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LAWS

OF

PRINCE EDWARD ISLAND,

RELATING TO

SCHOOLS AND EDUCATION,

PASSED IN THE YEARS

1861 and 1863.



CHARLOTTETOWN:

JOHN INGS, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1864.





ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

CAP. XXXVI.

An Act to consolidate and amend the several Laws relating to Education.

[Passed April 29, 1861.]

WHEREAS the Laws now in force establishing a system of free Education in this Island require consolidation and amendment:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the several Acts hereinafter mentioned, namely, an Act made and passed in the fifteenth year of the reign of her present Majesty Queen Victoria, chapter thirteen; an Act made and passed in the sixteenth year of the same reign, chapter two; an Act made and passed in the seventeenth year of the same reign, chapter three; an Act passed in the eighteenth year of the same reign, chapter twelve; an Act of the twentieth year of the same reign, chapter seventeen; an Act of the twenty-third year of the same reign, chapter fourteen; and an Act of the same year of the same reign, chapter fifteen, (except as hereinafter excepted, and for the purposes hereinafter mentioned), shall be, and the same are hereby severally and respectively repealed.

Repeals Act 15
Vic. cap. 13;
Also, Act 16
Vic. cap. 2;
Also, Act 17
Vic. cap. 3;
Also, Act 18
Vic. cap. 12;
Also, Act 20
Vic. cap. 17;
Also, Act 23
Vic. cap. 14;
Also, Act 23
Vic. cap. 15;
except as hereinafter excepted.

II. The Board of Education, heretofore established and appointed, and in operation at the passing of this Act, shall be, and continue to be, the Board of Education for this Island,

Board of Education heretofore appointed.

to continue under this Act.

Board to be increased to 9.

Times of meeting of Board.

Board may meet on other days as may deem necessary

Board to appoint a Secretary.

Allowance to secretary and members of Board.

Lt. Governor, &c., within one month after passing of this Act, to appoint two additional members of Board of Education.

Vacancies in Board, how filled up.

Applicants for license to teach shall produce certificates from teacher of Normal school of their attendance for five months.

under the provision of this Act, and shall consist of nine persons, instead of seven, as heretofore authorized; power being hereby given to the Lieutenant Governor in Council to appoint two members, in addition to the said seven, as hereinafter provided; five members of which said Board, including the Secretary thereof, shall be a quorum, which nine persons shall meet regularly on the last Thursday in every month in each year, and shall give notice of the place and hour of every such monthly meeting, by advertising the same in the *Royal Gazette* newspaper of this Island, at least ten days previous to every such meeting respectively; and the said Board may meet on such other and further days as they may deem necessary from time to time, without such notice being required to be given

III. The said Board shall nominate and appoint one of their number Secretary of the Board; and the said Secretary shall be paid the sum of fifty pounds per annum out of the treasury of this Island, in half-yearly payments, for his services, and for providing necessary stationery, and for other contingent expenses; and each other member of the Board shall receive nine pounds yearly for his services, subject to a deduction of fifteen shillings for every time he shall be absent from the said Board at any of its monthly meetings.

IV. It shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty's Executive Council of this Island, within one month after the passing of this Act, to appoint two fit and proper persons as members of the Board of Education, in addition to the seven persons now composing the same, and at any time to remove or supersede the said Board of Education, appointed as aforesaid, or any Board of Education hereafter to be appointed under this Act, or any member thereof, and to nominate and appoint a new Board of Education, or new member thereto, instead of the old Board, or member thereof so removed or superseded; and when and so often as any vacancy shall occur in such Board by any death, dismissal, removal or otherwise, it shall and may be lawful for the Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council of this Island, to appoint a fit and proper person to fill up such vacancy.

V. The Board of Education shall, before granting a license to teach to any person who shall have appeared before them to be examined for the office of teacher, save and except persons already licensed, and now holding certificates of qualification as teachers from the Board of Education, require and receive from the party applying for such license, a certificate signed by the teacher of the Normal School, to the effect that

such applicant has attended and received instruction and training at the said Normal School for a period of not less than five months; and which five months' attendance at the Normal School may be given either shortly before or after the examination passed before the Board of Education: provided always, that any such candidate for the office of teacher as aforesaid, who shall have attended at the Normal School for the specified period of five months, and shall, nevertheless, on being examined before the said Board of Education, not be deemed entitled to his certificate of qualification or license to teach, shall be allowed to submit himself again for examination at any subsequent meeting of the Board, and shall, in the meantime continue in attendance at the Normal School: provided further, that no school master or mistress, licensed to teach under this Act, who shall have been, or may, or shall hereafter be absent from this Island, or shall have discontinued the practice of teaching, or not been employed therein under any agreement to teach, as in this Act specified, for the space of two years together, shall hereafter be permitted or be qualified to teach under this Act, unless he or she shall again appear before the said Board of Education and be examined, and receive a new certificate or license as aforesaid: provided always, that no such licensed teacher as aforesaid shall be required to attend at the Normal School, preparatory to receiving a new certificate or license, if the said Board, after examination, shall see fit to dispense with such attendance, any thing in this Act to the contrary thereof notwithstanding.

Schoolmaster, &c., discontinuing teaching for two years not to resume without re-examination.

Board may dispense with attendance at Normal School in certain cases.

VI If at any monthly examination of the Board it shall appear that any candidate has proved his qualification to be not only equal, but superior to those required by law, it shall be in the discretion of the said Board to grant to such candidate an extra certificate to that effect; every person who shall have studied in and received a certificate or diploma from any British or provincial training institution, according to Stowe's system, shall be entitled to the same privilege and advantage in obtaining a license of qualification for a district teacher, as those persons holding certificates of attendance at the Normal School in this Island; provided such certificate or diploma as aforesaid, shall have been duly obtained within two years previous to the application of the person therein named for a license to teach as aforesaid.

Board authorized to grant extra certificates.

VII. It shall be the duty of the Board of Education, constituted under this Act, assisted by the visitor of schools, to prepare suitable forms and regulations for making all returns required by this Act, and conducting all necessary proceedings thereunder; and to cause a copy of the same, with such instructions as they shall deem necessary for the guidance of all district and other schools, the same not being inconsistent

Board, with visitor, to prepare forms, &c. for making returns and conducting proceedings under this Act.

with the provisions of this Act, as also a copy of so much of this Act as relates to education, and regulates district schools and teachers, to be furnished to each teacher, from time to time, having an engagement to teach under this Act; which Act and documents shall be at all times kept in each school-house by the teacher, and not be removed therefrom, but be open to the inspection of the trustees of such school, and all persons authorized by law to visit the same.

Board may investigate complaint against teacher.

VIII. That upon any complaint being made to the Board of Education of gross misconduct or neglect of duty on the part of any person holding a certificate as a district teacher, under this Act, or any former Act hereby repealed, the said Board, after due investigation and satisfactory proof thereof had, shall have power to cancel and revoke the certificate held by such district teacher as aforesaid, and shall also have the same power, if any such teacher as aforesaid, having entered into an engagement to teach in any district as hereinafter mentioned, do not complete the whole term of his engagement, unless prevented from so doing by sickness or other incapacity, or unless the said engagement be dissolved by order or permission of the Board.

Duty of Secretary of Board of Education.

IX. It shall be the duty of the Secretary of the Board of Education, as heretofore, to keep a book or register, in which, from time to time, shall be entered, the several school districts in this Island, properly constituted and being in operation, and having a teacher therein entitled to support under this Act; and it shall be the duty of the inhabitants or teachers of all school districts hereafter to be established and claiming support under this Act, to cause the particulars and extents thereof to be forwarded to the Secretary of the Board of Education, who shall thereupon enter and register the same in rotation, as they come into his office, in his said book or register; and all such school districts erected after this Act shall go into operation, shall be entered and registered within three months after the day when the determination of the said Board of Education shall be notified respecting the same, as hereinafter mentioned, and when the number of districts entered, registered and claiming support under this Act, including all school districts which shall have been registered by the Secretary of the Board of Education, under the laws in force at the time of the passing hereof, shall amount to two hundred and fifty, then it shall not be lawful for the said Board to sanction the erection of any new district, nor shall such district, or teacher therein, be entitled to any allowance under this Act, until the same has been referred to the Lieutenant Governor in Council, and the erection of such district and granting of such allowance shall have been sanctioned by a special order made by the Lieutenant Governor, by and with

School districts not to exceed two hundred and fifty, unless sanctioned by special order of Governor in Council.

the advice and consent of Her Majesty's Executive Council, directed to the said Board of Education.

X. It shall be lawful for the Board of Education, established or appointed under this Act, in manner and form as the Board of Education has been authorized to do under the laws in force at the time of the passing hereof, to receive and take to themselves and their successors in office, deeds and conveyances of the pieces of land whereon the school-houses now or hereafter to be erected, and claiming maintenance under this Act, shall be situate (where the owners thereof shall not prefer conveying them to the trustees of the district, or shall not otherwise secure them to the inhabitants of the district by conveyance) and to hold the same in trust for the inhabitants of the district wherein the same are situate for the purposes of Education, and of this Act.

Board of Education may in certain cases take conveyance of school sites in trust for inhabitants of school districts.

XI. When and as often as at least two thirds of the inhabitants, resident householders, within any school district now registered, or hereafter to be registered or established under this Act, shall desire to alter the site of the school-house therein, and shall signify such their desire in writing, to the Board of Education, specifying therein the site to which the school-house is proposed to be removed, and being also accompanied by a written memorandum from the owner or lessee of the contemplated site, offering to execute a deed or lease thereof to the Board of Education, or the trustees of such school for the purposes thereof, it shall be lawful for the said Board, if they shall see fit so to do, to make an order for such alteration to take effect, when and so soon as the contemplated site shall be conveyed to the Board of Education, or otherwise, in accordance with the last preceding section of this Act.

Mode of changing sites of school-houses.

(Secs. 12 and 13 repealed by 26th Vic. cap. 5.)

XIV. All school districts as now registered by the Board of Education, under and by virtue of the laws in force at the time of the passing of this Act, are hereby declared to be established and confirmed as school districts, and shall be entitled to all the rights and benefits conferred upon or belonging to established school districts by this Act, notwithstanding any want of form, or any error or irregularity whatsoever, in the mode of making any original application for the laying off, defining, or establishing of any such districts, or in any other proceeding, act, matter, or thing necessary to be had, done, or performed under such laws as aforesaid, prior to, or in respect of any such registration whatsoever; and that a certificate of the registry of any such district as aforesaid, or of any school district hereafter to be registered under or pursuant to this Act, granted under the hands of a majority of the Board of

All school districts registered at the passing of this Act hereby confirmed, notwithstanding any want of form, &c.

Certificate of registry of districts, how granted, and effect thereof as evidence, &c

Education, or under the hand of the Secretary of the said Board for the time being, shall be *prima facie* evidence of the establishment of such district respectively in all actions, suits or other proceedings in any court of law or equity, or before any court or tribunal whatsoever, in all matters touching or relating to such school district, or the school therein, or where it may be necessary to prove the establishment of any such district.

Mode of proceeding where schools have been established within three miles of each other.

XV. If any school in a district established by laws heretofore in force, and claiming maintenance under this Act, shall be nearer to any other school established, or to be established, than three miles, and it shall appear to the Board of Education, either from the paucity in the number of the scholars attending the same, or either of them, or other local circumstances, that both the said schools should not receive such maintenance at the same time; or if a dispute should arise between the inhabitants of such districts, as to which is entitled to maintenance, or most entitled to receive the same, and an application shall be made in writing to the Board of Education, signed by at least five inhabitants, householders in such district, or either of them, to have the dispute decided and settled, then, and in either of such cases, it shall be lawful for the Board of Education, if it think the circumstances of the case require the same to be done, to nominate and appoint three persons, being Justices of the Peace or Commissioners for the recovery of small debts, resident near to, but not being parties resident or interested in, either of the districts, to examine into the particulars; and such Justices or Commissioners, after notice of their intention so to do, shall have been duly posted for at least six days previous, on each of the school houses, shall attend at such time and place, in either of the said districts, as shall in such notice be specified, and shall personally then and there proceed to make inquiry, in such manner and to such extent as they, or a majority of them shall deem requisite, and shall thereupon fix and determine which of the said schools in the district in dispute is most entitled to maintenance; and if they think that either of the school-houses should be removed to any particular site, so as to form a new district entitled to maintenance, they shall fix upon the same, and report such their opinion and determination, under their hands, or the hands of the majority of them, to the Board of Education, whose decision thereon shall be conclusive; and the said Board of Education shall be, and they are hereby empowered to withhold or suspend the maintenance claimed by such schools, or either of them, and either entirely, or until such time as the school-house shall have been removed, in accordance with the opinion or recommendation contained in the report of the Justices or Commission-

Disputes, how settled.

Schoolhouse may be removed to form a new school district.

Board of Education may suspend maintenance in certain cases.

ers, or to make such other order therein as to the said Board shall seem meet; and such order and determination of the Board of Education shall be duly notified to the inhabitants of the districts in dispute.

XVI. Each Justice of the Peace or Commissioner of small debts who shall be nominated and appointed for the purpose or purposes in the last preceding clause mentioned, shall be entitled to receive from the treasury of this Island the sum of eight pence per mile for each mile necessarily travelled by him to and throughout such school districts; and also the sum of five shillings for the report in writing, and for transmitting the same to the Board of Education, the same to be paid on producing a voucher or certificate therefor, signed by the Secretary and three members of the Board of Education.

Mileage to be allowed to Justices of the Peace, &c., for duties performed under preceding section of this Act.

XVII. In all cases where the site of a school-house within any established district is legally altered under the provisions of this Act, and such school-house is situated upon land held under lease, deed, or otherwise, the trustees of such school district shall be, and they are hereby authorized and empowered to remove the school-house or building from its former site, unless there be a special clause in such lease or other instrument under which such last mentioned site was held, prohibiting such removal.

When site of schoolhouse is altered, trustees of district may remove building, unless, &c.

XVIII. And whereas it is desirable to provide for the proper choice of such further school districts as may hereafter be required, and to have the extent and boundaries thereof as heretofore accurately defined, and to provide for the proper choice of the sites of school-houses: Be it therefore enacted, that when and so often as the inhabitants of any settlement, township or district shall desire the erection of a new school district near to their place of residence, and not less than five such inhabitants, being householders, shall make request in writing, notifying such their desire to the said Board of Education, then it shall be the duty of the said Board of Education to nominate and appoint a Justice of the Peace or Commissioner for the recovery of small debts, resident near to, but not being a party interested in such proposed district, to examine into the same; and it shall be the duty of such Justice or Commissioner, after notice of his intention for such purpose having been duly posted for at least six days, in three of the most public places in the settlement or district where such inhabitants shall reside, to attend at such place and there personally to make such inquiry in such manner and to such extent as by him shall be deemed requisite, and thereupon to fix and determine upon the most proper and eligible site or sites for such school-house or school-houses, and the proper limits and boundaries of the district or districts thereof, and

Mode of determining sites for schoolhouses and limits for school districts

shall report upon such his opinion and determination in writing, under his hand, to the said Board of Education, whose decision thereon shall be conclusive; and if the said Board shall approve of the erection of any such school district, and the special order and sanction of the Governor in Council for that purpose, as hereinbefore required in such cases, and the requisite funds for the support thereof can be obtained, they shall notify the same to the said inhabitants, and on the other requisites for school districts under this Act being complied with, shall cause the said district to be registered in the book to be kept by the Secretary, as hereinbefore mentioned.

Justices' or
Commissioners'
fees.

XIX. Every Justice of the Peace or Commissioner who shall be nominated and appointed for the purpose or purposes in the last preceding clause mentioned, shall be entitled to demand and recover from the applicants for his trouble, the sum of eight pence per mile for each mile travelled by him to and throughout such proposed school district, and the sum of five shillings for his report in writing, and for transmitting the same to the Board of Education.

Allowance to
districts re-
quiring assist-
ance to build
schoolhouse.

XX. When any new school district shall hereafter be applied for and erected, and the school visitor shall certify that the inhabitants thereof are in poor circumstances, and require pecuniary assistance to enable them to build a schoolhouse thereon, then it shall be lawful for the Lieutenant Governor in Council, to grant the sum of five pounds to the trustees of such district, to be expended in erecting such schoolhouse.

Dimensions of
schoolhouse.

XXI. Every schoolhouse hereafter to be erected and used as such within any district now established or hereafter to be established, under this Act, shall not be less in clear area than four hundred square feet, nor in the height of post than nine feet clear between the floor and ceiling.

Schoolhouse
erected on
church grounds
how to obtain
benefits of this
Act.

XXII. In all cases where a schoolhouse is now or shall hereafter be erected on church grounds, and the trustees or managers of such church property are desirous of obtaining the benefits of this Act, and of having such school established as a district school, a lease of such schoolhouse shall be given by the parties in whom such property may be vested, or who shall have the legal control over the same, to the Board of Education for the time being, to hold to them and their successors in office for such term as may be required for the purposes of this Act, or as may be agreed upon in that behalf.

Schoolhouse
may, with con-
sent of majority
of trustees, be
used by master
for night clas-
ses.

XXIII. The public schoolhouse in every school district established or regulated under this Act may, with the consent of the majority of the trustees thereof, be used by the licensed teacher thereof for the purpose of teaching night or evening classes therein, for his or her own benefit; and

such schoolhouse may be used as a place of public worship, or for other lawful public meeting, with the consent of the trustees as aforesaid, and at such time as they may appoint; provided always, that in no case shall it interfere with the duties of such licensed teacher, under this Act; and provided further, that the Board of Education shall have full power to prevent any such public schoolhouse being used at any time during the regular school hours in each day for any other purpose, or by any other person than such licensed teacher as aforesaid for teaching a public school therein under this Act.

XXIV. No schoolmaster or teacher shall be entitled to any allowance by virtue of this Act, except teachers mentioned in the sections hereof, unless the inhabitants of his school district shall have first provided a sufficient schoolhouse, to be exclusively used for that purpose, (except as hereinafter provided for), and also that there shall have been at the least forty children between the ages of five and sixteen years, resident within his school district for the six months immediately preceding the period of his claiming his allowance, and that the average daily attendance of scholars during the said six months shall not have been less than eighteen; provided always, that this enactment shall not extend to school districts already registered, or hereafter to be registered, under this Act, in which there shall not be the number of forty scholars within the aforesaid ages residing, if the daily average attendance of such children at the schools therein amount to eighteen.

No schoolmaster, except, &c. to be entitled to any allowance, unless a sufficient schoolhouse be first provided.

Proviso.

XXV. And whereas there are certain settlements in this Island, not included within the limits of school districts heretofore established, and where the requisite number of forty children within the ages of five and sixteen years cannot be found within one and a half mile of a central part, then, and in every such case, on a written requisition made by the inhabitants thereof to the visitor of schools, it shall be the duty of the said visitor to make inquiry into the circumstances of such application, and as to the number of children within the ages aforesaid within the said limit; and the said visitor shall make a report in writing to the Board of Education, who, having duly considered the circumstances of the case, may, if they shall think proper so to do, and subject to the approval of the Lieutenant Governor in Council, authorize the erection of such settlement into a minor school district; and the registration thereof as such, and building committees and trustees may thereupon be appointed for such minor district in the same manner as in other cases; and such trustees may be annually elected, and shall have the same power as trustees in those districts where the requisite

Settlement where 40 scholars cannot be found.

Visitor to report to Board of Education, who may authorize minor school district.

School district to be constituted as in other districts.

number of forty scholars can be found; and the teacher engaged to teach in such minor district where the number of scholars is less than forty, shall also be subject to the same rules and regulations as in cases where there are forty scholars, and shall be entitled to receive from the treasury of this Island, on production of certificates, signed as in other cases, under this Act, by the trustees of the district and the secretary of the Board of Education, if such teacher be a male, the sum of thirty shillings per annum for each scholar taught by him, calculating the same according to the daily average attendance, as shewn by his register or journal; and if a female teacher, the sum of twenty shillings per annum for each scholar taught by her in like manner; such certificate to state the number of scholars actually taught, according to such daily average.

Teacher to receive thirty shillings for each scholar, &c.

Classification of district teachers or masters.

First class.

Second class.

XXVI. There shall be only two classes of district school teachers or masters, who shall be licensed to teach in this Island, of whom the first or lowest class shall be competent to teach bookkeeping, English grammar, reading, writing, arithmetic and geography, without the use of the globes; and of whom the second or highest class shall, in addition thereto, be competent to teach algebra, geometry, trigonometry, mensuration, land surveying, navigation and geography, with the use of the globes; and candidates for either class shall prove their capability of teaching before the Board of Education, as hereinbefore by the fifth section of this Act prescribed.

Recital.

XXVII. And whereas by the Act of the twenty-third Victoria, chapter fourteen, it was provided, in order to render more efficient the system of public instruction in this Island, that all school teachers heretofore licensed by the Board of Education shall undergo a reexamination before the said Board, and that every teacher who shall submit to such reexamination, and receive a certificate of qualification, and should thereafter be licensed in accordance with the provisions of the laws then in force respecting education, and who should conform in all respects to the terms and directions in said laws, should be entitled to an increase of five pounds to the yearly salary then by law allowed; and every teacher refusing to submit to such reexamination, or upon a reexamination should not be deemed entitled to a certificate, should be subject to a deduction of five pounds from such salary.

Salaries of teachers not re-examined, and obtaining certificates before passing of Act of 23d Vic. c. 14.

XXVIII. Be it therefore enacted, that every school teacher licensed by and holding a certificate from the Board of Education previous to the passing of the said recited Act of the twenty-third Victoria, chapter fourteen, who shall not have passed an examination, and obtained a certificate from the

said Board subsequently to the passing of the said Act, and who shall decline or refuse to submit to be reexamined by the said Board; or having submitted to such reexamination, shall not be deemed entitled to a certificate of qualification, shall be allowed to receive at the rate of forty-five pounds per annum for teaching, if of the first class; and at the rate of fifty pounds per annum for teaching, if of the second or highest class, and no more; the same to be paid by quarterly payments, in the way and manner hereinafter by the thirty-sixth section of this Act provided.

XXIX. Every school teacher licensed by the Board of Education since the passing of the said recited Act of the twenty-third Victoria, chapter fourteen, and at present teaching in the district schools of this Island; and every school teacher, and every candidate for the office of school teacher, whether Acadian or otherwise, who shall hereafter pass an examination of the Board of Education, and receive a certificate of qualification, and who shall hereafter be licensed in accordance with the provisions of this Act, and who shall comply in all respects with the terms and directions of the same, shall be entitled to the following yearly salary, namely: if a teacher of the first class, at the rate of fifty-five pounds for teaching for one year; and if a teacher of the second or highest class, at the rate of sixty pounds for teaching for one year, the same to be paid by quarterly payments, in the way and manner hereinafter by the thirty-sixth section of this Act provided.

Salaries of teachers passing an examination since passing of 23d Vic. c. 14.

(Secs. 30, 31, and 32, repealed by 26th Vic. cap. 5.)

XXXIII. All parents of children within the bounds of such district, or belonging to any such Acadian school, shall be liable to contribute towards such deficiency in proportion to the number of children which such parents may have respectively; and in default of such contribution, after the same shall be duly demanded, the said amount so to be deducted from the said salary shall be raised by an assessment to be levied by the trustees on the parents or guardians of all children in the said school district or belonging to such Acadian school: such assessment to be apportioned, levied and raised by said trustees in such manner and under and subject to such directions, rules, regulations and conditions as are prescribed for levying and recovering assessment by this Act.

Mode of ascertaining proportion of deficiency to be paid by parents, and manner of assessing for same

(Secs. 34, 35, and 36, repealed by 26th Vic. cap. 5.)

XXXVII. All schools claiming allowance to teachers therein under this Act, wherein the books, regulations and system of education prescribed, or to be prescribed, by the

School allowance may be withheld until prescribed regulations, &c.

are observed and adopted.

school visitor and Board of Education shall not be observed and adopted, shall, if the said Board shall think fit, and make an order to that effect, be refused or deprived of such allowance, until such time as such books, regulations and system of education shall be observed and adopted.

Exempts teachers from statute labor, &c.

XXXVIII. All teachers, while conforming to the provisions of this Act, shall be exempt from statute labor and militia duty.

Teacher under 21 years of age where allowed.

XXXIX. Any teacher who shall be under the age of twenty-one years, shall not be permitted to enter into an engagement with the trustees of the school district in which he may have been brought up, without first obtaining the consent of the Board of Education thereto.

Teacher not to embark in mercantile pursuits &c.

XL. No teacher, while receiving pay under this Act, shall be allowed to embark in any mercantile pursuit, or follow the occupation of a tavernkeeper.

Child not residing within any school district, &c. to be taught in the school of the nearest district.

XLI. Where any child shall not reside within any school district, or shall reside within any school district not in operation, such child shall be entitled to attend at the school in the nearest school district, the teacher whereof shall be receiving pay under this Act; and such teacher shall be bound to receive and instruct every such child, unless the number of children already in attendance at his school shall exceed fifty.

Expulsion of scholars when authorized.

XLII. The trustees of any school constituted or regulated under this Act shall have and be vested with full power and authority to expel any scholar for gross misconduct or misbehaviour.

Trustees or inhabitants of school district may engage a female teacher.

XLIII. If the trustees or inhabitants in any school district should prefer engaging a female teacher, qualified under this Act, they may enter into an agreement for that purpose with any such female teacher, who, whilst so engaged in teaching, shall be entitled to receive, if such female teacher shall not have passed an examination before the Board of Education since the second day of May, one thousand eight hundred and sixty, the sum of thirty-five pounds per annum; and if she shall have passed an examination since the said second day of May, one thousand eight hundred and sixty, the sum of thirty-eight pounds ten shillings per annum, payable quarterly in the same manner, and on producing the same certificates, as in the case of male teachers; and such female teacher, and the school wherein she shall be, shall be subject to all the regulations and provisions herein contained respecting other teachers and schools.

School subject to same regulations, &c. as other schools.

XLIV. All children over five years of age residing in any school district in this Island, shall be entitled to attend the school therein, the teacher whereof shall receive pay under this Act, and the said teacher shall be bound to receive and instruct all such children.

All children over five years of age entitled to attend district schools.

XLV. In all cases, the vacations of each school constituted or regulated under this Act, excepting always the schools in Charlottetown and Georgetown, shall be two in number in each year; that is to say, a spring vacation extending from the fifteenth day of May to the first day of June, and an autumn vacation of two weeks, to take place in the month of October, and which shall be fixed by the respective trustees of the several school districts; and no deduction shall be made from the salary of the teacher, nor any time added to the period of his service on account of such vacations being allowed; and every alternate Saturday shall be allowed as a holiday to the teacher in each district school.

Number of vacations in each year.

No deduction to be made from teacher's salary on account of such vacations.

XLVI. The inhabitants of any school district within this Island, who shall have provided a schoolhouse therein, in conformity, nevertheless, with all the provisions of this Act, shall, and they are hereby required, to nominate and appoint five trustees, such nomination and appointment to take place at a meeting of the inhabitants of such district, called by a written or printed notice, signed by at least three resident householders within said school district, and posted in at least three of the most public places within the same, seven days prior to such meeting, which notice may be in the form of the schedule to this Act annexed, marked (D); and a majority of the resident householders present at such meeting shall be competent to appoint such trustees; and it shall be the duty of such trustees, three of whom shall be a quorum, to examine the school of said district quarterly in each year; and at all times, in conjunction with the visitor of schools, to inquire into the order, and direct the discipline and regulation of such school; and also to give any licensed teacher who has had the management thereof, the necessary certificates required by this Act; and it shall be the further duty of such trustees so appointed as aforesaid, immediately thereafter, to forward a notice of their appointment to the Board of Education; provided always, that where the appointment of the trustees of the school in any school district shall have taken place and been made under or by virtue of the laws heretofore in force relating to education, and such trustees shall be in office at the passing hereof, they shall be held to be the trustees of such school under and for the purposes of this Act.

Inhabitants of school districts to appoint five trustees.

Duties of trustees, &c.

Appointment of trustees in office at passing hereof, confirmed.

XLVII. In order to obviate the necessity and consequent expense of a more formal proof of the calling of any meeting

Proof of calling a meeting for

the appointment of trustees may be made by an affidavit of the posting of notices.

for the appointment of trustees under this Act, or any former Act relating to education, which shall have been repealed by this Act, an affidavit of the posting of the notices for the calling of such meeting shall, in all cases of the appointment of trustees which shall hereafter take place, be made by the person by whom such notices shall be posted, or other person or persons who can prove the fact of the several notices having been duly posted, before any Justice of the Peace for the County wherein the school district shall be situate, which affidavit shall be in the form or to the effect prescribed in schedule (E) to this Act annexed, and shall be affixed to the register or books of record kept by the trustees of the school therein; and a copy of such affidavit, certified by any two of the trustees of such school for the time being, shall be *prima facie* evidence in any court of law or equity, or before any court or tribunal whatsoever, of due notice of such meeting having been given.

Trustees may assess all householders who have a child or children within the ages of five and 16 years.

XLVIII. In each school district constituted by virtue of the laws heretofore in force, or hereafter to be constituted by virtue of this Act, a majority of the trustees thereof shall have power to assess all the inhabitants, householders resident therein, who shall have a child or children within the ages of five and sixteen years, and who shall have been so resident for six months previous to the making of the assessment, and no other person or persons whomsoever, in a sum to provide the necessary books directed to be found by the school visitor, and for the necessary repairs of the schoolhouse, together with the fuel and furniture required therein; and such trustees as aforesaid, or the majority thereof, are hereby empowered to apportion the said assessment between such resident householders according to the number of children within the ages aforesaid, respectively belonging to them, the assessment upon each parent to be increased in proportion to the number of his or her children within such ages; and such assessment shall be recoverable with costs as hereinafter in the fifty-sixth section of this Act directed; and, when recovered shall be applied for the purposes for which the same shall be levied.

School books or maps to be ordered by Justices.

XLIX. The trustees of any district school established or regulated under this Act, or a majority of such trustees, shall have power to order books or maps to be provided for the use of such schools; provided that before such order be made, a certificate be obtained from the Board of Education, or the secretary thereof, as to the fact of such school being in operation; and a majority of such trustees shall thereupon have power to assess the resident householders within the said district for the cost of such books and maps, (such householders being the same parties as are liable to assessment in other

cases under this Act), and which assessment shall be recoverable, with costs, in the manner pointed out by the fifty-sixth section of this Act.

L. No parent or guardian, or other person, shall be liable or required to pay any sum or amount per head, or otherwise, for or on account of any child attending any school, the teacher whereof shall receive pay under the authority of this Act, except in such cases as are hereinbefore mentioned; provided always, that nothing herein shall extend, or be construed to extend, to prevent the inhabitants, or any one or more of the inhabitants of any school district in this Island, from voluntarily subscribing any sum or sums of money whatsoever towards the pay or support of the teacher of the school therein, in addition to the allowance to which such teacher may be entitled under this Act; and in all cases where any such voluntary subscription may be entered into, and signed by any such inhabitants as aforesaid, either as an inducement to any efficient master to take charge of a school, or for any other reason whatsoever, the master or teacher with whom the same shall have been entered into, or the trustees of the said school, if the same shall have been entered into with them, shall be entitled to demand and receive from the person or persons respectively who shall have signed the same, the amount of their respective subscriptions, in accordance with the terms thereof; and in default of payment such teacher or trustees respectively shall be entitled to sue for and recover the same, in manner by law provided for the recovery of small debts.

No sum to be paid for any child attending school, except as hereinbefore mentioned.

Voluntary subscriptions.

Masters, &c. may enforce payment of voluntary subscriptions.

LI. Two of the trustees of every school, appointed by virtue of the laws heretofore in force, or hereafter to be appointed by virtue of this Act, shall, in rotation, go out of office in the month of July in each year, commencing with the two members first nominated and appointed; and the inhabitants, resident householders in such district wherein is the school to which they shall have been appointed trustees, at a meeting to be held on any day in the month of July yearly, and to be called by the trustees of said school, after notice thereof given in the manner provided by the forty-sixth section of this Act, shall elect two new trustees in their stead, having the like power and authority; and until such election shall be had the two retiring trustees shall remain in office; provided nevertheless that if the said inhabitants think fit, they may reappoint at the bottom of the list, such trustees going out by rotation; and immediately after such election or reelection; and whether new appointments be made or not, the trustees of such school shall notify the proceedings to the Secretary of the Board of Education.

Two trustees to go out in rotation annually, and two others to be elected in their stead.

Vacancies in board of trustees by death, absence, or refusal to act, how filled up.

LII. In the event of any vacancy or vacancies occurring from time to time in any Board of trustees for any school district, appointed or elected by virtue of the laws heretofore in force, or hereafter to be appointed or elected under this Act, by reason of the death, absence, or refusal to act, of any trustee or trustees, after his or their appointment or election, the inhabitants, householders of said district, are hereby empowered to proceed to call a meeting in the same manner as provided for the first or annual election of trustees, and to choose or elect one or more person or persons to supply such vacancy or vacancies; and the trustee or trustees so chosen or elected during the currency of any year, shall have the same power in all respects, as if he or they had been elected at the commencement of the year, or at the last previous general election of trustees.

In cases of doubt, &c. Board may order a new election.

LIII. In the event of any disputes or doubts arising or existing as to the legal election or resignation of any district school trustee or trustees, or the right of any person or persons to assume the office or exercise the duties of trustee or trustees of such school, the Board of Education are hereby authorized and empowered to inquire into and determine the same, and, if necessary, to order a new election of the whole or any less number of the said trustees; and for the better ascertaining the truth in such case, to require the personal attendance before the said Board, and to examine on oath any witness or witnesses, whose evidence may be deemed necessary on such enquiry; and any witness who shall refuse to attend so to be examined, after his reasonable expenses for doing so shall be tendered to him, shall be liable to pay to the party complaining, a fine of not more than five pounds, nor less than one pound; the same to be recovered, with costs of suit, in such manner as small debts are now recovered.

Board to examine witnesses on oath, &c.

Time and manner of holding a new election of trustees.

LIV. In case the said Board shall order a new election of trustees, a day, hour and place shall be named in such order for that purpose, and a copy thereof shall be posted on the schoolhouse of the district at least six days before the day so named; and the inhabitants who shall thereupon assemble shall then and there elect the necessary number of trustees, who, on being confirmed by the said Board of Education, shall be deemed to be in office until the first day of July next after the date of such election, or until some new election, duly authorized, shall take place.

Proof of appointment of trustees may be made by a certificate signed by three householders.

LV. In all cases where it may be necessary to prove the appointment of trustees appointed by virtue of the laws heretofore in force, or hereafter to be appointed by virtue of this Act, in any Court of law or equity, or before any Court or tribunal whatsoever, a certificate, stating the fact of such ap-

pointment, signed by any three resident householders present at such meeting respectively, shall be, and shall be held and taken and deemed to be good and sufficient legal evidence of such appointment, in all matters and questions touching the school or the school district respecting which such appointment shall have been made, or in any manner in which such appointment may come in question.

LVI. Every board of trustees of school districts, appointed under or by virtue of the laws heretofore in force, or to be appointed by virtue of this Act, shall keep a book or record, in which their proceedings shall be entered, and the minutes of each appointment hereafter to be made of trustees in any district, after their election as aforesaid; and their names shall be entered and signed by the chairman of the meeting of inhabitants at which such trustees shall have been elected, in such book or record, which shall afterwards be so kept by the trustees as aforesaid; and when so signed, such appointment shall be held and be deemed to be good and valid; and minutes of future meetings and proceedings, elections and re-elections, shall be entered therein, and signed by any three of the trustees for the time being; and the particulars of all assessments made by any such trustees shall be also duly entered, and signed by any three of them; and if any such assessment shall not be paid by any party liable to pay the same, within ten days after a demand thereof made upon or at the residence of the debtor, and after an order thereof made in writing, under the hands of a majority of said trustees, and produced to the debtor, or after the said order, or a copy thereof shall have been left at his dwelling house, that then, and in every such case, the said trustees, or any one or more of them, or such other person as the majority of them may appoint, and in the name of any one or more of the said trustees, may sue and prosecute the debtor before any Court appointed for the recovery of small debts, or Justice of the Peace, by summons or otherwise, under such regulations as are by law prescribed for the recovery of small debts; and it shall be lawful, at the hearing of such cases, for the defendant, if he shall see fit, to plead the inequality of the rate, provided he give notice of his intention so to do, in writing, to the trustee or trustees, or other person in whose name the summons shall have been taken out, within twenty-four hours after the serving of the same; and if he shall so plead, then it shall be lawful for the said Court for the recovery of small debts, of Justice of the Peace before whom the summons shall be returnable, to hear such evidence as may be adduced by either party, and to vary the amount of rate, and make an order for such amount of payment as justice may require; provided nevertheless, that if the defendant making such plea shall have at any time theretofore acquiesced in the justice or equ-

Board of trustees to keep a record of their proceedings.

Particulars of all assessments to entered in minute book.

lity of such rate, by having, on occasion of any former assessment paid his proportion or quota thereto, or any part thereof, then such Court or Justice of the Peace shall not permit the same to be heard, or any evidence connected therewith to be adduced, but order the reasonable costs incurred by the plaintiff or plaintiffs to be paid by the defendant.

Book to be kept by trustees to be prima facie evidence.

LVII. The book of record to be kept by the trustees of the several school districts, constituted under the laws heretofore in force, or this Act, and signed by the persons and in the manner mentioned and set forth in the last preceding section, shall be good and sufficient *prima facie* evidence of the truth of all statements, minutes, matters and things therein contained and set forth, in any Court of law or equity, or before any Court or tribunal whatsoever, whether such statements, minutes, matters or things shall relate to meetings of the inhabitants, the appointment or election of trustees, or reelections thereof, assessments upon the inhabitants, or other proceedings whatsoever of such trustees, and of the regularity and correctness of all acts, matters and things relating to or connected with such proceedings so entered and set forth in such book or record.

Trustees may assess householders for the erection of a new schoolhouse, or the repairing, enlarging, &c., one already erected.

LVIII. Where the erection of a new school district shall be sanctioned by order of the Administrator of the Government in Council, under this Act, or in any school district already established, if the majority of inhabitants, resident householders therein respectively, shall decide upon erecting a new schoolhouse within the same, or enlarging or completing any schoolhouse already erected, or rebuilding or repairing the same when decayed, it shall be lawful for such majority of resident householders to meet together and appoint a committee of five persons, if in a newly erected district, or if in a previously established district, to make an order to give directions to the trustees of such district for the time being, to assess the several resident householders within the same respectively, for the erection of such schoolhouse, or for enlarging, completing, rebuilding or repairing the same as aforesaid, as the case may be, and to superintend the same; and which schoolhouse, as to size, shall be in conformity with the provisions of this Act, and a plan and specification of such schoolhouse, so to be erected, or of the contemplated enlargement, manner of completing, rebuilding or repairing the same, having been submitted to and approved by a majority of such resident householders, the said committee or trustees, as the case may be, shall thereupon have full power to make such assessment, as aforesaid, for any of the purposes above contemplated.

Size and plan of such schoolhouse to be first submitted, &c.

Committee or trustees em-

LIX. In the event of any one of such resident householders, in any such district as aforesaid, refusing to pay the

amount for which he shall be so assessed, within fifteen days after the same shall be demanded of him, or her, by or on behalf of such committee or trustees respectively, as aforesaid, or after a memorandum of the amount of such assessment, signed by the said committee or trustees, as the case may be, or a copy thereof, shall be left at the dwelling house of such inhabitant, it shall be lawful for the said committee or trustees, or any one or more of them respectively, in the name of the whole to sue for and prosecute the debtor before any Court of Commissioners for the recovery of small debts, or Justice of the Peace, by summons or otherwise, under such regulations as are by law prescribed for the recovery of small debts; and it shall be lawful at the hearing of such case, for the defendant, if he or she shall see fit, to plead the inequality of the rate, provided he or she give notice of his or her intention so to do, in writing, to such committee or trustees as aforesaid, as the case may be, or to one or more of them, in whose name or names the summons shall have been taken out, within forty-eight hours after the serving of the same; and if he or she shall so plead, then it shall be lawful for the said Court before which the summons shall be returnable, to hear such evidence as may be adduced by either party, and to vary the amount of the rate, and make an order for such amount of payment as justice may require.

powered to levy and sue for assessment.

LX. In the event of any dispute between any of the trustees or inhabitants of any district, and the teacher, as to his conduct as teacher, the trustees or inhabitants intending to prosecute such complaint, with the view of removing him from the school before the expiration of his agreement, shall be obliged to lodge, in writing, with the Board of Education, a statement of such complaint, and at the same time to send a copy thereof to the teacher; and the Board of Education may enquire unto such complaint in such way as to them may seem most fit, and the evidence as well on the part of the trustees or inhabitants in support of the charge or complaint, as on the part of the teacher in answer thereto, may be taken by affidavit or written depositions before any Justice or Justices of the Peace for the County, to be nominated by the said Board for that purpose, not interested in the issue of the dispute, and transmitted to the said Board for their consideration and final decision thereon; provided always, that the said Board may, if they think fit, require the parties and their witnesses to appear personally before them in or touching the matter of any such investigation; and on such complaint being established, the said Board of Education may, in their discretion, supersede such teacher, and authorize the trustees of the district to engage another teacher in his place, although the term of the agreement with the teacher so suspended may not have expired; but such last

Mode of prosecuting complaints against teachers.

Complaints to be lodged in writing with Board of Education.

Board may supersede teacher, &c.

mentioned teacher shall, nevertheless, be entitled to receive the proportion of his salary up to the time of his dismissal.

Empowers clergymen &c. to visit public schools.

LXI. All clergymen, judges, magistrates and members of the Legislature, shall have power to visit any public school under this Act, and to inquire into its management, or any other object connected with its prosperity; and may note down in a visitor's book, which shall be kept by every teacher for that purpose, any omission observed in any department, or other remarks relating to the school.

Teacher to keep a journal.

Particulars of such journal.

LXII. Every licensed teacher shall hereafter keep a regular journal of his school, which shall always be kept in the schoolhouse, containing the names and ages, with notes of the progress and attendance of the pupils; and which journal shall at all times be open to the inspection of the school visitor and trustees of said school for the time being, and other persons authorized to visit the same, as in the previous section of this Act mentioned, and also of any member of the Board of Education who may choose to visit any such school; and such journal shall, at the termination of the teacher's engagement, be by him or her forwarded to the Secretary of the Board of Education.

Where schoolhouse has been built and recognized by Board of Education, it shall be illegal for the original owner of the land to interfere with the same.

LXIII. Where any schoolhouse within the meaning of this Act has been or shall hereafter be erected on any site or piece of ground, with the consent of the owner, tenant or occupant of such land, and such site and schoolhouse have also been recognized by the Board of Education as the legal site, and schoolhouse for the district wherein the same are situate, then, and in such case it shall be illegal for the original owner, tenant or occupant of such land, or any person or persons under or in trust for such owner, tenant or occupant, by deed or otherwise, whether registered or unregistered, in any manner to interfere with such site, or schoolhouse thereon erected, or to prevent the free and peaceable possession and use thereof, and access thereto and thereover, by or to the trustees, masters or children, or the inhabitants of the district, or the Board of Education, or others for the purposes of education, unless such interference shall be expressly sanctioned by the terms of any deed, lease, or agreement, given by the owner, tenant, or occupant of, or person entitled to the land on which the house is or shall be erected; and any conveyance or deed of the site heretofore made, or hereafter to be made, shall be ineffectual to pass any estate therein, so as to enable the grantee or releasee, or person to whom the same is conveyed, to interfere with such site, or any schoolhouse thereon, or any of the aforesaid parties, in the free and peaceable use and occupation and possession thereof as aforesaid.

LXIV. From and after the passing of this Act, the number of district schools for Charlottetown and the common and royalty shall not exceed five; and it shall be the duty of the resident householders within such district respectively, having children under the age of sixteen years, to meet together, from time to time, as the necessity shall arise, for the purpose of electing trustees, in the same manner in all respects as is provided by this Act for the election and reelection of trustees for ordinary school districts.

Number of schools for Charlottetown, and the common and the royalty thereof

LXV. The Board of Education shall have power, from time to time, when they shall deem the same requisite, to divide the city of Charlottetown and the royalty thereof into school districts, the whole not to exceed the number of five, now in existence, and operation, as provided for by this Act, and to alter such division from time to time, and rearrange such districts as occasion may require; and such division or alterations shall be notified by advertisement in the *Royal Gazette* newspaper, from time to time, immediately after the same shall be made; provided always, nevertheless, that until any new division be made and announced, the districts now constituted and in operation shall continue and be in force.

Board of education empowered to divide city of Charlottetown and the royalty thereof into school districts, &c.

Present districts confirmed

LXVI. There shall be allowed for Charlottetown, and the common and royalty thereof, under this Act, not more than two masters or teachers of the highest or second class, who shall severally receive the sum of eighty-five pounds; and which said masters shall be assigned by the Board of Education to such districts (with the consent of the trustees thereof) within the said town, as they may deem advisable, having a regard to the ages and state of proficiency of the children in the several districts, and giving preferable claim to the districts in which shall reside those most advanced or proficient; and for each of the other districts in the said town, common and royalty there shall be employed a master or teacher of the first or lowest class, who shall severally receive seventy pounds per annum; provided always, that if the inhabitants of any one of said districts, instead of sending their children to the school in their own district, if such shall be in operation, shall prefer sending them to the school in any other district in the said town, common or royalty, they shall be at liberty so to do, unless the children in attendance at such last mentioned school shall exceed sixty in number; in which case, upon a representation made by the trustees of such last mentioned school, or other persons interested therein, or who shall desire to send their children thereto, of the necessity of having an additional master or teacher, as an assistant therein, it shall be competent for the Board of Education to inquire into the matter, and if they see fit so to do, to appoint an additional master or teacher of either class as an assistant teacher in

Two teachers of highest class allowed for Charlottetown.

Proviso.

Further proviso
No teacher in Charlottetown entitled to salary, unless 30 scholars are taught.

such school, which said master, so appointed, shall receive sixty pounds a year; provided further that the said Board shall have no power to appoint such assistant teacher, if the number of masters and assistants in Charlottetown and royalty then actually engaged, and receiving government pay, exclusive of the masters of the Normal school and the teachers of the female school, shall amount to eight; provided further, that no teacher in Charlottetown, under this Act, shall be entitled to receive a salary, unless he or she shall have taught at least thirty scholars, and such must be specified in the respective certificates.

One shilling and six pence to be paid quarterly by scholars in schools of Charlottetown, &c. for fuel, &c.

LXVII. The scholars receiving instruction in Charlottetown and the common and royalty thereof, at any of the schools therein receiving support from the government, shall pay at the time of their first admission into said schools, and thereafter quarterly in advance, each, the sum of one shilling and sixpence, to be collected by the teacher of each school, and paid over, if a district school, to the trustees thereof; and if a female school, to the Secretary of the Board of Education; and to be applied by such trustees or Secretary of the said Board respectively to the purchasing of fuel and the payment of rent, and the cost of repairs of said schoolhouses, and other necessary purposes; and if such trustees, or the Board of Education respectively, shall find that the said quarterly payment is not sufficient in amount for the purchase of fuel and other purposes aforesaid, then the said trustees or Board of Education respectively may order and require a further payment to be made by each scholar, not exceeding, however, in any case, the sum of one shilling and six pence quarterly, in addition to the first mentioned quarterly payment of one shilling and six pence; and if the said sums, or either of them, be not paid, the scholars in default shall be debarred from further instruction until the same is paid; and the same shall be recoverable by the teacher in the name of any one or more of the trustees, or of the Secretary of the Board of Education, respectively, before the Court of Commissioners for the recovery of small debts in Charlottetown, from the parents or guardians of the children so in default.

Board of Education empowered to include township lands fronting on back royalty road of Charlottetown in same district as districts with royalty schools

LXVIII. The Board of Education shall have power to include the farms of township lands fronting on the back royalty road of Charlottetown royalty in the same district or districts with the royalty district schools, or one or other of them, according to their situations; and the inhabitants of such farms, in accordance with the terms of any such order by the Board of Education, shall be entitled to send their children to the school named in such order, and be liable to pay the same assessments and rates or charges for fuel, furniture and books for such schools, or for keeping

up and repairing the same, as the inhabitants of the royalty are liable.

LXIX. There shall be allowed for Charlottetown, under this Act, three schools with female teachers, who shall receive forty-five pounds a year each ; and when and so soon as there shall be more than fifty scholars in attendance at each of the said female schools, and it shall appear to the said Board that there is a sufficient number of scholars above said number to render it desirable or requisite to have further assistance, then the said Board may establish one or two more schools, and appoint one or two more female teachers thereto, who shall receive the like sum of forty-five pounds a year each, or shall appoint one or more female teachers as assistant teachers in the first mentioned schools, who shall receive the sum of forty-five pounds a year each; such sums respectively to be paid quarterly by warrant, under the hand and seal of the Lieutenant Governor, on the Treasurer of this Island, on producing a certificate, signed by a majority of the Board of Education, certifying that the same is due.

Three female schools allowed for Charlottetown.

Additional female schools may be established by Board where necessary.

LXX. Whereas among the population of Charlottetown there are certain orphans, as well as certain children of destitute parents, who are subject to be excluded from the benefits of free education by reason of their total inability to pay the fees imposed by this Act, and it is expedient to have established an additional school in Charlottetown aforesaid, for the instruction of such orphans and children free from any charge to them whatsoever: Be it therefore enacted, that it shall be lawful for the Board of Education to establish at some convenient place in Charlottetown aforesaid, an additional school for the instruction of such children of either sex as aforesaid, and from time to time to appoint a competent teacher of either sex for such school, who shall be entitled to receive therefor a salary of not more than fifty pounds per annum, payable out of the public treasury of this Island, in such manner, and under and subject to such regulations as shall be prescribed by the Board of Education.

Preamble to section.

Authorizes Board of Education to establish school in Charlottetown for orphans and destitute children, &c.

LXXI. That the teacher of such school shall first be examined by the said Board, and if found competent, shall receive a certificate to teach the primary branches of education, whether he or she shall or shall not be able to qualify as a first class teacher in manner required by this Act; and it shall be lawful for the said Board to cancel and revoke such certificate for such reasons and in such manner as mentioned in the eighth section of this Act.

Teacher of orphan school.

LXXII. That orphan children shall have preference of admission to said school, and no child shall be admitted thereto, if under the age of four years, nor continued therein if

Orphan children to have preference in said school.

above the age of twelve years ; nor shall any child be admitted, unless recommended by a certificate in writing, to be signed by a clergyman resident in the said town, and also by a member of the Board of Education.

A sum sufficient to defray the rent, &c. of a schoolhouse, &c , to be annually paid to the Secretary of the Board of Education.

LXXIII. A sum of money sufficient to defray the expense of fitting up a schoolhouse or room for such orphan school, and the rent thereof, with the books and fuel for the same, shall be paid annually out of the public treasury of this Island into the hands of the Secretary of the Board of Education for such purposes, who shall account for the same to the Board.

Schools for orphans in other respects to be subject to regulations of Education Act.

LXXIV. The said school, and the teacher thereof, shall in all other respects, as far as circumstances will admit, be conformable and subject to the several enactments, rules and regulations prescribed for schools and teachers in and by this Act.

Number of scholars, &c. to be regulated by the Board of Education.

LXXV. The number of scholars to be limited for the said school, either as regards sex or the aggregate of both sexes, as well as the superiority of claims for admission thereto shall, from time to time, as occasion may require, be ordered and regulated by the said Board of Education.

Teachers to be allowed for Georgetown.

LXXVI. There shall be allowed in and for Georgetown, under this Act, one master or teacher, and one female teacher ; and there shall be paid to such master or teacher, (if of the second or highest class, the sum of eighty pounds per annum ; and if of the first or lowest class, the sum of seventy pounds per annum, as salary to such master or teacher) ; and there shall be paid to such female teacher the sum of thirty-five pounds per annum, such respective salaries to be paid quarterly, and in manner as hereinafter prescribed ; provided always, that every male teacher heretofore licensed by the Board of Education, and at present teaching in the district schools in Charlottetown and the common and royalty thereof, and in the town of Georgetown ; and also all licensed female teachers in the town and country districts of this Island, who shall have passed an examination before the Board of Education since the passing of the said recited Act of the twenty-third Victoria, chapter fourteen, and every teacher, whether male or female, who shall hereafter pass an examination before the said Board, and receive a certificate of qualification or license to teach, and shall be appointed to teach in any of such schools in either of the said towns respectively, if males ; and if females, in any town or county district in this Island, shall be entitled to receive a further allowance of one tenth of the amount payable by this Act as salaries to such teachers respectively, and in addition thereto ; provided always, that every such teacher respectively as aforesaid, who shall not have passed an examination before the said Board since the passing

Salaries of teachers under the Act 23d V.c. cap. 14.

Salaries of teachers who have not passed

of the said recited Act, and who shall decline or refuse to submit to be reexamined by the said Board, as aforesaid; or having submitted to such reexamination, shall not be deemed entitled to a certificate of qualification, shall be subject to a reduction in his or her salary of one tenth of the amount payable by this Act, as aforesaid, to every such teacher respectively.

an examination since the passing of the Act 23d Vic. c. 14.

LXXVII. It shall be the duty of the senior of Her Majesty's Justices of the Peace, resident for the time being in Georgetown, and he is hereby required, annually, during the continuance of this Act, on the first Tuesday in June in each year, to convene a public meeting of the inhabitants, householders, of Georgetown, its common and royalty, having children between five and sixteen years of age, to be holden at the Court House in said town; such meeting to be convened by such Justice giving, or causing to be given, at least eight days' notice thereof in writing, the same to be published by being posted in three or more public places in the said town and common, and three or more public places in the said royalty; and the said inhabitants, householders, or a majority present at such meeting, shall elect five fit and proper persons, being also such resident householders, as aforesaid, to be trustees for the ensuing year of the schools heretofore established in Georgetown; and such trustees, so to be elected, shall have the control of said schools in Georgetown, and the selection of the teachers, and may make regulations respecting the location thereof; and the teachers shall be entitled to receive payment of their salaries, quarterly, by warrant under the hand and seal of the Lieutenant Governor, on the treasurer of this Island, on producing a certificate that the same is due, signed by a majority of the trustees, and certified by the school visitor and the Secretary of the Board of Education, and that the teacher has been actually teaching upwards of thirty scholars during the period for which the sum specified in the certificate is payable.

Duty of the senior Justice of the Peace in Georgetown.

Trustees of schools, how chosen.

Powers of trustees.

Teachers' salaries to be paid quarterly.

LXXVIII. The children of the inhabitants of Georgetown, common and royalty may attend the schools in Georgetown mentioned in the preceding section; but this privilege shall not interfere with the erection of district schools in Georgetown royalty, in the same manner as other districts under this Act.

Children of inhabitants of common and royalty may attend school in Georgetown.

LXXIX. The scholars receiving instruction in Georgetown at the schools supported and regulated under the two last preceding sections of this Act, shall pay quarterly each the sum of two shillings and six pence, to be collected by the teachers and paid over to the trustees of the said schools appointed as hereinbefore mentioned, and to be applied by them to the purchase of books and fuel, and to pay for rent and

Scholars in Georgetown to pay quarterly 2s. 6d. each.

repairs of schoolhouses, and other necessary purposes connected with the schools; and if the said trustees shall find that the said quarterly payment is not sufficient in amount for the purchase of books, and other purposes as aforesaid, then it shall be lawful for the said trustees to order and require a further payment to be made by each scholar, not exceeding, however, in any case, the sum of two shillings and six pence quarterly, in addition to the first mentioned quarterly payment of two shillings and sixpence; and if the said sums, or either of them, be not paid, the scholar in arrear may be debarred from further instruction until the same is paid; and the said payments shall also be recoverable by the teachers, in the name of the said trustees, or a majority of them, before the Court of Commissioners for the recovery of small debts which hold its sittings in or nearest to Georgetown, from the parents or guardians of the scholars.

Such payment being found insufficient, trustees may order further payment.

Mode of recovery thereof.

Two trustees of Georgetown schools to go out of office annually.

LXXX. Two of the said trustees of the Georgetown school shall go out of office annually on the first Tuesday in June, in rotation, in the manner provided in respect to district schools; that is to say, the two persons first nominated shall go out, and the inhabitants of the said town, and the common and royalty thereof, at their annual meeting, as hereinbefore provided, shall elect two persons to supply their places, power being, nevertheless, given to the said inhabitants to reelect such two retiring trustees, or either of them, if they shall see fit so to do, their names, or the name of such one of them as may be reelected, being then placed at the bottom of the list; and in all cases of election or reelection of trustees, notice thereof shall be thereupon immediately forwarded by the trustees of said schools to the Secretary of the said Board of Education.

Mode of electing others.

The Bible authorized to be read in all public schools, &c.

LXXXI. The introduction of the Bible to be read in all the public schools of this Island of every grade, receiving support from the public treasury, is hereby authorized; and the teachers are hereby required to open the school on each school day with the reading of the sacred scriptures, by those children whose parents or guardians desire it, without comment, explanation or remark thereupon by the teachers; but no children shall be required to attend during such reading as aforesaid, unless desired by their parents or guardians.

Normal school continued.

LXXXII. The Normal school heretofore established in Charlottetown for the training of male and female teachers, shall be continued under this Act, and such school shall continue to be held in the building or schoolhouse now used for that purpose.

Board of Education to regulate

LXXXIII. The mode in which such normal school shall be conducted, unless when otherwise provided for in this Act,

shall be ordained by proper rules and regulations, from time to time to be made for that purpose by the Board of Education, subject to the control, alteration, supervision and approval of the government.

late mode of conducting normal school.

LXXXIV.* There shall be two teachers of or in the said normal school, who shall be the first and second masters thereof; and the appointment of such teachers to said school shall be made by the Lieutenant Governor, by and with the advice of the Executive Council; and the relative powers and duties of such first and second masters therein, shall be prescribed by the Board of Education, provided, that no person shall be appointed to the office of either first or second master in said school, who has not received a diploma or certificate of qualification from some British or Colonial training institution, established upon the principal of Stowe's normal or training system; and provided also, that the first or principal teacher now teaching in said school, if in that situation at the passing of this Act, shall be the head master of such school, under this Act, subject to the power of removal here-by given to the Lieutenant Governor in Council.

Two teachers for the normal school.

First teacher declared to be the head master of the normal school.

LXXXV. The number of scholars in addition to teachers, or those desiring to be trained for such, who shall be entitled to attend at such normal school, under this Act, shall be regulated by order of the Board of Education, subject to the consent of the Lieutenant Governor and Council; and the quarterly payments towards defraying the cost of fuel and books shall be the same for each pupil, as in the case of other Charlottetown schools, and recoverable in the same manner.

Number of scholars, &c. to be regulated by Board of Education, &c.

LXXXVI. The teachers of the said normal school shall, by themselves, and the teachers being trained by them, teach the children in attendance there, the ordinary branches of education usually taught in district schools, and shall also train in the art of teaching such teachers and candidates as may attend, giving to the latter a thorough and competent knowledge of the best method of conducting a common district school, and especially teaching them the art of communicating the several branches of common school education in a manner best suited to the capacities, ages and conditions of the pupils who may thereafter be under their care.

Duties, &c. of teachers of normal school.

LXXXVII. The Board of Education, if they think fit, may cause one of the Charlottetown female schools to be held in the aforesaid schoolhouse, in a room to be fitted up apart from the said school for male scholars to be held therein, and place the said female school and the teacher thereof under the

One female school to be held in normal school building &c.

* Part of this section, relating to appointment of second master, repealed by 26th Vic. cap. 5.

supervision of the head master of the normal school, who shall train (if it be thought advisable by the Board) teachers and candidates to be teachers therein.

Candidates to be teachers, entitled to attend and receive instruction and training free of charge.

LXXXVIII. Every teacher, whether male or female, a *bona fide* candidate for the office of teacher, of whose qualification the Board of Education are hereby constituted the judges, upon being examined by the Board of Education, and producing a certificate thereof certifying to the proficiency of such candidate, and to his or her being qualified to become a student for the office of school teacher, shall be entitled to attend at the normal school and receive instruction and training in the art of teaching, without having to pay any fees or charges therefor.

Salaries of first and second masters of normal school.

LXXXIX. There shall be paid to the persons appointed to fill the offices of first and second masters of the normal school, the respective sums following, as salaries to such masters, that is to say, the sum of two hundred pounds per annum to the first or principal master, and the sum of one hundred pounds per annum to the second master thereof, to be paid to them quarterly from the date of their respective appointments to such offices, under the hand and seal of the Lieutenant Governor, drawn on the treasurer of this Island, in the usual manner, on each producing a certificate of the Board of Education of his being entitled to receive the same.

To be paid quarterly.

(Secs. 90, 91, and 92, repealed by 26th Vic. cap. 5.)

Lt. Governor may dispense with one of the visitor's annual inspections.

XCIII. The Lieutenant Governor, with the advice of the Executive Council, is hereby empowered, from time to time, when it shall be found necessary, to dispense, either wholly or in part, with one of the two inspections or visitations of district schools in this Island required by this Act.

School visitor to enter his name and date of visits in book kept by trustees.

XCIV. The school visitor for the time being is hereby required, at each and every visitation made by him of the several schools heretofore by law constituted, or to be constituted and regulated under this Act, to enter his name and the date of his visitation in the said book or record kept by the trustees of such schools respectively.

Duty of visitor to visit and superintend normal school.

XCIV. It shall be the especial duty of the school visitor to visit frequently and superintend the normal school, and to direct, in conjunction with the other members of the Board of Education, the management thereof.

All Acts, &c. by Board of Education, under the Acts hereby

XCVI. All acts, orders, deeds, transactions, matters and things whatsoever, made, done, had or executed by the Board of Education, or by or under their direction, sanction, privity, cognizance or authority, under or by virtue of any of the here-

inbefore mentioned or recited Acts relating to education, which are hereby repealed, and all appointments of trustees and other persons whatsoever under or by virtue of the said Acts, and all agreements, contracts, arrangements, obligations, liabilities, matters and things whatsoever, had, made, done, executed, incurred, entered into, or subsisting by or between the inhabitants or householders or school trustees in any school district, town, place, or locality whatsoever, in this Island, and any teacher or teachers, or by or between any other person or persons, at the time of the passing of this Act, in pursuance, or under or by virtue of any of the said Acts which are hereby repealed, are hereby expressly declared to be, and the same shall remain and continue to be, in all respects, good, valid, absolute, binding and effectual, both at law and in equity, under the operation of this Act, as if the said recited Acts, and every of them, still remained in full force, and not in any manner abrogated or repealed.

repealed, confirmed and made effectual.

XCVII. This Act shall be and continue in force for the period of two years from the passing thereof, and from thence to the end of the then next session of the General Assembly, and no longer.

Continuance of Act.

(Schedules A, B, and C, repealed by 26th Vic. cap. 5.)

SCHEDULE (D.)

Form of notice of meeting to appoint Trustees.

NOTICE.

A meeting of the inhabitants, resident householders, within school district number _____ on township number _____ (describe the district according to its registered name or usual designation) will be held at the schoolhouse in said district, (or as the case may be), on _____ the _____ day of _____ next, (or instant, as the case may be,) at _____ o'clock, in the noon, for the purpose of electing trustees for the said school district, according to law.

Form of notice of meeting to appoint trustees.

Dated this _____ day of _____ 18

<p><i>A. B.,</i> <i>C. D.,</i> <i>E. F.,</i> <i>G. H.,</i></p>	}	<p>Resident householders within said district.</p>
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SCHEDULE (E.)

Form of Affidavit of notice being posted.

County }
 to wit. }
 Form of affida- J. K., of in the said County maketh oath
 vit of notice and saith, that he, this deponent, did, on the day of
 being posted. instant, (or last, as the case may be,) duly post
 a true copy of the notice or paper writing hereunto annexed,
 at each of the four following places within the school district
 number on township number (or as the case
 may be), that is to say, one copy thereof on Mr. 's
 forge, (or as the case may be), another copy thereof at
 another copy at and the fourth copy at
 being four of the most public places within the said school
 district. J. K.
 Sworn to be before me at this day of 186
 L. M., J. P.

NOTE.—If the person taking the affidavit cannot swear to the act of posting, but only to the fact of having seen the affidavit posted, let the affidavit be varied accordingly. A copy of the notice to be annexed to the affidavit.



ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

CAP. V.

An Act to alter and amend the Act intituled "An Act to consolidate and amend the several laws relating to Education."

[Passed April 21, 1863.]

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows:

I. From and after the passing of this Act, all licensed district school teachers, entitled to government allowance, under the provisions of the Act of the General Assembly of this Island, passed in the twenty-fourth year of the reign of her present Majesty, chapter thirty-six, intituled "An Act to consolidate and amend the several laws relating to Education," shall be entitled to receive from the treasury of this Island, in lieu of the salaries now allowed by law, the respective amounts following, and no more, that is to say: teachers of the first class entitled under the said recited Act to forty-five pounds, shall receive the sum of thirty pounds; teachers of the said first class, entitled under the said recited Act to fifty-five pounds, shall receive the sum of forty pounds; teachers of the second or highest class, entitled as aforesaid to fifty pounds, the sum of thirty-five pounds; and teachers of said highest class entitled as aforesaid to sixty pounds, the sum of forty-five pounds; teachers of the second or highest class in Charlottetown, at present receiving ninety-three pounds ten shillings, shall receive sixty eight pounds; teachers of the first class therein, at present receiving seventy-seven pounds, shall receive fifty-six pounds; and the assistant teacher under the said recited Act, for the said town, shall receive forty-eight pounds.

First class teachers' salary reduced to £40; others reduced to £30

Second class teachers reduced to £43; others reduced to £35.

In Charlottetown, teachers of highest class reduced to £68; those of the 1st class reduced to £56.

Rates of reduction of salaries of female teachers.

II. There shall be paid to female teachers under the said recited Act, the respective sums following, namely: to female teachers in country district schools, at present drawing thirty-eight pounds ten shillings, the sum of twenty-eight pounds; and to those at present entitled to thirty-one pounds ten shillings, the sum of twenty-three pounds. To female teachers in the schools of Charlottetown, instead of the present allowance, the sum of thirty six pounds; and to the female teacher at Georgetown, the sum of twenty-eight pounds; and every such allowance or salary as aforesaid, shall be paid by quarterly payments in the way and manner hereinafter pointed out; provided always, that no teacher shall be entitled to the government allowance under this Act, unless the deficiency or difference between such allowance and the sum which at the passing hereof is payable to every such teacher respectively, shall first be raised and secured to such teacher by the inhabitants of his school district in manner hereinafter prescribed, nor unless the provisions of this Act as next hereinafter set forth, shall first have been complied with.

Inhabitants of school districts to raise addition to government salaries.

District and future grammar school teachers to send to Secretary of E. of Education notice of engagement.

III. Every school teacher, who shall hereafter be engaged as a district teacher, or a teacher in any grammar school to be established under this Act, save and except the grammar schools in Charlottetown, Georgetown and Summerside, is hereby required within twenty days after his entering into such engagement, to transmit to the Secretary of the Board of Education, a notice thereof in writing in the form in the schedule to this Act annexed, marked (C), stating the date at which he shall have entered into such engagement, and the day on which the school under his charge shall have been opened; and such engagement as aforesaid, shall in no case be entered into for a longer or shorter period than twelve months from the commencement thereof, and every such agreement or engagement shall be duly made, and entered into in writing, between the said teacher and the trustees of the district, to be appointed as by the said recited Act directed, and shall be in the form or to the effect prescribed in the schedule to this Act annexed marked (A.)

Engagement to be for twelve months.

Stipulations to be introduced by trustees into agreements.

IV. It shall be the duty of the trustees of all district schools in this Island, and of the trustees of all grammar schools to be established under this Act (save and except the three grammar schools hereinbefore mentioned), also of the district schools of Charlottetown and Georgetown, and they are hereby required in all cases when entering into an engagement, or agreement with any teacher, to state and set forth in every such agreement, what is the total number of scholars or children within the ages of five and sixteen years in their district, and also the average daily attendance of scholars required by this Act, for such school, (where the same is a district

Total number of scholars within given ages.

school,) and shall also insert, or cause to be inserted, in such agreement, a clause binding the parents of the children attending any such school as aforesaid, and the trustees on their behalf, to pay to such teacher such amount at least as is equivalent to the deficiency or reduction by this Act of the government allowance, payable to such teacher, under the said recited Act, (where the teacher is to be appointed to a district school,) and in cases where the teacher is to be appointed to a grammar school, to pay the amount fixed by this Act, to be contributed by the parents of the children attending such school, in manner hereinafter pointed out, and such amount respectively shall be expressly set forth in said agreement, and such deficiency and sum so to be made up respectively by the parents, may be raised by the voluntary contributions of such parents; provided always, that in case of the refusal or neglect of any of the parents of children within the ages aforesaid in any school district now established or hereafter to be established, to subscribe or contribute a fair or rateable sum towards making up the deficiency in the teacher's salary, so caused as aforesaid, and where two thirds in number at least of the householders resident within such district, having children within the ages aforesaid, shall subscribe or contribute two thirds at least of the salary or sum which they shall agree to pay to any teacher whose services they may wish to engage, the same to be not less than the deficiency or reduction by this Act, of the government allowance to such teacher as aforesaid; that then and in every such case, they shall have power and they are hereby authorized to make an order to the trustees of such school district to assess the remaining one third part, or lesser proportion, if such there be, of the householders of such district, having children within the ages aforesaid, to the extent of the one third or remaining part of the amount of the salary so subscribed for, and agreed to be paid to such teacher, as aforesaid, in addition to the government allowance, due regard being had to the circumstances or means of the several inhabitants liable to such assessment; and in default of payment of any sum so subscribed or assessed, the same, or any part thereof, respectively, shall and may be apportioned, levied and raised by the said trustees, in such manner and subject to such rules, regulations, and conditions, as are prescribed for levying and recovering assessment for other purposes under the said recited Act; provided also that in any case where the Board of Education, from proper and authentic information received by it, shall be enabled to certify, and shall certify to the Executive Government of this Island, that the inhabitants in any school district are unable to contribute or raise the sum fixed by this Act, to be paid by such inhabitants towards the salary of a licensed teacher, then and in such case if the householders or parents in such district, having children within the

Reduced amount of salaries to be made up.

Proviso, in case of refusal of parents to subscribe.

Defaulters may be assessed.

Compulsory means.

Proviso in favor of inhabitants unable to contribute.

ages aforesaid, shall procure and engage the services of a licensed teacher for their district for the government allowance payable by this Act to a teacher of the class to which he belongs, or for that allowance, and a sum less than that fixed by this Act as the amount to be contributed by the inhabitants in other cases as hereinbefore prescribed, such teacher shall be entitled, upon presenting the usual certificates signed by the trustees of his school, and complying with the other requirements of this Act as far as applicable to him, to receive the government allowance to which such teacher shall be entitled, according to the class to which he may belong under this Act; and if the parents in any such district shall subscribe or be assessed in any amount towards the payment of the salary of such teacher, the same shall be recovered, on default of payment, in the manner prescribed in other cases under this Act.

Teacher may still, under circumstances, receive the sum allowed by this Act.

Where 40 children and upwards, average must be 20.

Number to average 25.

Number to average 30.

Reduction of salary for deficiency of average.

V. The average number of scholars for daily attendance at district schools shall hereafter be in the following proportion to the number of children between the ages aforesaid in such districts respectively, that is to say: in districts where there are forty children and upwards, but less than fifty, within the ages aforesaid, the average number of scholars for daily attendance shall be twenty; in districts where there is the number of fifty children, and less than sixty, within the ages aforesaid, the average daily attendance shall be twenty-five scholars; and in districts where there are sixty children and upwards, the average daily attendance at the schools therein shall be thirty; and in all cases where the average daily attendance of scholars at such schools shall hereafter be found to be less than the numbers hereinbefore prescribed for such schools respectively, the government salary allowed by this Act to the teachers shall be reduced, such reduction to bear the same proportion to the number of scholars deficient of or less than the aforesaid averages respectively, as the said teachers' salary or government allowance bears to such average; and such reduction in the teacher's salary shall be raised and made good to him in the way and manner prescribed by the provisions of the said recited Act.

VI. And whereas it is deemed inexpedient any longer to grant government support to any Acadian teacher unless he shall have entitled himself thereto in the same manner in all respects as ordinary district school teachers: Be it therefore enacted, that from and after the passing hereof, the thirty-first section of the said recited Act, and all other parts of said Act having reference to the class of Acadian teachers, mentioned therein, shall be and the same are hereby repealed, and hereafter no Acadian or other teacher teaching in any of the Acadian schools of this Island, shall be entitled to or receive

31st sec. of 24th Vic c. 36, &c. (in favor of Acadian teachers) hereby repealed.

any government allowance, unless the boundaries of his school district shall be accurately defined, and the same registered in like manner as ordinary school districts, nor until such Acadian school teacher shall have first passed the Board of Education, received the necessary certificates, and qualified himself in the same manner, in all respects, as required of district school teachers under the said recited Act, and this Act, nor until the visitor of schools shall have first certified that the branches of an ordinary English education, as taught in district schools, have been taught by the teacher in such Acadian school for the period of three months immediately preceding the granting of such certificate.

Acadian teachers, on what footing hereafter.

VII. The journal or register required by the sixty-second section of the said recited Act to be kept by every licensed teacher, and forwarded by him or her to the Secretary of the Board of Education at the termination of his or her engagement, shall, before being so forwarded, be certified to as to the correctness thereof, upon oath, by every such teacher, before a Justice of the Peace.

Teacher's journal to be certified on oath.

VIII. When and as often as the resident householders in any two adjoining country school districts in this Island, having children within the ages of five and sixteen years, or the trustees of such districts, shall be desirous of obtaining the establishment of a grammar school in lieu of the two district schools within their districts, and the trustees of both of said districts on behalf of such resident householders therein as aforesaid, shall signify such their desire in writing to the Board of Education, and shall also give to the said Board their undertaking in writing, to pay to the teacher to be appointed to such grammar school, a sum not less than thirty pounds, or fifteen pounds by the inhabitants of each of such districts, and to provide a suitable building for the purposes of such grammar school, the same to be of not less area than twenty-four feet square, and to be at least ten feet in the height of the post, that then and in every such case the said Board of Education shall have power, and they are hereby required to merge said two districts into one, and to establish therein a grammar school, in lieu of the two district schools theretofore in operation in such district, and to appoint a teacher to such grammar school, who shall be qualified to teach the various branches hereinafter specified, and such teacher shall receive from the treasury of this Island the salary or sum of seventy pounds per annum, the same to be paid quarterly, and in the same manner as the salaries of ordinary district school teachers, on producing the certificates, and complying with other the requirements of the said recited Act and this Act, in like manner as required by the said district teachers; and the Board of Education shall have power at any

Where a grammar school may be substituted for two district schools

Board of Education, when it may merge two districts.

Grammar school teacher's salary.

Usher to grammar school, how appointed.

time, upon the application of the trustees of any such grammar school as aforesaid, to appoint an usher or assistant teacher to such school, who shall be entitled to receive the sum of ten pounds per annum, payable quarterly, and on compliance with the requirements of the law as in other cases next hereinbefore stated.

Other grammar schools, when allowed.

IX. The Board of Education shall likewise have power, and they are hereby required to establish in any country school district in this Island a grammar school in lieu of the district school in operation therein, whenever the householders in said district having children within the ages aforesaid, or the trustees of said district on their behalf, shall make request in writing to the said Board for that purpose, provided such householders or trustees shall first give their undertaking to the said Board to pay to the teacher who shall be appointed to such grammar school the sum of at least forty pounds, in addition to the government allowance to be granted to such teacher in manner hereinafter mentioned; and the said Board of Education shall appoint to such grammar school a teacher possessing the qualifications hereinafter prescribed, and such teacher shall receive from the public treasury the sum of fifty-five pounds annually, the same to be paid quarterly, on producing the certificates, and complying with the provisions of the said recited Act, and this Act, in the same manner as required of district school teachers: provided always, that no teacher in any grammar school to be established in manner hereinbefore prescribed, shall be entitled to receive any government allowance unless the sum hereinbefore required to be paid to such teacher by the inhabitants of his district respectively, shall first have been raised and secured to such teacher, and a certificate of the Secretary of the Board of Education to that effect be produced.

£40 in addition to government allowance, to be made up for master of grammar school

When householders refuse to contribute voluntarily to grammar school, in what case they may be assessed.

X. The sum hereinbefore required to be paid by the householders in any grammar school district to the teacher of the grammar school therein, shall and may be raised by voluntary contributions of such householders having children within the ages aforesaid; provided, that in case any such householders shall refuse or neglect to contribute their rateable proportion of such sum, and where two-thirds at least of the householders have subscribed and raised their rateable share of such sum, they shall have power to make an order to the trustees of their district to assess the remaining one third or other lessor portion of such inhabitants having children within the ages aforesaid for their rateable proportion of such sum so to be paid to the teacher as aforesaid; and in default of payment of any sum so subscribed or assessed, the same, or any part thereof respectively, shall and may be apportioned, levied and raised by the said trustees in such manner, and subject to such direc-

Assessed sum, how to be recovered.

tions, rules, regulations and conditions as are prescribed for levying and recovering assessment for other purposes under the said recited Act.

XI. From and after the passing of this Act the Board of Education shall have power to establish in each of the towns of Charlottetown, Georgetown and Summerside, a grammar school, in addition to the district or other schools therein, respectively; and so soon as the inhabitants in any of said towns respectively, shall have provided a suitable building for said school, to the satisfaction and approval of the Board of Education, the Administrator of the Government for the time being, in Council, shall appoint a teacher to such grammar school, whose qualifications for teaching shall be those hereinafter prescribed; and such teacher shall be entitled to receive from the treasury of this Island, the sum of one hundred pounds per annum; and such teacher shall charge, collect and receive from the parents or guardians of the children attending such school, a tuition fee, or such sum per head for every child taught by him, as shall previously have been fixed by the Board of Education in that behalf, and subject to such rules and regulations as they shall prescribe, and the same, in default of payment, shall and may be recovered, as in other cases, under this Act: provided always, that no such teacher as last aforesaid, shall be entitled to draw the government allowance payable to him under this Act until he shall first have produced the certificate of the Secretary of the Board of Education, and one other member of the said Board as hereinafter prescribed and required in regard to district school teachers, nor until he shall (if the teacher in the grammar school at Georgetown or Summerside) have filed with the said Secretary of the Board of Education, a certificate under the hands of a majority of the trustees of his school, certifying to the effect as in the form in the schedule (B) to this Act annexed.

Grammar schools for Charlottetown, Georgetown and Summerside, how established.

Teachers for said 3 schools, to have £100 per annum.

Certificates to be produced by said 3 teachers.

XII. The tuition fees to be collected by the said respective grammar school teachers in Charlottetown, Georgetown, and Summerside, shall be duly applied and appropriated, under the directions of the respective trustees of said schools (the Board of Education being hereby declared to be the trustees of the said grammar school to be established in Charlottetown for that purpose) in the purchase of books and fuel, and in repairing the respective schoolhouses or buildings: provided, that in case the average number of scholars attending any of such respective grammar schools shall amount to forty, or upwards, the trustees of such school in which there shall be such average attendance of scholars, shall be at liberty to appropriate to the extent of fifteen pounds per annum, or any lesser sum which may be in their hands after providing neces-

Tuition fees of said 3 grammar schools, to be collected by teachers, and applied, &c.

Usher to such grammar schools, appointment of and provision for.

sary books and fuel and defraying the costs of repairs as aforesaid, as or towards the salary of an usher in any such grammar school, the appointment of such usher being first sanctioned and approved by the Board of Education; and an account of such fees, and of the appropriation thereof, shall be duly kept and laid before the Board of Education regularly at least once in every year after the establishment of such respective grammar school.

Board of Education to be trustees of Charlottetown grammar school, and may close a Charlottetown district school.

XIII. The Board of Education shall have the entire supervision any control of the grammar school to be established in Charlottetown under this Act, and shall be the trustees thereof, and shall have power to order, if they shall see fit, that such grammar school shall be held in the same building in which the normal school is now held, and to have a room therein fitted up for that purpose; and said Board shall have the further power at any time after the establishment of such grammar school in Charlottetown, to close one of the district schools therein.

Qualification of grammar school teachers.

XIV. The teacher to be appointed to each and every grammar school to be established under this Act shall, in addition to the qualifications required of second or highest class teachers by the said recited Act, be qualified to teach the Latin, Greek and French languages in such proficiency as the Board of Education shall deem requisite, and shall hold the certificate of the said Board of such his qualifications.

Trustees of Georgetown and Summerside grammar school, how appointed.

XV. At the time of making the appointment of teacher to each of the grammar schools to be established in Georgetown and Summerside under this Act, the Lieutenant Governor in Council shall likewise appoint trustees to each of such schools respectively, whose powers and duties shall be the same as those of the trustees of ordinary school districts under the said recited Act, excepting the power of assessing the inhabitants for contributions towards the teacher's salary, it being the intention of this Act that no assessment or contribution shall be made or levied upon or from the inhabitants of any of the aforesaid towns, Charlottetown, Georgetown and Summerside, towards payment of the salary of the teacher of the grammar school therein respectively, other than the fees which shall be prescribed and fixed by the Board of Education to be paid by the parents or guardians of children attending at said schools.

The towns and Summerside, where exempt from assessment for grammar schools.

Georgetown Grammar school to be in lieu of district school.

XVI. The grammar school to be established in Georgetown shall be in lieu of the district school in said town, which shall be closed immediately upon the said grammar school coming into operation.

XVII. The parents or guardians of any child or children

residing within any of the respective counties in which the said respective grammar schools of Charlottetown, Georgetown and Summerside shall be situate, shall have the privilege of sending such child or children to be taught in the grammar school to be established in any such county towns respectively, and such parents or guardians shall not be liable to pay any assessment or contribution towards the salary of the teacher of the school of the district wherein such child or children may reside (so far as such child or children are concerned) so long as such child or children shall be in attendance at such grammar school, provided such parents or guardians shall have given notice of their intention to send any such child or children to such grammar school at the time of any such district school assessment, as aforesaid, being levied for the year.

Children may be sent to the town grammar school although their parents reside in other parts of County

XVIII. Trustees for the said grammar schools to be established under this Act, save and except the grammar schools in Charlottetown, Georgetown and Summerside, shall be appointed in the same manner as provided by the said recited Act for the appointment of trustees of ordinary district schools, and all the provisions of said Act and this Act prescribing the duties and powers of trustees of said district schools shall apply to and regulate the duties and powers of the trustees of such grammar schools, save and except the three grammar schools in this clause excepted.

Trustees for grammar school (other than for town, &c.,) how appointed.

XIX. Every teacher, before he shall be entitled to draw the government allowance under this Act, except the teachers of the grammar schools in Charlottetown, Georgetown and Summerside, shall deposit, or cause to be deposited with the Secretary of the Board of Education, one part of the original agreement made by him, or on his behalf, with the trustees or inhabitants of any school district, or a true copy thereof, attested on oath, which said agreement shall be in the form or to the effect prescribed in the schedule to this Act annexed marked (A), and a certificate in the form in the schedule to this Act annexed marked (B), shall be endorsed thereon or thereto annexed, under the hands of a majority of the trustees of his school, in the manner prescribed by the said recited Act (which said certificate shall be signed by the said trustees in presence of a Justice of the Peace) certifying that the provisions of the said recited Act, as amended by this Act, in all respects have been duly complied with, and also certifying to the good conduct, attention and sobriety of such master during the time he shall have kept his school pursuant to such agreement, which conduct shall also be thereon certified by one or more Justices of the Peace; and such forms of agreement and certificate as aforesaid shall be in lieu of those referred to in the thirty-fifth and thirty-sixth sections of the said recited

School teachers (except town grammar schools) to deposit with Secretary of Board of Education one part of their agreement, or a true copy.

Form of agreement

Form of certificate to be endorsed thereon.

Purport thereof

Sections 35 and 36 of 24th Vic. c. 36, repealed.

Secretary to certify class to which teacher belongs, &c.

Production of certificate to entitle teacher to his salary.

Board of Education to have control of female schools in Charlottetown, and power to prescribe that parents shall pay small tuition fee, &c.

Fee, how recovered.

Board of Education to change or alter size or boundaries of school districts, and site of schoolhouses; and to make other alterations, upon application in writing;

Act, which said sections and schedules therein respectively referred to are hereby repealed; and the said Secretary, with the concurrence of one other member of the said Board of Education, shall certify the class to which such teacher shall belong, and the amount to which by law, and as shall satisfactorily appear by such certificate, the said teacher shall be entitled; and shall also certify that the said agreement, or an attested copy thereof, as aforesaid, has been duly filed, and that the same has been framed in accordance with the provisions of this Act hereinbefore expressed; and on the production of such certificate last mentioned, such teacher shall be entitled to receive from the treasury of this Island, such amount as he or she, according to his or her class and qualifications, shall be by law entitled to the same, to be paid by quarterly payments, on production of the certificates and other requisites prescribed by the said recited Act and this Act, by warrant under the hand and seal of the Lieutenant Governor for the time being, with the advice of her Majesty's Executive Council.

XX. The Board of Education shall have the entire control of the female schools in Charlottetown receiving government allowance under this and the said recited Act, and shall have power to prescribe, if they shall deem it necessary, that the parents of all children attending said schools shall pay a small tuition fee for each of such children, for the purpose of making up the deficiency or difference between the salary allowed by this Act to the teachers in such schools, and the amount paid under the said recited Act to such teachers; and the tuition fee so to be paid as aforesaid shall be such sum for each child as shall be fixed by the said Board; and if such fee be not paid, the same shall be recoverable by the teacher in her own name, or the name of the Secretary of the Board of Education from time to time, so often as said fee shall become due for the time each scholar shall be at such school, before the Mayor's Court in Charlottetown for the recovery of small debts, from the parents or guardians of any such child so in default.

XXI. The Board of Education for the time being, with and subject to the control and consent of the Administrator of the government, in Council, shall have full power and authority to alter, enlarge or diminish the size or boundaries of any school district or districts heretofore established, or hereafter to be established, and also to re-arrange the boundaries and diminish the number of districts where circumstances may render the same necessary or desirable, and at the same time to change the site of the school house or houses therein so as to meet the altered circumstances of the district or districts, and to make all orders necessary for effect-

ing and perfecting such change of site, or other alterations hereinbefore mentioned; and in any case where an application shall be made in writing to the Board of Education, signed by at least ten inhabitants, householders in any such district or districts in which any such alteration or re-arrangement is proposed to be made, requesting such alteration or re-arrangement so as to render such district or districts more suited to the convenience of the respective inhabitants therein, it shall be lawful for the Board of Education, if in its discretion it thinks such a course necessary, to nominate and appoint three competent persons, not being parties resident in the district, or either of the districts respecting which the application may have been so made, to examine into the particulars; and such persons, so appointed as aforesaid, after notice of their intention so to do, shall have been posted for at least six days previous on the schoolhouse in the district; or if the application shall concern more than one district, then on the respective schoolhouses in the several districts so concerned, shall attend at such time and place in such district, or either or both of such districts as shall in such notice be specified, and shall personally then and there proceed to make enquiry in such manner, and to such extent as they, or a majority of them, shall deem requisite; and if they think that the interest or convenience of the inhabitants would be promoted by an alteration in the boundaries of such district or districts respectively, or should deem it expedient that such districts should be merged into one, or otherwise re-arranged, they shall fix and decide upon the manner, or define the extent of such alteration, and shall thereupon report such their opinion and determination under their hands, or the hands of a majority of them, to the Board of Education, whose order or decision thereon, when sanctioned by the Administrator of the government in Council, shall be conclusive; and upon such order of the Board of Education being so confirmed, the same shall be duly notified to the inhabitants of the district or districts respectively regarding the boundaries or extent of the alterations of which such determination shall have been made, and an alteration in the registry shall thereupon be made accordingly.

And may nominate three persons, who, after notice, may attend personally and decide on alterations.

Said three persons to report their determination to Board of Education.

Determination to be conclusive when sanctioned by Lieut. Governor and Council.

XXII. Every person who shall be appointed for the purposes in the last preceding clause mentioned, shall be entitled to receive from the treasury of this Island, eight pence per mile for each mile necessarily travelled by him for the purposes therein mentioned, and also the sum of ten shillings for the report in writing, and transmitting the same to the Board of Education, the same to be paid on producing a voucher and certificate therefor signed by the Secretary and three members, who shall therein state, that the application on which the commission has been issued was of a reasonable nature; and if

Remuneration of said three persons.

Amount and mode of payment.

otherwise, then the expenses aforesaid shall be borne by the applicants.

3d sec. of 24th
Vic. cap. 36, in
part repealed.

XXIII. So much of the third section of the said recited Act, as prescribes that fifteen shillings shall be deducted from the salary or remuneration therein allowed, annually, to each of the members of the Board of Education, for every time he shall be absent from the said Board at any of its monthly meetings, shall be and the same is hereby repealed, and hereafter there shall be no deduction from such allowance or salary, if any member so absenting himself shall give a reasonable and sufficient excuse to the satisfaction of said Board, for such absence.

No deduction
in future from
pay of mem-
bers of Board
of Education
for absence, &c.

Two school vi-
sitors in future;

XXIV. From and after the passing of this Act, there shall be two visitors of schools in and for this Island, and it shall and may be lawful, for the Lieutenant Governor or other administrator of the Government for the time being, as soon as this Act shall go into operation, to appoint two fit and proper persons to such offices, and to displace any such person or persons so appointed, and to appoint another or other person or persons, to fill up such vacancy or vacancies, and one of such persons so appointed, shall be the visitor of all the public schools in Prince County, and of all the public schools on townships numbers twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-nine, thirty, thirty-one, thirty-two, sixty-five and sixty-seven, in Queen's County; and the other person so appointed to the office of school visitor, shall be the visitor of all the public schools in King's County, and of all the public schools in Charlottetown and royalty, and on townships numbers thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, forty-eight, forty-nine, fifty, fifty-seven, fifty-eight, sixty and sixty-two, in Queen's County; and neither of such school visitors shall be engaged in trade or business, whilst holding such situation under the superintendance of the Board of Education; and it shall be the duty of each of such school visitors, to visit all the schools in the district or section of the Island, for which he shall be appointed respectively, twice in every year, and assist the said Board of Education to prescribe the course of education to be pursued in such schools, and the books, diaries, list of attendances, and other records necessary to be kept therein, and to order what books shall be used in the schools, what shall be the hours of attendance of the scholars, and commencement of terms, and other necessary details connected with the management of the schools; and each of such visitors shall have power, and he is hereby directed, whenever he shall see fit, to call meetings of the trustees connected with the respective schools within his district, and to make to the Board of Education a quarterly report in writing of his visits, stating therein the condition of every school,

one for Prince
County and cer-
tain townships
in addition,

another for
King's County,
and certain
other town-
ships in addi-
tion;

Visitors to visit
schools twice a
year.

Their duties.

To report in
writing to the
Board of Edu-
cation.

the method of teaching practised therein, the number of scholars, state and description of schoolhouses, and whether in such schools the provisions of this Act, and the said recited Act, and the orders made for their guidance by the said Board of Education, have been complied with, and such other information as he may deem it necessary to give; and it shall be lawful for, and the duty of the Board of Education, to furnish each branch of the Legislature, within fourteen days after the meeting thereof, with such parts of said visitors' reports, including the statistics thereof, as they may deem necessary, together with — if they shall see fit — their own remarks thereon; and a copy of such extracts and remarks shall be published annually in one of the public newspapers of the Colony.

Parts of Visitor's reports to be furnished to Legislature within 14 days, &c.

XXV. The several visitors of schools for the time being, to be appointed under this Act, shall punctually observe and be governed by the provisions of the said recited Act, prescribing the duties of the school visitor thereunder.

Visitors to be governed by Act of 24th Vic. cap. 36.

XXVI. The salary of each of the school visitors under this Act, shall be one hundred and fifty pounds per annum, to be paid quarterly from the date of his first appointment, by warrant under the hands and seal of the Lieutenant Governor, drawn on the treasury of this Island in the usual manner, on producing the certificate of a quorum of the Board of Education of his being entitled to receive the same.

Visitor's salaries, amount, and how payable.

XXVII. The twelfth, thirteenth, thirtieth, thirty-first, thirty-fifth, thirty-sixth, ninetieth, ninety-first, ninety-second, and so much of the eighty-fourth and eighty-ninth sections of the said recited Act as provides for the appointment and salary of a second master to the normal school, and also all such other parts of the said recited Act as are contrary to or inconsistent with any of the provisions of this Act, are hereby severally and respectively repealed.

12th, 13th, 31st 35th, 36th, 90th 91st, 92d, and parts of 84th & 89th secs. of 24th Vic. cap. 36 repealed.

XXVIII. Nothing in this Act contained shall be deemed to interfere with or abridge the right of any school teacher, arising from or out of any school contract, existing at the time of passing hereof.

School contracts existing at passing of this Act not to be affected, thereby.

XXIX. This Act and the said recited Act of the twenty-fourth year of the reign of her present Majesty, chapter thirty-six, as amended by this Act, shall be and the same are hereby severally continued for the period of three years, from the passing hereof, and from thence to the end of the next session of the General Assembly, and no longer.

24th Vic. cap. 36, and this Act to be in force for 3 years.

SCHEDULE (A.)

Form of Agreement with Teacher.

Schedule.

These presents witness that *A. B.*, licensed teacher of the class (or as the case may be) doth hereby agree and engage with *C. D.*, *E. F.*, *G. H.*, *I. J.*, and *K. L.*, trustees of the district school (or grammar school, as the case may be) township number in Prince Edward Island, to conduct the said school duly, faithfully, and punctually, in accordance with the law, and the rules and regulations of the Board of Education, for and during the term of one year from the day of according to the best of his skill and ability; and the said trustees do, on their part, agree and engage to keep the schoolhouse in the said district in substantial repair, and comfortable for the accommodation of the teacher and scholars, to provide sufficient fuel, cut, at all times, for the use of the said school; *to provide such books and school furniture as may be prescribed by the Board of Education and visitor of schools, to visit and inspect the said school, to direct the discipline thereof, to keep in as regular attendance as possible all the scholars resident in the said district, amounting to in number; and further, that the parents of all children residing within the said district shall make good and pay to the said *A. B.*, the sum of pounds in addition to the government allowance to the said *A. B.*, as required by law; * and that the said parents shall also make good any reduction in the amount of such government allowance to the said *A. B.*, which may be occasioned by a deficiency in the attendance of the average daily number of scholars, as required by law, for the said district, which said average is scholars; * and on the performance, by the said teacher, of his part of this agreement, to give him the certificates necessary to enable him to receive the allowance to which he shall be entitled from the treasury of this Island. [If there be any further agreement between the parties as to any allowance to the teacher for his board, or otherwise, insert the same here.]

In witness whereof, the said parties to these presents have hereunto set their hands and seals the day of 18

Signed in the presence of

A. B., Teacher.

C. D.,

E. F.,

G. H.,

I. J.,

K. L.,

} Trustees.

(N. B.—When the school is a grammar school, the words between the asterisks in the preceding form to be left out.)

SCHEDULE (B.)

Teacher's Certificate to obtain Salary.

We the undersigned, trustees of the school at _____ on
 township number _____ do hereby certify, that *A. B.*, Schedule (B.)
 teacher of the _____ class (or if a grammar school, say
 teacher of the grammar school on township number _____
 or, as the case may be,) has diligently, faithfully, and soberly
 discharged his duties during the last _____ months as
 teacher of our school, and has duly kept a journal of the said
 school during the said period, and in all other respects has
 complied with the requirements of the laws now in force
 relating to Education, and is entitled to receive the sum of _____
 for his said services; and that a schoolhouse, in
 accordance with the provisions of the laws now in force has
 been provided. As witness our hands this day of _____ 18

Trustees of School.

(To be signed by the trustees in presence of one another.)

I certify that the foregoing statements, to the best of my
 knowledge and belief, are correct, and that this certificate has
 been signed by the said trustees, in my presence.

J. P.

SCHEDULE (C.)

Notice from Teacher, of his engagement.

I hereby give notice that I have entered into an agreement Schedule (C)
 bearing date the _____ day of _____ 18 _____ to teach the school
 (or grammar school, as the case may be) in the settlement
 of _____ on township number _____ (or the Town or
 Royalty of _____ as the case may be,) for the term of _____
 and that the said school was opened by me on
 the _____ day of _____ 18 _____

A. B., Teacher.

We do hereby certify that the foregoing statement is cor-
 rect.

C. D. }
E. F. } Trustees.
G. H. }



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