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1st Session, 7th Parliament, 25 Victoria, 1862.

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**BILL.**

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

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Received and Read, first time, Monday, 7th  
April, 1862.

Second Reading, Wednesday, April 9, 1862.

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Mr. Scott.

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**QUEBEC :**

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No. 2.]

# BILL

[1862.

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

HER Majesty, &c., enacts as follows:—

Preamble.

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Sixty-five of the Consolidated Statutes for Upper Canada intitled "An Act respecting Separate Schools," are hereby repealed, and the following shall be substituted in lieu thereof, and be deemed to form part of the said Act.

2. Any number of persons, not less than five, being heads of families, and freeholders or householders, resident within any school Section of any Township, Village or Town, or within any ward of any City or Town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a Separate School for Roman Catholics, in such School Section or ward, for the election of Trustees for the management of the same." Five heads of families may call meeting.

3. A majority of the persons present, being freeholders or householders, and being Roman Catholics, may, at any such meeting, elect three persons, resident within such section or adjoining section to act as trustees for the management of such Separate School, and any person, being a British subject, may be elected as a trustee whether he be a freeholder or householder, or not. Election of Trustees.

4. Notice of the holding of such meeting, and of such election of Trustees, shall be given by one of the Trustees so elected, to the Reeve or head of the Municipality, or to the Chairman of the Board of Common School Trustees, in the Township, Village, Town, or City in which such School is about to be established, designating by their names, professions, and residences, the persons elected in the manner aforesaid, as Trustees for the management thereof, and every such Notice shall be delivered to the proper officer by one of the trustees so elected, and it shall be the duty of the officer receiving the same to endorse thereon the date of the receipt thereof, and from the day of such delivery the Trustees therein named shall be a Body Corporate under the name of "The Trustees of the Roman Catholic Separate School for the Section number , in the township of , or for the Ward of in the city or town (as the case may be) or for the village of in the County of ." Written notice to certain officer. Contents. Trustees' corporate name.

5. Where such notice has been given of the election of Trustees in more than one ward of any city or town, or in more than one school section in any Municipality or Municipalities, adjoining or contiguous to each other, the trustees thereof may, if they think fit, form a union Unions of wards and sections, how formed.

Notice of  
Unions.

for the establishment of separate schools in such parts of the said cities or towns or in such sections of the Municipality or Municipalities as they think fit; and from the day on which the notice announcing such union shall be published in any public newspaper, issued in such city, town, village or municipality, or in the city, town, village or municipality nearest thereto, the Trustees of the several wards in such city or town, and the Trustees of such sections in any municipality or municipalities, shall form a body corporate under the title of "The Board of Trustees of the Roman Catholic United Separate Schools, for the city (or town) of \_\_\_\_\_;" or "The Board of Trustees of the Roman Catholic United Separate Schools for the united Sections numbers \_\_\_\_\_ (as the case may be.) in the township or townships of \_\_\_\_\_, and village or villages of \_\_\_\_\_, in the County or counties of \_\_\_\_\_" (as the case may be). 5

Powers of  
Trustees of  
Separate  
Schools.

6. The Trustees of such Separate Schools forming a Body Corporate under this Act, shall have the same power to impose, levy and collect School rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of such schools, and all other powers in respect of Separate Schools, as the Trustees of Common Schools have and possess under the provisions of the Act relating to Common Schools. 15

Rules and  
Penalties.

7. The Trustees of such separate School shall perform the same duties and shall be subject to the same penalties as Trustees of Common Schools; and Teachers of Separate Schools shall be liable to the same penalties as Teachers of Common Schools. 20

Election and  
term of office  
of Trustees.

8. The Trustees of such Separate Schools shall remain in office until the Second Wednesday of the Month of January next following their election, on which day in every year a meeting shall be held in each such Section or Ward, commencing at the hour of Ten of the clock in the forenoon for the election of three Trustees for Separate Schools theretofore established; but no Trustee shall be re-elected at any such Meeting without his consent, unless after the expiration of four years from the time he went out of office: Provided always that whenever in any City, or Town divided into wards, a united Board now exists, or shall be hereafter established, two Trustees only for each ward shall be elected to represent such Ward at the United Board of Trustees, at the then next and all such subsequent general annual Meetings, for the election of School Trustees, on the second Wednesday in January. 30 35

Children from  
other School  
Sections.

9. The Trustees of such separate Schools shall allow children from other School Sections, whose parents or lawful guardians are Roman Catholics, to be received into any Separate School under their management, at the request of such parents or guardians; and no children attending such School shall be included in the return, hereafter required to be made to the Chief Superintendent of Education, unless they are Roman Catholics. 40

Certificates to  
Teachers.

10. A majority of the Trustees of such separate Schools in any City, Town, Township or Village, or of the Board of Trustees forming a Union under this Act, shall have power to grant certificates of qualification to Teachers of separate Schools under their management, and to dispose of all School funds of every description coming into their hands for School purposes. 45

11. Every person paying rates, whether as proprietor or tenant, who, by himself or his agent, on or before the first day of March in any year, gives, 50

- or who on or before the first day of March of the present year, has given, to the Clerk of the Municipality, notice that he is a Roman Catholic, and a supporter of a separate School situated in the said Municipality, or in a Municipality contiguous thereto, shall be exempted from the payment of all rates imposed for the support of Common Schools, and of Common School Libraries, or for the purchase of land or erection of buildings for Common School purposes, within the Municipality, for the then current year, and every subsequent year thereafter, while he continues a supporter of a separate School.—And such notice shall not be required to be renewed annually; and it shall be the duty of the Trustees of every separate School to transmit to the Clerk of the Municipality or Clerks of Municipalities (as the case may be) on or before the first day of June in each year, a correct list of the names of all persons supporting the separate Schools under their management.”
12. Every Clerk of a Municipality, upon receiving any such notice, shall deliver a certificate to the person giving such notice, to the effect that the same has been given, and shewing the date of such notice.
13. Any person who fraudulently gives any such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from rates, and shall be liable to a penalty of Forty Dollars recoverable with costs, before any Justice of the Peace at the suit of the Municipality interested.
14. Nothing in the last three preceding sections contained shall exempt any person from paying any rate for the support of Common Schools or Common School Libraries, or for the erection of a School House or School Houses, imposed before the establishment of such separate School.
15. Every such separate School shall be entitled to a share in the fund annually granted by the Legislature of this Province for the support of Common Schools, and shall be entitled also to a share in all other public grants and allotments for Common School purposes made by the Province or the Municipal authorities, according to the average number of pupils attending such school during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new separate School, as compared with the whole average number of pupils attending school in the same City, Town, Village or Township.
16. But no such separate School shall be entitled to a share in any such fund, unless the average number of pupils so attending the same be fifteen or more, (periods of epidemic or contagious diseases excepted.)
- Nothing herein contained shall entitle any such separate School within any City, Town, Village, or Township, to any part or portion of School moneys arising or accruing from local assessment for Common School purposes within the City, Town, Village, or Township, or the County or Union of Counties within which the City, Town, Village, or Township is situate.
17. The Trustees of each separate School shall, on or before the thirtieth day of June, and the thirty-first day of December of each year, transmit to the Chief Superintendent of Education for Upper Canada, a correct Return of the names of the children attending such school, together with the average attendance during the six next pre-

Exemption from Common School Rates.

Certificate of Clerk.

Fraudulent notice.

Exception as to present rates.

Separate Schools entitled to a share of the public grant.

Average number of pupils.

Half-yearly returns to Superintendent.

ceding months, or during the number of months which have elapsed since the establishment thereof, and the number of months it has been so kept open ; and the Chief Superintendent, shall, thereupon, determine the proportion which the Trustees of such separate School are entitled to receive out of the Legislative grant, and shall pay over the amount thereof to such Trustees. 5

Special conditions.

**18.** The election of Trustees for any such Separate School, shall become void unless a Separate School be established under their management within two months from the election of such Trustees.

Separatists not to vote at common School meetings.

**19.** No person subscribing towards the support of a Separate School 10 established as herein provided, either for Roman Catholics, Protestants, or colored people, or sending children thereto, shall be allowed to vote at the election of any Trustee for a Common School in the city, town, village or township in which such Separate School is situate.

R. C. Clergymen *ex-officio* members.

**20.** Roman Catholic Clergymen, who are either incumbents, or have 15 pastoral charge in missions, parishes, or other pastoral divisions, shall be, respectively, members *ex-officio* of each Board of Trustees of Roman Catholic separate Schools, established within such missions, parishes or other pastoral divisions.

Holidays and Vacations.

**21.** The Holidays and Vacations prescribed by the Council of Public 20 Instruction, for the observance of Common Schools, shall not be binding upon Roman Catholic Separate Schools ; but the Trustees of every such School, may prescribe the observance of such other holidays and vacations as they may see fit ; provided always, that the number of school-days, in any Roman Catholic Separate School, shall not exceed one 25 hundred and twenty-nine days in the first half of every year, nor one hundred and sixteen days in the second half of the year.

Rules of management.

**22.** In all Roman Catholic Separate Schools, no rules shall be enforced for the government or management of such schools, and no books shall be introduced or prohibited without the approbation of the Trustees of 30 such Roman Catholic Separate Schools.

Disagreements between Trustees and Superintendent ; how settled.

**23.** In the event of any disagreement between Trustees of Roman Catholic Separate Schools, and Local Superintendents of Common Schools, or other municipal authorities, the case in dispute shall be referred to the equitable arbitrament of the Chief Superintendent of 35 Education in Upper Canada ; subject nevertheless to appeal to the Council of Public Instruction, whose award shall be final in all cases.