

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: Cover title page is bound in as last page in book but filmed as first page on fiche.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x		14x		18x		22x		26x		30x	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12x		16x		20x		24x		28x		32x	

No. 156.

4th Session, 3d Parliament, 14 Victoria, 1851.

BILL.

An Act to amend and explain the School
Acts in force in Lower Canada.

Received and read a first time, Wednesday, 18th
June, 1851.

Second reading, Wednesday, 25th June, 1851.

Mr. McCONNELL.

TORONTO: PRINTED BY LOVELL AND GIBSON.

1069

BILL.

An Act to repeal certain Enactments therein mentioned, and to make better provision for Elementary Instruction in Lower Canada.

WHEREAS the establishment of Common Schools Preamble.
for the instruction of Youth is of paramount importance, and it is necessary to insure ample funds, and to make better Legislative provisions, and to adopt more effectual measures, than have been heretofore made or adopted for this purpose in Lower Canada, substituting such measures for those heretofore in force: Be it therefore enacted, &c.

That the Act passed in the ninth year of Her Majesty's Acts
10 Reign and intituled, "*An Act to repeal certain Enact-* 9 Vict. c. 27.
ments therein mentioned, and to make better provision for
"Elementary Instruction in Lower Canada," and the Act
passed in the twelfth year of Her Majesty's Reign, and and
15 intituled, "*An Act to amend the School Law of Lower Ca-* 12 Vict. c. 50,
nada," and all other Acts or provisions of law inconsistent repealed.
with this Act, shall be and are hereby repealed, upon,
from and after the day when this Act shall come into force;
Provided always, that all penalties incurred or sums of Proviso: as to
money due under the said Acts, or either of them, may be moneys due,
20 enforced, sued for and recovered, or any suit for enforcing &c.
or recovering the same, may be continued under the
provisions of the said Acts or either of them, as if this Act
had not been passed: and provided also, that no Act or
part of an Act, repealed by the said Acts, or either of them,
25 shall be revived by the coming into force of this Act.

II. And be it enacted, That the Governor may, from Superintend-
time to time, appoint by Letters Patent, under the Great ent of Schools
Seal of the Province, a fit and proper person to be Super- to be
intendant of Schools in Lower Canada, and to hold his appointed.
30 office during pleasure. The said Superintendent shall His salary and
receive *Five Hundred Pounds*, currency, salary, per an- allowances.
num, and shall be allowed *One Hundred and Seventy-five*
Pounds per annum for a Secretary, and *Sixty Pounds*
for a Clerk, and the contingent expenses of his office to
35 be by him accounted for to the Government. And the To give
said Superintendent shall give security to Her Majesty, security.
Her Heirs and Successors, to the satisfaction of the Go-
vernor in Council to the amount of *Two Thousand Pounds*,
currency.

- Duties of Superintendent. **III.** And be it enacted, That it shall be the duty of the Superintendent of Schools :—
- Distributing school moneys. *First,* To receive from the Receiver-General all sums of money appropriated for the purposes of this Act, and to distribute the same among the Superintendents of 5 Counties in proportion to the number of schools reported by them as complying with the requirements of this Act.
- Preparing forms. *Secondly,* To prepare and cause to be printed all necessary forms.
- Advice touching Schools. *Thirdly,* To prepare and cause to be printed recom- 10 mendations and advice on the management of Schools, as well for the Superintendents of Counties as to be by them distributed to teachers in their respective Counties.
- Keeping books. *Fourthly,* To keep correct books and distinct schedules of all matters subjected to his superintendence and con- 15 trol, so that all requisite information may be clearly and promptly obtained by the Government, the Legislature, or County Superintendents or School-visitors.
- Reporting to the Legislature. *Fifthly,* To lay annually before the three Branches of the Legislature, a detailed Report of the actual state of 20 Education in Lower Canada, tables of schools, number of children attending them, the books used in schools, the studies pursued, the different systems of teaching adopted, and the relative improvement under different systems, the advantages or disadvantages appearing to accrue from 25 uniformity or variety of books used in the schools, and other like matters.
- Government money, how to be distributed. **IV.** And be it enacted, That all sums of money appropriated by the Government for Elementary Schools in Lower Canada shall be distributed equally among all 30 Schools complying with the requirements of this Act.
- On what conditions any School shall be entitled to a share. **V.** And be it enacted, That before any School shall be entitled to a share of the moneys appropriated by Government for the purposes aforesaid, it shall be made to appear to the Superintendent of Education in Lower 35 Canada, by the certificate of the Superintendent for the County within which said school is situate, signed also by two school-visitors within such County, in the form of Schedule B, annexed to this Act :—
- Superintendent must certify—
- Qualification of Teacher. *First,* That the Teacher of such School is a person of 40 sober life and conversation, and has been examined by them and found qualified to teach reading, writing, arithmetic, and the elements of grammar, in the language of the majority of the inhabitants of the School District in which he or she is to teach.

1071

Secondly, That open School has been kept in the said School District, at the rate of *one hundred and ninety days* in the year, from nine o'clock in the forenoon of each day until noon, and from one o'clock in the afternoon until four, and that twenty children, at least, between the ages of five and fifteen years, inclusively, have usually attended such school during the said hours, and have been taught therein, Saturdays, Sundays and Holydays, and the vacations allowed by the regulations of the school at Christmas and Easter only, excepted.

Time during which School has been open.

Thirdly, That there has been a public examination of the children taught at such school at least once during the half-year, for which a share of the Government money is sought, and that such school has been visited by at least two School-visitors within the County, during such half year.

Examinations and visits.

VI. And be it enacted, That the Visitors for each County shall be :—

Who shall be School Visitors.

First. All resident Clergymen within the County, of whatever denomination.

Secondly, The Judges of the Superior and Circuit Courts.

Thirdly, Members of the Legislature.

Fourthly, Licensed Physicians and Surgeons, and Advocates.

Fifthly, The Mayor, or Warden, and Councillors of the Municipality within which any School is situate.

Sixthly, Justices of the Peace.

Seventhly, Colonels, Lieutenant-Colonels, and Majors, and the Senior Captains of Militia resident in the locality.

VII. And be it enacted, That whenever the inhabitants of any Parish or Township, or union of Parishes or Townships, shall deem it expedient to raise by assessment any sum of money, in addition to the amount to be received from Government for the Schools within such Parish or Township, or union of Parishes or Townships, it shall be lawful for a majority of the Municipal Electors thereof, at the annual meeting for the choice of Councillors, to determine the amount (if any) necessary to be raised for the purpose aforesaid within such Parish, Township, or union of Parishes or Townships, and that it shall be the duty of the Chairman at such election to take the sense of the Electors as to such assessment, and if a majority of

Proceeding in case any Parish &c., should wish to raise an additional sum for school purposes.

them shall vote for raising any certain sum, to transmit a minute, in writing, of the decision of such Municipal Electors, to the Municipal Council for the County within which such Parish or Township, or union of Parishes or Townships, is situate; and thereupon such Municipal Council shall cause the sum of money so determined upon to be assessed equally upon all rateable property of such Parish, Township, or union of Parishes or Townships; and the amount so assessed, and all assessments the imposing of which is authorized by this Act, shall be levied and collected in like manner and under the same provisions as other taxes imposed by such Council, and when collected, shall be paid by such Council to the County Superintendent, and shall be distributed by him equally amongst all the Schools within the Parish or Township, or union of Parishes or Townships, wherein the same are collected.

A School District may be assessed for building a school house, &c. on petition of the inhabitants.

VIII. And be it enacted, That whenever the majority of the Municipal Electors in any School District shall petition the Municipal Council for the County within which such School District is situate, that the School District be assessed in any fixed sum for the purpose of building or repairing a school-house for such District, it shall be lawful for such Municipal Council to cause such sum to be equally assessed upon all the rateable property within such District, and to cause the same to be collected and paid to the Superintendent for the County within which, such District is, to be by him appropriated for the building of a school-house within the District where the same is collected.

A Superintendent of Schools for each County to be appointed.

IX. And be it enacted, That it shall be lawful for the Municipal Council of any County, within three months after this Act shall become law, to appoint a Superintendent of Schools for such County; and if in any County there is no Municipal Council or if the Council in any County fail to appoint such Superintendent within the said three months, then it shall be lawful for the Governor to appoint such Superintendent; and the person so appointed shall remain in office one year from the first *Monday in November* next after his appointment, and thereafter until a successor is appointed, as hereinafter provided for, unless previously removed for misconduct, or declared incapable to hold the office, from any cause whatsoever.

County Superintendent may be removed.

X. And be it enacted, That it shall be lawful for the Municipal Council of any County to remove any Superintendent of Schools for such County, or declare his office vacant on account of misconduct, death, or removal from such County, and to appoint another in his place; and if for any County there shall be no Municipal Council, then it shall be lawful for the Governor to remove such Superintendent or declare his office vacant, and appoint another in his place.

XI. And be it enacted, That the County Superintendent shall be appointed annually for every year after the expiration of his first term of office as hereinbefore provided for, and shall be appointed by the same authorities as hereinbefore named to make his first appointment, and his term of office shall ordinarily expire and be open for a re-appointment or a new appointment, on the first *Monday of November* of each year.

His ordinary term of office.

XII. And be it enacted, That every County Superintendent shall give security to the Municipality of the County for which he is appointed, or in case there be no Municipal Council for such County, to Her Majesty, in the sum of *hundred pounds* for the faithful discharge of his duties as such Superintendent, and for the just appropriation of the moneys coming into his hands for the purposes of Education ; and such Superintendent shall be bound to furnish to such Municipality, or in case there is no Municipal Council to the Governor, annually, within one month after the expiration of his term of office, a detailed account of his receipts, the sources thereof, and of his appropriations and disbursements, with the vouchers therefor.

He shall give security.

and render detailed accounts.

XIII. And be it enacted, That the following shall be the powers and duties of the County Superintendent :

His duties.

First, To take possession of all lands and school-houses situate within the County for which he is Superintendent, which may have been acquired, given to or erected by the School Trustees or Commissioners, and to which the Province may have contributed, by virtue of any former Act or law for the promotion or encouragement of education, and which shall be vested in him and his successors by their corporate name and in their corporate capacity, and may be recovered by him or them from any person withholding the same.

Holding school houses, &c.

Secondly, To acquire and hold in his corporate capacity, and under his corporate name by any title whatsoever, all real or personal property, moneys or income given in his County for the purposes of education, and to apply the same according to the instruction of the donors.

Other school property.

Thirdly, To appropriate any money received from Government, or raised in any School District either by assessment or contribution, for the building or repair of School Houses therein, according to the directions of the of such School District, or for the purposes for which the same have been assessed.

Appropriating moneys for school purposes.

Fourthly, To appoint and engage, from time to time, Teachers duly qualified to teach in the Schools under

Engaging Teachers.

their control, and to remove them on account of incapacity, neglecting faithfully to perform their duties, misconduct or immorality, after deliberation and the adduction of evidence.

Regulating
course of
study.

Fifthly, To regulate the course of study in each School within his County and to determine the books to be used in each School, so that a uniform course of study may be secured in each County. 5

Visiting
Schools.

Sixthly, To visit each public School in the County at least once in six months, and report to the General Superintendent annually in what manner the requirements of this Act have been complied with in such School, and to make such general remarks as to the management, discipline and relative improvement of each School, as shall appear just. 10 15

Altering
School Dis-
tricts or
establishing
new ones.

Seventhly, To alter the limits of any School Districts or divisions now established, on application of the parties interested, and establish new ones when it shall appear to him necessary.

County Su-
perintendent
to be a
corporation
sole.

XIV. And be it enacted, That the Superintendent in each County shall be a corporation sole, under the name of "*The Superintendent of Schools for the County of*," shall have perpetual succession and a common seal, if he may think proper to have one, may sue and be sued, and shall generally have the same powers which any other body corporate or politic, has or ought to have with regard to the purposes for which it is instituted. 20 25

As to
moneys
recovered
or costs
incurred in
actions to
which the
Superinten-
dent is a party.

XV. And be it enacted, That whenever any suit or action is brought by or against the Superintendent of any County where the interests of a particular district or locality are the subject of dispute, the sums recovered or rights secured, in case the issue is favorable to such Superintendent, shall be by him appropriated for the exclusive benefit of such district or locality, and in case the issue is unfavorable, the expenses of such suit or action shall be paid out of the moneys in the hands of such Superintendent belonging to such district or locality; Provided nevertheless, that the Superintendent for any County shall not voluntarily engage in such suit or action, unless a petition is presented to him requesting him to do so, signed by a majority of the heads of families in such district or locality. 30 35 40

Proviso.

As to moneys
appropriated
by Govern-
ment for
school-houses.

XVI. And be it enacted, That all sums of money appropriated by Government specially for aid in building School Houses, shall be equally distributed among all School Districts where a School House has been actually erected and finished within the year for which such 45

appropriation is made by Government; Provided, that the plan of such School House shall have been previously approved of by the Superintendent of the County within which it is built; and provided such County Superintendent shall certify to the Superintendent of Schools in Lower Canada that such School House has been erected upon a plan previously approved by him, and has been finished in a workmanlike manner, and is of sufficient size to accommodate at least twenty-five scholars.

XVII. And be it enacted, That the Superintendent of Education for Lower Canada shall distribute the moneys annually received by him from Government to aid in building School Houses, to the Superintendents of the several Counties in Lower Canada, in proportion to the number of School Houses reported to have been built in their respective Counties in conformity to the requirements of the preceding section of this Act, the reports of which shall have been transmitted to him previous to the first day of November of each year.

XVIII. And be it enacted, That the County Superintendent shall be allowed for compensation for the duties to be performed by him per centum of all moneys coming into his hands for the support of Schools.

XIX. And be it enacted, That it shall be lawful for the heads of families in any School District to appoint annually, at a meeting to be held by them during the first week in November of each year, a School Manager for the year ensuing his appointment, and that such School Manager shall be recognized by the County Superintendent as the representative of the wishes of such School District, and he shall co-operate with the County Superintendent in providing for the local wants of such School District.

XX. And be it enacted, That in any locality when a portion of the inhabitants of any School District profess the Roman Catholic religion, and a portion the Protestant religion, it shall be lawful for either to establish a separate School conducted in conformity with their own religious faith, and they shall be entitled to an equal share of the Government money, and to the same privileges as other Schools established under this Act, provided they conform to the requirements thereof.

XXI. And be it enacted, That the Superintendents of the several Counties in Lower Canada shall be bound to make semi-annual returns to the Superintendent of Education for Lower Canada, between the first and twentieth days of March and September of each year, of the number of Schools that have been during the half year previous

to such return, in actual operation in their several Counties, in conformity with the requirements of this Act, such returns to be in the form of Schedule (B) hereunto annexed, and signed also by two School Visitors within the County for which any one of such returns is made.

5

Government money to be distributed to County Superintendents, and when.

XXII. And be it enacted, That the Superintendent of Education of Lower Canada shall distribute one half of the moneys appropriated by government for the support of Schools in any year, to the several County Superintendents, in proportion to the number of Schools reported by them according to the requirements of the preceding section of this Act, on or previous to the *twentieth day of March* of each year, and the remaining half in like manner to such Superintendents in proportion to the number of Schools reported by them on or before the *twentieth 15* day of September of such year.

Interpretation clause.

XXIII. And be it enacted, That the words "Lower Canada," whenever they occur in this Act, shall mean all that portion of this Province which formerly constituted "The Province of Lower Canada," and words importing the singular number or masculine gender only shall include more persons, matters and things, than one of the same kind, as well as one person, matter or thing, and females as well as males, unless it be otherwise expressly provided, or there be something in the subject or context inconsistent with or repugnant to such construction; and generally all words and expressions herein used shall receive such fair and liberal interpretation as will best insure the attainment of the objects for which this Act is passed, according to the true spirit, intent and meaning thereof: And the word "County" shall mean any division of a County which is a separate and distinct municipality. 20 25 30

School Districts &c., to remain until altered.

XXIV. And be it enacted, That School Districts and Divisions, with the exception of School Municipalities, shall remain as they were immediately previous to the time that this Act became law, unless and until altered by the proper authority under this Act. 35

Extent of Act.

XXV. And be it enacted, That this Act shall apply to Lower Canada only.

Commencement of Act.

XXVI. And be it enacted, That this Act shall commence and have force and effect, upon, from and after the day of , and not before. 40



1077

SCHEDULE B.



We hereby certify that C. D. the Teacher of the School in District No. (or describe it otherwise definitely) of the Parish (or Township as the case may be) in the County of is a person of sober life and conversation and has been examined by us and found qualified to teach Reading, Writing, Arithmetic and the Elements of Grammar in the language of a majority of the inhabitants of the said School District.

That open School has been kept in the said School District at the rate of one hundred and ninety days in the year, from nine o'clock in the forenoon of each day until noon, and from one o'clock in the afternoon until four, and that twenty children at least, between the ages of five and fifteen years inclusively, have usually attended such School during the said hours, and have been taught therein, Saturdays, Sundays, and holidays and vacations allowed by the regulations of the School, at Christmas and Easter, only excepted.

That there has been a public examination of the children taught at the said School once during the half year closing the twentieth day of the present month, (or as the fact may be) and that such School has to our certain knowledge been visited within the said half year, by at least two School Visitors within said County during such half year.

In witness whereof we have hereunto set our hands at in the County of this day of 18

A. 13 { Superintendent for the County of

C. D. { School Visitors resident E. F. { in the said County.

A¹⁹⁶