
1855. Rev. Wm. Ormiston, M.A.
 1859. George R. R. Cockburn, M.A.
- Model Grammar School.*
1858. George R. R. Cockburn, M.A., Rector.
 1858. Rev. John Ambery, M.A., First Classical Master.
 1858. Francis L. Checkley, Scholar T.C.D., First Mathematical Master.
 1858. John Herbert Sangster, Lecturer in Chemistry and Nat. Philosophy
 1859. Benjamin F. Fitch, B.A., English Master.
 1858. Emile Coulon, French Master.
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1851. Patrick O'Neill, Janitor and Messenger.
- Boys' Model Common School.*
1858. James Carlyle, Master of the School.
 1858. John Clark Disher, Second Master.
 1859. Alexander Campbell, Third Master.
- Girls' Model Common School.*
1852. Dorcas Clark, Mistress of the School.
 1855. Henrietta Shenick, First Assistant.
 1855. Helen Clark, Second Assistant.

In the Model Grammar, and Model Common Schools, Writing and Book-keeping, Drawing, Music, Gymnastics and Calisthenics are taught by the masters of these branches in the Normal School, which see.

1848. John Murphy, Janitor of Normal and Model Schools.

1855. James Forsyth, Gardener.

1852. James Ryan and [1856] Thomas Gray, Furnace men.

3. COMMUNICATIONS TO THE DEPARTMENT OF PUBLIC INSTRUCTION FOR UPPER CANADA.

1. *Appeals to the Chief Superintendent of Education.*—All parties concerned in the operations of the Grammar and Common School Acts have the right of appeal to the Chief Superintendent of Education; and he is authorized to decide on such questions as are not otherwise provided by law. But for the ends of justice,—to prevent delay and save expense,—it will be necessary for any party thus appealing: (1) To furnish the party against whom he may appeal with a correct copy of his communication to the Chief Superintendent, in order that such party may have an opportunity of transmitting any explanation or answer he may judge expedient. (2) To state expressly, in such appeal, that the opposite party has been thus notified, as it must not be supposed that the Chief Superintendent will decide, or form an opinion on any point affecting different parties, without hearing both sides—whatever delay may at any time be occasioned in order to secure such hearing. (3) Application for advice in Common School matters, should, in all cases, be *first* made to the Local Superintendent having jurisdiction in the Municipality.

2. The *Journal of Education* having been constituted by His Excellency the Governor General in Council, the Official medium of communicating all Departmental intelligence and information, parties should refer to its pages on matters relating to the apportionment, blank reports, Depository, Normal School, etc.

3. *Communications generally.*—The parties concerned are left to their own discretion as to the forms of all communica-

tions relating to Schools, for which specific instructions are not furnished by the Department; but they are requested to use large sized, or foolscap paper. In *all* communications, however, the *number* of the *School Section*, and the *name* of the *Township* and *Post Office*, with the *Official Title* of the writer, should be given: the *numbers* also, and *dates* of any previous correspondence on the same subject. As all letters are answered in the order of their receipt, parties writing should give ample time for consideration and reply by the Department.

4. *Communications with the Government relating to Schools*, should be made through the Educational Department, Toronto; as all such communications not so made, are referred to the Chief Superintendent of Education, to be brought before His Excellency through the proper Department—which occasions unnecessary delay and expense.

5. *Communications relating to the Journal of Education; to the Educational Depository; to Public Libraries; or to the Superannuated Teachers' Fund*, should be written on *separate sheets* from letters of appeal, or on legal questions, in order that they may be separated and classified.

4. DOCUMENTS FURNISHED ANNUALLY BY THE EDUCATIONAL DEPARTMENT TO THE SCHOOL OFFICERS OF UPPER CANADA.

The following are furnished gratuitously by the Educational Department of Upper Canada to various school officers, viz.:

1. The *Journal of Education for Upper Canada* is sent monthly to each of the Trustee Corporations in the rural school sections; to the Boards of Grammar and Common School Trustees; to the Local Superintendents; to the Trustees of each of the Separate Schools, and to each County Clerk and Treasurer, Exchanges, &c., &c. Total 4,500 copies.

The *Journal* has been constituted the official medium of communicating all Departmental intelligence. It is regularly sent by the publisher, about the first of each month, to the official address of the parties above enumerated. Should they

* See also Postage Regulations on page 87.

fail in any case to receive it, immediate notification of the fact should be sent to the Education Office. Missing numbers can generally be supplied. To the public, the price is \$1 per annum—payable in advance. Back volumes, since 1848 (the first year of its existence) can be furnished on the same terms.

2. *The School Registers*, for recording the attendance, recitations, and deportment of pupils, are furnished to each of the Grammar and Common Schools, and to the Separate Schools, in Upper Canada. Total about 4,000 copies. The Registers are sent annually to the County Clerks, for gratuitous distribution, through the Local Superintendents.—See page 88.

3. *The Trustees' Half-yearly Reports* are sent every six months, through the Local Superintendents, to the Trustees of each School Section. Those for the Grammar Schools and Roman Catholic Separate Schools, are sent direct from the Department. Total sent out annually, 7,500 copies.

4. *The Trustees' Blank Annual Reports* are annually sent through the Local Superintendents, to each of the Trustee Corporations in the rural school sections. Total about 4,000 copies.

5. *The Blank Annual Reports*, from which the General Annual Report of the Department is compiled, is sent to the Local Superintendents and Boards of Common School Trustees and Boards of Grammar School Trustees. Total number sent out annually, 600 copies.—See page 87.

6. *Auditors, Treasurers, and Sub-Treasurers' Returns* are sent to about 450 of these officers, to be filled up and returned.

7. *The Chief Superintendent's Annual Report* to His Excellency the Governor-General, printed by order of the House of Assembly, is also sent to each of the rural Trustee Corporations; to Boards of Common School Trustees, in cities, towns and villages; to Boards of Grammar School Trustees; to Boards of Public Instruction; to Local Superintendents; and to Separate School Trustees, besides copies to other parties. Total number sent out annually, about 4,500.

8. *Various Forms*.—Forms are also sent, from time to time to Superannuated Teachers, Trustees (for Maps), Normal School Students, &c. About 800 copies.

5. LETTERS RECEIVED AND SENT OUT BY THE DEPARTMENT.

	1851.	1852.	1853.	1854.	1855.	1856.	1857.	1858.	1859.
No. of letters received.	2026	2996	4015	4920	5338	5739	6294	6431	6468
Average No. per week...	39	57	77	95	102	110	121	124	125
No. of letters sent out..	1136	1430	1936	2581	3764	3966	3542	4627	5823
Average No. per week..	22	27	37	50	72	77	68	88	112

Recapitulation.—Total number of copies prepared, or printed, and sent out annually from the Educational Department for Upper Canada:—

	Copies:
1. Journal of Education	4,500
2. School Registers	4,000
3. Trustees' Blank Half-yearly Reports	7,500
4. Trustees' Blank Annual Reports	4,000
5. Local Superintendents' Blank Annual Reports	600
6. Auditors' and Treasurer's Blank Returns ...	450
7. Chief Superintendent's Report	4,500
8. Various Forms, about.....	800
9. Letters, &c., sent and received	11,700
10. Circulars, about	800
Grand Total per year.....	38,850

PART VIII.

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THE EDUCATIONAL MUSEUM FOR UPPER
CANADA.

*No. 1. Rules for the Admission of Visitors to the Educational
Museum, Toronto.*

I. The Museum is open daily for Exhibition, Sundays and holidays excepted, from 9 A.M. until 5 P.M.

II. All persons are freely admitted, upon registering their names in the Visitors' Book at the Education Office.

III. Sticks and Umbrellas to be left in the Visitors' room.

No. 2. Character and Objects of the Museum.

1. This Educational Museum is founded after the example of what is being done by the Imperial Government as part of the system of popular education—regarding the indirect, as scarcely secondary to the direct, means of training the minds and forming the taste and character of the people. It consists of a collection of school apparatus for Common and Grammar Schools, of Models of Agricultural and other implements, of specimens of the Natural History of the Country, Casts of Antique and Modern Statues and Busts, &c., selected from the principal Museums of Europe, including busts of some of the most celebrated characters in English and French History; also copies of some of the works of the great Masters of the Dutch-Flemish, Spanish, and especially of the Italian Schools of Painting. These objects of art are *labelled*, for the information of those who are not familiar with the originals, and a descriptive historical catalogue of them can be purchased at the Museum. In the evidence given before the Select Committee of the British House of Commons, it is justly stated, "that the object

of a National Gallery is to improve the public taste, and to afford a more refined description of enjoyment to the mass of the people ;” and the opinion is at the same time strongly expressed, that as “people of taste going to Italy constantly bring home beautiful modern copies of beautiful originals,” it is desirable, even in England, that those who have not the opportunity or means of travelling abroad, should be enabled to see, in the form of an accurate copy, some of the celebrated works of Raffaele and other great Masters ; an object no less desirable in Canada than in England. What has been thus far done in this branch of public instruction, is in part the result of a small annual sum which, by the liberality of the Legislature, has been placed at the disposal of the Chief Superintendent of Education, out of the Upper Canada share of School Grant for the purpose of improving school architecture and appliances, and to promote arts, science and literature by means of models, objects and publications, collected in a museum in connection with this Department.

No. 3. Principal contents of the Museum.

2. The Museum contains a large selection of objects of art, models, &c., arranged under the following heads, as detailed in the Report of 1856, page 246 :

I. SCULPTURE :

1. Antiques.
2. Modern.
3. Architectural.

II. PAINTINGS :

1. Italian School.
2. Flemish School.
3. Dutch School.
4. Miscellaneous Dutch and Flemish.
5. German School.
6. French School.
7. Spanish School.

III. ENGRAVINGS :

1. On Steel and Copper.
2. Lithographs.

IV. WORKS ILLUSTRATING THE HISTORY OF ART, &c.:

1. The French and Italian.
2. In English.

V. OTHER OBJECTS OF INTEREST:

1. Illustrations of Mediæval History, Figures in Armour, Weapons, &c.
2. Maps and Plans in Relief.
3. Specimens of Natural History.
4. Geological Specimens.
5. Models of Agricultural Implements.
6. Philosophical Models and School Apparatus.

PART IX.

PROVISIONS OF THE LAW RELATING TO PUBLIC SCHOOL LIBRARIES IN UPPER CANADA.*

“Township and County Libraries are becoming the crown and glory of the Institutions of the Province.”—*Lord Elgin, at the Provincial Exhibition, September, 1854.*

It has been thought advisable to collect and arrange the general provisions of the law relating to the establishment of public school libraries. The accompanying selection has therefore been prepared for the information and guidance of all parties concerned or interested in the promotion of libraries in Townships and School Sections in Upper Canada.

1. CITY AND TOWN MUNICIPAL COUNCILS.

Section 60 of the Consolidated School Acts of Upper Canada provides that “The Municipal Council of each city, town or village in Upper Canada is hereby invested, within its limits, with the same powers, and shall be subject to the same obli-

* For Library Regulations, see “Library Manual.” See also (1) on page 86.

gations as are the Municipal Council of each County and Township," [in regard to libraries, as follows:—]

2. COUNTY MUNICIPAL COUNCILS.

Section 52 of the Consolidated School Acts of Upper Canada, enacts that "each county council shall raise, by assessment, such sums of money as it may judge expedient for the establishment and maintenance of a county common school library."

3. TOWNSHIP MUNICIPAL COUNCILS.

Section 73 of the Consolidated School Acts of Upper Canada, enacts that township councils may levy such sums as they judge expedient, for purchasing books for a township library, under such regulations as may be provided in that behalf.

4. BOARDS OF SCHOOL TRUSTEES IN CITIES AND TOWNS.

The seventy-ninth section provides that "It shall be the duty of the Board of School Trustees of every city, town, and village respectively. * * *

7. To do whatever they may judge expedient * * * for procuring suitable apparatus and text-books and for establishing and maintaining school libraries. * * *

11. To prepare from time to time and lay before the Municipal Council of the city, town, or village, an estimate of the sums which they think requisite. * * * (e) For the establishment and maintenance of school libraries.*

15. * * * to appoint a librarian and take charge of the school library or libraries when established.

5. SCHOOL VISITORS.

Section 102 of the Consolidated School Acts of Upper Canada, enacts that school visitors may devise such means as they deem expedient for promoting the establishment of libraries and the diffusion of useful knowledge.—Page 42.

* The Board may also raise this money themselves by direct tax.

6. BOARDS OF PUBLIC INSTRUCTION.

Section 98, clause 2, of the Consolidated School Acts of Upper Canada, empowers county boards of public instruction to adopt all lawful means in their power, as they may judge expedient, to promote the establishment of school libraries, and to diffuse useful knowledge in the county or circuit.

7. LOCAL SUPERINTENDENTS.

6. Section 91, clause 12, sub-clause (f), of the Consolidated School Acts of Upper Canada, enacts that it shall be the duty of each Local Superintendent to prepare and transmit to the Chief Superintendent of Education an annual report, which shall state "the number of libraries" under his superintendence; "their extent, and how established and supported."

8. PUBLIC BODIES WHICH CAN ESTABLISH SCHOOL LIBRARIES.

From the foregoing extracts from the School law, it will be seen that the following Municipalities and school corporations are authorized to provide means for the establishment and support of public school libraries in Upper Canada:*

1. County, City, Town, Township, and Village Councils.
2. Boards of School Trustees in cities, towns, and villages.

9. DUTIES OF SCHOOL AUTHORITIES IN REGARD TO LIBRARIES.

It will also be seen from the above, that it is the official duty and privilege of Local Superintendents, School Visitors, and Boards of Public Instruction, to aid, with their counsel and advice, in the general establishment of Public Libraries throughout the country.

Where trustees neglect to comply with the library regulations, in maintaining the library provided for their section by the municipality, the local superintendent is authorized to with-

* See Departmental Notices on page 86.

hold the apportionment of the school-fund from their section, until the regulations are complied with. They likewise subject themselves to the additional penalty of a fine of five dollars, imposed by the twenty-eighth section of the Consolidated School Acts of Upper Canada. The property of every public library is exempt from taxation. One hundred per cent. is allowed by the Chief Superintendent on all sums over \$5, remitted to the Department, for library books, maps, apparatus and prize books. See pages 86, 87.

10. GENERAL PRINCIPLES UPON WHICH BOOKS HAVE BEEN SELECTED FOR THE PUBLIC LIBRARIES.

*Extracted from the Minutes of the Council of Public Instruction,
2nd August, 1853.*

The Council of Public Instruction for Upper Canada deems it proper to state its principles of proceeding, in performing the important and responsible task of selecting books for these Public School Libraries :

1. The Council regards it as imperative, that no works of a licentious, vicious, or immoral tendency, and no works hostile to the Christian religion, should be admitted into the libraries.

2. Nor is it, in the opinion of the Council, compatible with the objects of the public school libraries, to introduce into them controversial works on theology, or works of demonia- tional controversy; although it would not be desirable to exclude all historical and other works in which such topics are referred to and discussed; and it is desirable to include a selection of suitable works on the evidences of natural and revealed religion.

3. In regard to books on ecclesiastical history, the Council agrees in a selection from the most approved works on either side.

4. With these exceptions, and within these limitations, it is the opinion of the Council that as wide a selection as possible should be made of useful and entertaining books of permanent value, adapted to popular reading, in the various departments

of human knowledge—leaving each municipality to consult its own taste and exercise its own discretion in selecting books from the general catalogue.

5. The including of any books in the general catalogue is not to be understood as the expression of any opinion by the Council in regard to any sentiments inculcated or combated in such books, but merely as an acquiescence on the part of the Council in the purchase of such books by any municipality, should it think proper to do so.

6. The general catalogue of books for public school libraries may be modified and enlarged from year to year, as circumstances may suggest, and as suitable new works of value may appear.

N. B.—No book mentioned in the general catalogue will be disposed of to any private individual, or for any other purpose than for that of public libraries in Upper Canada. The only exception which can be made is in favour of teachers and local Superintendents, to whom professional works on teaching and education may be supplied.—See (6) on page 87.

Remarks on the foregoing by the Chief Superintendent of Education.

In addition to the recognition of these principles, the Chief Superintendent has deemed it essential, in a national system of public school libraries, to provide for the accomplishment of the following objects :

1. The prevention of the expenditure of any part of the library fund in the purchase and circulation of books having a tendency to subvert public morals or vitiate the public taste.

2. The protection of local parties from imposition, by interested itinerant book vendors, in regard to both the prices and character of books introduced into their libraries.

3. The placing of the remotest municipalities upon an equal footing with those adjoining the metropolis, in regard to the terms and facilities of procuring books, with the single excep-

tion of their transmission—which is now becoming safe and easy to all parts of Upper Canada.

4. The selection, procuring, and rendering equally acceptable to all the school municipalities of the land, a large variety of attractive and instructive reading books, and that upon the most economical and advantageous terms.

5. The removal of all restrictions upon local exertion, either as to the sums raised or the manner of raising them, whether in a school section, or township, or county, and the encouragement of such exertions, by proportioning in all cases, the amount of public aid to the amount raised by local effort.

DEPARTMENTAL NOTICES TO MUNICIPAL AND SCHOOL CORPORATIONS IN UPPER CANADA.

(1) PUBLIC SCHOOL LIBRARIES.

The Chief Superintendent of Education is prepared to apportion *one hundred* per cent. upon all sums which shall be raised from local sources by Municipal Councils and School Corporations for the establishment or increase of Public Libraries in Upper Canada, under the regulations provided according to law. Remittances must not be in less sums than five dollars. Catalogues and forms furnished on application.

(2) PRIZES IN SCHOOLS.

The Chief Superintendent will grant one hundred per cent. upon all sums not less than five dollars, transmitted to him by Municipalities or boards of School Trustees for the purchase of books or reward cards for distribution as prizes in Grammar and Common Schools. Catalogues and forms furnished on application.

(3) SCHOOL MAPS AND APPARATUS.

The Chief Superintendent will add one hundred per cent. to any sum or sums not less than five dollars, transmitted to the Department from Grammar and Common Schools; and forward Maps, Apparatus, Charts and Diagrams to the value of the amount thus augmented, upon receiving a list of the articles

required by the Trustees. In all cases it will be necessary for any person, acting on behalf of the Trustees, to enclose or present a written authority to do so, verified by the corporate seal of the Trustees. A selection of articles to be sent can always be made by the Department when so desired. Catalogues and forms furnished on application.

(4) SEPARATE REMITTANCES OF NOT LESS THAN \$5 FOR LIBRARIES, MAPS, APPARATUS, AND PRIZES.

If Library or Prize Books be ordered, in addition to Maps and Apparatus, it will be necessary to send *not less than* \$5 additional for each class of books, with the proper forms of application. In case the Trustees have no proper corporate seal, one can be engraved and sent with the articles ordered, on receipt of \$2 additional.

(5) POSTAGE REGULATION IN REGARD TO GRAMMAR AND COMMON SCHOOL RETURNS.*

All official returns which are required by law to be forwarded to the Chief Superintendent, or a Local Superintendent, and which are made upon the printed blank forms furnished by the Educational Department, *must be pre-paid*, at the rate of one cent, *and be open to inspection*, so as to entitle them to pass through the post as printed papers. No letters should be enclosed with such returns. A neglect to observe this regulation has repeatedly subjected this Department to an unnecessary charge of 14 cts. and 21 cts. on each package, including the Post Office fine for non-payment.

(6) PRE-PAYMENT OF POSTAGE ON BOOKS.

According to the new Postage Law, the postage on all books, printed circulars, &c., sent through the post *must be pre-paid by the sender*, at the rate of one cent per ounce. Local Superintendents and teachers ordering books from the Educational Depository, will, therefore, please send such an additional sum for the payment of this postage, at the rate specified, and the new Customs duty, as may be necessary.

* See Regulations in regard to Correspondence, on page 75.

(7) SCHOOL REGISTERS SUPPLIED THROUGH LOCAL SUPERINTENDENTS.

School Registers are supplied gratuitously, from the Department, to Common and Separate School Trustees in Cities, Towns, Villages, and Townships by the County Clerk—through the local Superintendents. Application should therefore be made direct to the local Superintendents for them, and not to the Department. Those for Grammar Schools will be sent direct to the head Masters, upon application to the Department.

(8) NOTICE TO GRAMMAR SCHOOL-MASTERS.

The vacations in the Model Grammar School have been lately altered, so as to allow an opportunity to Grammar School Masters of visiting the school during their own vacations. The sessions will, in future, extend from the Monday after Easter until the fourth Friday in July, and from the Monday following the end of a seven weeks' vacation from that day until the 22nd of December.

(9) CANDIDATES FOR GRAMMAR SCHOOL MASTERSHIPS.

The Examination of Candidates for Grammar School Master-ships takes place in the Normal School Buildings, on the first Monday in January, April, July, and October of each year.

(10) NO PENSIONS WILL BE GIVEN TO COMMON SCHOOL TEACHERS UNLESS THEY SUBSCRIBE TO THE FUND.

Public notice is hereby given to all Teachers of Common Schools in Upper Canada who may wish to avail themselves at any future time of the advantages of the Superannuated Common School Teachers' Fund, that it will be necessary for them to transmit to the Chief Superintendent, without delay, if they have not already done so, their annual subscription of \$4, commencing with 1854. The law authorizing the establishment of his fund, provides "*that no teacher shall be entitled to share in the said fund who shall not contribute to such fund at least at the rate of one pound per annum.*" No pension will be granted to any teacher who has not subscribed to the fund.