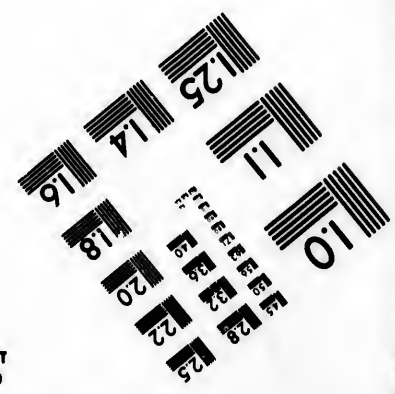
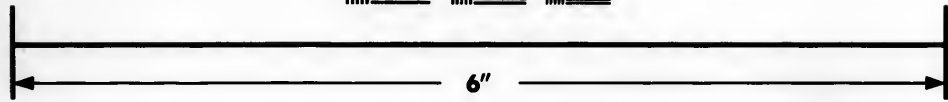
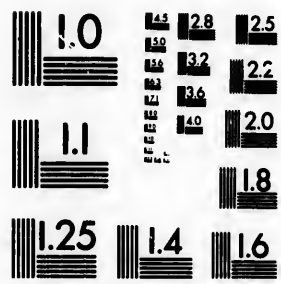


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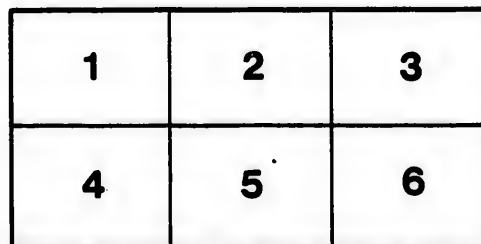
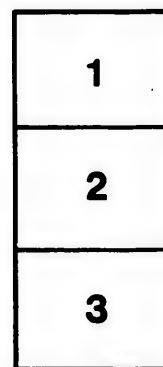
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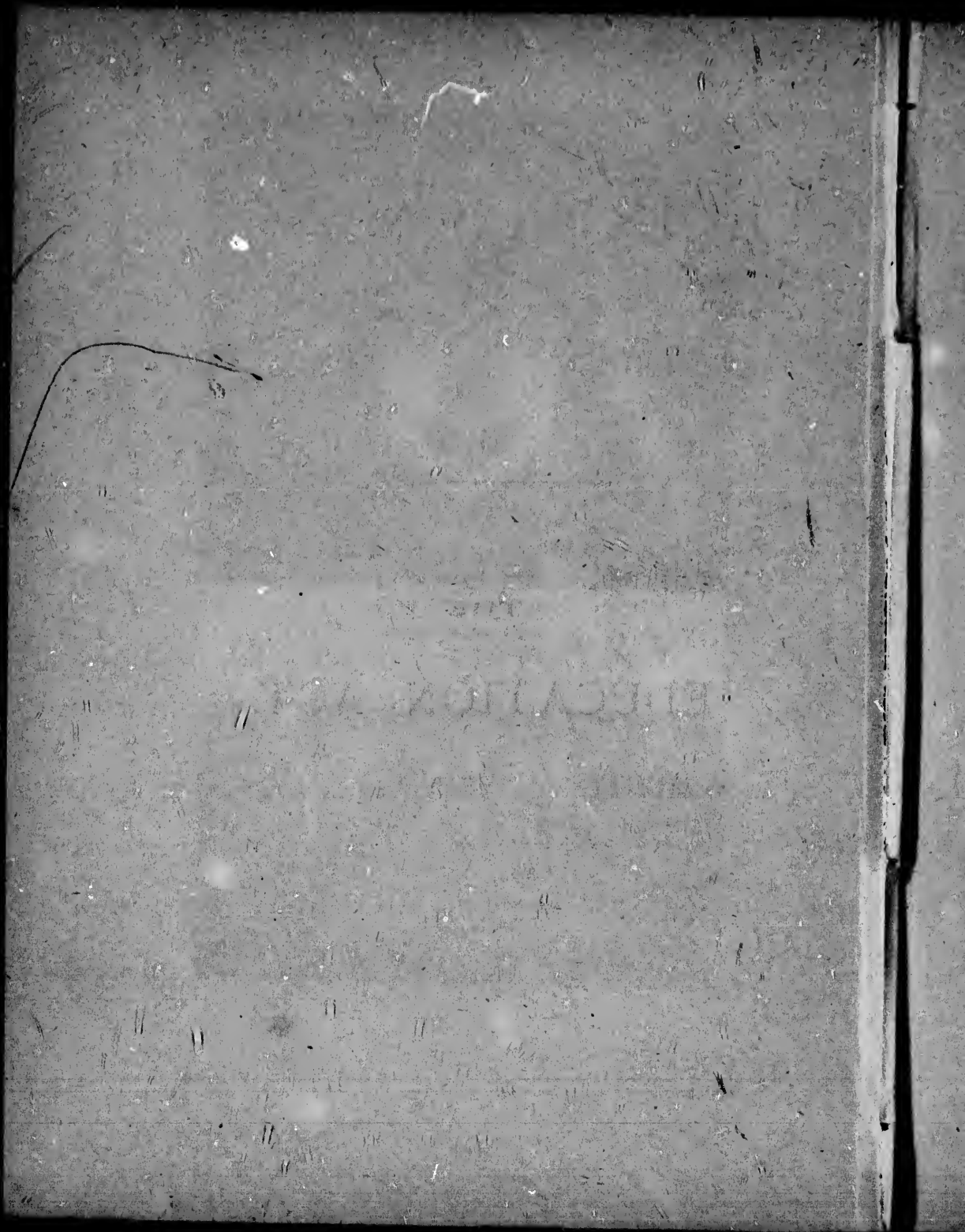
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**WITH ALL THE RELEVANT DECISIONS OF THE COURTS, AND THE
REGULATIONS OF THE PROTESTANT AND ROMAN
CATHOLIC COMMITTEES OF THE COUNCIL OF
PUBLIC INSTRUCTION**

**COMPILED, COLLATED AND INDEXED
BY**

ROBERT STANLEY WEIR, D.C.L.

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PREFACE

The Education Act, which has just been enacted, is of such vital and practical interest to so many persons, that no apology is offered for presenting an edition of it to the public. This book will, it is hoped, prove useful to the teacher, the legislator, the advocate, and to the general reader. In addition to an accurate text of the new law, citations from the relevant jurisprudence of our courts will be found; and in the Appendix the Regulations of the Committees of the Council of Public Instruction may be consulted with advantage.

The new Educational Act provides for the introduction of a system of free school books for Elementary Schools. It reduces the powers of the Superintendent of Public Instruction, placing him more in the position of a Deputy Minister, responsible to the Government of the day, than of a mere official of the Council of Public Instruction.

The School Inspectors are also more subject than heretofore, as regards their appointment and removal, to the political head of the Department. Appeals may now be made on school matters to the Circuit Court of the District

in which the dispute occurs, instead of to the Superintendent. School Commissioners are authorized to establish central schools, and engage conveyances for the children who live at a distance therefrom. The principle that schools are to be maintained in any district of the school municipality, without record of the amount of the contributors therefrom, is still further emphasized.

These are among the principal changes effected by the Education Act.

R. STANLEY WEIR.

Recorder's Chambers.

MONTREAL, June, 1899.



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List of Abbreviations.

- C. C.—Circuit Court.
 C. Q. B.—Court of Queen's Bench.
 C. R.—Court of Review.
 D. C. A.—Decisions of the Court of Appeal.
 D. S. C. R.—Digest Supreme Court Reports.
 L. C. J.—Lower Canada Jurist.
 L. C. R.—Lower Canada Reports.
 L. N.—Legal News.
 M. C.—Municipal Code.
 M. C. R.—Montreal Condensed Reports.
 M. L. R. Q. B.—Montreal Law Reports, Queen's Bench.
 M. L. R. S. C.—Montreal Law Reports, Superior Court.
 Q. L. R.—Quebec Law Reports.
 R. C.—Revue Critique.
 R. L.—Revue Légale.
 R. L. N.S.—Revue Légale, New Series.
 R. C. C.—Regulations of the Roman Catholic Committee.
 R. de L.—Revue de Législation.
 R. P. C.—Regulations of the Protestant Committee.
 R. S. Q.—Revised Statutes of the Province of Quebec.
 S. C.—Superior Court.
 R. J. Q.—Rapports Judiciaires, P. Q.
 R. de J.—Revue de Jurisprudence.
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ERRATA.

Art. 246. Instead of "exceed fifty" read "be less than five."

Page 62. For "R. L. Q.," read "R. J. Q."

Art. 308. "Security."

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THE
EDUCATION ACT.

PRELIMINARY TITLE.

INTERPRETATIVE AND DECLARATORY

CHAPTER FIRST.

Interpretative.

1. In this act or in any act amending the same, the following words, terms and expressions, wherever found therein, have the sense, meaning and application assigned to them, respectively. R. S., 1860, § 1.

2. The words: "Superintendent" or "Superintendent of Education" designate the Superintendent of Public Instruction. R. S., 1860, § 2.

3. The term "school municipality" means any territory erected into a municipality for the support of schools under the control of school commissioners or trustees. R. S., 1860, § 5.

4. The term "school corporation" or "school board" mean indifferently corporations of school commissioners or trustees. R. S., 1860, § 6.

5. The terms "country municipality" include and mean parish municipalities, municipalities of part of a parish, of a township, of a part of a township, of united townships, and generally every local municipality other than city, town or village municipalities. M. C., 19, § 2.

6. The words: "local municipality" mean indifferently any city, town, village or rural municipality managed by a municipal council. M. C., 19, § 3, *am.*

7. The word "district" means a judicial district established by law, and designates the district in which the municipality is situated. M. C., 19, § 6.

8. The word "county" means any territory erected into a county for the purposes of representation in the Legislative Assembly of the Province. If two or more counties are united to constitute an electoral division the word "county" designates each of such counties severally. M. C., 19, § 7.

9. The word "parish" means any territory erected into a parish of civil authority. M. C., 19, § 4.

10. The word "township" means any territory erected into a township by proclamation. M. C., 19, § 5.

11. The terms "circuit court of the county" or "county circuit court" mean the circuit court in and for the county; and if there is more than one circuit court in the county, they include all that are therein established. M. C., 19, § 9.

12. The words "magistrate's court" or "magistrate's court of the county" mean the magistrate's court established in the county by proclamation of the Lieutenant-Governor and presided over by the district magistrate. M. C., 16, § 10.

13. The terms "school," "public school" or "school under control" designate every school under the control of school commissioners or trustees;

By "subsidized school" is meant any school which receives a grant from the Government out of the funds voted for education. R. S., 1860, § 1; 2239. *mod.*

14. The term "officers of primary instruction." designates every certificated person who has the direction, administration or supervision over one or more classes or educational institutions under the control of school commissioners or trustees, school inspectors, professors and teachers of normal schools, male and female certificated teachers teaching in an institution under the control of school commissioners or trustees, or in those subsidized by them or by the Government out of the funds voted for education, but does not include members of the clergy or of religious communities or professors in colleges or universities. R. S., 2238, *am.*

15. The word "teacher" or "professor" apply also to female teachers and to all persons, whether lay or religious, teaching in virtue of this act. R. S., 1860, § 3.

16. The words "real estate," "land" or "immovable" mean all lands or parcels of land, possessed or occupied by one person or by several persons conjointly, and include the buildings and improvements thereon. M. C., 19, § 24.

17. The term "taxable property" means the real estate liable for school taxes. R. S., 1860, § 13.

18. The words "school tax" or "tax" designate and mean all and every the contributions that may be levied in virtue of this act. *New.*

19. The words "school assessment" mean the tax which is levied on the taxable property of a school municipality. *New.*

20. The words "monthly fees" mean the contribution exacted for each child who in virtue of this act should or may attend the public schools. *New.*

21. The words "valuator" and "assessor" mean any person appointed by school commissioners or trustees or by the Superintendent of Public Instruction to value the taxable property of the school municipality. R. S., 1860, § 8, *mod.*

22. The term "rate-payer" means any person who, in virtue of any provision of this act, is liable for the payment of school taxes. R. S., 1860, § 7.

23. The word "occupant" denotes the person who occupies any immovable under any title other than that of proprietor, tenant or usufructuary, either in his own or his wife's name, and who dwells upon the same and derives revenue therefrom. M.C., 19, § 19.

24. The word "absent" designates all persons residing without the limits of the school municipality; nevertheless, any person, corporation, railway or other company which has any place of business within the municipality shall be deemed present in such municipality. R. S., 1860, § 14, *mod.*

25. The word "guardian" means, as the case may be:

1. The guardian appointed to a seizure;
2. Any person who has the care or control of one or more children of school age. R. S., 1860, § 9.

26. The words "religious majority" or "religious minority" mean the Roman Catholic or Protestant

majority or minority, as the case may be. R. S., 1860, § 4.

27. The words "school year" mean the twelve months from the first of July of one year to and including the thirtieth of June of the next year. R. S., 1860, § 15.

28. The term "month" means a calendar month. R. S., 1860, § 16.

29. The expression "following day" does not mean or include holidays, except when an act may be done upon a holiday. M. C., 19, § 30

CHAPTER SECOND.

Declaratory.

SECTION I

APPOINTMENTS BY THE LIEUTENANT-GOVERNOR

30. The Lieutenant-Governor in Council may, at any time and whenever he deems it necessary, annul any appointment made by him and make new appointments in place of those he has annulled. R. S., 1868, *mod.*

SECTION II

OATHS AND SOLEMN DECLARATIONS

31. All oaths or solemn declarations, required by the laws or regulations concerning education, may be administered or received by the Superintendent of Public Instruction, either of the secretaries of

the Department of Public Instruction, any school inspector, any justice of the peace or any commissioner of the Superior Court. R. S., 1864*a*, *am.*

SECTION III

FORMS

32. The forms inserted in this act form part thereof and are sufficient for all cases for which they are proposed. Any other form to the like effect may also be employed. R. S., 1879.

SECTION IV

QUORUM

33. The quorum of any corporation, board, committee or other body constituted under this act, shall, unless otherwise provided, be an absolute majority of all the members thereof. R. S., 1861.

34. The members present at any meeting regularly held, at which there is a quorum, may exercise all the powers of the corporation of which they are members. R. S., 1861, *in part, mod.*

SECTION V

DEFAULT OR INSUFFICIENCY OF AND DELAYS AFTER NOTICE

35. Whoever has had knowledge of a matter for which a notice is required cannot take advantage of the default, of the error in form, or the insufficiency of such notice. R. S., 1865, *in part.*

36. The intermediate delay after a notice dates from the day on which such notice was served, that day and the one given in the notice not counting. M. C., 231.

TITLE FIRST.

**Department of Public Instruction—Superintendent of
Public Instruction—Council of Public Instruc-
tion—School Visitors—School Inspectors—
Central Board of Examiners**

CHAPTER FIRST

Department of Public Instruction

SECTION I

GENERAL PROVISIONS

37. The Department of Public Instruction forms part of the Civil Service of the Province. R. S., 1881, *in part.*

SECTION II

STAFF OF THE DEPARTMENT

38. The Department of Public Instruction consists of:

1. The Superintendent of Public Instruction appointed by the Lieutenant-Governor in Council during pleasure.

His salary is three thousand dollars per annum.

2. Two secretaries, who, as deputy-heads of the Department, have under the direction of the Superintendent the general control of the Department, and exercise the other powers and duties assigned to them by the Lieutenant-Governor in Council.

In the absence of the Superintendent, they may suspend any employee of the Department who refuses or neglects to obey their orders, or whose con-

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duct they may deem blameworthy; but they shall afterwards report such suspension to the head of the Department.

3. All other officers required to carry out the law respecting education. R. S., 1882, 1883, 1884, *in part, mod.*

CHAPTER SECOND

Superintendent of Public Instruction

39. The Superintendent of Public Instruction has the administration of the Department of Public Instruction.

He is *ex-officio* member of the Council of Public Instruction, and of each of the two committees thereof, but he has a right to vote only in the committee of the religious belief to which he belongs; he is also a member of the Council of Arts and Manufactures, and visitor of the schools of Arts and Manufactures. R. S., 1882, 1888, 1895, *in part, mod.*

40. The Superintendent possesses all the powers, functions, rights and attributions, and is subject to all the duties and obligations conferred and imposed upon him by the various articles of this act.

The Superintendent, in the exercise of his functions, is bound to comply with the directions of the Council of Public Instruction or with those of the Roman Catholic and Protestant Committee, as the case may be. R. S., 1885, 1886.

41. In case the Superintendent is absent from the province, or in case of continued illness, he may delegate to one of the secretaries of the department the powers conferred upon him by law. R. S., 1887.

42. The Superintendent is the depositary of all documents relating to matters concerning the department of Public Instruction, and he may deliver copies or extracts, on payment of a fee fixed by the Lieutenant-Governor in Council. R. S., 1863.

Every document, whether an original or a copy, signed by the Superintendent or by one of the secretaries of the department of Public Instruction, is authentic, and is proof of its contents without it being necessary to prove the signature.

43. The Superintendent may retain the grant of any municipality or educational institution which has not forwarded to him the returns prescribed by this act, which has adopted or allowed the use of any unauthorized text books, or which has refused or neglected to comply with any of the provisions of the law, or of the regulations respecting public instruction. R. S., 1929, 1959, 2026, § 9, 2041, 2075, § 6, 2183, 2184.

44. The Superintendent may hold or delegate his power to hold inquiries, the cost whereof, in case of non-payment, he may recover from the party who has been condemned. If the inquiry is held upon the application of one or more rate-payers, the Superintendent may exact from the party applying therefor the deposit of a sum sufficient to cover the costs.

For the purposes of such inquiries, the Superintendent, or the person so delegated, may summon, swear and hear witnesses and the parties to the case, and compel them to produce all books, papers and documents connected with such inquiry. R. S., 1889, *in part, am.*

45. It is especially the duty of the Superintendent:

1. To receive from the Provincial Treasurer and

distribute, in conformity with the law, the grants intended for public schools, and all other educational institutions entitled thereto; R. S., 1892, § 1, 2173, 2174, 2179, 2203.

2. To prepare a detailed statement of the sums required for public instruction, which he shall submit annually to the Legislature; R. S., 1891, *am.*

3. To compile and publish statistics and information respecting educational institutions, public libraries, and art, literary and scientific societies, and in general respecting all subjects connected with literary and intellectual progress; R. S., 1890.

4. To communicate annually to the Legislature a detailed statement upon the state of education in the Province, with statistics upon the number of schools and other educational institutions, the children attending the same and other matters connected therewith. These statistics shall be furnished to him, during the course of the month of July in each year, by the school commissioners and trustees and all educational institutions, in accordance with the forms for that purpose prepared by the Committee of the Council of Public Instruction of the religious belief of such schools or educational institutions; R. S., 1890, *am.*

5. To indicate in his annual report to the Legislature, what has been done with the grants for education during the period to which such report relates; R. S., 1892, § 7.

6. To keep books and statements in detail of every thing which is under his supervision and control, so as to be in a position to furnish to the Government and Legislature any required information; R. S., 1892, § 4.

7. To verify and control the accounts of all persons, corporations, or associations accountable for

any public moneys appropriated and distributed under the laws relating to schools, and to report whether the said moneys were applied for the purposes for which they were granted; R. S., 1892, § 5.

8. To prepare and cause to be printed recommendations and advice on the management of schools, for the school commissioners and trustees, and for the secretary-treasurers and teachers; R. S., 1892, § 3.

9. To prepare and cause to be printed and distributed all necessary forms; R. S., 1892, § 2.

10. Further, he may, with the authorization of the Lieutenant-Governor in Council:

(a) Establish and assist art, literary or scientific societies, museums or picture galleries founded by such societies, by the Government or by institutions receiving a Government grant;

(b) Establish competitions and distribute diplomas, medals or other marks of distinction for scholastic, artistic, literary or scientific works;

(c) Establish schools for adults for the instruction of the working classes;

(d) In general, do everything that concerns the encouragement and advancement of public instruction, arts, letters and sciences. R. S., 1892, §§ 8b, 8c, 8d, 8e.

CHAPTER THIRD.

Council of Public Instruction and Committees thereof

SECTION I

COUNCIL OF PUBLIC INSTRUCTION

46. The Council of Public Instruction is composed of Roman Catholic and of Protestant members. In the performance of their duties the members are

subject to the lawful orders and instructions given to them by the Lieutenant-Governor in Council.

The Council is divided into two committees, one composed of Roman Catholic members, and the other of Protestant members. R. S., 1893, 1894, 1896, *in part*.

47. The Roman Catholic Committee is composed of:

The Bishops, ordinaries or administrators of the Roman Catholic dioceses and apostolic vicariates, situated either in whole or in part in the Province, who are members *ex-officio*;

An equal number of Roman Catholic laymen who are appointed by the Lieutenant-Governor in Council during pleasure;

2. The Protestant Committee is composed of:

A number of Protestant members, equal to the number of Roman Catholic lay members, who are also appointed by the Lieutenant-Governor in Council during pleasure.

The Protestant Committee may associate with themselves six persons, and the Provincial Association of Protestant Teachers may, each year, at their annual meeting, elect one of their members to be also an associate member of the Protestant Committee for the following year.

The persons so added shall not form part of the Council of Public Instruction, but shall have, in the Protestant Committee, the same powers as the members of such Committee. R. S., 1896, 1903, *in part*.

48. School questions in which the interests of Roman Catholics and Protestants are collectively concerned are under the jurisdiction of the Council of Public Instruction, and shall be decided by it. R. S., 1910, *mod*.

49. School questions, in which the interests of Roman Catholics or Protestants are exclusively concerned are decided by that one of the two committees which represents the religious belief which the party concerned professes. R. S., 1911, *mod.*

50. The Superintendent of Public Instruction is President of the Council. R. S., 1888, 1895, *in part.*

51. The two secretaries of the Department of Public Instruction are joint secretaries of the Council.

They keep the accounts of the Council and enter the deliberations in a book kept for that purpose. R. S., 1897, *in part, mod.*

52. The expenses of the Council are paid by the Superintendent of Public Instruction out of the funds voted for that purpose by the Legislature. R. S., 1898, *am.*

SECTION II

COMMITTEES OF THE COUNCIL OF PUBLIC INSTRUCTION

53. Each of the two committees of the Council of Public Instruction has separate sittings.

It appoints its chairman and its secretary. R. S., 1901, *in part.*

54. It is the duty of each committee to make regulations, subject to the approval of the Lieutenant-Governor in Council to determine what constitutes an elementary school, a model school and an academy. R. S., 1912, § 3, *mod.*

55. The Roman Catholic or Protestant committee, as the case may be, as the provisions which concern them require, may, with the approval of the Lieutenant-Governor in Council, make regulations. (1) R. S., 1912.

(1) *Vide* Appendix for regulations actually in force.

1. For the organization, administration and discipline of public schools; *Id.* § 3.

2. For the division of the Province into districts of inspection, and for establishing the boundaries of such districts;

3. For the government of Normal schools; *Id.* § 2, 2220.

4. For the government of the board of examiners; R. S., 1913.

5. For the examination of candidates for the office of school inspector; R. S., 1944, § 5.

6. To determine the holidays to be given in schools. R. S., 1878.

56. Each committee shall approve the text-books, maps, globes, models or other articles for use in the schools of its religious faith, and, when it deems it expedient, it may withdraw the approval it has given. R. S., 1927, *mod.*

57. Each of the two committees may revoke the diploma of any teacher of its religious belief convicted of bad conduct, immorality, drunkenness, or grave neglect of duty, by proceeding in the following manner: R. S., 1915, *mod.*

1. When a charge is laid before a committee of the Council of Public Instruction, in writing, against any teacher by the school inspector or by one or more persons, the Superintendent of Public Instruction causes to be served, by a bailiff, upon the accused teacher, a copy of such charge or of such report as well as an order to reply thereto, within fifteen days by registered letter, or to appear before him at the Department of Public Instruction in Quebec, or in any other place indicated by him to declare whether he admits or denies the charges brought against him.

If the teacher appear, the Superintendent shall then take his admission or denial, which must be in writing; R. S., 1916.

2. The Superintendent shall submit the above mentioned documents at the next meeting of the committee; R. S., 1917, *in part*.

3. If, after having taken communication of them, the committee decide that an investigation shall be held, it shall hear the witnesses, who shall be sworn by the chairman, or if it decide that an inquiry is not necessary, it dismisses the accusation; R. S., 1917, *in part*.

4. The complaint and the documents connected therewith may be submitted to a special or permanent sub-committee which shall have the same powers as the committee which named it; R. S., 1917, *in part*.

5. If the committee or the special or permanent sub-committee, as the case may be, decide that the investigation should be held in the locality of, or in the immediate neighborhood of the locality of the persons interested and of the witnesses, it may appoint one or more commissioners to take the evidence of witnesses; R. S., 1918.

6. The appointment of these commissioners is signed by the secretary of the committee of the council of Public Instruction from which it emanates; R. S., 1919.

7. The commissioner or commissioners of inquiry shall give the parties a notice, of at least eight days, of the time at which they must appear; R. S., 1920, *in part*.

8. The commissioner or commissioners shall swear the witnesses, and the evidence shall be taken and afterwards transmitted by him or them to the secretary, who shall lay it before the committee; R. S., 1920, *in part*.

9. If the teacher do not appear, or if he neglect to answer the charge, the committee or sub-committee, as the case may be, shall proceed by default against him, and shall take the evidence, or cause it to be taken; R. S., 1921.

10. If the charge be not proved, the committee shall dismiss it, and, if it be proved, the committee shall order as a penalty that the diploma of such teacher be revoked, and that his name be struck from the book containing the names of teachers; R. S., 1922.

11. The costs of the inquiry if not paid, shall be recovered, by action at law, against the losing party, brought by the Superintendent of Public Instruction; R. S., 1923, *in part*.

12. The certificate of the commissioners establishing the amount of these costs shall be sufficient proof of their being due; R. S., 1923, *in part*.

13. After the lapse of two years from the revocation of his diploma, any teacher who establishes to the satisfaction of the committee which revoked the diploma, that his conduct has been satisfactory, and that he has completely satisfied the judgment to which he has been condemned, may be relieved of the sentence and restored to his functions as teacher; R. S., 1924.

14. A diploma may be revoked a second time for the causes above mentioned if they recur; such second revocation is irrevocable, and such teacher cannot thereafter exercise the functions of a teacher; R. S. 1925.

58. Each of the two committees may also, for one of the causes mentioned in the preceding article, after observing, in so far as applicable, the formalities prescribed in the said article, hold or cause to be held an inquiry into the conduct of any inspector

of schools, and after such inquiry shall, if there be occasion, forward all the documents to the Lieutenant-Governor in Council, recommending the canceling of his commission.

The Lieutenant-Governor in Council may then cancel such inspector's commission, and the inspector so dismissed cannot afterwards hold such office. R. S., 1926, *mod.*

59. It shall be the duty of the secretary of each committee:

1. To keep a record of the proceedings of his own particular committee in a register;

2. To report to his own committee and to the Superintendent of Public Instruction all documents coming into his hands, or matters within his notice, which lie within the jurisdiction of his particular committee;

3. To deposit, among the archives of the Department of Public Instruction, such record of proceedings, such correspondence and all documents in his possession;

4. Inscribe in a book kept for that purpose, the name of each person who has received a diploma from a board of examiners or from a normal school, indicating the class and grade of the diploma and the language which the holder is authorized to teach, together with the date at which such diploma has been granted. R. S., 1902, 1912, § 6.

60. Each of the committees of the Council may receive by donation, legacy or otherwise, by gratuitous title, money or other property, moveable, or immovable, which it may dispose of, in its discretion, for the purposes of education.

Each committee constitutes a corporation for all the purposes for which it is authorized to acquire

or to possess property in virtue of this act. R. S., 1936, *mod.*

61. Every legacy made to the Council of Public Instruction, without the testator having designated the committee for which he designed the same, shall belong to the committee of the religion to which, at the time of his death, the testator belonged. R. S., 1937.

62. If the testator was neither a Roman Catholic nor a Protestant, the legacy shall be divided between the two committees, in the proportion of the Roman Catholic and Protestant populations of the Province. R. S., 1938.

63. The sums of money granted to Roman Catholics or Protestants, for the purposes of public instruction, and not expended at the end of any fiscal year, shall be placed at the credit of the Superintendent of Public Instruction and paid by him, with the approval of the Lieutenant-Governor in Council, on the recommendation of the committee of the religious belief to which the said sums had been assigned.

The Superintendent shall every year furnish to the Legislature a statement of the amount of the said deposits, as well as of the sums withdrawn by each of the two committees. R. S., 1939, *am. and new.*

SECTION III

PROVISIONS APPLICABLE TO THE COUNCIL OF PUBLIC INSTRUCTION AND TO THE TWO COMMITTEES

64. The Council of Public Instruction and each of the two committees may fix the date of their sessions, their quorum, and regulate the manner of

proceeding at their meetings. R. S., 1900, 1901, *in part, mod.*, 1912, § 1.

65. The president of the council and that of each committee have, on all questions, in case of a tie, a second or casting vote. R. S., 1907.

66. Special meetings of the council and of each committee may be called by their president or the superintendent.

Such special meetings are called by a notice given, at least eight days before that fixed for the meeting, to each member thereof. R. S., 1899, 1904, *am.*

67. When at least two members of the council or of one of the committees, in writing, require their president or the superintendent to call a special meeting, he must convene such session in the manner prescribed by the preceding article. R. S., 1905, *am.*

68. Each Roman Catholic bishop, vicar apostolic, or administrator of a Roman Catholic diocese, if unable to be present at the meetings of the council, or at those of the committee of which he forms part, may appoint a delegate to represent him, and such delegate shall have all the rights of the person appointing him; and any other member may cause himself to be represented, for the same purposes and with the same effect, by one of his colleagues, who, in such case, may vote in his stead. R. S., 1908, *am. and new.*

69. The Council of Public Instruction and either committee may hold and cause to be held inquiries into all questions concerning public instruction which come under their respective control. R. S., 1941, *am.*

70. The Council and each committee thereof may appoint sub-committees, or one or more delegates for the examination of all matters within their jurisdiction. R. S., 1909, *in part*.

Such sub-committees or delegates shall report their proceedings to the council or to the committee which appoint them.

CHAPTER FOURTH

School Visitors

71. The Superintendent of Public Instruction is visitor of all schools in the Province. R. S., 1888, *in part, am.*

72. Any public school established in town or country, may be visited by the persons hereinafter mentioned, as often as they deem it requisite; but such persons shall visit only the schools of their own religious belief. R. S., 1950.

73. The following persons shall be school visitors for the whole Province:

(a.) Members of the two Committees of the Council of Public Instruction;

(b.) Judges of the Supreme Court, of the Court of Queen's Bench, and of the Superior Court, residing in the Province;

(c.) Members of the Federal Parliament residing in the Province;

(d.) Members of the Legislature of Quebec;

(e.) The Secretaries of the Department of Public Instruction;

(f.) The Principals and the Professors of Normal Schools.

2. The following persons shall be visitors only for the municipalities in which they reside:

(a.) Members of the Council of Arts and Manufactures;

(b.) The Mayor and the Justices of the Peace;

(c.) The Colonels, Lieutenant-Colonels, Majors, and senior Captains of the militia. R. S., 1951, *am.*

74. Roman Catholic priests and Protestant ministers may visit the schools of any school municipality or part of a school municipality in which they exercise their ministry.⁽¹⁾ R. S., 1951, *am.*

75. School visitors shall be entitled to have communication of the regulations and other documents relative to each school, and to obtain any information concerning it. R. S., 1954, *in part.*

CHAPTER FIFTH

School Inspectors

76. The Lieutenant-Governor in Council may appoint school inspectors for public schools, selected from the persons who are qualified within the terms of article 78 of this act, whose salary shall not exceed twelve hundred dollars per annum. R. S., 1942, *in part*, 1948, *am.*

77. Every inspector for public schools shall reside within the limits of his district of inspection, at the discretion of the Superintendent of Public Instruction.

(1) A priest is a visitor of schools in the municipality only where he resides. C. Q. B., 23rd May, 1890; *School Commissioners of Ste. Victoire vs. Hus*, 19 R. L., 451.

In the performance of his duties, each school inspector shall comply with the instructions given to him by the Superintendent of Public Instruction and conform to the regulations adopted by the committee of the Council of Public Instruction of the religious belief to which he belongs.

He can hold no office under the control of school commissioners or trustees of any municipality in his district of inspection. R. S., 1945, *in part, am.*

78. To be appointed school inspector, it is necessary:

1. To have attained the age of at least twenty-five years;

2. To have obtained a certificate or diploma for an academy or model school;

3. To have taught school during at least five years;

4. Not to have discontinued teaching for more than five years.

5. To have successfully passed an examination in accordance with the regulations upon this subject adopted by either committee of the Council of Public Instruction, as the case may be. R. S., 1944, *in part.*

79. The inspectors of Roman Catholic schools for the inspection district of Saguenay and the Magdalen Islands, and the Inspectors of Protestant schools for the inspection district of Gaspe and the Magdalen Islands, may be exempted from the above prescribed formalities. R. S., 1944, *am.*

80. The principal duties of inspectors of public schools are:

1. To visit the public schools of each school municipality in their district of inspection ;

2. To examine the registers of the school commissioners or trustees and the presence roll of the schools of each school municipality under their control;

3. To examine the accounts of the secretary-treasurers of the school municipalities under their control and to assure themselves whether the procedure prescribed by article 332 and following of this act has been observed.

4. To ascertain whether the provisions of the school law and regulations are there carried out and obeyed;

5. To conform to the provisions of the school law and regulations which concern them. R. S., 1942, *am.*

81. Any school inspector may oblige secretary-treasurers and teachers under his control, under a penalty of eight dollars for every refusal or neglect, to exhibit to him all the documents in their charge relating to their offices. R. S., 1946, *mod.*

82. Upon the order of the Superintendent of Public Instruction, any school inspector may visit the schools in a district of inspection other than his own. R. S., 1953, *in part, mod.*

83. Whenever an inspector is appointed by the Superintendent of Public Instruction to make an inspection, inquiry or investigation, unless such inspection, inquiry or investigation takes place at the time of his ordinary visit to the schools of the municipality, his travelling and other disbursements and any remuneration which the Superintendent of Public Instruction considers he should allow him, may be paid him. R. S., 1949, *am.*

CHAPTER SIXTH

Central Board of Examiners

84. The Lieutenant-Governor in Council may, upon the recommendation of the Roman Catholic or Protestant Committee, as the case may be, constitute by proclamation a Roman Catholic Central Board of Examiners and a Protestant Central Board of Examiners for the examination of candidates of each of the two religious beliefs for teachers' diplomas.

This Board may issue diplomas valid for the elementary, model, academy and kindergarten schools under the control of the committee which recommended its appointment. R. S., 1966.

85. The Central Board of Examiners shall be composed of not less than five nor more than ten members, and a secretary, who are appointed by the Lieutenant-Governor in Council, upon the recommendation of the Roman Catholic or Protestant Committee, as the case may be.

It selects its president. R. S., 1967, *am.*

86. The Central Board of Examiners is governed by the provisions of this act and the regulations of the committee which recommended its appointment.

The fees exacted from the candidates are employed in paying the expenses of the board, which shall fix the salary of the secretary. R. S., 1969, *in part, am.*

87. The Central Board of Examiners shall:

1. Prepare or cause to be prepared the examination questions upon the various subjects of the programme;

2. Appoint delegated examiners to supervise the examination, and cause the questions to be submitted to the candidates to be sent to them;

3. Make a careful examination of the answers given by the candidates, and deliver, to those deserving the same, certificates of efficiency which shall be signed by the president and secretary, and to which shall be affixed the seal of the Department of Public Instruction;

4. Cause to be entered, in a register to be kept for the purpose, the names and surname of each teacher admitted, the class and degree of his diploma, the language or languages which such diploma gives the right to teach, and the standing obtained;

5. Have a register in which the proceedings of each session are entered, which shall be signed by the president and the secretary;

6. Cause to be registered, by its secretary, the certificates of age, morality and capacity which have been produced by the successful candidates, and the secretary shall also prepare and address the diplomas and perform all the duties which his office requires;

7. Make use of the forms of diploma, which shall be supplied by the Superintendent of Public Instruction. R. S., 1962, §§ 7, 11, 12, 1968, *am.*

88. Candidates for the various diplomas must, previous to the examination, comply with the requirements of the programme which either committee of the Council of Public Instruction may, from time to time, establish, with the approval of the Lieutenant-Governor in Council. R. S., 1913.

89. The secretary of the Central Board of Examiners shall, during the sixty days following the

examination, transmit to the Superintendent of Public Instruction a list of the candidates received, mentioning the class and degree of their diploma, the language or languages which it gives the right to teach and the standing obtained. R. S., 1962, § 10, *am.*

90. The Central Board of Examiners shall yearly send to the Superintendent of Public Instruction a detailed statement of the receipts and expenditure for each session. *New.*

91. The Superintendent of Public Instruction, or any person delegated by him, may examine the registers, books and all other documents of boards of examiners. *New.*

92. The Lieutenant-Governor in Council may, upon the recommendation of either committee of the Council of Public Instruction, as the case may be, modify the details of the duties imposed upon boards of examiners. R. S., 1963, *in part.*

93. Unless he has obtained a diploma in virtue of some provision of this act, every person, to be enabled to teach in any school under the control of school commissioners or trustees, must be provided with a diploma from a board of Examiners, saving nevertheless, ministers and members of either sex of a religious corporation constituted for educational purposes, who are exempt.

The Protestant Committee of the Council of Public Instruction may, however, by resolution, declare that the persons of its religious belief so exempted shall no longer enjoy such exemption; and after the date of such resolution the privilege granted by this article shall no longer exist for such persons. R. S., 1959, 1960, *am.*

TITLE SECOND

**School Municipalities and Districts—Dissentients—
School Corporations—School Commissioners and
Trustees—Notices—Trustees of Dissident
Schools—Secretary-Treasurers of School
Commissioners and Trustees**

CHAPTER FIRST

School Municipalities and Districts

SECTION I

SCHOOL MUNICIPALITIES

94. Each school municipality in the Province shall contain one or more public schools, under the control of school commissioners or trustees. R. S. 1970, *mod.*

95. The inhabitants of each school municipality, unless otherwise provided by special statutes, are, for the purposes of this act, submitted to the jurisdiction of school commissioners or trustees elected or appointed for such municipality. R. S., 1972, *am.*

96. The Lieutenant-Governor in Council may, at the request of the interested parties, and upon the recommendation of the Superintendent of Public Instruction, erect school municipalities, divide such municipalities and alter the limits of those already existing. R. S., 1973, *am.*

97. The erections, divisions or alterations of the limits of school municipalities may apply only to the Roman Catholics or the Protestants, as the case may be, comprised within their territory. In such case, the notice to be given by the Minister of Public Instruction in the *Quebec Official Gazette*, as stated in the following article, shall make mention of the fact. R. S., 1973, *am.*

98. When the request for the erection, the division, or the alteration of the limits of a municipality is addressed to him, the Superintendent of Public Instruction shall so inform the corporations concerned, requiring them without delay to make their objections, if any they have, and, fifteen days after they have given this information, he shall, if the erection, division or alteration prayed for seems to him to be expedient, publish a notice respecting such application in two consecutive numbers of the *Quebec Official Gazette*; but such alteration, division or erection of a school municipality shall not apply to the dissentient minority existing in any municipality affected by the alteration, division, or erection unless the trustees have consented thereto. R. S., 1973, *am.*

99. Erections or alterations of the limits or divisions of school municipalities cannot be granted until fifteen days after the last publication of the notice mentioned in the preceding article. They do not take effect until the first day of July following the date of the order in council granting them.

Notice of such erections, alterations in the limits or divisions of municipalities shall be published in the *Quebec Official Gazette*. R. S., 1971, 1973, *in part, am.*

100. The Superintendent of Public Instruction

may require that the costs incurred by the erection, alteration of the limits or division of a municipality be guaranteed by the persons applying for the same. R. S., 1973, *in part, am.*

101. The costs occasioned by the annexation of any territory to a school municipality are at the charge of the municipality to which such territory is annexed. R. S., 1973, *in part, am.*

102. The rate-payers, whose properties are detached from one municipality to form a new municipality or to be annexed to another, are obliged to pay all special taxes that have been imposed in the municipality in which such properties were before the application made by them to be detached from the said municipality. *New.*

103. When a municipality is divided owing to the formation of a new municipality or the annexation of its territory to a municipality already existing, the debts or assets, as the case may be, are divided *pro rata* to the valuation of the real estate.

The same rule applies when the religious minority declares itself dissentient. *New.*

104. In the case of an erection of a new municipality, the rate-payers of the said municipality shall, upon the first Monday, or if that be impossible, upon one of the other juridical Mondays of the month of July following the publication of the notice of such erection in the *Quebec Official Gazette*, elect their school commissioners in the manner prescribed in articles 150 and following of this law. If not, such school commissioners are appointed by the Lieutenant-Governor in Council, upon the recommendation of the Superintendent of Public Instruction. R. S., 1974.

105. When, by the erection of one or more municipalities, the municipality or the municipalities from which they have been detached cease to exist, or if one or more municipalities are abolished by their annexation to one or more neighboring municipalities, or by the union of two or more municipalities, the Superintendent of Public Instruction, if a demand be made upon him by five interested rate-payers during the six months which follow such annexations or abolitions of municipalities, or any other person appointed by him for that purpose, may enquire into the state of affairs of the abolished municipalities. R. S., 1975, *am.*

106. The person charged with the said inquiry shall give a notice of at least eight days to the school commissioners or trustees, as the case may be, of the old and new municipalities interested, of the place where and of the day and hour when the examination in question will be proceeded with, so that the said municipalities may be represented thereat.

For the purposes of the inquiry, the person holding it shall have all the powers conferred by article 44 of this act upon the Superintendent of Public Instruction himself. R. S., 1976, *in part.*

107. The Superintendent of Public Instruction, after having heard the interested parties, or upon the report of the person whom he has delegated in his stead for that purpose, shall give his decision, which shall have the effect of an award of arbitrators, and shall be final and without appeal. R. S., 1976, *in part.*

108. Until the Superintendent of Public Instruction has made his award above mentioned, the school municipalities interested shall remain in the

same state, and the commissioners or trustees shall remain vested with the same rights and powers, as before the said abolition and annexation, as regards the management of the schools; but they cannot contract any new debt or obligation. R. S., 1977, *in part*.

109. If the Superintendent of Public Instruction decides that the school commissioners or trustees of the abolished municipality shall pay a part of their debts, or do anything whatever which requires the continuation of the existence of the school municipality, he shall expressly so declare it in his award. In such case, the school municipality or municipalities in question shall, for the purpose of carrying out the said award, continue to exist as if the abolition of such municipalities and annexation of its territory had never taken place, and may levy taxes until the said award shall be completely carried out, without prejudice to the right of the new school municipality or municipalities to levy and recover taxes, according to the provisions of the law, from the rate-payers under their control. R. S., 1977, *in part*.

110. The school municipality or municipalities, which shall so continue their legal existence for the purpose of carrying out the said award, shall every year, on or before the first day of July, make a report to the Superintendent of Public Instruction of all that has been done in carrying out the award, until the Superintendent declares the award completely carried out.

From the day of the publication of such declaration in the *Quebec Official Gazette*, such school municipality or municipalities shall cease to have any legal existence. R. S., 1978, *am*.

111. The Superintendent of Public Instruction may, in the said award, order that the new school municipality or municipalities shall have the right to levy, upon the territory from which they have been detached, or upon the abolished municipality or municipalities, a special tax in addition to the ordinary school tax, during one or more years; and then the school tax so levied may be recovered at the same time and in the same manner, and with the same rights and privileges as the ordinary school taxes, whether the new school municipality or municipalities have or have not a special school law.

In all proceedings for the recovery of such special tax, an extract from the award, with the certificate of the chairman of the school municipality interested, or of the clerk of the corporation charged with the collection, shall be proof of the existence of the tax in question.⁽¹⁾ R. S., 1979.

SECTION II

SCHOOL DISTRICTS

112. The school commissioners and trustees shall divide their respective municipalities into school districts which they shall designate by numbers.

They may also, whenever they deem expedient, alter, by resolution, the limits of districts already existing and erect new ones or divide them. R. S., 1981, *in part*.

113. School commissioners or trustees need not divide into school districts the incorporated cities,

(1) *Held*:—A school municipality can only exist where a municipality exists, and school commissioners have no jurisdiction beyond the limits of the municipality. Gill, J., 13th March, 1880. *School Commissioners of St. Louis de Bonsecours vs. Dalbec*. 10 R. L., p. 679.

towns or villages, erected into school municipalities. If such division has already taken place, they may, by resolution, annul it, in which case the whole of such school municipality shall form one school district. R. S., 1983, *mod.*

114. A description of the limits assigned to each district shall be entered in the register of proceedings of the school board. R. S., 1981, *in part.*

115. To be established, a school district shall contain at least twenty children from five to sixteen years of age.

The commissioners or trustees may, for special reasons, however, establish one school district containing a smaller number of children. R. S., 1984, *mod.*

116. No district shall exceed five miles in length or breadth, unless the school commissioners or trustees have provided means for the transport of the children to the school, in conformity with the provisions of article 118 of this act. R. S., 1981, *in part and new.*

117. The school commissioners or trustees shall take care that there be, as far as possible, a school in each district; but they may, when they deem it necessary, unite two or more districts for the same school, and again separate them.

The Superintendent of Public Instruction shall, in either case, be notified of any such changes. R. S., 1982.

118. When the commissioners or trustees unite two or more school districts to maintain one school, or when a district is too extended, they may make arrangements for the conveyance to and from school of the pupils living at a distance. *New.*

119. The school commissioners or trustees may, with the authorization of the Superintendent of Public Instruction, build and maintain two or more school-houses in each district in their municipality. R. S., 2050, *mod.*

120. Children domiciled in a district in which there is a school in operation cannot attend the school in another district in the municipality, except under special permission of the school commissioners or trustees, as the case may be. But any rate-payer in a district in which there is no school in operation, may send his children to the school in a neighboring district in the same municipality, upon payment of the monthly fee charged for children of the latter district. R. S., 2070, *am.*

121. Any child may attend the model school or academy in his municipality. But no child resident outside the district in which such school is situated can attend the same if he has not the attainments required to follow the model or academy course. *New.*

122. Model schools, academies and girls' schools, established in virtue of articles 272 and 273 of this act are each considered as a school district. R. S., 2181, *in part.*

CHAPTER SECOND

Dissentients

123. In any school municipality, any number of proprietors, occupants, tenants or rate-payers professing a religious belief different from that of the

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majority of the inhabitants of such municipality, may give, in writing, to the chairman of the school commissioners, a notice by which they inform him of their intention to withdraw from the control of the school commissioners, in order to form a separate corporation under the administration of school trustees. R. S., 1895, *in part, mod.* (1)

124. The notice of dissent shall be made in triplicate, and be, before the first of May, served upon the chairman of the commissioners or upon their secretary and upon the Superintendent of Public Instruction, and shall be signed by all the ratepayers who wish to be dissentients.

One copy of such notice shall be deposited and kept in the archives of the trustees. (*See Form No. 6.*) R. S., 1985, *in part, mod.*

125. The dissent shall take effect only on the first of July following the date of the service of the no-

(1) *Held.*—That in a school municipality, there shall not be more than one board of school trustees, and that each of the different sects forming the minority cannot legally demand a school and board of school trustees of its own. *Cushing vs. the School Trustees of Acton Vale.*—S. C., St. Hyacinthe, 1873, Judge Sicotte. L. C. J., vol. 18, p. 21.

Held.—That any proprietor of real estate within a school municipality is entitled to declare himself a dissentient, and that, although not a resident of such municipality, he can validly pay his school rates to the Trustees. *School Trustees of St. Henri vs. Young.*—C. Sessions of the Peace, 1861, Judge Coursol. L. C. R., vol. 13, p. 473.

Held.—That dissentients have the right to determine and limit the application of their school rates to schools of their own religion; and, that in the exercise of this right, they are not restricted to the municipality in which they reside, but that it being a personal right, they may exercise it *in omni loco*. *The School Com. of St. Bernard de Lacolle vs. Bowman.* S. C., Iberville, 1865, Judge Sicotte.—L. C. R., vol. 16, p. 204, and L. C. J., vol. 10, p. 103.

Held.—That, in a suit between ratepayers and School Commissioners, the organization of a board of School Trustees, and the fact that the ratepayers are dissentients may be proved by verbal testimony, where it is evident by receipts for school rates given during several years by the said Board of Trustees to the said ratepayers, and by other circumstances, that such a board

tice above mentioned, except in the case of the erection of a new school municipality as provided in article 130 of this act. R. S., 1985, *in part*.

126. When a notice of dissent is served in conformity with article 123 of this act the *status quo* is maintained until the ordinary time for the annual elections, and at that date the dissentients shall elect three trustees, following the method prescribed by articles 154 and following of this act. R. S., 1985, *in part*.

127. When, in any municipality, the rate-payers who belong to the religious denomination of the dissentients become the majority, they may organize themselves as a corporation of school commissioners.

has *de facto* existed. *School Coms. of the Township of Roxton vs. Boston et al.* C. Q. B., Montreal, 1879.—L. C. J., vol. 24, p. 122.

Held:—That notice given to a *cure* by a tax-payer that he has ceased to be a Roman Catholic is not sufficient to relieve him from the payment of school taxes, if such notice has not been given to the school commissioners of the municipality. *The School Commissioners of St. Sebastien vs. Campbell.* 3 *Revue de Jurisprudence*, p. 353.

The Lieutenant-Governor of the Province, acting in virtue of Art. 1973 R. S. Q., which permits a change in the boundaries of existing municipalities for school purposes, and the establishment of new school municipalities, established by order-in-council a separate school municipality for Protestants only, in the City and Parish of Longueuil, and this was followed by the election of school commissioners for the new municipality. No declaration of dissent was made by the Protestants, who form a minority at Longueuil, and no board of trustees for the minority was established.

Held:—Art. 1973 R. S. Q. permits the creation of a separate school municipality for a religious minority residing in the limits of a school municipality, without the production of a declaration of dissent or the establishment of a board of dissentient trustees, and that the effect of the order-in-council was to set aside the general rule as to dissenting minorities, and to constitute the Protestants of the City and Parish of Longueuil into a separate and distinct school municipality.

Held:—That a Protestant who, after the establishment of the new school municipality had paid school taxes to the school board which represented the majority of the tax-payers, could recover the amount thereof, as paid in error. *Stevens vs. School Commissioners of Longueuil*, 9 R. S. Q., C. S., p. 408.

For that purpose, they shall give a notice in triplicate, like the notice of dissent, which shall be served upon the chairman of the commissioners and upon the Superintendent of Public Instruction, on or before the first of May. (*See Form No. 8.*)

The *status quo* is maintained up to the month of July following, and at that date an election is held in the usual way for the election of five school commissioners, either for all the rate-payers, if the former majority, which has become the minority, has not declared itself dissentient in accordance with the following article, or for the religious majority, if the minority has declared itself dissentient. R. S., 1987, *mod.*

128. When the dissentients have declared their intention of organizing themselves as a corporation of school commissioners, in accordance with the preceding article, the former majority, which has become the minority, may at once declare itself dissentient, by giving notice to the Superintendent of Public Instruction and to the chairman of the trustees. (*See Form No. 7.*)

The notice of dissent must, in such case, in order to have effect the same year, be served on or before the fifteenth of June.

In the month of July following, the new dissentients elect their school trustees in the usual manner.

If the notice of dissent is not served before the fifteenth of June, the minority is governed by the school commissioners until it declares itself dissentient, in the manner prescribed by articles 123 and following of this act. R. S., 1987*a*, *mod.*

129. Dissentients are not liable for any taxes or school-rates which may be imposed by the school

commissioners, except for the assessment for the then current year, or those for the building of any school-house previously contracted for, or for the payment of debts previously incurred, provided always, that such assessments are imposed within six months from the date of the receipt of the declaration of dissent. R. S., 1988, *in part*.

130. In the case of newly organized municipalities, if the declaration of dissent be served upon the chairman of the school commissioners within thirty days after the organization of the school corporation, the dissentients shall not be liable for any taxes imposed by the school commissioners.

During the thirty days which follow the service of the declaration of dissent, the dissentients elect their trustees in the manner prescribed by article 150 and following of this Act. R. S., 1988, *in part, mod. and am.*

131. The dissentients in any municipality who, as such, form a school corporation may, upon their application, with the approval of the Superintendent of Public Instruction, unite with a neighboring school municipality of their religious faith, either completely or only for the purpose of sending their children to school.

In the case of a complete union, the school funds of the dissentient municipality which applied for the union shall be remitted to the school municipality to which it has been united, and the territory comprised in such municipality shall form part of the municipality to which it has been united for all school purposes.

If the union is only for the purpose of sending the children of dissentients to the schools of a neighboring school municipality, the school trustees of

the municipality who have applied for the union, shall continue to collect the school taxes in their territory, but shall be bound to remit the amount to the school municipality to which they are united within sixty days after the taxes have become due and payable.

In both cases above mentioned there shall be but one rate of taxation for school purposes for the two municipalities. R. S., 1989, *am.*

Such union may be cancelled by the Superintendent of Public Instruction upon the petition of either school municipality after twelve months' notice to that effect published in two consecutive numbers of the *Quebec Official Gazette*. R. S., 1889, *am.*

132. Any number whatever of the proprietors, occupants, tenants and rate-payers of a township or parish, divided into two or more school municipalities, professing a religion different from that of the majority of the said township or parish, may dissent and maintain one or more dissentient schools situated in the said township or parish, by giving notice in writing to the chairman of the school commissioners of their respective municipalities according to the mode prescribed by article 124 and following of this Act.

In the month of July following the date upon which the above mentioned notice was given, such dissentients shall elect three trustees

The trustees shall maintain, under their immediate control, or subsidize a school of their own religious belief, situated in the said township or parish. R. S., 1990, §§1, 2, *mod.*

133. Whenever the trustees of a dissentient school municipality shall have been a year without schools, either in their own municipality or jointly

with other school commissioners or trustees in an adjoining municipality, or when it is shown that they are taking no steps toward obtaining schools, the Superintendent of Public Instruction, after giving three consecutive notices in the *Quebec Official Gazette* to that effect, three months after the publication of the first of the said notices, may recommend to the Lieutenant-Governor in Council, to abolish the corporation of trustees of dissentient schools for such municipality. R. S., 1991, § 1.

134. When the abolition of a corporation of trustees is granted, a notice to that effect shall be published by the Superintendent of Public Instruction in the *Quebec Official Gazette*, and, after the publication of the said notice, the rate-payers who were, up to that time, under the control of the said trustees, shall then be subject to all taxes levied by the school commissioners, and shall be further held to pay to the commissioners a sum equal to their share of all school taxes and assessments levied by the commissioners during all the time for which the said dissentient trustees had neglected to keep their schools in operation.

The publication of the notice in the *Quebec Official Gazette* is made at the expense of the school board that has applied for the dissolution of the dissentient school corporation. R. S., 1991, §2, *am.*

135. One year after the publication in the *Quebec Official Gazette* of the notice of the dissolution of such dissentient school corporation, any number whatever of proprietors, tenants, occupants or rate-payers professing the religious faith of the minority in such municipality, may again form a new corporation as provided by the provisions of articles 123 and following of this Act. R. S., 1992.

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136. Whenever there is no dissentient school in a municipality, any resident head of a family professing the religious faith of the minority in the said municipality, and having children of school age, may declare, in writing, to the chairman of the school commissioners, observing the formalities prescribed by articles 123 and following of this act, that he intends to support a school in a neighboring municipality, provided that his children attend such school. R. S., 1993, *am.* (1)

137. From the first of July following the service of the declaration mentioned in the preceding article, such head of a family shall pay his taxes to the commissioners or trustees, by whom the school to which he contributes shall be maintained; but the reports of the school boards, under whose control such school is, shall make special mention of children belonging to such neighboring municipality, and such children shall not be taken into account in apportioning the school grants between the commissioners and trustees. R. S., 1993, *am.*

138. Children from other school districts, of the same religious belief as the dissentients for whom the school was established, may attend the same, whenever such dissentients are not sufficiently numerous in any district to support a school alone. R. S., 1995, *am.*

139. Any rate-payer professing a religion different to that of the majority of the inhabitants of any municipality may become a dissentient, and any dissentient may, in like manner, declare his inten-

Held:—The school tax cannot be exacted from dissentients who have united with trustees in a neighbouring municipality for school purposes, even though the procedure adopted was irregular. C. S., Que., 162., L. R., 290.

tion of ceasing to be a dissentient by giving simultaneously to the chairman of the school commissioners and trustees, or to their secretaries, and to the Superintendent of Public Instruction, a notice to that effect before the first of May, subject, however, in either case to the restrictions of article 129 of this act. R. S., 1996, *in part, am.*

140. The receipt, by the chairman of the commissioners and by the chairman of the trustees, or by their secretary, of the notice which must be made, in either of the cases mentioned in the preceding article, shall be sufficient to place the persons so making the said declaration under the control of commissioners or trustees, as the case may be, from the first of July, after the service of the notice of dissent or withdrawal thereof. R. S., 1996, *in part, am.*

CHAPTER THIRD

School Corporations

141. The school commissioners and trustees in each municipality shall be a corporation under the name of "The school commissioners (or trustees) for the municipality of _____ in the county of _____ (or in the counties of _____)" *if a municipality be situate partly in several counties.*

They shall have perpetual succession.

They may sue and be sued, and shall generally have the same powers which any other body politic and corporate has with regard to the purposes for which it is constituted. R. S., 2019, *mod.* (1)

(1) *Held:*—It is not essential that school commissioners allege in their declaration, and produce with the return of an action issued at their instance, an authorization to institute such action, and it is sufficient if they produce such authorization

142. No school corporation shall cease by reason of the want of school commissioners or trustees; but when there are no longer any school commissioners or trustees, the powers of the corporation as regards the possession of any property, real or personal, shall become vested, in trust, in the Superintendent of Public Instruction, or, in his default, in the Lieutenant-Governor in Council, until a school board has been reorganized. R. S., 2034, *in part, am.*

143. All administrative acts of school commissioners and trustees shall be made in virtue of resolutions adopted at regular sessions of their school board. *New.*

when objection is taken by the adverse party. C. Q. B., 6th October, 1888. *School Commissioners of St. Norbert vs. Crepeau.* 11 R. J. Q., 119. *School Commissioners of St. Ange vs. St. Hilaire.* 19 R. L., 473.

Held:—That when a corporate body pleads that the name, as given in the writ served upon it, is not its true name, it should proceed by an exception to the form and not by a plea to the merits. *The Corporation of School Commissioners of Hochelaga vs. The Abattoir Company of Montreal*, 1887.—R. L., vol. 15, p. 196.

Held:—That an error in the description of a corporation does not vitiate proceedings taken by such corporation. *Parent vs. The Corporation of St. Sauveur.* C. C., Quebec, 1873, Judge Meredith.—Q. L. R., vol. 2, p. 258.

Held:—That an action, brought by a corporation styling itself the "Corporation of Ste. Martine" instead of the "Corporation of the Parish of Ste. Martine" be dismissed on an exception to the form. *The Corporation of Ste. Martine vs. Henderson.* C. C., Chateauguay, 1873, Judge Dunkin.—R. L., vol. 4, p. 568.

Held:—On an exception to the form, that the service of a writ of summons, made at the domicile of the secretary-treasurer of a school board was null—it being proved that the defendants, said school board, did not have their office at said domicile. *The School Commissioners of St. Pierre de Sorel vs. The School Commissioners of the Town of William Henry.* S. C., Montreal, 1855, Judge Mondelet.—L. C. J., vol. 3, p. 189.

Held:—That school commissioners or trustees, being a corporation, have a corporate title which they should use in all legal proceedings taken by them. *Gagnon vs. The School Commissioners of St. Janvier.* C. C., Ste. Scholastique, 1873, Judge Johnson.—R. L., vol. 5, p. 474; and *Barette vs. The School Commissioners of St. Columban.* C. C., Ste. Scholastique, 1875, Judge Johnson.—R. L., vol. 7, p. 185.

Held:—That the members of a school board, who are in good faith, cannot be held personally responsible for the decisions of

144. Any powers conferred to or any obligation imposed upon any school commissioners also apply to trustees of dissentient schools in reference to the school municipalities under their control. R. S., 1862.

such board, even when such decisions are infractions of articles (of the law) which declare that persons contravening them incur a fine. *Audette dit Lapointe et al vs. Duhamel*. S. C., Sorel, 1869, Judge Loranger.—R. L., vol. 1, p. 52.

Held:—That a corporation is not an officer or a person possessing public functions in the sense of art. 22 of the Code of Civil Procedure. *Blain vs. The Corporation of Grandby*. C. R., Montreal, 1872.—R. L., vol. 5, p. 180.

Held:—That corporations may transact in all actions for damages, or actions of any other kind taken against them. That they are bound by such agreements, and can be released, from their obligations concerning them, only for such reasons as would be accepted in the case of a major in the full enjoyment of all his rights. *Bachand vs. The Corporation of St. Theodore of Acton*. S. C., St. Hyacinthe, 1870, Judge Sicotte.—R. L., vol. 2, p. 326.

Held:—1. That a corporation may make promissory notes. 2. That the mayor and secretary-treasurer who sign a note in the name of a corporation are presumed to have sufficient authority to do so, and that in a suit to enforce payment of this note, it is not necessary to produce the resolution of the council authorizing them to sign. *Corporation of Grantham vs. Couture et al*. C. Q. B., Montreal, 1879.—R. L., vol. 10, p. 186.

Held:—That an advocate acting for a municipal corporation is not bound to produce the resolution of the council which authorizes him. *Duvernay vs. The Corporation of St. Barthélemy*, C. Q. B., 1868.—R. L., vol. 1, p. 714.

Held:—That art. 22 of the Code of Civil Procedure (by which notice must be given to any public officer, or other person fulfilling a public duty, before suing him for damages for any act done by him in the exercise of his functions), and sections 1 and 7 of the 101st chap. C. S. L. C. (by which any such suit must be commenced within six months after the commission of the act complained of), do not apply in the case of a school commissioner who has acted in bad faith.

That a school commissioner is not obliged to refund a sum of money paid to a teacher, illegally engaged in the place of another who has been wrongfully dismissed and who has obtained judgment for her salary. *The School Commissioners of Ste. Marthe vs. St. Pierre et al*. S. C., Montreal, 1879, Judge Torrance.—L. N., vol. 2, p. 343.

Held:—That notice of action must be given to school commissioners before an action for damages can be brought against them for any act of theirs done in the exercise of their functions. *Basin vs. The School Commissioners of St. Anselme*, C. R., Quebec, 1871.—R. L., vol. 3, p. 454, and R. C., vol. 1, p. 480.

Held:—That corporations have only such powers as are specially vested in them, or which are necessary for the accomplishment of the duties imposed on them.

That corporations may be bound in the same manner as in-

CHAPTER FOURTH

School Commissioners and Trustees

SECTION I

QUALIFICATIONS REQUIRED TO BE A SCHOOL COMMISSIONER
OR TRUSTEE

145. Every Roman Catholic *cure* or every minister of any other religious faith ministering in the school municipality, although not qualified with respect to property, and all male resident rate-payers, able to read and to write, qualified to vote under article 148, are eligible as school commissioners or trustees. R. S., 2006, *in part, am.*; 55-56 V., c. 35, s. 1.

146. In any municipality in which there is a corporation of school trustees, individuals of the minority, who have declared themselves to be dissentient, shall not be elected as school commissioners; and those of the majority shall not be elected as school trustees. R. S., 2006, *mod*; 55-56 V., c. 35, s. 1.

147. No person holding an office to which he has been appointed by a school board in virtue of this act, nor one who has a contract for such corpora-

dividuals by *quasi* contracts, and that they are liable for the legal services of those who procured their acts of incorporation. *De Bellefeuille et al vs. The Municipality of St. Louis of Mile End.* S. C., Montreal, 1880, Judge Johnson.—L. C. J., vol. 25, p. 18.

Held:—That a corporation is responsible for the acts of its officers if it has ordered them or if it has attempted to justify them. *Doyon vs. The Corporation of the Parish of St. Joseph.* C. Q. B., Quebec, 1873.—L. C. J., vol. 17, p. 193.

Held:—That a dissentient Board of School Trustees, who to collect taxes, have caused the county council to sell a property, —on discovering that through their fault, such sale was illegal, —may file an intervention in a petitory action, brought by the purchaser against the actual holder of the property, to stop such action, and thus prevent an action in warranty from being taken against them. *Brunet vs. Davidson and the Dissident School Trustees of Côte St. Paul.* S. C., Montreal, 1888, Judge Mathieu.—R. L., vol. 16, p. 175.

tion, nor one who is in the condition provided for by article 313 of this act, shall be a member of such school board. R. S., 2007, *am.*

SECTION II

QUALIFICATIONS REQUIRED TO BE AN ELECTOR

148. To have a right to vote at any election of school commissioners or trustees, it is necessary to be proprietor of real estate, or to be proprietor of the buildings only upon a lot of land belonging to another, to be entered as such upon the valuation roll, and to have paid all school contributions. R. S., 2005, *in part, am.*

2. In any municipality in which there is a corporation of school trustees, individuals of the minority who have declared themselves to be dissentient, shall not vote at the election of school commissioners; and those of the majority shall not vote at the election of school trustees. R. S., 2006, *part.*
(1)

149 Whoever votes without having the qualifications required to be an elector, incurs a penalty of twenty dollars. R. S., 2005, *in part, am.*

Held:—That to be qualified to vote, not only must the voter's name be on the list of voters, but he must have at the moment of voting all the qualifications required by law to be an elector.

2. That there is no cause to annul the vote of an elector who has not paid all his school taxes, if it is not certain that he owed any more, or if his not paying them within the prescribed time is due to an error on the part of the secretary-treasurer. *Dostaler vs. Coutu.* C. C., Berthier, 1880, Judge Gill.—R. L., vol. 11, p. 109.

Held:—That the absence of the secretary-treasurer from his office during the week immediately preceding the election, thus preventing the electors from paying their taxes and acquiring the right to vote, is not a cause of nullity of an election, if there were just reasons for such absence. *Morrier vs. Rasconi.* M. C., Bagot, Judge Lanctot.—R. L., vol. 7, p. 140.

SECTION III

MEETING FOR THE ELECTION OF SCHOOL COMMISSIONERS
AND TRUSTEES

150. Unless otherwise provided by some special provision of this act, on the first juridical Monday in July in each year, there shall be held in each municipality for the election of school commissioners or trustees a general meeting of all the rate-payers qualified to vote at an election of school commissioners or trustees. R. S., 1997, *in part, am.*

151. The secretary-treasurer of the school commissioners or trustees shall be bound to convene the annual meeting or any special meeting for the election of commissioners or trustees by public notice given in the manner prescribed by articles 277 and following of this act, seven clear days at least before the day fixed for the meeting; in case he neglects so to do, he is liable to a fine of not less than five dollars nor more than twenty dollars.

Such meetings shall be convened for ten of the clock in the morning at a central place in the municipality, which shall be indicated in the notice of convocation given for that purpose. (*See Form 3.*) R. S., 1997, 1999, 2003, *in part, am.*

152. In the case of an annual meeting, if there be no secretary-treasurer, or if he be absent from the municipality or incapable of acting, the meeting shall be convened by the chairman of the school commissioners or trustees, and, in default of either, by the senior member of the school board. R. S., 1999, *in part.*

153. The chairman of each annual meeting for the election of school commissioners or trustees shall be chosen from among the rate-payers of the

school municipality, able to read and write, and appointed for that purpose by a resolution of the commissioners or trustees, as the case may be. He may be chosen from the members of the school board who do not go out of office that year.

If the appointment of a presiding officer has not been made, or if the person appointed to perform this duty is absent or unable to act, the secretary-treasurer of the school board shall preside over the meeting. R. S., 2001, *mod.* (1)

154. At the meeting above mentioned the rate-payers, qualified to vote in virtue of article 148 of this act, shall elect five school commissioners or three school trustees, as the case may be, who are able to read and write, or the number of commissioners or trustees necessary to fill the vacancies caused by the retirement of such commissioners or trustees who are to go or have gone out of office. R. S., 2004, *in part, am.*

155. When the annual general meeting for the election of school commissioners or trustees cannot be held on the first juridical Monday in July, such meeting and election may be postponed to any juridical Monday in the same month, by observing the same formalities. R. S., 1998.

156. If the meeting be the first held in the municipality, for the election of a board of school commissioners or trustees, it shall be convened by a resident justice of the peace, or, in default of a justice of the peace, by any three proprietors of real estate, by observing the formalities prescribed by article 151 of this act. R. S., 2000.

(1) *Held*:—That a board of school commissioners or trustees cannot dismiss their president from his office, and appoint another in his place, before the expiration of the year for which he was appointed. *Villeneuve vs. Charest*. C. Q. B., Quebec, 1881. —Decisions of the C. of Appeal, vol. 1, p. 235.

157. The first meeting for the election of school commissioners or trustees is presided over by a rate-payer of the municipality, able to read and write, selected by those who compose the meeting. R. S., 2001, *in part, am.*

SECTION IV

ELECTION OF SCHOOL COMMISSIONERS AND TRUSTEES

158. The presiding officer, after having opened the meeting, requests the electors present to propose those persons whom they wish chosen as school commissioners or trustees.

He is bound to nominate as candidates the names of all persons submitted to him, whether verbally or in writing, by at least two electors present. R. S., 2002, § 1, and part § 2. (1)

(1) *Held*:—That it is not necessary to propose each candidate separately. That the presiding officer is bound to propose as candidates the names of all persons submitted to him, whether verbally or in writing, by at least two of the electors present. *Legault vs. Paiement*. C. C., Montreal, 1872, Judge Mackay.—R. C., vol. 2, p. 235.

Held:—That if no objection is made to the qualification of the presumed electors when the candidates are proposed and a poll is demanded, the presiding officer may not, after he has granted such poll, reverse his decisions and act as if no such demand had been made and accepted, on the alleged ground of want of legal qualification in some of those who made the demand. *Laraway vs. Brimmer*. C. C., Sweetsburg, 1872, Judge Dunkin.—L. C. J., vol. 16, p. 164.

Held:—That want of qualification in the persons who submitted names to the presiding officer at an election is not a cause to annul the election, if no objection was made when the candidates were proposed or before the poll was opened, and if the poll was held in the manner prescribed by law. *Morrise vs. Rascont*. Magistrates' C., County Bagot, Judge Lanctot.—R. L., vol. 7, p. 140.

Held:—That the names of candidates, submitted by two electors who do not give their names and surnames, but who are well known as electors (for instance, the *cure*, and the representative of the County in the House of Commons who have resided in the municipality for a great number of years), shall be accepted by the presiding officer.

That it is the presiding officer's duty to demand the names and surnames of all persons who submit names of candidates. *Boileau vs. Proulx*. C. C. Montreal, 1872, Judge MacKay.—R. C., vol. 2, p. 236.

159. No one can be nominated for election unless at the time, his name and surname, as well as the names and surnames of the electors who propose him, are given. R. S., 2002, § 2, *in part*.

160. The nomination of candidates shall take place during the first hour after the opening of the meeting. *New*.

161. One hour after the opening of the meeting the chairman proclaims elected the candidate or those of the candidates who are unopposed, and when two or more candidates are proposed in opposition, he proceeds without delay to the registration of the votes of the electors. R. S., 2002, §§ 3, 4, *in part, mod.* (1)

(1) *Held*:—That as soon as the presiding officer has declared the proposed candidates elected, the election is closed, and that electors arriving afterwards, cannot legally submit the names of other candidates, and the presiding officer cannot legally grant a poll; that the granting of a poll in such a case is illegal, and that any person voting at it without legal qualification shall not, by so doing, incur the fine of twenty dollars decreed by article 316 of the Municipal Code. *Melancon vs. Sylvestre*. C. C., St. Hyacinthe, 1870, Judge Sicotte.—L. C. J., vol. 14, p. 217.

Held:—That, when an election has taken place by acclamation, the presiding officer cannot grant a poll to electors arriving after the proclamation of the elected candidates has been made; that, if he does so, the holding of this poll being illegal, persons voting at it without legal qualification cannot be fined, as they might be, were the poll legally held. *Beziers vs. Turcotte*. C. C., St. Hyacinthe, 1870, Judge Sicotte.—R. L., vol. 2, p. 129.

Held:—That the omission of the quality of the electors in the poll book is not a cause to nullify an election, if no injustice has been done by such omission. *Morrisset vs. Rasconi*. M. C., County Bagot, Judge Lanctot.—R. L., vol. 7, p. 140.

✓ *Held*:—That an election of commissioners (or trustees) is null if the votes have not been entered in the poll book, and if the names and qualities of the electors have not been mentioned. *Pacaud vs. Gagne*. C. Q. B., Quebec, 1867.—L. C. R., vol. 17, p. 357.

Held:—That an election of school commissioners (or trustees) which was declared closed before the end of an hour after the opening of the meeting is null. *Armstrong et al. vs. Pangborn*. S. C., Sorel, 1880, Judge Gill.—R. L., vol. 10, p. 540.

Held:—That the time allowed, during which to nominate candidates, is the first hour after the opening of the meeting; and, that it is not necessary that a written demand be made for a poll or for the registration of the votes of the electors.

162. When voting takes place, the chairman shall enter, or cause to be entered, in a register kept for that purpose, and in the order in which they are given, the votes of the electors, indicating the names and qualities of each. R. S., 2002, § 6.

163. Each page of the poll book shall be numbered in writing and initialed by the person presiding over the election. R. S., 2002, § 10.

164. Every elector may vote for as many candidates as there are school commissioners or trustees to be elected in the municipality. R. S., 2002, § 7.
(2)

165. Any person tendering his vote must make the following declaration before the presiding officer, if required so to do by him, by any elector,

Marquis vs. Couillard. C. C., Quebec, 1876, Judge Dorton.—Q. L. R., vol. 10, p. 98.

Held:—That when there is no opposition to a candidate, he shall be proclaimed elected immediately before the poll for the election of the other candidates is held, that is at the end of the first hour after the opening of the election meeting. *Lizotte vs. Lalancette*, C. C., Sorel, 1879, Judge Papineau.—R. L., vol. 10, p. 480.

Held:—That the presiding officer at an election meeting is not bound to wait till the end of the hour after the opening of the meeting to proclaim elected a candidate nominated without opposition, and to hold a poll and register the votes of the electors in favor of the other candidates. *Huncau vs. Magnan*, C. C., L'Assomption, 1871, Judge Baudry.—R. C., vol. 2, p. 234.

Held:—That after the expiration of the hour allowed for the nomination of candidates, while the presiding officer is counting the electors favorable to each candidate, if five electors demand a poll and the presiding officer refuses it and, notwithstanding the protests of the five electors who persist in demanding a poll, begin anew to count the electors favorable to each candidate, and proclaims one of the candidates elected, the election is null. *St. George vs. Gadoury*. C. C., Joliette, 1885, Judge Cimon.—L. N., vol. 9, p. 59.

(2) *Held:*—That a person illegally deprived of his right as an elector has ground for an action for damages. *Bernatchez vs. Hamond*. C. C., Montmagny, 1881, Judge Angers.—Q. L. R., vol. 7, p. 25.

by any candidate, or by the representative of any candidate:

“I swear (*or affirm*) that I am qualified to vote at this election, that I am at least twenty-one years of age, that I have paid all school taxes due by me, and that I have not already voted at this election: So help me God.”

If such elector refuse to take such oath, his vote must be refused, and he cannot again present himself to vote at the election. R. S., 2002, § 8, *am. and new.*

166. If an elector take the required oath, or refuse to take the same, or if objection be made to his vote, mention of each of these facts must be made in the poll book, in the following terms: “Sworn,” “Refused,” or “Objected to,” as the case may be. R. S., 2002, § 11. ⁽³⁾

167. Whenever the presiding officer does not understand the language spoken by one or more of the electors, he must appoint an interpreter, who, before acting as such, takes the following oath before the said presiding officer:

“I swear (*or affirm*) that I will faithfully translate the oaths, declarations, affirmations, questions and answers which the presiding officer shall require me to translate respecting this election: “So help me God.” R. S., 2002, § 9.

168. If, at any time after the votes have commenced to be polled, one hour elapses without any votes having been polled, the presiding officer must close the election. Nevertheless, if a declaration

(3) *Held*:—That the vote of an elector, registered after such elector has refused to take the oath required by law, is null. *Dolbec vs. Portelance*. C. C., Quebec, 1879, Judge Stuart.—Q. L. R., vol. 6, p. 17.

under oath is given to the presiding officer that an elector has been, within the hour last past, prevented from approaching the poll by violence, the election cannot be closed until the expiration of one hour after such violence has ceased. M. C., 324.

169. In case of an equal division of votes in favor of two or more of the candidates, the presiding officer is bound to vote immediately for one or other candidate, under a penalty of not less than twenty, or more than fifty dollars. R. S., 2002, § 13.

170. At the close of the election, which shall be at five o'clock in the afternoon, except in the case provided for by article 168 of this act, the presiding officer must certify, under his signature, on the poll-book, the total number of votes entered, from the first to the last entry in the book, and also the total number of votes given for each of the candidates, and then he declares such of the candidates as have obtained the largest number of votes duly elected. R. S., 2002, § 12, 14, 2003, *in part*.

171. The school commissioner or the trustee so elected is bound to accept office and cannot retire before the expiration of his term. Nevertheless members of the Roman Catholic or Protestant clergy, persons over sixty years of age, and all who have been commissioners or trustees within four years, may refuse to accept office, or, having accepted, may afterwards resign. R. S., 2004, 2008, *in part, am.*

172. The officer presiding over any general meeting for the election of school commissioners or trustees shall, within eight days thereafter, under a penalty of five dollars for failure so to do, notify in writing the school commissioners or trustees elected, and make a report to the Superintendent of

54 COMMISSIONERS AND TRUSTEES—Arts. 173 to 176.

Public Instruction; mentioning the date and the place at which the meeting was held and the names of the persons elected. R. S., 2009, *mod.*

173. If the meeting for the election of school commissioners or trustees has not been held, or if, having been held, there has been no election, the secretary-treasurer shall within the same delay so inform the Superintendent of Public Instruction, under the same penalties. *New.*

174. For the municipalities in which no election of commissioners or trustees has taken place within the time prescribed by law, the Lieutenant-Governor in Council may, upon the recommendation of the Superintendent of Public Instruction, appoint the school commissioners or trustees required. R. S., 2016. (1)

SECTION V

TERM OF OFFICE OF SCHOOL COMMISSIONERS AND TRUSTEES

175. Except in the cases specified in the following article, and in article 198 of this act, school commissioners and trustees shall remain in office for three years. R. S., 2017, *in part.*

176. School commissioners or trustees comprising the first board elected or appointed by the Lieutenant-Governor in Council, after the erection of a school municipality, are replaced in the following manner: Two of them in the case of commissioners, and one in the case of trustees, determined

(1) *Held*:—That the Lieutenant-Governor in Council may annul the appointment of a school commissioner (or trustee) by him made and may appoint another commissioner (or trustee) in his stead. *Bertrand vs. Lalonde*, S. C., Terrebonne, 1883, Judge Belanger.—L. N., vol. 6, p. 365.

by lot, shall retire from office at the end of the first year, and from amongst those who have not been replaced, two of them for commissioners, and one of them for trustees, determined in the same manner, at the end of the second year, and the remaining commissioner or trustee, at the end of the third year.

The chairman shall be liable, in common with the other school commissioners, to go out of office, if it be so determined by lot.

The drawing of lots must be held by the secretary-treasurer at a regular meeting of the commissioners or trustees, at least eight days before the publication of the notice to be given for convening the meeting for the election. R. S., 2017, *in part, and new.*

177. Commissioners and trustees going out of office shall be replaced by election, and, in default of an election, by the Lieutenant-Governor, in Council upon the recommendation of the Superintendent of Public Instruction. R. S., 2018.

SECTION VI

CONTESTATIONS OF ELECTIONS OF SCHOOL COMMISSIONERS AND TRUSTEES

178. Any election of school commissioner or trustee may be contested by any candidate or by five electors, when it has been carried by violence, corruption, or fraud, or by the votes of persons who have voted without a legal qualification, on the ground of disability, or on the ground of the non-observance of the formalities required. R. S., 2015, § 1, *am.* (1)

(1) *Held*:—That a school commissioner (or trustee) elected in an illegal manner may resign his office before being prosecuted,

179. The examination and decision of a contestation of an election of school commissioner or trustee is vested in the Circuit Court of the district or county, or in the magistrate's court of the county, in which the municipality is situated, to the exclusion of every other court. R. S., 2015, § 2. (2)

and that the office made vacant by his resignation may be filled by the Lieutenant-Governor in Council. *Laliberte vs. Ruelle*. C. Q. B., 1876.

Held:—That an election of school commissioners (or trustees) which took place under circumstances which misled the voters, and prevented them from exercising their right to vote, is null.

Sauve vs. Boileau. C. Q. B., Montreal, 1882.—L. C. J., vol. 27, p. 359.

Held:—That a candidate, or his agent, who pays the taxes due by certain electors for the purpose of enabling such electors to vote in favor of such candidate, is guilty of a corrupt act, sufficient to nullify such votes and such election. *Dostaler et al. vs. Coutu*. C. C., Berthier, 1880. Judge Gill.—R. L., vol. 11, p. 109, and *Auclair vs. Poirier*.—L. C. J., vol. 28, p. 231.

Held:—That in contesting the election of several commissioners or trustees, even when the grounds, upon which the election of each is contested, are different, one and the same petition in the name of at least five electors and one security for costs are sufficient. *Lawford vs. Robertson*. C. C., Sherbrooke, 1872, Judge Ramsay.—R. C., vol. 2, p. 235.

Held:—That irregularities (by presiding officers), which do not interfere in any manner with the right and the exercise of the right to vote, are causes of nullity only when the law so declares; and that any omission, which does not prejudice the exercise of the right to vote does not invalidate an election. *Steele vs. Normand*. S. C., Three Rivers, 1873, Judge Sicard.—R. L., vol. 5, p. 40.

(2) *Held*:—1. That an election or nomination of school commissioner or trustee must be contested by a direct action, and that it cannot be incidentally attacked by a petition in nullity of a resolution in which he concurred; 2. That the jurisdiction given, by art. 348 of the Municipal Code, to the Circuit Court and the Magistrate's Court over the contestations of elections of councillors by electors and appointments of mayors by councils, is *exclusive* only in cases of violence, bribery, fraud, incapacity or non-observance of essential formalities, and not in any other case, and specially not in any of the cases created by art. 1016 and following of the Code of Procedure. *Paris vs. Couture*. C. R., Quebec, 1883.—Q. L. R., vol. 10, p. 1.

Held:—That decisions of the Circuit Court in contested election cases under the provisions of the Municipal Code are not subject to revision. *Lacerte vs. Dufresne*. C. R., Quebec, 1883.—Q. L. R., vol. 9, p. 190.

Held:—That the contestation of the election of school commissioners must be brought before the Circuit Court or the Magistrate's Court, such courts having exclusive jurisdiction in this matter. *Metras vs. Trudeau et al.* C. Q. B., Montreal 1885.—M. L. R. Q. B., vol. 1, p. 347.

180. The contestation is brought before the court by a petition in which are set forth the facts and reasons alleged in support of the contestation.

The parties interested may also, in their petition, indicate the persons who have a right to the office in question and state the facts necessary to establish such right.

Such petition is presented in open court, together with the returns of the preliminary services. R. S., 2017, §§ 3, 8. (1)

181. A copy of the petition mentioned in the preceding article, with a notice stating the day on which the petition will be presented to the court, is served upon every school commissioner or trustee whose election is contested, within fifteen days from the date of such election; otherwise, the right of contesting is forfeited.

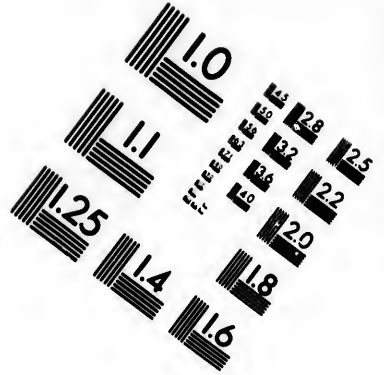
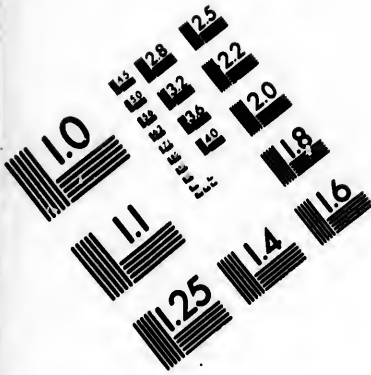
No such petition can be presented or received after the close of the first term of the court next following the day when the controverted election was held.

Nevertheless, if the election was held within the thirty days preceding such first term, the petition may be presented on the first day of the following term. R. S., 2015, §§ 4, 5.

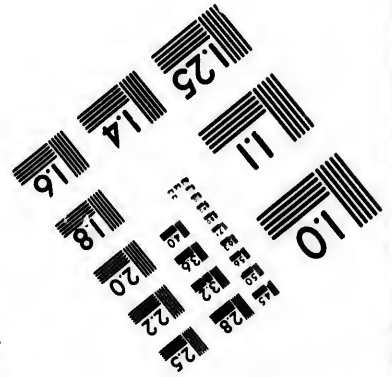
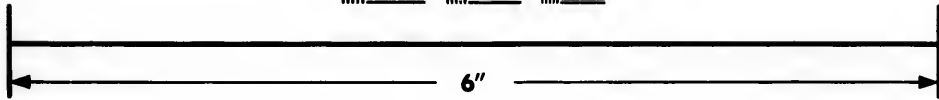
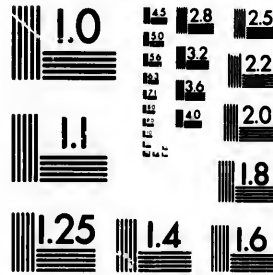
(1) *Held*:—That, to be allowed to contest the election of a school commissioner or trustee, the petition must be presented before the close of the term next following the day when the contested election was held, if more than fifteen days are to elapse between the date of such election and the close of the term. *Lavoie vs. Hamelin*. C. C., Montreal, 1882, Judge Papineau.—L. N., vol. 5, p. 94.

Held:—That in the district of Montreal, according to the provisions of 46 Vict., ch. 26, ss. 1 and 2, there are no more terms of the Circuit Court, and consequently a petition (to contest a municipal election), which according to art. 351 of the Municipal Code, should be presented during the term of the court next following the day when the election was held, may be received after the expiration of this delay. *Brunelle vs. Brossseau*. C. C., Montreal, Judge Doherty.—L. N., vol. 8, p. 99.





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182. The petitioners in the contestation of the election must give security for the costs at least ten days before the petition is presented to the court; otherwise such petition cannot be received. R. S., 2015, § 6.

183. The security required by the foregoing article is deposited with the clerk of the court. R. S., 2015, § 7, *in part*.

184. The sureties must be owners of real estate of the value of at least two hundred dollars over and above any encumbrances there may be on such property.

One surety suffices, provided he is an owner of real estate of the same value. R. S., 2015, § 7, *in part*.

185. If, after having heard the parties, the court is of opinion that the grounds set forth in the petition are sufficient in law to have the election declared null, it orders proof to be adduced and the parties interested to be heard on a day in term. R. S., 2016, § 9.

186. The court proceeds in a summary manner to hear and decide the contestation. R. S., 2015, § 10, *in part*.

187. The evidence may be taken orally or in writing, in whole or in part, as the court shall order. R. S., 2015, § 10, *in part*.

188. The court by its judgment may confirm or annul the election, or declare another person duly elected. R. S., 2015, § 11.

189. The court may condemn either party to pay the costs of the contestation; such costs are taxed and are recoverable as well against the parties to the suit as against their sureties. R. S., 2015, § 12, *in part*.

190. The judgment of the court, in so far as regards the costs, is executory against the sureties, fifteen days after a copy thereof has been served upon them. R. S., 2015, § 12, *in part*.

191. The court may order that its judgment be served at the expense of the party against whom the judgment has been rendered, upon any person to whom it may deem it proper to communicate it. R. S., 2015, § 13.

192. If the trial of the contestation is not concluded at the close of the term of the court during which the petition was presented, the sitting judge must continue it without interruption out of term and during the vacation, adjourning from day to day until he delivers his final judgment upon the merits of such contestation. R. S., 2015, § 14.

193. If the court by its judgment annuls the election of the commissioners or trustees or any one of them, without stating who should fill such offices, the court must in such judgment order a new election to replace those whose elections are so annulled, name for that purpose a person to preside at such election, and fix the day and hour upon which a meeting of the electors is to be held.

Such day must not be sooner than fifteen nor later than twenty days from the date of the judgment. R. S., 2015, § 15. (1)

(1) *Held*:—That according to art. 361 of the Municipal Code (art. 208 of this Code), a new election shall be ordered when acts of corruption are proved. *Auclaire vs. Potrier*. C. C., Waterloo, 1882.—L. C. J., vol. 28, p. 231.

Held:—That when the law does not declare that if one of the candidates is not qualified and, for that reason, incapable of exercising the office, the other candidate, although he has not the majority of the votes shall be declared elected; the judge cannot declare it, and in that case a new election must take place. *Bureau vs. Normand*. S. C., Three Rivers, 1873, Judge Sicotte.—R. L., vol. 5, p. 40.

194. The election which is held by order of the court must be announced by public notice given by the chairman of the commissioners or trustees, or, if there be no chairman in office, or if he be the commissioner or trustee whose election has been annulled, by the secretary-treasurer.

If there be neither a chairman nor a secretary-treasurer, the notice is given by a justice of the peace, residing in the municipality or, in default of a justice of the peace, by three proprietors of real estate, as soon as a copy of the judgment has been served upon them. R. S., 2015, § 16, *in part*.

195. The omission of the notice prescribed by the preceding article prevents a meeting of the electors from being held, and renders the persons, whose duty it is to give it, subject to a penalty of not less than five or more than twenty dollars. R. S., 2015, § 16, *in part*.

196. In default of the person appointed by the court, the election is presided over by the secretary-treasurer, and, in default of that officer, by a rate-payer of the municipality, able to read and write, selected by the rate-payers present at the meeting.

This election is held and conducted in conformity with the rules and formalities prescribed in articles 150 and following of this act. M. C., 263, *in part*.

197. The commissioners and trustees elected at the election mentioned in the preceding article are vested with the same rights and are subject to the same obligations and penalties as those appointed at general elections, and remain in office only for the time for which the persons whose elections have been set aside were appointed.

SECTION VII

REPLACING SCHOOL COMMISSIONERS AND TRUSTEES WHEN VACANCIES OCCUR DURING THEIR TERM OF OFFICE

198. In case of death, change of domicile, lack of qualification, refusal to accept office when the law authorizes such refusal, resignation legally given, or in case of incapacity, during three consecutive months, by reason of temporary absence or sickness, school commissioners or trustees are replaced by the school commissioners or trustees remaining in office, within the thirty days next after the date upon which the vacancy occurred.

The secretary of the school board in which such appointment is made shall notify the Superintendent of Public Instruction within fifteen days after the same is made. R. S., 2010, *am. and new.*

199. Whenever the replacing mentioned in the preceding article has not been effected within the prescribed delay, the Lieutenant-Governor in Council may, upon the recommendation of the Superintendent of Public Instruction, appoint a school commissioner or trustee, as the case may be, to fill such vacancy. R. S., 2011, *am.*

200. A school commissioner or a trustee who has been appointed by the school board under article 198 of this act, or by the Lieutenant-Governor in Council, to fill any vacancy ceases to hold office at the date when the term of the person whom he replaces would have expired. M. C., 116.

201. When school commissioners or trustees are prevented from performing their duties owing to sickness, no election or appointment to fill the said office shall take place, unless such incapacity has

been established by the certificate of a physician, sworn to before a justice of the peace, deposited with the secretary-treasurer of the school board.

The vacancy arising from such incapacity shall date from the day of the deposit of such certificate with the secretary-treasurer. R. S., 2012.

SECTION VIII

MEETINGS OF SCHOOL BOARDS

202. On the first Monday following the organization of a school municipality, and, in subsequent years, on the first Monday following the notice of the election of school commissioners or trustees who, in the month of July each year, replace retiring members on the school board, or when no election has been held on the first Monday following the notice of appointment by the Lieutenant-Governor in Council, the school commissioners or trustees shall meet to elect their president, who shall remain in office until the appointment of a successor.

At such meeting also, if necessary, the secretary-treasurer must be engaged. ⁽¹⁾

If such meeting cannot be held on the day fixed, it may be held on any day of the same week. R. S., 2020, §§1, 3, *am. and new.*

(1) *Held*:—The secretary-treasurer of a board of school commissioners must mention in his minutes the presence or absence of commissioners, and if one of the commissioners whose name is mentioned as "present" leaves the meeting demanding that mention be made of his departure, it is the duty of the secretary-treasurer to make mention of such departure, and he may be constrained thereto by writ of mandamus.

2. The mandamus should in such case be addressed to the secretary-treasurer, and not to the school corporation. *Guay vs. Beauchamp*. 9 R. L. Q., C. S., p. 229.

Held:—That a secretary-treasurer cannot claim payment from school commissioners or trustees for supplementary services. *Pelletier vs. The School Commissioners of Ste. Philomene*. S. C., Montreal, 1854, Judges Day, Smith, and Mondelet.—L. C. R., vol. 4, p. 394.

203. Until the appointment of the chairman for the current school year, the first session of the school commissioners or trustees is presided over by one of them. R. S., 2020, § 4, *am.*

204. If the appointment of a chairman has not been made at the first meeting of the school board or within fifteen days thereafter, it may be made by the Lieutenant-Governor on the recommendation of the Superintendent of Public Instruction. M. C., 332.

205. In case of the absence of the chairman, the school commissioners or trustees shall name one of themselves as chairman for the time being, who shall then be vested with the same powers and be subject to the same obligations as the ordinary chairman. R. S., 2021.

206. The chairman may call meetings of the school board by a notice in writing signed by the secretary-treasurer, which shall be given at least two days before the time fixed for such meetings. (*See Form No. 9.*) R. S., 2022, *am.*

207. The omission of the necessary formalities for the convening of a meeting of school commissioners or trustees cannot be pleaded when all the members present in the municipality have actually attended. *New.* (1)

(1) *Held:*—The method indicated by art. 2022 R. S. Q., for calling a meeting of school commissioners or trustees is not imperative, and a meeting of school commissioners called according to immemorial usage is legally called.

2. An irregularity in the calling of such a meeting cannot be validly urged against a third person who in good faith has contracted with school commissioners represented by their chairman duly authorized.

3. The rescinding of a resolution passed by school commissioners authorizing the purchase of a school house is without effect as against a vendor who has executed a deed of sale on the strength of the resolution first passed. *Nadeau vs. School Commissioners of St. Frederick*, 2. *Revue de Jurisprudence*, p. 108.

208. Two commissioners, one trustee or five rate-payers, may, by written notice, require the chairman or, in his default, the secretary-treasurer of their respective school boards to convene such meeting.

The chairman and secretary-treasurer, so notified, shall thereupon be obliged to convene such meeting under penalty of a fine of ten dollars. R. S., 2023, *am.*

209. The meetings of school commissioners and trustees are public; but the commissioners or trustees may refer to a committee, whose meetings shall be private, all complaints made against teachers or pupils, applications for employment or any other subject of a personal nature. R. S., 2024, *in part and new.*

210. School commissioners or trustees may, by resolution to that effect, fix a place for their meetings in a neighboring school municipality or in an adjacent city, town or village; but in no case shall such meetings be held in a hotel or other place where spirituous liquors are retailed. R. S., 2024, *in part.*

211. Meetings of school commissioners and trustees may be held on non-juridical days. *New.*

212. At meetings of school commissioners or trustees all questions shall be decided by the majority of votes of the members present. It is not necessary that proposed resolutions shall be seconded. The officer presiding shall vote upon each question, and in case of a tie is always obliged to give a casting vote. R. S., 2025, *and new.*

213. The minutes of each meeting shall be inscribed in the register of proceedings of the school

board known as the "Minutes of Proceedings." After having been read and approved at the beginning of the following meeting, they are signed by the person presiding, and countersigned by the secretary-treasurer. (*See Form No. 10.*) R. S., 2096, 2097, *mod.*

214. Whenever a by-law or a resolution of the school commissioners or trustees is amended or repealed, mention must be made thereof in the margin of the minutes of proceedings, opposite such by-law or resolution, together with the date of its amendment or repeal. R. S., 2098, *mod.*

SECTION IX

POWERS AND DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING THE MANAGEMENT OF SCHOOLS

215. It is the duty of school commissioners and trustees:

1. To engage teachers duly qualified to teach in the schools under their control;

2. To cancel the engagements of teachers on account of incapacity, negligence in the performance of their duties, insubordination, misconduct or immorality, after mature deliberation, at a meeting called for that purpose.

3. To take the measures necessary to insure that the course of study authorized by the Roman Catholic or Protestant Committee, as the case may be, shall be followed in each school;

4. To require that no books be used in the schools under their control other than those authorized, which must be the same for all schools in the municipality; the *curé* or the priest in charge of the Roman Catholic Church, however, has exclusive right

to choose the school books having reference to religion and morals for the use of pupils of his religious belief, and the Protestant Committee has the same powers respecting Protestant pupils;

5. To make regulations for the management of their schools, and to communicate them in writing to the teachers under their control;

6. To fix the time of the annual public examination, and to attend the same;

7. To make and carry out regulations respecting hygiene in schools, provided such regulations are not contrary to those of the central board of health;

8. To name two or more from among themselves to visit each school under their control at least once every six months, and to report to the corporation of which they are members the state of the school, and whether their regulations are strictly observed, also the progress of the scholars, the character and capacity of the teachers, and every other matter relating to the management of the schools;

9. To comply, as regards the accounts and register kept by the secretary-treasurer, with all instructions, whether special or general, given them by the Superintendent of Public Instruction;

10. To cause to be made each year before the fifteenth of July, a report to the Superintendent of Public Instruction upon a form which he shall furnish them;

11. To keep a register in which are inscribed the minutes of their meetings, which are signed by the chairman and by the secretary-treasurer, in accordance with the provisions of article 213 of this act; (*See Form No. 10*).

12. To keep books of account in the manner and form indicated by the Superintendent of Public Instruction;

13. To settle all disputes arising in relation to the schools in their municipality between the parents or children and the teachers;

14. To dismiss from the school any pupil who is habitually insubordinate or whose conduct is immoral either in word or deed;

15. To furnish, if necessary, text-books to indigent children who attend the schools under their control, the books being paid for from the funds of the municipality;

16. To pay their teachers at the end of each month of teaching. R. S., 2026, *am.*; 2040, *mod.* ⁽¹⁾

SECTION X

DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES
RESPECTING TEACHERS

216. The engagement of a teacher shall be for the term of a school year, or to complete a year already begun, or for more than one school year in special

(1) *Held*:—It is the duty of school commissioners to build, repair, and renew school houses and appurtenances possessed by them, and to lease temporarily or to accept gratuitously the use of houses or other buildings suitable for school purposes, and they cannot free themselves from such obligations by requiring that tax-payers supply at their own expense the amount necessary for the building of a new school.

2. School commissioners in general are bound to provide for the education of the children in their respective municipalities, and they are not discharged from this obligation by the fact that children reside in the neighborhood of the schools of other municipalities to which they may obtain access. 3 *Revue de Jurisprudence*, p. 522.

Held:—That a teacher has a right of moderate chastisement against disobedient and refractory pupils, but it is a right which can only be exercised when necessary for the maintenance of school discipline, and to a degree proportioned to the offences committed.

Any chastisement exceeding this limit, and springing from motives of caprice, anger or bad temper, constitutes an offence punishable like ordinary delicts. *Brisson vs. Lafontaine*. S. C., Montreal, 1864, Judge Loranger.—L. C. J., vol. 8, p. 173, and L. C. R., vol. 14, p. 377.

cases, approved by the Superintendent of Public instruction. R. S., 2027, *in part, am.* (1)

217. The engagement is made in writing in virtue of a resolution adopted by the school board. R. S., 2026, §1, *mod.*

218. The deed of engagement may be drawn up according to form No. 19 of this act. R. S., 2027, *in part.*

219. In the deed of engagement the school board is represented by its chairman, or, in his absence, by the secretary-treasurer. *New.*

220. Engagements of teachers are made in triplicate.

A copy is sent to the Superintendent of Public Instruction within fifteen days next after its completion, another is given to the teacher, and the third is deposited in the archives of the school board. *New.*

(1) Teachers are exempt from serving as jurors. Art. 2621, R. S. Q.

Held:—That the salary of teachers is exempt from seizure. *Roy vs. Coderre, School Commissioners of St. Ours and Metteur, T. S. C. Q. B., 1848, Judges Rolland, Day, and Smith.*—M. C. R., p. 73, 2nd edition; *Lovejoy vs. Campbell.* S.C., Montreal, 1884, Judge Loranger.—7 L. N., p. 397.

Held:—That a teacher who has been illegally dismissed, and who has declared his readiness to fulfill his obligations, may instead of taking an action for damages, demand the instalments of his salary as they become due.

That the suit taken by the teacher to enforce payment of the first instalment prevents prescription from running with respect to instalments due subsequent to such action, if the right to the entire salary was contested in the first action, and admitted in principle by the Court. *Barette vs. The School Commissioners of St. Cyprien.* C. R., Montreal, 1880.—*La Themis*, vol. 4, p. 49.

Held:—That the power granted to school commissioners and trustees to remove teachers for misconduct or incapacity, does not relieve them from liability to damages if such removal take place without sufficient cause. *Browne vs. The School Commissioners of Laprairie.* C. R., Montreal, 1856.—L. C. J., vol. 1, p. 40, and *Gaudry vs. Marcotte.* S. C., Quebec, 1861, Judge Stuart.—L. C. R., vol. 11, p. 486.

221. When a teacher has not reached the age of majority, his engagement is nevertheless valid for all purposes, and he may sue and be sued for any purpose connected with such engagement, as if he had attained his majority. *New.*

222. Excepting in the cases specified in article 93 of this act, or in the regulations of the Committee of the Council of Public Instruction, school commissioners or trustees shall employ as teachers only those who are provided with diplomas, on pain of losing their share of the Government grant. R. S., 1959, *mod.*

223. School commissioners and trustees, after having decided by resolution at a regular meeting not to re-engage for the following year a teacher already in their service, shall, before the first of May preceding the expiration of the engagement of such teacher, notify him in writing of their intention to terminate the said engagement. (*See Form No. 20.*) R. S., 2028, *in part, am.* ⁽¹⁾

(1) *Held:*—That school commissioners or trustees shall, if they do not wish to continue the engagement of any teacher under their control, notify such teacher of their intention before the expiration of his or her engagement;

2. That the resolution, for this purpose, shall not be adopted at any but a regular meeting of said commissioners or trustees; and, that notice of such resolution shall be given, in writing, to the teacher. *Gauron vs. The School Commissioners of St. Louis de Lotbinière.* C. C., Quebec, 1881, Judge Casault.—Q. L. R., vol. 7, p. 251.

Held:—That an offer of engagement having been made to a teacher by a Board of School Commissioners without any limit of time for acceptance and not having been withdrawn, the teacher could validly bind them and effect the engagement by her verbal or written acceptance given at a regular meeting of the commissioners, about twelve days afterwards, notwithstanding that in the interval she had, in answer to a demand made to her by individual members of the Board, refused to accept the offer. *Devarenes vs. Halle.* C. R., Quebec, 1881.—Q. L. R., vol. 7, p. 252, and *Demeules vs. The School Commissioners of St. Dominique de Jonquieres.* C. R., Quebec, 31 March, 1888.

Held:—A clause in a contract with a teacher that he shall leave the school at the end of the year, without the notice of

224. Teachers who have not received the notification mentioned in the preceding article shall be deemed to be re-engaged for the following school year, for the same school and upon the same terms, unless one of the causes specified in paragraph 2 of article 215 of this act may be invoked against him. R. S., 2028, *in part, am.*

225. In the notification given to teachers informing them that their services will not be required the following year, the school commissioners and trustees are not bound to state the reason for their decision. *New.*

226. All notices given collectively or simultaneously to teachers by commissioners or trustees with a view of evading the provisions of the school law or regulations, and all agreements made with them, for such purpose, shall be null.

But the commissioners or trustees may, by one resolution, declare that the services of several of their teachers are not required for the following school year. R. S., 2029, *am.* (1)

two months is null; and commissioners dismissing him without notice will be held liable in damages. C. Q. B., 6th December, 1887. *The School Commissioners of the Conton of Tingwick vs. Walsh*, 16 R. L., p. 34.

Vide also Brown vs. School Commissioners of Laprairie, 1 L. C. J., p. 40; *School Commissioners of Iberville vs. Duquet*, 1 D. C. A., p. 270; *Gauron vs. School Commissioners of St. Louis de Lotbinière*, 7 R. J. Q., p. 251.

The notice required by 35 Vic., c. 12, sec. 7, to terminate the engagement of a teacher, ought to be in conformity with the resolution passed by the school commissioners, and in default of such resolution and proof that the notice given was signed

(1) *Held*:—1. That collective notice, given by a single resolution and simultaneously to all the teachers of a municipality, is null, and that it does not prevent the engagement, of the teachers who receive it, from continuing for the following year.

2. That the notice to a teacher that his engagement is not continued for the following year need not be given to him personally. *School Commissioners of Iberville vs. Duquet*. C. Q. B., Montreal, 1881.—Decisions of the Court of Appeal, vol. 1, p. 270.

227. Every teacher, who does not intend to continue his engagement for the following year, must give notice of his intention to the school commissioners or trustees, as the case may be, before the first of May, preceding the expiration of this engagement. R. S., 2030, *am.*

228. Except in the case provided for in article 224 of this act, school commissioners or trustees shall not be obliged to employ a teacher who does not suit them. R. S., 2027, *in part.*

SECTION XI

DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING SCHOOL PROPERTY

229. It is the duty of the school commissioners or trustees in each municipality:

1. To administer any moveable and immoveable property belonging to their school corporation in virtue of any title whatsoever;

2. To acquire and hold for the corporation all moveable or immoveable property, moneys or income, and to apply the same for the purposes for which they are intended;

3. To select and acquire the land necessary for school sites, to build, to repair, to keep in order all school-houses and their dependencies, to purchase or repair school furniture, to occupy temporarily or accept the gratuitous use of houses and other build-

by the secretary, the engagement will be considered as continued. C. Q. B., 6th December, 1888. *The School Commissioners of St. Dominique de Jonquieres vs. Desmeules*, 17 R. L., 84.

Vide also Varennes vs. Halle. 7 R. J. Q., 252; 19 Laurent, No. 121; 4 Aubry et Rau, p. 262.

A teacher who has not received the two months' notice required by R. S. Q. 2028, and is dismissed at the termination of his engagement, is entitled to his salary for the following year. C. Q. B., 28th May, 1889. *The School Commissioners of St. George vs. Caufeld*. 18 R. L., 297.

ings, fulfilling the conditions required by the regulations of the committees, for the purpose of keeping school therein;

4. To associate with themselves, permanently, or for a time only, managers to aid them in matters connected with the administration of school-houses, the erection and repair, warming and cleaning thereof, and with keeping in good order the property, moveable and immoveable, belonging to their corporation. (*See Form No. 12.*)

5. To have the buildings and furniture belonging to their school corporation insured for at least half their value. R. S., 2033, *am.*

230. With the authorization of the Lieutenant-Governor in Council, given upon the recommendation of the Superintendent of Public Instruction, school commissioners and trustees may enter into agreements for school purposes with any person, institution, or corporation. *New.*

231. No school corporation shall, unless otherwise specially provided by law, hold real property the annual revenue whereof exceeds three thousand dollars. R. S., 2033.

232. No school corporation shall, without the approval of the Lieutenant-Governor in Council, upon the recommendation of the Superintendent of Public Instruction, hypothecate, sell, alienate or exchange the property belonging to it, or borrow money thereon.

All sales of school property authorized by this article must be by auction, by the secretary-treasurer, after public notice. R. S., 2035, *am. and new.*

233. Any school corporation in a city, town or incorporated village may, with the authorization of

the Lieutenant-Governor in Council, upon the report of the Superintendent of Public Instruction, capitalize the debts by it lawfully contracted or to be contracted and stipulate for the payment thereof by annuities covering a period of not more than fifty years. R. S., 2035a.

Such annuities include the interest and the portion of the capital which is to be paid yearly to extinguish the debt at the date agreed upon. R. S., 2035b.

Such corporation may, with the authorization of the Superintendent of Public Instruction, issue, for the payment of such annuities, debentures maturing every six months or every year until the loan is paid off. R. S., 2035c.

234. Any school corporation may also, with the authorization of the Lieutenant-Governor, upon the recommendation of the Superintendent of Public Instruction, borrow moneys, and, to that end, issue debentures or obligations, but only in virtue and under the authority of a resolution indicating:

1. The objects for which the loan is to be contracted;
2. The total amount of the issue;
3. The time of the loan;
4. The rate of interest;
5. And other details relating to the issue and to the loan.

235. Any issue of debentures or obligations heretofore made and which may be in conformity with the requirements of the preceding article, is hereby declared good and valid.

Pending cases shall not be affected by these provisions.

SECTION XII

DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES
RESPECTING SCHOOL TAXES

236. It is the duty of school commissioners and trustees to cause to be levied by taxation, in their respective municipalities, the taxes necessary for the support of the schools under their control. R. S., 2036.

237. School assessments shall be imposed uniformly according to valuation upon all taxable property in the municipality, and shall be payable by the owner, occupant, or possessor of such property. If not paid, such assessments shall be a special charge upon such property, bearing hypothec and not requiring registration. R. S., 2038. ⁽¹⁾

238. Every person, being a rate-payer in a municipality in which there is a corporation of commissioners, and also a corporation of trustees, or in a

(1) *Held*:—That the limits of the town of St. Johns extending to the centre of the Richelieu river, the corporation of the said town has the right to levy taxes on that part of the railway bridge, crossing the Richelieu river, which is situated within the limits of the town, as defined by an act of the Quebec Legislature. *The Central Vermont Railway Co. and the Town of St. Johns*. C. Q. B., Montreal, 1886.—L. C. J., vol. 30, p. 122.

Held:—That the limits of the municipality of the town of Longueuil extend to the centre of the River St. Lawrence, and that a wharf situated within said limits, occupied and used as the property of a ferry company, is liable to taxation by the municipality. *The Town of Longueuil vs. The Longueuil Navigation Co.* S. C., Montreal, 1883, Judge Taschereau.—L. N., vol. 6, p. 291.

Held:—That an hypothecary action, against the holder (*tiers détenteur*) of an immoveable, for school taxes is appealable, and thus subject to revision by three judges of the Superior Court. *The School Commissioners of St. Norbert vs. Crépeau*. C. R., Quebec, 1883.—Q. L. R., vol. 10, p. 49.

Held:—That a Roman Catholic, owner of an immoveable in a school municipality where there are dissentient schools, who is taxed by the Dissident Trustees, and through ignorance pays such taxes, may recover the amounts thus paid. *Séguin vs. The School Trustees of Point Fortune*. C. C., Montreal, 1886, Judge Mathieu.—R. L., vol. 14, p. 235.

municipality erected for either of the two religious denominations, who has children of from five to sixteen years of age not belonging to the religious belief which he professes, shall pay his taxes to both these corporations in proportion to the number of such children of the religious faith of each. *New.*

239. The following are exempt from the payment of school assessments:

1. All property belonging to Her Majesty, or held in trust for the use of Her Majesty; and those owned or occupied by the municipal corporation in which they are situated, as well as buildings in which are held courts of justice and registry offices;

2. All property occupied by or belonging to either the Federal Government or the Government of the Province of Quebec;

3. Property belonging to *fabriques*, or to religious, charitable or educational institutions or corporations legally constituted, or property occupied by such *fabriques*, institutions or corporations, for the purposes for which they have been established and not possessed by them for purposes of revenue;

4. Cemeteries, bishops' palaces, presbyteries and their dependencies;

5. Every private educational institution receiving no grant from the municipality in which it is situated, and the land on which it is erected, and its dependencies; but every private educational institution that wishes to take advantage of this exemption shall be obliged, after having its title to such rights filed in the Department of Public Instruction, to make each year to the Superintendent of Public Instruction, according to a form which shall be furnished for that purpose, a report establishing the fact that it has at least ten pupils, and the number of pupils attending such school, and all informa-

tion that may be required by the Superintendent of Public Instruction;

6. All property belonging to or used especially for exhibition purposes by agricultural and horticultural societies. R. S., 2044, *am.* (1)

240. The Superintendent of Public Instruction may authorize school commissioners and trustees of a municipality in which a town or village is comprised, to levy, upon the real estate of such town or

(1) *Held*.—That municipal taxes assessed on a property, situated in the town of Sorel, belonging to Her Majesty and held in trust for her by the Secretary of State for the War Department, cannot be recovered from the occupant of the property, in spite of the fact that his name is on the valuation roll, and that he has neither petitioned nor asked to have it taken off. *Parsons vs. The Mayor of Sorel*. C. Q. B., Montreal, 1873.—R. L., vol. 15, p. 417.

Held.—That a purchaser of property from Government, in the middle of the civic year, after completion of roll, is not liable for taxes for the remainder of the year. *Hogan vs. The City of Montreal et al.* C. Q. B., Montreal, 1884.—L. C. J., vol. 29, p. 29.

Held.—That property belonging to educational corporations or occupied by such corporations, for the ends for which they were established, and not possessed solely by them to derive a revenue therefrom, is exempt from all municipal and school taxes.

That the farm, known as Maizeret, utilized by the Quebec Seminary; 1st, for its produce, the greater part of which is used by the Seminary; 2nd, as a place of recreation, since more than a century, for the priests, ecclesiastics and pupils of this institution, is exempt from school taxes. *The School Commissioners of St. Roch Nord vs. The Quebec Seminary*. C. Q. B., 1884.—Q. L. R., vol. 10, p. 335.

Held.—That a private boarding and day school (for young ladies), receiving no grant, employing several teachers and having on an average eighty-five pupils per year, is "an educational establishment," within the meaning of the law and exempt from municipal and school taxes. *Wylie vs. The Corporation of the City of Montreal*. Supreme Court, March 8, 1886.

Held.—That a house situated on the same lot of land as the Morrin College, to which it belongs, and occupied as a private dwelling by two of the professors of this college, is employed for the purposes of education, and on this account is exempt from municipal taxes, although part of the salaries of the professors was deducted as rent. *The Treasurer of the City of Quebec vs. The Morrin College*. C. Q. B., Montreal, 1881.—R. L., vol. 11, p. 335.

Held.—That where an annual assessment, extending over a term of years for the purpose of meeting debentures issued to pay for the construction of a market hall, etc., is validly im-

village a different tax from that which they levy upon the real estate outside such limits; but in such case the tax upon real estate situate outside the limits of such town or village must not be less than one-half of that imposed upon the said town or village.⁽¹⁾ R. S., 2039, *mod.*

241. The school commissioners or trustees shall collect from the rate-payers in their municipality a sum sufficient to pay the salaries of the teachers, at the expiration of each month of teaching, and their report to the Superintendent of Public Instruction shall show that this has been done. R. S., 2040.

posed by a municipality on all the rateable property within its limits, any part of such property is not purged from the tax, although it subsequently becomes non-rateable, through its being acquired by a charitable or educational institution.

That the making of a valuation roll subsequent to the by-law imposing such assessment does not constitute the levying of a new tax, but merely determines the annual amount of the tax to be levied under such by-law. *The Sisters of the Holy Names of Jesus and of Mary vs. The Corporation of the Village of Waterloo.* C. Q. B., Montreal, 1887.—L. C. J., vol. 31, p. 279; M. L. R., Q. B., vol. 4, p. 20, and L. N., vol. 11, p. 131.

(1) *Held:*—A farm, the revenues of which are employed and used in an educational institution, although no school exists thereon, is exempt from the school tax. *The Corporation of Verdun vs. Les Soeurs de la Congregation de Notre Dame.* 1 D. C. A., 163. C. Q. B., 24th March, 1885. *The School Commissioners of the Village of St. Gabriel vs. Les Soeurs de la Congregation de Notre Dame.* 15 R. L. 409.

Held:—An immoveable occupied by a private person as an educational institution is exempt from taxes, and if the taxes have been paid they may be recovered. This exemption extends to her who maintains the educational institution, and to the proprietor of the immoveable upon which such institution is situated. C. Q. B., 27th November, 1888, *Haight vs. The City of Montreal*, 17 R. L. 551. See also *Brown vs. Monat*, 16 R. L. 170. *Wylie vs. The City of Montreal*, 16 R. L. 172.

Held:—A lot of land distinct from that on which the church, presbytery and cemetery belonging to the fabrique are constructed, and possessed by the *curé*, on the condition that he has discharged the parishioners from the obligation of constructing and maintaining the presbytery and its appurtenances, is subject to the school tax. Mathieu J., 4th September, 1839. *The School Commissioners of Varennes vs. Theberge*, 18 R. L. 61. *Vide also The City of Montreal and the Rector and Churchwardens of Christ Church*, 17, R. L., 433.

242. The school commissioners or trustees shall value and tax any lot of land separated from any land already valued and taxed, upon which one or more buildings have been erected since the publication of the valuation roll then in force, and make, in such valuation roll and in the collection roll, such alterations as become necessary by the separation of such lot, or the erection of such building. The commissioners or trustees shall, however, not be bound to make such valuation when the alterations resulting therefrom are unimportant. R. S., 2045, *in part*, 2046.

243. All alterations in the valuation and collection roll shall be made and published in the manner prescribed for the making and publishing of the valuation and collection rolls in any school municipality. R. S., 2046, *in part*.

244. The school commissioners or trustees, as the case may be, may also, every year, with the authorization, or upon the order of the Superintendent of Public Instruction, exempt from school contributions any rate-payer living more than five miles from the nearest school of his religious faith, provided he does not send his children to such school, but this provision does not apply to the proprietors of unoccupied lots. R. S., 2047, *am*.

SECTION XIII

POWERS OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING MONTHLY FEES

245. School commissioners and trustees shall fix a monthly fee at the time when they determine the school tax.

Such fee shall be uniform for all elementary schools in the same municipality.

It is payable to the secretary-treasurer by the father, mother, tutor, curator or guardian for each child from seven to fourteen years of age, able to attend school, for the months during which the school in their district is in operation.

In no case shall this fee be collected by the teacher under pain of nullity of payment. R. S., 2068, *am. and new.*

246. In elementary schools, the fees shall in no case exceed fifty cents per month, but it must in no case exceed fifty cents per month.

The fee may be higher for pupils attending a model school or an academy. R. S., 2069.

247. The monthly fee is exigible for each child from seven to fourteen years of age, whether he attends school or not; unless exempted in virtue of article 249 of this act, as well as for each child from five to seven years, or from fourteen to sixteen years of age, who attends the school of the district in which he resides, and for any pupil from sixteen to eighteen years of age who attends a model school or an academy in that municipality.

But no child from seven to fourteen years of age shall be excluded from school for non-payment of monthly fees. R. S., 2070, *am. and new.*

248. The monthly fee is subject to the same privileges and hypothecs as the school assessment. It may be collected in the same manner and at the same time as the school assessment, or may be exacted monthly or in advance, except in municipalities in which the manner of collecting this fee is regulated by a special act or by-law of the school corporation approved by the Superintendent of Public Instruction. R. S., 2071, *mod.*

249. School fees cannot be exacted:

1. From indigent persons;
2. For insane, deaf, dumb or blind children;
3. For children who are unable to attend school owing to serious and prolonged illness;
4. For children who are absent from the school municipality for the purpose of receiving their education, or for children who follow the course as boarders; part boarders, or day pupils in a college or other incorporated educational institution, or one receiving a special grant from the public funds, and independent of school commissioners or trustees. R. S., 2072, *am.*

250. School commissioners and trustees, in the report which they are bound to transmit to the Superintendent of Public Instruction, shall state the amount of monthly fees fixed for the municipality, and the amount of such fees actually collected. R. S., 2074, *am.*

251. The Superintendent of Public Instruction may refuse the school grant to any municipality whose commissioners or trustees have not fixed the monthly fee or have not collected it. R. S., 2075, *am.*

SECTION XIV

DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING SCHOOL-HOUSES AND SCHOOL-LOTS

252. School-houses shall be built in accordance with, and upon plans and specifications approved or furnished by the Superintendent of Public Instruction. R. S., 2053, *in part.*

253. If it be necessary to purchase or enlarge a school-site to build, rebuild, enlarge or repair one or more school-houses, or dependencies, or to purchase or repair school furniture or equipment, the school commissioners or trustees may, for this purpose, tax either the particular district or the whole municipality, according as one or the other plan has already been adopted in the municipality.

The plan adopted in the case just mentioned can be changed only by resolution of the school board, approved by the Superintendent of Public Instruction, six months after a notice to that effect has been given by the board to the rate-payers, in conformity with the provisions of article 293 of this act. R. S., 2049, *in part, am. and new.*

254. If the assessment for a model school or academy be in question, the district in which the said school is situated, if it is obliged to bear the tax provided for in the preceding article, is first assessed for an amount which would have been necessary for an elementary school. The additional sum required for the model school-house shall be levied on the whole municipality, the district also paying its share. The notices required shall be given as specified in the preceding article. R. S., 2049, *in part.*

255. No assessment exceeding the sum of three thousand dollars shall be levied for the construction of a house for a superior school, academy or model school, nor exceeding the sum of sixteen hundred dollars for the construction of an elementary school-house and its dependencies, unless the school commissioners or trustees are specially authorized by the Superintendent of Public Instruc-

tion to levy for such purposes a larger sum.⁽¹⁾ R. S., 2053.

256. In the case of a special assessment imposed upon one school district, or upon the whole municipality, for the purchase, building, rebuilding, enlarging or repairing of a school-house, or its dependencies, any rate-payer may, after the imposition of such assessment, appeal from it, in virtue of article 482 and following of this act, to the Circuit Court of the district or county in which the municipality is situated. R. S., 2052, *am.*

257. If, after having selected a vacant lot of land as a site for a school-house, or for enlarging the same, the school commissioners or trustees, as the case may be, cannot agree with the proprietor respecting the price for the site, or in case the proprietor refuses to deliver possession of the land required, within the eight days next after application in writing shall have been made to him, the matter shall be settled by arbitration in the following manner:

1. The commissioners or trustees, as the case may be, shall appoint an arbitrator, and the owner of the land shall appoint another within thirty days after the aforesaid delay of eight days.

The judge or one of the judges of the Superior

(1) *Held*:—That Boards of School Commissioners, or Trustees, cannot levy a tax exceeding three thousand dollars for the construction of a model school-house. *The School Commissioners of Laprairie vs. Brosseau et al.* C. Q. B., Montreal, 1884.—D. C. A., vol. 4, p. 42.

Held:—That the obligations of municipal corporations are measured by their powers.

That, consequently, school commissioners (or trustees) are not liable for the balance of an obligation, given for the erection of a model school house, when such balance is in excess of the amount authorized by law to be so expended. *Adams vs. The School Commissioners of Barnston.* C. Q. B., Montreal, 1860.—L. C. J., vol. 4, p. 363 and L. C. R., vol. 11, p. 49.

Court for the district, within which the said land in question is situated, shall name the third at the diligence of the parties.

2. If the commissioners or trustees or the proprietor do not appoint their respective arbitrators within the prescribed delay, the arbitrators shall be appointed by the judge or one of the judges of the Superior Court for the district, upon the application of one of the parties. The arbitrators so appointed shall have all the powers necessary for the summoning, hearing, swearing and examination of the witnesses. R. S., 2059, *am.*

258. Before proceeding in virtue of the preceding article, the arbitrators shall take an oath before a justice of the peace for the district according to form No. 1 of this act. R. S., 2058, *mod.*

259. The arbitrators shall, within thirty days after their appointment, make their award, and serve a copy thereof upon each of the interested parties.

The award of the arbitrators is final. It shall decide upon the merits, determine the amount to be paid for the costs of the arbitration, and designate the party who shall be liable therefor. R. S., 2057, § 4, 2059, *am.*

260. Upon deposit in the hands of the prothonotary of the district, in which the expropriated lands are situated, of the compensation awarded to the persons entitled to receive the same, the commissioners or trustees may take immediate possession of the land. R. S., 2060.

261. After all interested persons, creditors or assigns have been called in, in the manner and form and after the delay which the court or judge shall

deem expedient and just, the Superior Court for the said district shall order the payment over to the party or parties to whom it has been awarded. R. S., 2061.

262. If any person shall offer any opposition to the execution of the award, any judge of the Superior Court may, upon proof that the procedure required by the preceding articles has been followed, issue his warrant addressed to any sheriff or bailiff, or other proper person, to put the commissioners or trustees in possession, which such sheriff, bailiff, or other person shall be bound to do, taking with him such assistance as may be necessary. R. S., 2062, *mod.*

263. No property exempt from paying school assessments in virtue of article 239 of this act can be expropriated for the purposes herein above mentioned. R. S., 2063.

264. When a school district is divided by the formation of a new district or of a new municipality, or by the annexation of a part of its territory to a municipality or district already existing, the part on which the school-house is situated shall retain the property thereof, and shall refund to the other an amount which shall be established *pro rata* by the valuation of the real property which was taxed for its erection.

The same rules shall be followed when the religious minority shall declare themselves dissentient; unless an understanding to the contrary be come to with the minority, the majority shall keep the said school-house on payment of an amount determined as above. R. S., 2064, *in part, am.*

265. In either of the cases mentioned in the pre-

ceding article, the school-house and the site upon which it is built are, in case of contestation, valued by valutors as follows:—When two school-boards are interested each names an expert, or, if two schools in the same municipality are in question, the school board of such municipality appoints two experts. If the two experts cannot agree, they shall appoint a third. R. S., 2057, *in part*.

266. Upon default by a school board to appoint its expert or both experts, as the case may be, within a delay of one month after having been put in default so to do by one of the interested parties, the appointment of such experts is made by the judge or any of the judges of the Superior Court of the county or of the district in which the municipality is situated when an application is made to him for that purpose, and, in the absence of the judge, by the prothonotary. R. S., 2057, § 2.

267. The experts appointed in virtue of the preceding articles have all necessary powers to summon witnesses, swear, examine and hear them. Their award is final; it fixes the value of the school-house and the land, as well as the amount of the costs of the valuation, and designates the party who shall pay the same. R. S., 2057, §§ 3, 4.

268. When the experts have given their award, the school commissioners or trustees of the municipality or municipalities concerned, without delay, apportion between the proper persons the amount to be paid, collect the money as soon as possible by suit or seizure as in the case of the collection of taxes, and render account to the persons interested, R. S., 2064, § 5.

269. Two or more school municipalities may

unite to build or maintain an elementary school, a model school or an academy, which shall be then under the control of the school corporation of the municipality in which it is situated.

Nevertheless, the school commissioners or trustees of the other municipality or municipalities, which are united for the purpose of contributing to the erection or maintenance of such elementary or model school or academy, shall have the right to be represented by one or more of their number at all meetings of the school corporation of the municipality in which such school is situated, to take part in the discussions and to vote upon all questions respecting the administration of the affairs of such school.

In the absence of an agreement to the contrary, the right to attend such meetings of the school board extends to all the school commissioners or trustees of the said municipality. R. S., 2065, *am.*

270. 1. All school corporations that desire to cooperate, in the manner above set forth, in the erection of such elementary or model school or academy building, shall pass a resolution to that effect, naming the amount which it shall furnish as its share.

Such sum may be paid in one amount, but at least one instalment shall be paid annually till the whole is paid.

2. All school corporations that desire to participate in the maintenance only of one of such schools shall also pass a resolution naming the amount to be levied annually for that purpose.

3. The resolution adopted in either of the cases above mentioned shall be submitted by the school board at a meeting of the rate-payers of the municipality, called for that purpose in the ordinary manner.

The notice calling such meeting shall contain a copy of the resolution to be submitted.

At such meeting, the persons qualified to vote shall record their votes for or against the resolution in the manner prescribed for the election of school commissioners and trustees.

If the majority vote against the resolution, the said resolution shall become null; but, if the majority are in favor of the resolution, the school board of the said municipality shall levy the amount named in the resolution, and shall pay the said amount over to the board of the school municipality in which the school is situated.

4. The amount named for the maintenance of the school shall be paid over each year until it is decided by vote of the rate-payers to discontinue such payment. R. S., 2066.

271. When a school board accepts from another school municipality aid for the construction or maintenance of one of the above mentioned schools situated in its territory, the children in the municipality which has furnished such aid shall have the right to attend such school upon the same conditions as the children of the municipality in which such school is situated. R. S., 2067.

SECTION XV

DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING SCHOOLS FOR GIRLS AND BOYS

272. The school commissioners or trustees may establish in the municipality, girls' schools distinct from those for boys, and each of these schools for girls or for boys shall be considered as a district. R. S., 2076, *mod.*

273. A religious community that places its school under the management of commissioners or trustees shall be entitled to all the advantages granted by this act to public schools. R. S., 2077, *mod.*

SECTION XVI

DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES
RESPECTING ANNUAL CENSUS OF CHILDREN

274. School commissioners and trustees shall cause their secretary-treasurer to make, between the first day of September and the first day of October of every year, a census of the children of the their school municipality. In such census he must distinguish those children who are from seven to fourteen years of age, those from five to seven, and those from fourteen to sixteen, showing the number in each of these categories actually attending school. R. S., 2078, *am.*

275. School commissioners and trustees shall, in their report, transmit such annual census of children in their municipalities to the Superintendent of Public Instruction. R. S., 2078, *am.*

276. Every head of a family, tutor, curator or guardian who refuses to give to the secretary-treasurer the information prescribed by article 274 of this act, or who makes a false declaration, is liable to a fine of not less than five, nor more than twenty-five dollars. R. S., 2079, *in part.*

CHAPTER FIFTH

**Public Notices—Special Notices—Notices to be Given
Respecting Certain Acts of School Commis-
sioners and Trustees**

SECTION I

PUBLIC NOTICES

277. The publication of a public notice for school purposes is made by posting up a copy of such notice at two different places in the municipality, indicated by resolution of the school commissioners or trustees, as the case may be. R. S., 1869, *am.*

278. In default of localities indicated by the school corporation, the public notice must be posted upon the principal door of at least one place of public worship of the religious belief to which the commissioners or trustees concerned belong, if such place exists, and at some other place of public resort, in such municipality. R. S., 1869, *am.*

279. The school corporation may also, by resolution, fix one or more localities in a neighboring city, town or village municipality, if such city, town or village municipality forms part of the same parish or of the same township, where such notices are to be posted. R. S., 1870, *in part, am.*

280. The publication of a public notice must be made at the place or places where the posting must be made under the preceding articles, by reading it aloud, in a distinct manner, on the Sunday next following the day on which the same was published,

at the close of divine service in the morning, if such service has been held.

The omission to read such notice does not invalidate the publication of the notice, but the persons who were bound to read it thereby incur a penalty of not less than two or more than ten dollars. R. S., 1870, *in part, mod.*

281. Every notice which should be published in the newspapers must be inserted in those published at least once a week in the country, or, if there are none in the county, in the district in which is situate the municipality giving the same, or in the neighboring district if none are published in such county or district.

The same rule applies when such notice must appear in two newspapers published in different languages. R. S., 1871, *mod.*

282. No notice can be inserted in English and in French in a newspaper published in one of these languages only. R. S., 1872.

283. Every public notice convening any public meeting or given for any other object whatever, must be given and published seven clear days before the day appointed for such meeting or other object, except in cases otherwise provided for by this act. R. S., 1873, *mod.*

284. The delay upon a notice published in a newspaper counts from the day of the first insertion of the notice in the paper, and, if the notice be published in several papers on different days, the delay counts from the first insertion in the newspaper which has last published the same. M. C., 239.

285. Except in cases otherwise provided for, public notices are binding upon proprietors or rate-

payers domiciled out of the municipality, in the same manner as they are upon residents. R. S., 1874.

SECTION II

SPECIAL NOTICES

286. Every special notice must be drawn up in writing in the language of the person to whom it is addressed, unless such person speaks a language other than French or English. M. C., 224.

287. The special notice addressed to any person who speaks neither the French nor the English language, or who speaks both of these languages, is given to him in either language. (*See Form No. 2.*) M. C., 224.

288. The service of a special notice is effected by leaving a copy of the notice with the individual to whom it is addressed, in person, or with a reasonable person at his domicile or at his place of business, except in cases where the service is made by mail in virtue of any provision of this law. M. C., 225.

289. Every special notice addressed to an absent proprietor or rate-payer, who has appointed an agent residing in the municipality, must be served on such agent.

If an agent, resident in the municipality, has not been appointed by such absent rate-payer, every such notice is served by lodging in the post-office of the locality a copy thereof in a sealed and registered envelope, addressed to the absent proprietor or rate-payer. M. C., 226.

290. No one is bound to give a special notice to any absent rate-payer who has not appointed an

agent, unless such rate-payer has made known his address in writing by filing the same in the office of the secretary-treasurer of the school board. M. C., 228.

291. Special notices may be served between the hours of seven o'clock in the morning and seven o'clock in the evening, on juridical days.

However, they cannot be served at places of business, except between the hours of nine in the morning and four in the afternoon. M. C., 229.

292. If the doors of the domicile or place of business, where service of a special notice in writing should be made, are closed, or if there is no reasonable person therein, service is effected by affixing a copy of the notice to one of the doors of the domicile or place of business. M. C., 230.

SECTION III

NOTICES TO BE GIVEN RESPECTING CERTAIN ACTS OF SCHOOL COMMISSIONERS AND TRUSTEES

293. The secretary-treasurer of a school board shall, under penalty of a fine of ten dollars, read and post up, in accordance with article 277 and following of this act, during the fifteen days following their adoption, the resolutions adopted in the following cases:

1. When the school commissioners or trustees establish new school districts, alter the limits of districts already established, reunite two or more districts or separate such districts, fix the location of a school-house, decide to acquire a site for a school-house, or to build, enlarge or repair a school-house or its dependencies;

2. When the school commissioners or trustees have imposed a special assessment for the purchase of land for a school-house, for the building, enlarging, repair or maintenance of a school-house and its dependencies, or for the purchase and repair of school furniture;

3. When the school commissioners or trustees have changed the system of assessment followed in the municipality for the purposes mentioned in the preceding paragraph. (*See Form No. 21.*)

No resolution passed under the provisions of the preceding paragraphs shall come into force before thirty days after the publication of the above mentioned notice. *New.*

CHAPTER SIXTH

Trustees of Dissident Schools

294. School trustees form a corporation for the purposes of the dissentient schools of their municipality. They are subject to the same duties and exercise the same powers as school commissioners for the administration of the school municipality under their control. R. S., 2080, 2081, 2085, *in part.*

295. The school trustees shall receive a share of the general school fund, bearing the same proportion to the whole sum allotted to such municipality as the number of children attending such dissentient schools bears to the entire number of children attending school in the whole municipality. R. S., 2081, *in part, mod.*

296. Trustees of dissentient schools alone have the right of imposing and collecting the taxes to be levied upon the dissentient inhabitants.

297. Whenever the school trustees in two adjoining municipalities are unable to support a school in each municipality, it shall be lawful for them to unite and to establish and maintain, under their joint management, a school situated as near the limits of both municipalities as possible, so as to be accessible to both.

In such case the trustees jointly report their decision for such purpose to the Superintendent of Public Instruction, who shall remit the share of the public school grant to the secretary-treasurer of the municipality indicated in the report as the person who should receive it. R. S., 2083, *am.*

298. The trustees have the right to obtain a copy of the collection roll in force of the list of children capable of attending school, and of all other documents in the hands of the school commissioners or of their secretary-treasurer which concern them. R. S., 2084, § 1.

299. If there is no collection roll, or if the assessment imposed does not appear to them a proper one the trustees may, in the two months following their election or their appointment, impose a new assessment upon the dissentient inhabitants according to the procedure prescribed by articles 363 and following of this act. R. S., 2084, § 2, *am.*

300. Trustees may constitute their own school districts distinct and separate from the school districts established by the school commissioners. R. S., 2085, *in part, am.*

CHAPTER SEVENTH

Secretary-Treasurers of School Commissioners and Trustees

SECTION I

GENERAL PROVISIONS

301. Every school board shall have an officer called the secretary-treasurer, whom it appoints and may dismiss at pleasure, and whose remuneration it fixes by resolution. R. S., 2087, *am.*, 2110.

302. In every newly formed municipality, the secretary-treasurer must be appointed within thirty days after the election or the nomination of the members of the school board. M. C., 142, *in part, mod.*

303. Every secretary-treasurer, before acting as such, must make oath faithfully to discharge the duties of his office, and must have given the security required by article 308 of this act. (*See Forms Nos. 1 and 11*). M. C., 144, *part, mod.*

304. The secretary-treasurer may reside beyond the limits of the municipality, but he must have his office in the place where the sessions of the school board are held, or in any other place fixed by resolution of the school board; provided the same be not in a hotel, inn, or in any other place where intoxicating liquors are sold. M. C., 171 *in part, mod.*

305. The school board shall also fix by resolution the days and hours during which the office is open to the public. *New.*

306. The secretary-treasurer may appoint an assistant secretary-treasurer, with the same rights, powers and obligations as the secretary-treasurer himself.

The assistant secretary-treasurer shall enter into office as soon as he has received written notice of his appointment, and he may be removed at pleasure by the secretary-treasurer. He is not bound to give security, and, in the exercise of his functions, he shall act under the responsibility of the secretary-treasurer who appointed him, and under that of the sureties of that officer. R. S., 2113, §§ 1, 2, 3.

307. The secretary-treasurer and the assistant secretary-treasurer cannot be either a member of the school board or a teacher that it employs. R. S., 2111, *am.*

SECTION II

SECRETARY-TREASURER'S SECURITY

308. Every secretary-treasurer shall, before entering upon his duties as such, give security to the school commissioners or trustees, either by a notarial instrument, the minute of which shall remain with the notary receiving it, or by a bond under private seal signed and acknowledged before a justice of the peace, or by a policy in a guarantee company, under the provisions of article 311 of this Act. R. S., 2088, 2094a, *in part.*

309. The security, by notarial instrument or by bond under private seal, is given by at least two solvent sureties, jointly and severally, to the satisfaction of the chairman of the school commissioners or trustees, as the case may be. (*See Form No. 11.*)

A copy of such surety bond shall be sent to the Superintendent of Public Instruction within fifteen days after it is executed. R. S., 2088, 2089, *in part, mod.*

310. Whenever the security is entered into by bond under private seal, the original thereof shall, within thirty days after its execution, be deposited in the hands of the registrar of the county, who shall keep the same in his custody, and may deliver certified copies thereof, which shall, to all intents and purposes, be authentic.

For every such copy the registrar may demand and receive ten cents for every hundred words therein. R. S., 2090.

311. The security by insurance policy or contract shall be made in favor of the school commissioners or trustees by a guarantee insurance company lawfully constituted, and accepted by the said school commissioners or trustees by resolution adopted by them for that purpose.

The insurance premium may be paid by the school commissioners or trustees and afterwards retained by them out of the salary or remuneration of the secretary-treasurer.

Notice of such security shall be given to the Superintendent of Public Instruction during the fifteen days following the receipt of the insurance policy which it guarantees. R. S., 2094a, *mod.*

312. Such security remains in force in case the engagement of the secretary-treasurer is continued; but it shall be renewed whenever its renewal is required by the school commissioners or trustees. R. S., 2089, *and new.*

SECTION III

THE SECRETARY-TREASURER'S SURETIES

313. The sureties of a secretary-treasurer cannot be members of the school board whereof such secretary-treasurer is or was the employee, before being discharged from all obligations arising out of the security bond. M. C., 155.

314. The sureties bind themselves, jointly and severally with the secretary-treasurer, towards the school corporation for the faithful performance of the duties of his office, and for the payment of all moneys for which he may be accountable in the exercise of his office, principal, interest, costs, penalties and damages. R. S., 2089, *mod.*

315. Whenever one of his sureties dies, fails or becomes insolvent, or removes his domicile outside the limits of the district, the secretary-treasurer must, as soon as he becomes aware of such fact, notify the same, in writing, to the chairman of his school corporation, under a penalty of one hundred dollars. R. S., 2093, *in part.*

316. The sureties of the secretary-treasurer may, at any time, free themselves from suretyship. Thirty days after having served a notice of their intention to that effect upon the secretary-treasurer himself, and upon the chairman of the school board, they become free, for the future, from all liability towards the secretary-treasurer and the school board.

Such notice is given and served by a notary or by the surety himself in writing delivered in presence of a witness. R. S., 2091.

317. The secretary-treasurer shall, within fifteen days after the service of the notice mentioned in each of the two preceding articles, furnish other sureties; in default of his so doing, he shall not perform any of the duties of his office, under a penalty of a fine of twenty dollars for such infringement. R. S., 2092, *am.*

318. The sureties of the secretary-treasurer, after they are freed from their bond, or after the secretary-treasurer has ceased to discharge the duties of such office, may exact from the chairman of the school board a certificate of discharge, which certificate shall be deposited in the registry office when the surety bond is under private signature. R. S., 2094, *am.*

SECTION IV

GENERAL DUTIES OF SECRETARY-TREASURERS

319. The secretary-treasurer, in consideration of the remuneration which he receives, shall fulfil all the duties imposed upon him by this act. R. S., 2112, *in part.*

320. The secretary-treasurer is the keeper of all the books, registers, plans, maps and other documents produced, filed and preserved in his office.

He cannot divest himself of the custody of any documents contained in the archives of the school board, except with the permission of such board or under the authority of a competent court or of the Superintendent of Public Instruction. R. S., 2095, *am.*

321. The secretary-treasurer attends all meetings of the school corporation and, in accordance with article 215 of this act, draws up minutes of all the

acts and proceedings thereof, in the book kept for that purpose. R. S., 2096.

322. Copies and extracts, certified by the secretary-treasurer from all books, registers, archives, and other documents are deemed authentic. R. S., 2099, *mod.*

323. The secretary-treasurer collects and has charge of all the moneys of the school corporation. R. S., 2100, *am.*

324. The secretary-treasurer shall pay out of the funds of the school corporation, all sums of money due by it; but he shall not make any payments except when authorized so to do by resolution of the school board.

If the sum to be paid does not exceed ten dollars, the authorization of the chairman is sufficient. R. S., 2101, *mod.*

325. In the absence of authorization from the school corporation or from its chairman, the secretary-treasurer may pay, out of the funds of the corporation, any draft or order drawn upon him, or any sum demanded by any one empowered so to do by the provisions of the school laws or regulations.

No draft or order shall, however, be legally paid, unless it specifies the use to be made of the sum therein mentioned. R. S., 2102, 2103.

326. No secretary-treasurer shall, under a penalty of twenty dollars for each infraction;

1. Grant discharges to rate-payers, or other persons indebted to the school corporation, without having received the amount mentioned in such discharges;

2. Lend, directly or indirectly, to rate-payers, or to any other persons, money belonging to the school corporation. R. S., 2104.

327. The secretary-treasurer is bound to keep, in the form prescribed, books of account, in which he enters, according to date, each item of receipt and expenditure, mentioning therein the names of all persons who have paid money into his hands, or to whom he has made any payment. R. S., 2105.

328. The secretary-treasurer must keep, amongst the archives of the school corporation, all vouchers for his expenditure. R. S., 2106.

329. The secretary-treasurer is bound to keep a "repertory," in which he mentions, in a summary manner and in the order of their dates, all reports, acts of apportionment, valuation rolls, collection rolls, judgments, statements, notices, letters, maps, plans, and other documents whatsoever, that he makes or are in his possession during the exercise of his office. R. S., 2107.

330. The secretary-treasurer's books of account and vouchers for his expenditure, together with all the registers or documents in the archives of the school board, are open for inspection and examination by any interested party, or their attorneys, on office days.

Such persons, either themselves or their attorneys, may take all notes or copies which they require. R. S., 2108.

331. The secretary-treasurer is bound to deliver, upon payment of his fees, which are ten cents per hundred words, to any person applying for the same, copies or extracts from any book, roll, register, document, or other paper which forms part of the archives.

He is, nevertheless, bound to furnish gratuitously, any copy or extract required by the Lieutenant-Governor, the Superintendent of Public Instruction,

the Council of Public Instruction and its committees, or by members of the school corporation or its officers. R. S., 2109, *am.*

SECTION V

ACCOUNTING BY SECRETARY-TREASURERS

332. Unless otherwise specially provided, every secretary-treasurer shall prepare and submit to the school commissioners or trustees, during the first week of the month of July in each year, a detailed statement, duly audited, of the receipts and expenditure of the municipality for the year ending on the preceding thirtieth of June. R. S., 2114, § 1, *am.*

333. Each year, during the month of July, the school commissioners and trustees shall have the accounts of the secretary-treasurer audited by one or more auditors whom they appoint.

Before entering into office, such auditors shall take an oath to conscientiously perform the duties of their office. R. S., 2115, *am.*

334. As soon as his accounts have been audited under the provisions of the preceding article, the secretary-treasurer shall prepare a summary of receipts and expenditure, as well as of assets and liabilities, which he afterwards submits to the rate-payers of the municipality at a meeting called by him for the purpose, which he must convene in the same manner as for a meeting for the election of commissioners or trustees. R. S., 2114, § 2, *in part, am.*

335. On the Sunday preceding the meeting which he shall convene in virtue of the preceding article, the secretary-treasurer shall read or post or read and post the summary of his statement of accounts

in the manner prescribed by article 277 and following of this act, or he causes the same to be inserted in a newspaper at least eight days before such meeting, in conformity with the provisions of article 281 of this act.

He shall furnish to every rate-payer, requiring the same, a copy of such summary in consideration of the payment of the sum of twenty-five cents or a copy of the statement as approved by the school board, upon payment of ten cents per hundred words for each copy. R. S., 2214, *in part*, §§ 2, 3.

SECTION VI

EXAMINATION OF THE ACCOUNTS OF SECRETARY-TREASURERS

336. Whenever they deem it necessary, or upon a written application addressed to them by at least five rate-payers, or by the secretary-treasurer himself, school commissioners and trustees shall order an audit of the accounts of the secretary-treasurer in office or out of office for the year ending on the first of the preceding July, or for any of the five previous years, by one or more auditors appointed by them for that purpose, even when the accounts have already been audited in conformity with the provisions of article 333 of this act.

The costs of such audit is payable by the secretary-treasurer if there is a deficiency in his accounts, if not, they are chargeable to the persons who have demanded it, if it did not benefit the school municipality concerned. R. S., 2121, 123, *am and new*.

337. In the case of any regular or special audit of the accounts of the secretary-treasurer, the auditor or auditors shall, at least five days before the

date fixed for the audit, give special notice to the secretary-treasurer in conformity with the provisions of this act, or a written notice served by a bailiff upon him who makes a return of such service, requiring such secretary-treasurer to attend, so as to give all the explanations or documents that may be required of him. R. S., 2116, § 1, *am.*

338. If the secretary-treasurer refuse or neglect to comply with the order served upon him, under the preceding article, the auditor or auditors shall proceed to the examination and auditing of the accounts, and shall make and forward their report to the commissioners or trustees, as the case may be, together with a statement of the amount of their costs and expenses. The commissioners or trustees shall, at a regular meeting, adopt the said report, in whole or in part, shall certify the amounts, if any, to which the auditors are entitled for expenses, and shall cause a copy of the resolutions, adopted by them respecting the report, to be served upon the secretary-treasurer by a bailiff. R. S., 2116, § 2.

339. If the auditor's report establish a deficiency in the accounts, the secretary-treasurer shall, within fifteen days after service of the copy of such resolution, pay the amount which shall have been so found deficient. R. S., 2117, *am.*

340. If the secretary-treasurer refuse or neglect to comply with the provisions of the preceding article, he may be sued by the school board or by any interested rate-payer before the circuit court of the county or district, and may be condemned to pay the amount which he admits or has been declared to be due, together with all such other sums as the court may hold him accountable for, including the costs of the prosecution.

Such judgment carries with it coercive imprisonment if the same has been demanded in the action. M. C., 167.

341. All actions or claims against the secretary-treasurer resulting from his administration are prescribed in five years from the day on which such actions or claims originated. M. C., 170. (1)

(1) *Held*:—That the secretary-treasurer of a Board of School Commissioners (or Trustees), or his representative, cannot sue the Board for a certain sum, alleging that such is the balance due to him, if his accounts have not previously been rendered. *Dorais vs. The School Commissioners of Warwick*. C. Q. B., Quebec, 1877.—R. L., vol. 9, p. 161.

(1) *Held*:—1. That no action to account lies against a secretary-treasurer who has already rendered his account and has received a discharge, unless fraud or error be alleged, and that the commissioners are bound by the acts of their predecessors; 2. That if fraud or error be alleged, the commissioners, or trustees, must proceed by an action in reformation of the account rendered;

3. That disputes in such matters should be settled by the superintendent, whose decision has the force of an award of arbitrators. *The School Commissioners of Chambly vs. Hickey*. S. C., Montreal, 1857, Judges Day, Smith, and Chabot.—L. C. J., vol. 1, p. 189, and *The School Commissioners of St. Michel de Vaudreuil vs. Bastien*. S. C., Montreal, 1859, Judge Smith.—L. C. J., vol. 4, p. 123, and *Outmet vs. Normandin*. C. Q. B., Montreal, 1884.—L. N., vol. 8, p. 11.

Held:—That the superintendent has no jurisdiction in the revision of the accounts of a secretary-treasurer, whose resignation has been accepted and a discharge granted him by his employers.

That the superintendent has no authority in law to set aside a discharge granted to such secretary-treasurer, but such discharge must be set aside by a competent tribunal.

That the action to have the sentence of the superintendent declared executory, must show that he had the power to render such sentence, and that his jurisdiction appears on the face of the proceedings. *The School Commissioners of Roston Falls vs. Beauchemin*. S. C., Bedford, 1883. Judge Buchanan.—L. C. J., vol. 27, p. 109.

Held:—That in the case of difficulties between the school commissioners and their secretary-treasurer, the examination of the accounts of the latter, at a meeting regularly called at which only two school commissioners were present, is equivalent to an examination in the presence of the commissioners (in regular meeting assembled) and of the secretary-treasurer, duly summoned to be present at the examination. *The School Commissioners of Rimouski vs. Grandin*. C. Q. B., Quebec, 1884.

TITLE THIRD

Valuation of Property—School Taxes

CHAPTER FIRST

Valuation of Property

342. The valuation of property, which has been made by order of the municipal authorities, shall serve as the basis of the assessments to be imposed by school corporations. R. S., 2128, *in part, mod.*

343. In all municipalities where a valuation roll has been made by order of the municipal authorities, the secretary-treasurer of the municipal council or any other person who may be the custodian thereof, shall, within fifteen days after demand in writing from the chairman or the secretary-treasurer of any school municipality comprised in whole or in part within the limits of such municipality, furnish a certified copy of the valuation roll or of that part of it which may be indicated, under penalty of a fine of twenty dollars in the case of refusal or neglect. (*See Form No. 13.*) R. S., 2132, § 1.

344. Whenever the valuation roll of the municipal council comprises more territory than the school municipality, a copy of so much thereof as relates to such school municipality shall be sufficient.

For every copy of the valuation roll or part thereof thus supplied, the depositary thereof shall be entitled to receive the sum of ten cents per hundred words and fifty cents for the certificate. R. S., 2132, §§ 2, 3.

345. The secretary-treasurer of the municipal council is bound to give notice of the changes that have been made in the valuation roll to the secretary-treasurers of the school boards which such changes affect, within fifteen days after such changes have been made. *New.*

346. If no valuation has been made by order of the municipal authorities, or if the valuation roll could not be obtained within the delay prescribed by article 343 of this act, the school board shall at once cause a valuation to be made by three competent persons residing in the municipality. R. S. 2129, *mod.*

347. If, in the case mentioned in the preceding article, the school commissioners or trustees do not proceed to the valuation of the property of their municipality, the Superintendent of Public Instruction may appoint three competent persons resident in the municipality to make the valuation. R. S., 2130, *am.*

348. When a school municipality has been formed of parts of different municipalities, or when a part of a municipality has been annexed to another already in existence, and when the property is valued at a higher rate in one than in the other, the commissioners or trustees of the new school municipality or of the municipality to which a part of another municipality has been annexed, shall cause to be made, by three competent persons residing therein, a valuation of the property within its limits. If not, such valuation may be ordered by the Superintendent of Public Instruction, as in the case provided for in the preceding article. R. S., 2131, § 1, *mod.*

349. The persons authorized to make the property valuation, upon which school taxes in any municipality are to be based, have the right to enter at any reasonable time in and upon any property to inspect the said property, and to require from the proprietor or occupant any useful information. R. S., 2133, *in part*.

350. All persons who interfere with a valuator in the exercise of his duties, or who refuse to give him the information which he demands, are liable to a fine of four dollars. R. S., 2133, *in part*.

351. After the completion of the valuation which they were instructed to make, the valutors shall, after having certified to the same before a justice of the peace, deposit the valuation roll in the office of the secretary-treasurer of the school board for which it was made. R. S., 2131, § 2.

352. The secretary-treasurer of the school board must then, without delay, give notice, in the manner prescribed by article 277 of this act, that the valuation roll has been deposited in his office, where it will remain during thirty days for examination by those interested. (*See Form No. 14*). R. S., 2131, § 2, *am*.

353. The school commissioners or trustees shall, during the thirty days that follow the notice given in virtue of the preceding article, even when there have been no complaints, examine and amend the valuation roll, correct any errors made in entering valuations or the names of persons assessed, in the description of the lands included and in the calculation of the assessments, and strike out or insert the names of persons, and the description of the lands which have been included or omitted by error. M. C., 734.

354. Any rate-payer may demand that the valuation roll be amended, either by making written application at the office of the secretary-treasurer, on or before the day fixed for the examination of the roll by the school board, or by making verbal complaint before the school board at the time of the examination. M. C., 735.

355. The school board shall, before proceeding to the examination of the valuation roll, make known to the rate-payers of the municipality, by public notice, the day and the hour of the session at which the same is to be commenced. M. C., 736.

356. The school board, during the examination of the valuation roll, shall take cognizance of the written complaints produced at its office and hear all interested parties present, as well as their witnesses. M. C., 737.

357. After the expiration of the thirty days mentioned in article 353 of this act, the commissioners or trustees may amend the valuation roll when they deem it expedient, after having, by public notice to this effect, given eight days in advance, indicated the day and the hour when they will hold the meeting during which the amendment will be made.

The roll is homologated *pleno jure* if the commissioners or trustees neglect or refuse to examine it during the thirty days mentioned in article 353 of this act. R. S., 2131, § 3, *mod.*

358. Every amendment made to the valuation roll shall be inscribed on the roll itself or annexed to it on a sheet of paper initialed by the secretary-treasurer. M. C., 738.

359. A declaration, bearing the signature of the chairman and of the secretary-treasurer, attesting

the correctness of the amendments and determining their number, also the date on which they were made, should there be any, shall be inscribed on the roll or be annexed thereto, whereupon the roll is *pleno jure* homologated. M. C., 738.

360. The valuation roll shall serve as a basis for the collection roll of the school commissioners or trustees, and it remains in force until such time as the municipal or school authorities have made another according to law. R. S., 2131, § 4.

361. The valuation roll can be amended only by the authority under which it was made.

But the assessment based on such valuation roll shall be amended only by the school commissioners or trustees, as the case may be. R. S., 2134, *mod.*

362. Every valuator for school property shall possess immoveable property in the municipality in which he is called upon to act, representing a net value of four hundred dollars according to the valuation roll of the municipality, and any one acting in the capacity without this qualification is liable to a fine of ten dollars. R. S., 2135, *am.* (1)

(1) *Held*:—That the collection roll for school purposes is not affected by the nullity of the municipal valuation roll.

That the right which a municipal council has of amending a valuation roll, implies that of changing and modifying it, and even of making a new roll. That the duty imposed upon municipal councils to have a valuation roll made every three years, does not prevent them from making a roll before the expiration of this delay. *School Commissioners of Hochelaga vs. Hudson et al.* S. C., Montreal, 1877. Judge W. Dorlon.—R. L., vol. 10, p. 113.

Held:—That a valuation roll made by three valutors of whom only two were legally appointed is null. *Rolfe et al. vs. Corporation of the Township of Stoke.* C. Q. B., Montreal, 1880.—L. C. J., vol. 24, p. 213.

Held:—That the valuation roll of a municipality must be deposited for revision within the limits of the municipality to which it refers, and if it be deposited without the limits of the municipality an action to recover school taxes will be dismissed *sauf a se pourvoir.* *School Commissioners of St. Roch de Quebec-Nord vs. Rousseau.* C. C., Quebec, 1863, Judge Tasche-reau.—L. C. R., vol. 14, p. 93.

CHAPTER SECOND

School Taxes

SECTION I

IMPOSITION OF SCHOOL TAXES

363. School assessments and monthly fees are imposed by all school corporations, whether school commissioners or trustees, between the first day of July and the first day of September in each year.

The imposition of these taxes shall not, however, be considered null if made after the delay fixed. R. S., 2136, §§ 1, 2, *in part*.

364. After the imposition of these taxes, the secretary-treasurer shall, without delay, make a collection roll.

He shall also make a special collection roll whenever a special assessment has been imposed after the making of the general collection roll, or whenever he is ordered so to do by the school board. M. C., 954, *mod*.

365. If the collection roll is general, it should mention in detail in as many distinct columns all the taxes, as well for assessments as for the monthly fee. M. C., 955, *mod*.

366. The secretary-treasurer, after having completed a general or special collection roll, shall announce by public notice given in conformity with articles 277 and following of this act, that the roll is deposited in his office, where it may be examined by those interested during the thirty days following the date of said notice, and that it will be homologated at a meeting of the school board, the date

being given, which must be within the delay of ten days mentioned in the following article, and that, during the twenty days following the thirty days' delay before mentioned, all rate-payers should pay their taxes at his office without further notice. (*See Form No. 15*). R. S., 2136 §§ 4, 5, 7, *in part, mod.*

367. The commissioners or trustees must, during the delay of thirty days during which the roll remains in the office of the secretary-treasurer for examination by the parties interested, even though no complaint has been made, examine and amend the collection roll, rectify the errors made in transcribing the valuations, the names of persons taxed, the description of lands entered therein, or in the calculations of the taxes imposed and homologate such roll. R. S., 2126, § 6, *am.*

368. Any rate-payer may demand that the collection roll be amended either by producing a complaint in writing before or upon the day fixed for the examination and homologation of the roll, or by stating his complaint orally at the examination. R. S., 2136, § 8, *in part.*

369. The school commissioners or trustees must take into consideration all complaints made orally or in writing and hear all interested persons present. R. S., 2136, § 8, *in part.*

370. Any amendment made to the collection roll must be entered upon it or upon a paper annexed thereto with the initials of the secretary-treasurer. R. S., 2136, § 9, *in part.*

371. A declaration indicating the amendments must be entered upon or annexed to the collection roll, under the signatures of the chairman and the secretary-treasurer; after which the said roll comes

into force and the said taxes are exigible. (*See Form No. 15*). R. S., 2136, § 9, *in part*.

372. School taxes bear interest after thirty days from the date when they become exigible.

They are prescribed by three years. R. S., 2136, § 9, 2189, *in part*. (1)

(1) *Held*:—That a collection roll is null, if the valutors did not possess the property qualification required by law, if they did not take the required oath, or if they did not sign the roll. *Patton vs. The Corporation of St. Andrew of Acton*. S. C. St. Hyacinthe, 1868, Judge Sicotte.—L. C. J., vol. 13, p. 21.

Held:—That the want of qualification of the valutors does not give ground for an action for damages on behalf of a rate-payer, when an execution, followed by a sale, issues against him for school taxes, based on a valuation roll made by such valutors. *Barette vs. The School Commissioners of the Parish of St. Columban*. C. C., Ste. Scholastique, 1875, Judge Johnson.—R. L., vol. 7, p. 185.

Held:—That, though the law prescribes the time during which school taxes should be imposed, yet they may be validly imposed after the last date mentioned in art. 349. *School Commissioners of St. Norbert vs. Crepeau*. C. R., Quebec, 1885.—Q. L. R., vol. 11, p. 119.

Held:—That the rate-payers of a school municipality may refuse to pay taxes for the support of a neutral or non-sectarian school. *School Commissioners of Tewkesbury vs. Corrigan*. C. C., Quebec, 1880, Judge Casault.—Q. L. R., vol. 6, p. 24.

Judgment upon the interpretation of art. 948, Municipal Code, bearing upon art. 2136 R. S. Q.

Held:—That municipal taxes are not payable day by day, but are indivisible, and are due by the person, who, at the time of the imposition of such tax, is owner and possessor of the immoveable subject to assessment.

That the fact that a person not proprietor of an immoveable had been entered on the assessment roll as proprietor of an immoveable does not make him a rate-payer. *Hogan vs. The City of Montreal*. C. Q. B., Montreal, 1884.—M. L. R., vol. 1, p. 60, and L. N., vol. 7, p. 378.

Held:—That a rate-payer who wishes to complain of the amount imposed upon his property should do so during the thirty days during which the collection roll remains in the hands of the secretary-treasurer. *School Commissioners of Acton vs. The Grand Trunk Railway Co.* C. C., St. Hyacinthe, 1854, Judge McCord.—M. C. R., p. 94.

Held:—That when no amendments have been made to a school tax collection roll, by the commissioners, and when no complaints have been made, such roll comes into force, without any other formality, thirty days after notice of its deposit has been given. *School Commissioners of St. Norbert vs. Crepeau*. C. R., Quebec, 1885.—Q. L. R., vol. 11, p. 119. (This decision, given under sec. 2 of art. 13, 40 Vic., should apply to sec. 9 of art. 2136 R. S. Q., because of the modifications produced by art. 83, chap. 36, of 51-52 Vic.)

SECTION II

COLLECTION OF TAXES

373. The local council of the city, town, village or rural municipality when it is so required by the school commissioners or trustees of a school municipality situate wholly or partly in its territory, shall collect the taxes of such school municipality at the same time as its own. R. S., 2141, *in part, am.*

374. The secretary-treasurer of the municipal council charged, under the preceding article, with the collection of school taxes, shall hand over the entire amount, so soon as he has collected them, to the secretary-treasurer of the school board to which they belong. R. S., 2141, *in part, am.* C. M., 952.

375. If the school commissioners or trustees, as the case may be, have not availed themselves of the provisions of article 373 of this act, the secretary-treasurer of the school board, at the expiration of the delay of twenty days prescribed by article 366 of this act, shall demand payment of all sums entered in the collection roll and remaining uncollected from the persons liable for the same by serving or causing to be served upon them a special notice to that effect, accompanied by a detailed statement of the sums due by them. (*See Form No. 16*). R. S., 2137, §§ 1, 2, *in part, am.* M. C., 961.

376. The service prescribed by the preceding article is effected, as respects rate-payers residing in the municipality, by leaving a copy of the special notice with the person to whom it is addressed, in person, or with a reasonable person at his domicile or place of business; as respects non-resident rate-payers, by depositing a copy thereof in a sealed and

registered envelope, addressed to the person for whom it is intended at the place of his residence or business, or at the nearest post-office.

But no non-resident rate-payer can plead that he has not received such notice, if he has not a known agent in the municipality, or if he has not left his address in writing at the office of the secretary-treasurer of the school board. R. S., 2137, § 3, *in part*.

377. The fees to which the secretary-treasurer has a right for such special notice and for the costs of service shall be fixed by resolution by the school board. R. S., 2137, § 3, *in part*. (1)

(1) *Id.*—That a personal action for arrears of school taxes can be taken only against the person who was the proprietor or occupant of an immoveable at the time when such taxes were imposed, and that the subsequent purchaser, or holder, cannot be personally sued for the recovery of arrears which had accrued previous to his becoming the proprietor, or *tiers detanteur*, of such immoveable.

That the costs of a suit for taxes brought against the proprietor of an immoveable cannot be recovered from the subsequent purchaser or holder of such immoveable by a personal action.

That such tax costs are a privileged claim like the tax itself, but that both tax and costs are a privileged claim only on the immoveable. *The School Commissioners of St. Bridgets vs. Murray*. C. C., Iberville, 1886, Judge Chagnon.—R. L., vol. 14, p. 187.

Held:—That a usufructuary is responsible for the taxes. *The Corporation of the City of Montreal vs. Contant*. S.C., Montreal, 1872, Judge Beaudry.—R. C., vol. 2, p. 482.

Held:—That the Corporation of the City of Montreal, in exacting under threat of execution the tax imposed by a collection roll apparently clothed with all legal formalities, but which was subsequently set aside by the courts, was not in "bad faith" within the meaning of art. 1049 of the Civil Code, and therefore was not bound to pay interest on the money from the time of receiving it, but only from the date of the action *en répétition*. *Wilson et al. vs. The City of Montreal*. C. Q. B., Montreal, 1880.—L. C. J., vol. 24, p. 222.

Held:—That a corporation's claim is extinguished as regards the debtor personally, by the sale through an assignee, of the hypothecated property.

That a corporation is liable in damages for an illegal seizure of the debtor's effects in these circumstances.

That in an action for damages against a corporation for an illegal seizure, the corporation is not entitled to a month's no-

SECTION III

SEIZURE OF MOVEABLES

378. Fifteen days following the service of the notice prescribed by article 375 of this act, the secretary-treasurer may levy the sums due and costs by seizure and sale of the goods and chattels of the persons entered on the roll, which may be found within the limits of the municipality. R. S., 2137, § 4, *am.*

379. The seizure and sale which are had in conformity with the provisions of the preceding article, are made under a warrant signed by the chairman of the school board. (*See Form No. 17*). R. S., 2137, § 5, *in part, mod.*

tice of action under art. 22 Code of Civil Proc. *Blain vs. The Corporation of Granby*. C. R., Montreal, 1873.—R. L., vol. 5, p. 180.

Held:—That municipal corporations are strictly bound to follow the formalities prescribed by law, to have the right of exacting from the rate-payers the payment of their taxes, and, particularly, when they want to seize the defendant's moveables;

That the public and private notices, which municipal corporations must give, are formalities, which take the place of the ordinary legal procedure, which it is necessary to follow to have the right of seizing the moveables of a debtor.

That in an action for damages by a rate-payer, against a corporation for illegal seizure of his goods, the corporation must prove that the seizure was legal, and that all the formalities required by law were strictly observed, notwithstanding the fact that such rate-payer in his declaration had simply alleged that the seizure was illegal and malicious, without making any specific accusation of non-observance of formalities. *Matthews vs. The City of Montreal*. C. Q. B., Montreal, 1870.—R. L., vol. 1, p. 610.

Held:—That a writ of prohibition does not legally lie against a corporation, to stay proceedings on a warrant of distress signed by the mayor to compel payment of taxes. *Blain vs. The Corporation of Granby*. C. R., Montreal, 1873.—R. L., vol. 5, p. 180.

Held:—That a corporation, which has the right to issue warrants for the payment of taxes due to it, is an inferior tribunal to which writs of prohibition will lie when it has exceeded its jurisdiction. *James Armstrong*, petitioner for prohibition. S. C., Richelieu, 1869, Judge Loranger.—R. L., vol. 1, p. 48.

Held:—That a writ of prohibition does not lie where no ex-

380. The warrant issued for the seizure and sale is addressed to a bailiff, who shall execute it under his oath of office and according to the same rules as a writ of execution *de bonis* issued by the Circuit Court.

The chairman of the school board, in issuing such warrant, does not incur any personal responsibility; he acts under the responsibility of the school corporation in whose interest the distress is made. R. S., 2137, §§ 5, 6, *in part, mod.*

381. The day and place of sale of the goods and chattels so seized must be announced by the seizing bailiff by public notice in the ordinary way.

Such notice must also state the names and quality of the person whose goods and chattels are to be sold. (*See Form No. 18*). R. S., 2137, § 7.

382. If, at the time of the seizure or sale, the debtor is absent, or if there is no person to open the doors of the house, cupboards, chests or other closed places, or in the event of refusal to open the

cess of jurisdiction appears on the face of the proceedings. *The Mayor et al. of Sorel vs. Armstrong*. C. Q. B., Montreal, 1875.—L. C. J., vol. 20, p. 171.

Held:—That a demand of payment of taxes addressed to a wife separate as to property, and transmitted to her in an envelope, addressed to her husband, is sufficient; that the Circuit Court has jurisdiction in these cases, no matter what the amount. *The Corporation of the Village of Bienville vs. Gillespie et vir.* C. C., Quebec, 1880, Judge Casault.—Q. L. R., vol. 6, p. 346.

Held:—That in the case of seizure of household furniture for school taxes there are no legal exemptions, and that every article of furniture without exception can be sold. *Drolet vs. The School Commissioners of Roxton*. C. C., Waterloo, 1867, Judge

Held:—Where goods belonging to plaintiff, *separce de biens*, were seized in the conjugal domicile for taxes due by her husband, that the goods were not in possession of the husband within the meaning of the statute, as cohabitation does not destroy the separate possession which pertains to the wife separated as to property. *Green et vir. vs. The City of Montreal*. S. C., Montreal, 1887, Judge Johnson.—L. C. J., vol. 22, p. 128.

Held:—That an action for damages may be taken against a corporation for an illegal seizure of moveables. *Blain vs. The Corporation of Granby*. C. R., Montreal, 1873.—R. L., vol. 5, p. 180.

same, the bailiff may, by an order of the chairman of the school commissioners or trustees, or of any justice of the peace, cause the same to be opened by the usual means in presence of two witnesses, with all necessary force. R. S., 2138, § 8, M. C., 965.

SECTION IV

OPPOSITIONS TO THE SEIZURE AND SALE OF MOVEABLES AND OPPOSITIONS FOR PAYMENT

383. The party seized upon and any person having a right of property or of pledge in the effects seized may oppose the seizure and sale, the former for any of the reasons enumerated in article 645, and the latter for any of the reasons enumerated in article 646, of the Code of Civil Procedure.

384. The opposition must be accompanied by an affidavit attesting that the allegations therein contained are true, and that it is not made with intent to unjustly retard the sale, but with the view of obtaining justice. It is served upon the bailiff entrusted with the execution of the distress warrant and is returned to the office of the Circuit Court of the county or district or of the Magistrates' Court within the eight days following the service thereof. R. S., 2138, § 2, *mod.*

385. On the service of an opposition, the bailiff must stay his proceedings, and, within the eight days following such service make a return of all his proceedings respecting the distress warrant to the clerk of the court mentioned in the opposition. R. S., 2138, § 5, *in part.*

386. The opposition is subsequently contested, heard, and decided according to the rules of procedure governing opposition to the seizure and sale of

moveables before the court before which it is brought.

387. When the opposition to the seizure and sale is dismissed, the court orders the bailiff entrusted with making the same or any other bailiff to proceed with the distress warrant and, upon the delivery to him of such warrant and of a copy of the judgment, the bailiff proceeds with the sale of the goods and chattels seized after having given notice in the usual way. R. S., 2138, § 8.

388. When no opposition to the distribution of the proceeds of the sale of the moveables is made, the bailiff returns the warrant and his proceedings thereon, and pays over the proceeds of the sale, after deduction of the costs of seizure and sale, to the secretary-treasurer who applies such proceeds towards the payment of the school taxes for which the distress warrant was issued. R. S., 2138, § 9.

389. If opposition is made to the payment of the proceeds of the sale, the bailiff must pay over the moneys in his hands, after deduction of the costs of seizure and sale, to the secretary-treasurer, who receives the same on deposit, and make a return of all his proceedings respecting the seizure and sale to the court mentioned in the opposition.

The opposition is afterwards contested, heard and decided according to the rules of procedure governing oppositions to payment before the court before which it is brought.

The proceeds of the sale are distributed by the court, and they are paid by the secretary-treasurer according to its order. R. S., 2108, §§ 6 and 7.

390. If there be any surplus, it is paid by the secretary-treasurer to the rate-payer whose goods and chattels were seized.

SECTION V

SALE OF IMMOVEABLES FOR TAXES

391. The secretary-treasurer must prepare, in the course of the month of November in every year:

1. A statement of the school assessments and monthly fees remaining due by rate-payers residing in the municipality and by those who are absent.

2. A statement of the school assessment and monthly fees due by rate-payers residing in the municipality and by those who are absent, with respect to whom either a warrant of distress or a writ of execution has been returned unsatisfied, and of any costs incurred and unpaid; showing the names and qualities of such rate-payers, and a description of the lands liable for the payment of such taxes, according to the valuation and collection rolls. R. S., 2139, *am.*, 2140, *in part.*

392. Such statement shall be submitted to the school commissioners or trustees, as the case may be, and must be approved of them. R. S., 2139, *am.*, 2140, *in part.*

393. The secretary-treasurer shall, before the twentieth day of December, transmit the statements mentioned in the preceding article to the secretary-treasurer of the county council; and the latter shall proceed to the sale and adjudication of the lands mentioned therein in the same manner as in the case of a statement of municipal tax arrears transmitted by the secretary-treasurer of a local municipality.

394. The provisions of the Municipal Code respecting the redemption of immoveables sold for arrears of municipal taxes apply to the redemption

of immoveables sold in virtue of this article. R. S., 2140, *in part, am.*

395. The secretary-treasurer of the county council shall pay over the amounts recovered to the secretary-treasurer of the school corporation for which he collected them. R. S., 2140, *in part, am.* (1)

396. Whenever the taxes to be collected are due upon town or city properties, the procedure prescribed in the preceding articles may be followed by the clerks or secretary-treasurers of the municipal corporations of the said town or city when it is not otherwise provided by special statute. R. S., 2140, *in part, am.*

SECTION VI

COLLECTION OF TAXES FROM CORPORATIONS AND COMPANIES
LEGALLY CONSTITUTED

397. The school commissioners for any school municipality shall alone have the power of levying assessments on the lands and real estate of corporations and companies legally constituted; but they shall annually pay over to the trustees when there are any, a portion of all the assessments levied and collected by them on such corporations or companies, in the same proportion as the Government grant for the same year is divided between them and the said trustees, as provided by article 295 of this act. R. S., 2143, § 1, *mod.*

(1) *Held*.:—That a secretary-treasurer, who had delivered a cheque, received from the Government for school purposes, to the chairman of the school commissioners of his municipality, in order to have it cashed, could not be held responsible for the loss by theft of a part of this money, of which the chairman had been the victim, and that he (the secretary) was not guilty of negligence. *Ouimet vs. Verville*. C. Q. B., Quebec, 1880.—*Q. L. R.*, vol. 7, p. 24.

398. The portion of assessments levied from corporations and companies legally constituted paid over to the trustees shall be set apart by them for the building or the repairing of their school-houses. R. S., 2143, § 2.

399. When the immoveable property of corporations and companies legally constituted are situated within a territory placed under the administration of two corporations of school commissioners of different religious belief established in virtue of article 97 of this act, that one of the two corporations, which comprises the greatest number of rate-payers entered on the valuation roll, shall be bound to levy the taxes affecting such property, and to divide the same proportionately to the number of children from five to sixteen years of age residing in each of them. R. S., 2143, § 3, *am.*

400. School commissioners may, by a resolution approved by the Lieutenant-Governor in Council, upon the recommendation of the Superintendent of Public Instruction, commute for the payment annually of a certain determinate sum of money for a number of years not to exceed ten, the school assessment on immoveable property occupied by any person, partnership or company lawfully constituted for carrying on any manufacturing or industrial undertaking within the limits of their municipality. R. S., 2048, *in part.*

401. School trustees may, in the same manner as school commissioners, commute their share of such school assessments. But in such case, the school commissioners shall collect from such person, firm or company mentioned in the preceding article, the sum for which the said dissentient school trustees have commuted and account to the latter. R. S., 2048, *in part.*

402. If the school trustees do not deem it advisable to commute their share of school assessments, the school commissioners shall continue to levy and collect from any such person, firm or company above mentioned, and shall pay annually to the school trustees, the amount of the assessments which the said trustees would have been entitled to receive, in accordance with article 397 of this act, if the commissioners had not commuted their share of the said school assessments. R. S., 2048, *in part*.

403. Unless there is an agreement to that effect, the commutation of assessments shall not apply to the special assessments which may be imposed in virtue of any of the provisions of this act. *New*.

404. No religious, charitable or educational institution or corporation shall be assessed, under any provisions of this act, on the property occupied by them for the objects for which they were instituted. R. S., 2144.

405. All property held by any of the institutions or corporations mentioned in the preceding article for the purpose of deriving any income therefrom, shall be assessed by the school commissioners or trustees of the religious majority or minority to which such corporations or institutions belong, and to the exclusive benefit of such majority or minority, or in conformity with the declarations which they may make to that effect. R. S., 2144, *mod*.

406. When the religious body to which such corporations or institutions belong is not apparent, or where no such declaration has been made, then the taxes to which they are liable are collected, in the same manner and have the same destination as those of the properties of other corporations and

companies legally constituted mentioned in article 397 of this act. R. S., 2144 *mod.* (1)

SECTION VII

ASSESSMENT OF NON-RESIDENT RATE-PAYERS

407. Any rate-payer, being a proprietor, who does not reside in a municipality in which a board of trustees is established may declare in writing to the school commissioners and trustees his intention of dividing his assessments between the schools under control of the commissioners and those under control of the trustees.

In such case, the school commissioners shall collect such assessments, and shall pay over to the trustees such part and proportion thereof as such proprietor may direct. R. S., 2145, *am.*

SECTION VIII

SPECIAL ASSESSMENTS FOR CERTAIN PURPOSES

408. Whenever a general or special assessment imposed by the school commissioners or trustees in any school municipality, is annulled, such school

(1) *Held*:—That a religious educational institution, having neither branch nor school in a municipality, in which it possesses real property, the products of which are consumed at the Mother House, situated in another municipality, holds such property for the purpose of deriving a revenue therefrom, and not for the purposes of education, and that therefore such property is subject to municipal and school taxes. *The Corporation of the Village of St. Gabriel (Verdun) vs. The Sisters of the Congregation of Notre Dame.*—Supreme Court, 8th March, 1886.

Held:—That the exemption from municipal taxes enjoyed by educational institutions does not extend to taxes imposed for special purposes, as for the construction of a drain. *City of Montreal vs. The Seminary of St. Sulpice.* C. Q. B., Montreal, 1888.—L. C. J., vol. 32, p. 13, and M. L. R., Q. B., vol. 4, p. 1 (reversing judgment of Judge Torrance in S. C., on *reponse en droit*, M. L. R., S. C., vol. 1, p. 450), and final judgment, on the merits, Judge Loranger (M. L. R., S. C., vol. 2, p. 265, and L. N., vol. 9, p. 266).

commissioners or trustees shall forthwith, in a summary manner, cause an assessment roll to be made, which new assessment shall be imposed and take effect in such municipality for the whole time, past and future, for which the assessment so annulled or set aside would have been in force if it had been valid. R. S., 2142, § 1.

409. Every assessment annulled shall be declared invalid for the future only, and shall not affect any judgments then already rendered to enforce such payments. R. S., 2142, § 2, *in part*.

410. In every school municipality, the school commissioners or trustees may levy special assessments with the approval of the Lieutenant-Governor in Council, given on the recommendation of the Superintendent of Public Instruction, for the payment of debts contracted in good faith, for the construction of model or elementary schools, for an amount greater than that authorized by article 255 of this act, and the collection of such special assessment cannot be opposed by any judgment annulling a previous assessment, either because it exceeded the amount permitted by law or because of the omission of certain formalities.

Such special assessment may also include the costs incurred by the school corporations for suits to recover assessments previously levied. R. S., 2146a, *in part*.

411. In case a special assessment is annulled as mentioned in the preceding articles, the rate-payers who have paid their share of such assessment shall not have the right to be reimbursed; but in any subsequent assessment imposed for the same purpose, they shall have credit for the sums paid on the assessment so annulled. R. S., 2146, 2142, § 2.

SECTION IX

CERTAIN EXECUTORY PROCEEDINGS AGAINST INDEBTED
SCHOOL CORPORATIONS

412. The Superintendent of Public Instruction may authorize or order special assessments to be levied in any school municipality or district for the payments of the debts incurred by the school commissioners or trustees within the limits of their powers, or which have been adjudged by a court of justice to be due by such municipality or district. R. S., 2146, *in part, am.*

413. Debts which may have been contracted by a municipality, subsequently divided into several municipalities or the limits of which have been subsequently altered, are apportioned by the Superintendent of Public Instruction among the several municipalities liable for the same. R. S., 2146, *in part, am.*

414. Whenever a copy of judgment condemning a school corporation to pay a sum of money has been served at the office of the secretary-treasurer of such corporation, he must forthwith convene a meeting of the school commissioners or trustees, who must then order the payment of the amount due.

If the school board has no funds at its disposal, or if those at its disposal are insufficient, it must apply to the Superintendent of Public Instruction for authorization to levy a special assessment to pay the amount of the judgment. R. S., 2147.

415. If, for the reasons specified in the previous article the Superintendent of Public Instruction authorizes the levying of such special assessment, steps shall be taken without delay by the school

board to prepare a special collection roll, in the manner and with the formalities required for completing an ordinary collection roll. R. S., 2148.

416. The creditor who has a judgment against a school corporation may obtain a writ of execution against such school corporation on production of a copy of the judgment and of one or more affidavits establishing to the satisfaction of the court or judge:

1. That the Superintendent of Public Instruction has not given within the fifteen days that have followed the demand therefor, the authorization to impose the special assessment;

2. That the special assessment which had been authorized has not been collected;

3. That the school commissioners or trustees have not proceeded to complete such roll within the fifteen days following the date when the Superintendent of Public Instruction authorized or ordered them to impose the special assessment;

4. That the school commissioners or trustees refuse or neglect to proceed with the special assessment, the completion of the roll, or the collection of assessment tax, in whole or in part. R. S., 2149, *mod.*

417. The court which has rendered the judgment, or a judge of such court, may, on petition, grant to the Superintendent of Public Instruction, or to the commissioners or trustees, the delay deemed necessary by the court or judge for completing the collection roll, or for levying the sums of money specified therein, or for any other purpose connected with such roll. R. S., 2150.

418. The writ of execution, issued under article 416 of this act, is addressed and delivered to the

sheriff of the district in which the school municipality in question is situated, and enjoins him:

1. To levy from the school corporation, without delay, the amount of the debt with interest and the costs of the judgment and of the execution;

2. In default of immediate payment by the school corporation, to seize and sell any moveable property of the school corporation, and the real estate, if any, belonging to it upon which the judgment creditor may have a privilege or hypothec, and of which the seizure and sale are ordered by such judgment. R. S., 2151.

419. In the event of there being no moveable or immoveable property belonging to the school corporation to be seized and sold, or, in the event of any such property being insufficient to satisfy the judgment, on the production of the return of the sheriff to the court to that effect, or after the homologation of the judgment of distribution establishing its insufficiency, an *alias* writ of execution may be issued against the school corporation in default, addressed to the sheriff and enjoining him:

1. To levy from the school corporation the whole or the sum remaining due, as the case may be, of the debt, with interest and costs, including those of the judgment and the subsequent costs incurred, by apportioning the sum required on all the taxable immoveable property in the school municipality liable for the judgment.

2. To collect the assessment thus imposed and to report to the court as soon as the amount of the debt, interest and costs has been collected, or from time to time, as the court may order. R. S., 2152.

420. The sheriff shall, on payment of the usual fees, to the secretary-treasurer or secretary-treasurer

ers of the municipal corporation or corporations in which the school municipality is situated, procure from him or them a copy of the valuation roll in force; and, on the refusal or neglect of such secretary-treasurer or secretary-treasurers to furnish such copy, the sheriff is authorized to take possession of the valuation roll or rolls and to make a copy.

If the sheriff cannot obtain the valuation roll, or if none exist, the sheriff proceeds to make a valuation of the taxable property of the school municipality himself. R. S., 2153.

421. The fees and costs of the sheriff in connection with the writ of execution shall be taxed by an order of the court or of a judge thereof; and such fees and costs, with all lawful disbursements, are added to the amount to be levied. R. S., 2154.

422. The sheriff shall proceed to apportion the sum to be levied on all the taxable immoveable property in the school municipality in proportion to its value, according to the valuation roll in force, or according to the valuation made by himself, as the case may be, and he shall make a special collection roll in accordance with such apportionment. R. S., 2155.

423. The sheriff, after having given the notice prescribed by article 366 of this act, shall collect the assessment, proceeding in the same way as the secretary-treasurer of a school corporation.

Such special assessment is payable at the office of the sheriff. R. S., 2156, 2157, 2158, *in part*.

424. The proceeds of the sale, arising from any seizure in virtue of a warrant issued by the sheriff, shall be paid to the sheriff himself, and not to the

secretary-treasurer of the school board. R. S., 2159, *in part*.

425. Any rate-payer or other person having a right of property in or a privilege over the moveables and effects seized, may make an opposition to such seizure or sale or to the payment of the proceeds thereof, for the causes, in the manner and to the ends mentioned in articles 383 and following of this act. R. S., 2160.

426. The sheriff shall collect the unpaid assessments of the resident and non-resident rate-payers, which he had been unable to collect from the sale of their chattels and effects, by the sale and adjudication made by him of their immoveable property for the amounts for which such property is liable, on the first Monday of March in any year, in the manner and according to the rules laid down for the sale of immoveable property for arrears of municipal assessments, after having given or caused to be made or given the publications and notices required to be made or given by the secretary-treasurer of a county council. R. S., 2161.

427. If any land advertised to be sold by the sheriff is advertised to be sold on the same day by the secretary-treasurer of the county, the latter cannot sell the land, but must forthwith transmit to the sheriff a statement of his claim and costs, which the sheriff shall levy with the special assessment, and shall hand over to the secretary-treasurer.

The provisions of the Municipal Code respecting the redemption of immoveables sold for arrears of municipal taxes apply to the redemption of immoveables sold in virtue of this article. R. S., 2162, *am*.

428. The title for lands sold by the sheriff which have been redeemed shall be granted by him, and,

if the redemption has not taken place, he shall give the deed of sale. R. S., 2163, *am.*

429. After having levied the whole amount set forth in the *alias* writ of execution, with costs and interest, the sheriff must transmit to the commissioners or trustees, a copy of his special collection roll shewing thereon what amounts have been collected from each rate-payer.

If any surplus remain in the hands of the sheriff, he shall pay it over to the school corporation to which it belongs. R. S., 2164.

430. All arrears shall belong to the school corporation, and may be recovered in the same manner as ordinary contributions. R. S., 2165.

431. The sheriff may obtain from the court any order calculated to facilitate and ensure the execution of the writ addressed to him. R. S., 2166.

432. The sheriff shall be entitled, with respect to the special notices to rate-payers, to such fees and disbursements as may be fixed by an order of the court or of a judge thereof, and with respect to the sale and adjudication of lands, to the same fees and disbursements as the secretary-treasurer of the county. R. S., 2167.

433. When judgment is rendered against a school corporation for a debt due for the building of a school-house for which a portion only of the school municipality is liable, the judgment, the writ of execution and the *alias* writ of execution shall mention such fact.

The assessment, in such case, shall be imposed only upon the immoveable property situated in that part of the school municipality which is liable under the judgment. R. S., 2168.

434. When the school corporation, against which any judgment has been rendered, ordering the payment of any sum of money, holds any immoveable property, other than school-houses, which is not affected by privilege or hypothec in favor of the judgment creditor, such property may, with the authorization of the Superintendent of Public Instruction, be seized and sold in the manner prescribed by the Code of Civil Procedure.

The moveable property of the school corporation in the possession of a third party and debts due to it may also be attached and sold in the same manner. R. S., 2169.

TITLE FOURTH

Public School Fund—Superior Education Fund and Poor Municipalities Fund

CHAPTER FIRST

Public School Fund

SECTION I

APPLICATION OF PUBLIC SCHOOL FUND

435. The grant voted annually by the Legislature for public schools is payable upon the application of the Superintendent of Public Instruction, who shall deposit it in a bank indicated to him by the Lieutenant-Governor in Council. R. S., 2173, *in part, am.*

436. The sums destined for public schools are distributed by the Superintendent of Public Instruction among the school municipalities in proportion to their population, according to the preceding census. R. S., 2882, § 1; 2173, *in part*.

437. The Superintendent of Public Instruction shall pay semi-annually to the school commissioners and trustees the share belonging to the school corporations they represent, by cheques payable to the order of their respective secretary-treasurers. In this division the share of the school trustees is in the proportion provided by article 295 of this act. R. S., 2173, 2174, *in part*.

438. To have a right to a share of the Public School Fund a municipality must furnish proof:

1. That it has been under the management of school commissioners and trustees in the manner directed by this act;

2. That its schools have been in actual operation during the school year;

3. That each of its schools had been attended at least by fifteen children excepting the case provided for by article 439 of this act, and when epidemic or contagious diseases have raged in the municipality;

4. That a public examination of each school has taken place at the end of the school year;

5. That a report signed by a majority of the commissioners or trustees, and by the secretary-treasurer, has been transmitted to the Superintendent of Public Instruction, before the fifteenth day of July in each year;

6. That the monthly fees have been collected;

7. That teachers with diplomas have been employed therein, saving the case provided for by article 93 of this act;

8. That the teachers have been paid regularly;
9. That only authorized books have been used;
10. That the regulations of the Council of Public Instruction or of either committee thereof, as the case may be, and the instructions of the Superintendent of Public Instruction have been observed. R. S., 2175.

439. If, however, the school commissioners or trustees, as the case may be, of a school municipality, have endeavored in good faith to have the law carried out, a share of the school fund may be allowed them. R. S., 2176.

440. The Superintendent of Public Instruction may refuse the school grant to any municipality in which the school commissioners or trustees have not rendered sufficient accounts, accompanied by vouchers, or have refused or neglected to observe any of the provisions of this act. R. S., 2183, 2184, *in part*.

SECTION II

DISPOSAL OF LOCAL SCHOOL FUNDS

441. In every municipality, all sums of money, which have not been specially appropriated by provision of the donors, vendors, or others, form a common fund for all the schools and shall be employed for the payment of teachers, the maintenance of school-houses, the purchase of books and school furniture, and other school purposes, without regard to the amount which each district shall have contributed to the common fund. R. S., 2180, *in part, am.*

442. The school commissioners and trustees may direct the payment, out of the fund of their school

corporation, of such contingent expenses as are not specially provided for by this act. R. S., 2174,, in part.

SECTION III

DISPOSAL OF LOCAL SCHOOL FUNDS IN CERTAIN CASES

443. Whenever the school funds of a municipality have not been completely disbursed, the surplus shall, at the end of each school year, be deposited in the name of the school corporation, at interest, in a legally constituted bank. R. S., 2186, in part.

CHAPTER SECOND

Superior Education Fund and Poor Municipalities' Fund

444. The Superintendent of Public Instruction shall, upon the recommendation of the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be, annually apportion to and amongst the universities, colleges, seminaries, academies, high schools, superior schools, model schools and educational institutions other than the ordinary elementary schools, the whole or so much of the grants voted for education as prescribed by the Lieutenant-Governor in Council, and the proportion approved by him.

Such grants shall be paid by the Provincial Treasurer, on the warrant of the Lieutenant-Governor, to the Superintendent of Public Instruction, who shall pay the same to the institutions entitled thereto. R. S., 2203, am.

445. The aid granted for the purpose of superior education shall be divided each year between the Roman Catholic and Protestant institutions in the relative proportion of the respective Roman Catholic and Protestant population of the province according to the then last census.

The aid granted under this distribution is for one year only.

The Lieutenant-Governor in Council may attach to the grants such conditions as he may deem to be for the advancement of superior education. R. S., 2204, *am.*

446. The Superintendent of Public Instruction shall refuse a grant to any school or institution which has not produced in support of its demand a report during the month of July, showing:

1. The composition of the governing body;
2. The number and names of the directors, principals, professors, teachers, or lecturers;
3. The number, the names, the nationality and the religious belief of its pupils, indicating those who are less than sixteen years of age and those who are older;
4. The course of instruction and the books used;
5. The annual cost of maintaining the institution, and the sources from which its revenues are derived;
6. The value of its immoveable property;
7. A statement of its liabilities;
8. The number of pupils taught and boarded gratuitously, or taught gratuitously only;
9. The number of books, globes and maps, and the value of any museum and philosophical apparatus belonging to it. R. S., 2208, *am.*

447. The Superintendent of Public Instruction

may in addition require all the information that he may think necessary, and, in such case, the report mentioned in the preceding article must contain the same. *New.*

448. To be entitled to a grant, every superior educational institution must have been actually in operation at least one year, and have fulfilled all the conditions required by law. R. S., 2207, *am.*

449. The sum annually voted by the Legislature in aid of the poor municipalities shall be distributed by the Superintendent of Public Instruction, in proportion to the Roman Catholic and Protestant population of the Province, and in accordance with the division made upon the recommendation of the Committee of the Council of Public Instruction of the religious belief to which such municipalities belong, which has been approved by the Lieutenant-Governor in Council. R. S., 2179, *am.*

450. The sums paid over to the Provincial Treasurer, arising from licenses for the celebration of marriages by Protestant ministers, shall be by him annually paid over to the Superintendent of Public Instruction to be apportioned, under the authority of the Lieutenant-Governor in Council, upon the recommendation of the Protestant Committee of the Council of Public Instruction, among the Protestant institutions of superior education or Protestant poor municipalities or both, in addition to and in the same manner as the other grants to these institutions and municipalities. R. S., 2205, *am.*

TITLE FIFTH

Normal Schools—Fabrique Schools—County
Academies

CHAPTER FIRST

Normal Schools

SECTION I

ESTABLISHMENT OF NORMAL SCHOOLS

451. The Lieutenant-Governor in Council may adopt all needful measures for the establishment and maintenance of normal schools, for the training of teachers for public schools in the science of education and art of teaching in the Province.

Model schools may be conducted in connection with these normal schools. R. S., 2209, *mod.*

452. The sum necessary for the establishment and maintenance of normal schools is voted by the Legislature. *New.*

SECTION II

MANAGEMENT OF NORMAL SCHOOLS

453. Normal schools shall be under the control of the Superintendent of Public Instruction and shall be subject to the regulations concerning them. R. S., 2215, *in part.*

454. The principals of the normal school shall, yearly and whenever required to do so by the Su-

perintendent of Public Instruction, make a report to him concerning their administration, furnishing a detailed statement of their receipts and expenses. R. S., 2215, *in part*.

455. The professors, directors and principals of normal schools are appointed or removed by the Lieutenant-Governor in Council, on the recommendation of the Roman Catholic or Protestant Committee of the Council of Public Instruction, according as such appointments or removals concern Roman Catholic or Protestant normal schools. R. S., 2216.

456. Pupils shall be admitted to a normal school upon the order of the Provincial Secretary in accordance with a report of the principal showing that they have fulfilled the conditions required by the regulations for that purpose made by the Committee of the Council of Public Instruction of the religious belief to which such normal school belongs. *New*.

457. The principal of a normal school shall, before admitting any pupil into such school, make him sign, in the presence of two witnesses, a document, by which he shall bind himself to pay his board therein, or if he be a bursar, to refund the amount of his bursary if he does not fulfil the conditions required by the school law and regulations, and to pay, if necessary, the fines which may be imposed by the Lieutenant-Governor in Council.

2. Every father, tutor, or friend of a pupil, may become responsible for the payment of all sums exigible under the above mentioned document and the conditions so fixed by the Lieutenant-Governor in Council.

3. The Attorney-General, upon the recommendation of the principal of a normal school, may sue in

any competent court of justice, for the recovery of all sums due under such obligation. The action shall be brought in the name of the principal of the normal school who shall be designated in such suit by the words "the principal of the normal school of" (*name of the school.*)

4. The principal shall account to the Superintendent of Public Instruction for all sums collected in virtue of this article, which applies also to the recovery of any sum due to normal schools under regulations in force. R. S., 2217, *mod.*

458. The Superintendent of Public Instruction shall grant a diploma of qualification to any pupil of a normal school who has obtained from the principal thereof a certificate showing that such student has successfully followed a regular course of study therein. R. S., 2218, *mod.*

459. By virtue of such diploma and while it remains valid, such person shall be eligible to be employed as teacher, according to the grade of the diploma obtained by him, in any academy, model school or elementary school under the control of school commissioners or trustees. R. S., 2219. ⁽¹⁾

CHAPTER SECOND

Fabrique Schools

460. The *Fabrique* of any parish, and the school

(1) *Held*:—That the father of a normal school pupil is not liable for the amount of a bourse granted to his son, or for the penalty incurred by the latter through his failure to teach during three years. *The Principal of the Jacques-Cartier Normal School vs. Poissant*. S. C., Montreal, 1883, Judge Mathieu.—L. N., vol. 6, p. 132, and *the same vs. Pelland*. S. C., Montreal, 1883, Judge Taschereau.—L. N., vol. 6, p. 133.

Actions for sums due schoolmasters and teachers, for tuition, and board and lodging furnished by them are prescribed by two years.—*Civil Code*, art. 2261.

commissioners or trustees of the school municipality of which it forms part, may, by mutual agreement in due form, unite for one or more years the *Fabrique* schools in operation, with any of the public schools held under this act. R. S., 2222, § 1.

461. Any *Fabrique* contributing not less than fifty dollars annually towards the support of any school under the management of school commissioners or trustees shall thereby give a right to the *cure* and church-warden in office to be *de jure* commissioners or trustees for the management of that school only, if they were not so before. R. S., 2222, § 2.

462. No *Fabrique* shall unite its schools to those managed by commissioners or trustees of another religious belief except under an express and formal agreement with the school commissioners or trustees of such other faith. R. S., 2222, § 3. ⁽¹⁾

CHAPTER THIRD

County Academies

463. School commissioners or trustees, as the case may be, of any municipality in any county, counties or parts of counties, may combine for the purpose of establishing one or more academies therein, by proceeding in the following manner:

1. The chairman of the school corporations may be appointed academy delegates to represent these

(1) *Held*:—That when a *Fabrique* contributes annually \$50 towards the support of a school which is under the control of school commissioners (or trustees), the *cure* and churchwarden in office become *ipso-facto* school commissioners. *Charest vs. Veilleux*. C. Q. B., Quebec, 1881.—Q. L. R., vol. 8, p. 230.

corporations by virtue of a resolution adopted for that purpose by each.

The last of the delegates who have been appointed shall convene the first meeting of these delegates by giving a written notice of eight days of the time and place of such meeting.

2. At the first meeting the delegates shall elect a chairman and a secretary.

If the majority of the delegates pass a resolution by which they declare that it is necessary to establish one or more academies in the county, counties, or parts of counties, a petition to that effect, founded on such resolution, may be forwarded to the Roman Catholic or Protestant Committee, as the case may be, stating the facts of the case. Such petition shall be signed by the chairman and secretary of the meeting.

3. At the next ensuing meeting of the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be, or at a meeting specially called for that purpose, the said petition shall be delivered to the Superintendent of Public Instruction for transmission to the Lieutenant-Governor in Council.

If the Lieutenant-Governor in Council approve such petition, he may, by proclamation in the *Quebec Official Gazette*, establish such academy or academies, and designate them as the "Academy" or "Academies of the county of _____" or "counties of _____," if academies of county or counties, or "County of _____ Academy No. 1," (2 or 3) as the case may be, if an academy of parts of counties.

4. Within the thirty days which follow the proclamation establishing an academy, the board of delegates shall again meet, and shall elect three of their members to act as the first trustees of such academy.

Such trustees shall remain in office until the first juridical day of the month of August, then ensuing, when there shall be a regular annual meeting of the board of delegates. R. S., 2232, §§ 1, 2, 3, 4, *in part*.

464. At the first meeting and at the meeting which takes place yearly on the first juridical day of August, the board of delegates shall, under the provisions of the preceding article, appoint three of their number to act as trustees of the said academy for the ensuing year. They shall also appoint an auditor or auditors to examine the accounts of the academy. R. S., 2232, § 4, *in part*.

465. The academy trustees shall present annually to the said board of delegates at such annual meeting, a report of the educational work of such academy for the past year, with a balance sheet and statement of income and expenditure, duly audited. R. S., 2232, § 4, *in part*.

466. The secretary of the board of delegates may be the secretary-treasurer of a board of academy trustees. R. S., 2232, § 4, *in part*.

467. The academy trustees, the secretary-treasurer and auditors shall, in the performance of their several duties conform, in all respects, to the provisions of the school law which refer to school corporations and their officers, and also to the rules and regulations of the Roman Catholic or Protestant Committee of the Council of Public Instruction as the case may be. R. S., 2232, § 4, *in part*.

468. To provide for the building and maintenance of any county academy or academy of parts of counties, the Roman Catholic or Protestant school commissioners or trustees, as the case may be, who

have contributed to the establishment of such academies, may levy a tax on the taxable immoveable property of the school municipality under their control, sufficient in amount to provide a sum not exceeding three thousand dollars, for the purchase of the site for and the building of an academy, and not less than three hundred dollars per annum towards the payment of the teachers and the incidental expenses of such academy, as may be agreed on by the said board of delegates. R. S., 2233.

469. The school commissioners and trustees, as the case may be, shall be jointly and severally responsible to the said academy trustees for the payment of the sums mentioned, in the preceding article, and shall pay over the said sums to the said academy trustees by equal semi-annual payments on the second day of January and the second day of July in each year or the following juridical day. R. S., 2233, *am.*

470. The academy trustees shall be entitled to charge monthly fees to the pupils attending the same, varying with the course of study followed, such fees not to exceed one dollar and fifty cents per month, to be paid monthly in advance.

No pupil being two months in arrear for such fees, shall be permitted to attend such academy. R. S., 2234.

471. Each academy fulfilling the conditions of the preceding articles of this chapter, and conforming to the regulations in respect to academies adopted or which may be, from time to time, adopted by the Roman Catholic or Protestant Committee, shall be entitled to a share of the legislative grant for superior education in the discretion of the committee of its religious faith. R. S., 2235.

TITLE SIXTH

Prosecutions—Penalties and Appeals

CHAPTER FIRST

Prosecutions

472. The school commissioners or trustees of any school municipality may institute such suits or prosecutions as they deem necessary for the recovery of sums due as well as for school assessments and monthly school fees as for the arrears of such taxes. R. S., 2189, *in part*.

473. All suits or prosecutions instituted under the preceding article, may be brought before the Circuit Court, or before the Magistrate's Court of the district, provided the amount does not exceed the lawful jurisdiction of the said courts.

In all such suits or prosecutions, judgment may be rendered with costs. R. S., 2190, *am*.

474. Every action shall be brought in the name of the school corporation, in virtue of a resolution adopted for that purpose. R. S., 2192, *am*. (1)

(1) *Held*:—That school taxes cannot be sued for in the Superior Court. *The School Commissioners of Sillery vs. Gingras*. C. Q. B., Quebec, 1880.—Q. L. R., vol. 6, p. 355 and *The Corporation of the Township of Acton vs. Felton*. C. R., Montreal, 1879.—L. C. J., vol. 24, p. 113.

Held:—On a declinatory exception in an action for \$780, due for taxes imposed on the immoveables of the defendants, that the Superior Court has no jurisdiction to hear suits for the recovery of school taxes. *The School Commissioners of Hochelaga vs. Hogan et al.* S. C., Montreal, 1876, Judge Torrance.—L. C. J., vol. 20, p. 298.

Held:—1. On a writ of *certiorari* to quash the decision of a court of inferior jurisdiction, in the matter of school taxes, that in spite of the apparent observance of legal formalities by the school commissioners, courts of inferior jurisdiction have

CHAPTER SECOND

Penalties

475. Every person lawfully called upon to accept any office or perform any functions under this act, who refuses to accept or neglects to perform the same, or who, in any way, wilfully contravenes the provisions of this act, or of the regulations, thereunder, shall for each such offence, whether of commission or omission, incur a penalty of not less than five dollars nor more than ten dollars. R. S., 2193.

476. If any school commissioner, trustee, secretary-treasurer or other person makes any false certificate or return, by means of which he fraudulently obtains, or seeks fraudulently to obtain, money provided for the purposes of education under any of the provisions of this act, he shall not only restore the money so obtained, but shall also incur a penalty of not less than ten dollars nor more than fifty dollars.

If the penalty which may be imposed as aforesaid be not paid within ten days after judgment, it shall

a right to inquire into and demand proof that the regulation, by which the tax was imposed, was adopted in keeping with the provisions of the law.

2. That if the regulation is not regular, rate-payers are not obliged to pay a tax imposed by such regulation.

3. That an action taken against a rate-payer must specify whether he is sued as proprietor, possessor, or occupant. *Daude-
lin vs. The School Commissioners of St. Jude.* S. C., St. Hyacinthe, 1876, Judge Sicotte.—R. L., vol. 7, p. 433.

Held:—That in any action taken under the provisions of art. 125, chap. 15, of the R. S. of L. C. (art. 2193 R. S. Q.), it must be alleged that the offence was wilfully committed. *Audette dit Lapointe et al. vs. Duhamel.* S. C., Sorel, 1869, Judge Loranger.—R. L., vol. 1, p. 52.

Held:—That the secretary-treasurer of a board of school commissioners, who makes a false report in order to obtain the government grant, incurs a penalty not exceeding forty dollars nor less than ten dollars. *Pacaud vs. Roy.* C. Q. B., Quebec, 1866.—L. C. J., vol. 12, p. 65.

be levied, with costs, by seizure and sale of the goods and chattels of the defendant.

In default of sufficient goods and chattels, the defendant may be committed to the common gaol and detained therein one day for each sixty cents of the amount of the fine and costs, or of the balance which may be due. R. S., 2196, *mod.*

477. If any school commissioner, trustee, or secretary-treasurer, after dismissal, or retirement from office, or any other person whatsoever, retains, keeps, or takes possession of or refuses to deliver up any sum of money, register, book, paper, or other article belonging to a school corporation he shall thereby incur, for each day during which he retains, appropriates or refuses to deliver such sum of money, register, book, paper, or other article whatever, a fine of not less than five dollars nor more than twenty dollars, from the day following that upon which the notice mentioned in the following paragraph has been served upon him. Such suit shall be instituted by the school corporation interested, which, in the same action, may require the return of the moneys, registers, books, papers, or other articles whatever above mentioned.

2. Before instituting a suit for the recovery of such fine, notice shall be given by the Superintendent of Public Instruction to the person who retains the sums of money or articles above mentioned, ordering him to deposit or deliver them within a specified time into the hands of the person indicated in such notice. Such notice shall be served by a bailiff of the Superior Court upon the person withholding the said money or other article, or at his domicile, and the said bailiff shall make his return of such service.

3. Such fine shall be considered as a personal

debt, and the person upon whom it is inflicted may be condemned to be imprisoned, in default of payment of the fine, or in case of refusal or neglect to return the said sums of money, registers, books, papers, or other articles whatever, or any of them, until he shall have conformed with the judgment. R. S., 2198, 299, 2200, *mod.*

478. Every person who voluntarily troubles, disturbs or interrupts any school or educational institution by indecent, improper or injurious expressions or conduct, or by making any noise in or near such school or educational institution so as to disturb the classes of the school, shall be liable to a penalty not exceeding twenty dollars and costs, or thirty days' imprisonment, or to a fine and imprisonment at the same time. R. S., 2197, *in part, am.*

479. Except when otherwise provided by some other provision of this act, any suit taken for the recovery of a fine shall be taken before the Circuit Court, or the district magistrate's court, which may after judgment, cause the penalty and costs to be levied upon a warrant or order for the seizure and sale of the goods and chattels of the offender. R. S., 2194, § 1, *am.*

480. Save in the case specified in article 477 of this act, any person intrusted with its execution or qualified to vote at an election of school commissioners or trustees, may prosecute in his own name for the recovery of the fines imposed in virtue of any provision of this act. R. S., 2195, *am.*

481. The amount of every penalty levied in virtue of the preceding articles shall be paid into the school funds of the corporation of the commissioners or trustees of the municipality in which the offence has been committed. R. S., 2194, § 2, *mod.*

CHAPTER THIRD

Appeals

482. An appeal or recourse lies in the Circuit Court of the county or district:

1. (a) When the school commissioners or trustees have selected a school site;

(b) Established a new district;

(c) Altered the limits of a district already existing;

(d) Levied a special tax in virtue of the provisions of article 253 of this act.

2. When the school commissioners or trustees refuse to exercise any of the attributions which they may or should exercise in virtue of articles 112, 117, 229, 252, 253, 254, or 255.

483. The appeal or recourse may be taken by any rate-payer of the school municipality:

(a) During the thirty days following the notice given in virtue of article 203 in the cases in which such motion is required; or

(b) If the school commissioners or trustees refuse or neglect to perform some of the duties or to exercise the attributions mentioned in articles 112, 117, 229, 252, 253, 254, or 255 during the thirty days following the expiration of a delay of thirty days counting from the notice given by a rate-payer to the school commissioners or trustees to exercise the same, if within such delay the school commissioners co-trustees have not granted the application of the rate-payer.

484. The appeal or recourse is brought or exercised by means of a simple notice of which service is made by a bailiff upon the secretary-treasurer of the school board in the cause, personally or at the office or domicile of the latter.

485. A duplicate of such notice, and the certificate of the service thereof, shall be returned into the office of the court within five days after the service. *New.*

486. Within ten days after the service of the notice, all the documents concerning the matter must be returned into the office of the court within five days after the service. *New.*

487. As soon as the ten days mentioned in the preceding article have expired, the case must be placed by the clerk upon the roll for proof and hearing and may be heard on the fifth juridical day after such inscription or on any other day fixed by the judge. If the case is not concluded during the term it may be continued to the next term. *New.*

488. The case shall be heard by privilege.

489. The court may, by its judgment, confirm the resolution appealed from or annul the same, correct any error of procedure connected therewith, render such decision as the school commissioners or trustees should have originally rendered, or order them to exercise the attributions respecting which recourse is had. *New.*

490. If the court, by its judgment, condemns the school board to do anything which has been required of it, such board shall incur a penalty not exceeding twenty dollars per day, for each day's delay in the carrying out of that which it is bound to do. *New.*

491. The execution of the decision of the school commissioners or trustees appealed from is suspended until the judgment on the appeal is rendered. *New.*

492. The costs of the appeal or the recourse are in the discretion of the court or judge and shall be taxed against either party. *New.*

TITLE SEVENTH

Pensions of Officers of Primary Instruction

CHAPTER FIRST

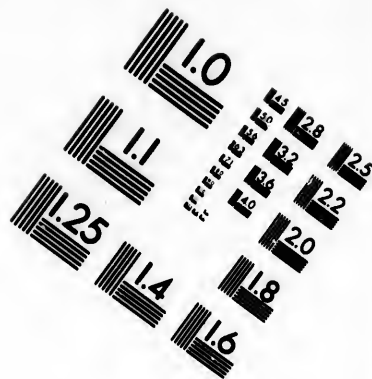
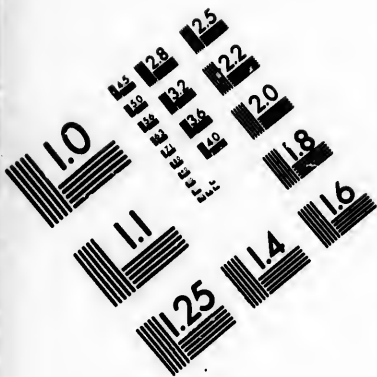
Pensions of Officers

493. Every person who has reached the age of fifty-six years, and who has been employed as an officer of primary instruction during a term of twenty years or upwards, has a right to an annual pension, based upon the average salary received by him during the years he has passed in teaching, and for which he has paid the stoppages. R. S., 2040. *am.*

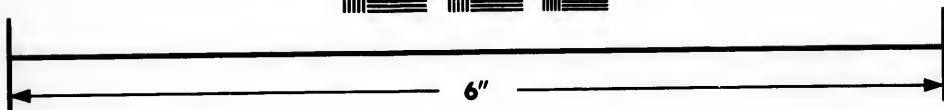
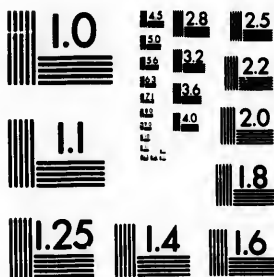
494. The pension, except in the case provided for by article 518, is fixed at one-fiftieth of the average salary, for each year of service up to thirty-five. R. S., 2241, *am.*

495. The average salary of officers of primary instruction shall not, for the purposes of this act, exceed the sum of eleven hundred and fifty dollars, except that any officer of primary instruction who, by reason of his age, the length of his services, and the previous payment of stoppages is entitled, at the time of the coming into force of this act, to a higher pension shall not suffer any diminution in his pension, owing to this article. The amount of





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his pension which shall exceed the pension that may be allowed under this act shall be paid annually out of the capitalized pension fund.

496. After twenty years' service, every officer of primary instruction, whatever be his age, may receive a pension when a serious injury, or enfeebled health renders it impossible for him to continue such service, provided such accident or ill-health has not arisen through any conduct forbidden by law or against good morals.

After ten years and less than twenty years' service, an officer of primary instruction, who is obliged to retire from teaching for any of the reasons above mentioned, may be reimbursed the sums which he paid in to the pension fund, without interest. But any officer who, after having been so reimbursed the sums by him paid into the pension fund, again takes up teaching, shall recover his rights to a retiring allowance on returning to the pension fund the sum received by him, within the two years next after his again taking up teaching. R. S., 2243, *am. and new.*

497. In the event of an officer applying for leave to retire owing to enfeebled health or serious illness, such infirmities and the cause thereof shall be established by means of certificates from the physician who has attended such officer, and if the administrative commission deems it expedient by another physician selected by it and at its own expense. (*See Form No. 23.*) R. S., 2244, *am.*

498. The physicians' certificates prescribed by the preceding article, shall be prepared according to form No. 23 of this act, and verified under oath before a justice of the peace or any other person authorized to receive an oath. R. S., 2245, *mod.*

499. Such pension is stopped from the moment the cause which gave rise to it has ceased to exist. R. S., 2246.

500. From the age of eighteen, the years that have been passed in teaching shall be included in the years of service, at the time of establishing the amount of the pension. R. S., 2247.

501. The years, during which officers of primary instruction have taught outside of the province, cannot be counted in the number of those which entitle them to a pension. R. S., 2248.

502. Every officer of primary instruction who wishes to claim his right to a pension shall establish, before the administrative commission of the pension fund of officers of primary instruction, that he has served as such during the five last years preceding his application, and that he has complied with the other provisions of this title. R. S., 2250.

503. An officer of primary instruction, in order to be pensioned, must produce, in addition to his certificate of birth, and a declaration of his domicile, a certificate stating his name, surname and quality, the date when he first acted as such officer, his services and the date and the reasons for his applying for a pension. R. S., 2251, *am.*

CHAPTER SECOND

Pension of Widows of Officers

504. The widow of an officer of primary instruction, dying between the 24th of July, 1880, and the 1st July, 1886, after having paid his stoppages un-

der the act 43-44 Victoria, chapter 22, shall, so long as she remains a widow, have a right to one-half of the pension to which her husband was entitled. R. S., 2252, *in part*.

505. Such half-pension is allowed to the widow of an officer of primary instruction, dying after the 1st of July, 1886, only when the latter has paid into the pension fund, in addition to the stoppages payable by him, and at the same time, a sum equal to one-half of such stoppages; nevertheless, this latter stoppage is only exacted for the years during which the officer married. R. S., 2252, *in part*.

506. For the years previous to the 24th of July, 1880, the stoppage in question shall be paid as follows:

Two-fifths shall be paid before the first of January, 1887.

One-fifth of the total amount shall be deducted from the annual pension of the officer of primary instruction himself, or,—if he died without having obtained a pension,—from the said widow's pension during each of the first three years.

These sums also form part of the capital. R. S., 2253.

507. In order that a widow may be eligible for a pension, the marriage must have been contracted six years before the husband had ceased to act as an officer of primary instruction. R. S., 2254.

508. The widow is not allowed to pay the stoppages which her husband neglected to pay into the pension fund. R. S., 2255.

509. The widow of an officer of primary instruction claiming the pension is bound to furnish, in

in addition to the vouchers which her husband would have been obliged to produce:

1. Her certificate of birth;
2. The burial certificate of her husband;
3. Her marriage certificate. (*See Form 24.*) R. S., 2256.

CHAPTER THIRD

Stoppages

510. Any officer of primary instruction who, before the first of January, 1887, has paid into the pension fund the stoppages required by this title, for the years of service immediately preceding the 24th of July, 1880, may count the said preceding years of service to establish his right to a pension. R. S., 2257.

511. The stoppages upon the salaries of officers of primary instruction for the years previous to the 24th of July, 1880, were five per cent per annum without interest.

Two-fifths of the total amount of the stoppages for the said years previous to the 24th of July, 1880, should have been paid before the first of January, 1887; and one-fifth of the total amount of the said stoppages shall be deducted from the annual pension of the officer for each of the first three years after he retires.

The sums so stopped do not form part of the yearly revenue of the pension fund, but shall be placed in the capital fund. R. S., 2258.

512. The officers of primary instruction, who, between the 24th of July, 1880, and the 1st of July, 1886, paid the stoppages required by the act 43-44

Victoria, chapter 22, for their years of service previous to the 24th July, 1880, have a right to interest, at the rate of five per cent., upon the sums so paid in, up to the first of July, 1886, such interest to be deducted from the stoppages to be hereafter paid by them, out of their salary or pension, as the case may be. R. S., 2259.

513. The pension fund of officers of primary instruction is made up of:

1. A reduction or stoppage from the salary of each officer at the minimum rate of two per cent., and a maximum rate of four per cent., per annum, as well as from that of every officer and every layman teaching without a diploma in schools of commissioners or trustees or in those subsidized by them or by the Government;

2. A reduction of four per cent., annually, from the Public School Fund, as well as from that portion of the Superior Education Fund, appropriated to the support of institutions managed or directed by officers of primary instruction;

3. An annual grant not exceeding five thousand dollars from the Government of the Province. R. S., 2260, *am.*

514. The total amount of these various stoppages and grants, made from the 24th of July, 1880, to the 1st of July, 1886, shall be deposited with the Provincial Treasurer, and be by him converted into Provincial or Dominion bonds at the current price of such bonds, and capitalized for the benefit of the pension fund for officers of primary instruction. R. S., 2261.

515. The fund arising from the stoppages shall not form part every year of the Consolidated Revenue Fund of the Province, notwithstanding any

provision to the contrary in the act respecting the Treasury Department; but it shall be held in trust by the Provincial Treasurer for the purposes of this act. R. S., 2262.

516. If the interest on the said capitalized fund and the total of the different stoppages and grants do not suffice to pay the pensions applied for, the stoppages from the salaries of the officers of primary instruction, and from those of any other layman teaching in schools under control or subsidized may be increased to the amount of four per cent., the maximum rate of the stoppages. R. S., 2263, *am.*

517. Every excess of receipts over expenditure in the pension fund shall be first employed in paying the deficits of previous years, if any, and the balance shall be placed with the Provincial Treasurer in trust for the purposes of this act. R. S., 2264.

518. If the stoppages and grants be not sufficient to pay the pensions as above established, the administrative commission shall reduce the pensions and proportion them to the amount at its disposal. R. S., 2265.

519. The portion of the pension fund established by the act passed on the 22nd December, 1856, (19-20 Victoria, chapter 14, section 7), which shall, from time to time be relieved, according to the provisions of the said act, by the death of pensioned officers, shall be paid into the pension fund established by this act, so that the whole shall be so paid in when the last of such officers, dies. R. S., 2266.

520. The Superintendent of Public Instruction shall retain half-yearly, out of the grant payable to

each municipality, the sums necessary to pay the stoppages out of the salary of every person who should pay the same under this act; and the school authorities are authorized to deduct, from the salaries of such officers, when paying the said salaries, each year, and not afterwards, the amount retained by the Superintendent of Public Instruction.

For the same purposes also, a semi-annual deduction shall be made from the salaries of all other officers of primary instruction paid directly by the Department of Public Instruction. R. S., 2267, *mod.*

CHAPTER FOURTH

Payment of Pensions

521. The pension in the case of an officer of primary instruction shall run from the day on which his salary ceases to be paid, and in that of a widow, when entitled thereto under articles 504 and following of this act, from the day following the decease of her husband. R. S., 2268.

522. All pensions shall be paid half-yearly; but if an officer should die, without leaving a widow entitled to receive a pension, his lawful heirs shall be entitled to receive his pension for the current six months. R. S., 2269.

523. Every officer of primary instruction, who has resigned his office, or whose diploma or commission has been cancelled for any causes provided by law, shall forfeit his right to a pension and also his stoppages; but, if his diploma is restored, or he is reinstated, his former service shall count. R. S., 2270.

524. Pensions, if they have not been claimed, shall be struck from the books of the pension fund after three years, and their replacement thereon shall not entitle to arrears prior to the claim.

The same forfeiture shall apply to the heirs of pensioners, who do not establish their rights within three years from the death of the person whom they represent. R. S., 2271.

525. An officer of primary instruction who, after resigning his office opens a private school or temporarily accepts a position therein, with the authorization of the Superintendent of Public Instruction, to whom he must apply therefor, shall not forfeit his right to a pension, provided he regularly pays the stoppages on his salary. (*See Form No. 25.*) R. S., 2272, *am.*

526. All claims for pensions must be made before the first of November of each year; pensions claimed after that date will only be paid the following year. (*See Form No. 22.*) R. S., 2274.

CHAPTER FIFTH

Valuation of Salaries

527. The salary of officers of primary instruction, employed in private schools, subsidized by the Government or by school municipalities, shall be valued by the school inspector of the division to which such officers belong, to the satisfaction of the Superintendent of Public Instruction, who may order an enquiry for such purpose, in accordance with the laws respecting education. R. S., 2275.

528. In no case shall the value of the annual sa-

lary, including benefits, in private schools subsidized by the Government, exceed the following amounts, to wit:

For male teachers of elementary schools:—in towns, four hundred dollars,—in country municipalities, two hundred and fifty dollars;

For female teachers of elementary schools:—in towns, two hundred dollars,—in country municipalities, one hundred and twenty-five dollars;

For male teachers of model schools:—in towns, five hundred dollars,—in country municipalities, three hundred dollars;

For female teachers of model schools:—in towns, two hundred and fifty dollars,—in country municipalities, one hundred and fifty dollars;

For male teachers of academies:—in towns, six hundred dollars,—in country municipalities, four hundred dollars;

For female teachers of academies:—in towns, three hundred dollars,—in country municipalities, two hundred dollars. R. S., 2276.

529. Officers of primary instruction may, in addition to the specific salary agreed upon between them and the school commissioners or trustees, include, as forming part of their salary, all the benefits derived from their position, such as lodging, light and fuel.

If, however, such officers give private lessons or exercise at the same time any profession, trade or business whatsoever, the benefits they derive therefrom shall not be included in such valuation. R. S., 2277.

530. The valuation of the benefits so derived by officers of primary instruction shall be made by the school inspector of the district, certified to be cor-

rect, and revised by the administrative commission.
R. S., 2278.

531. It shall be the duty of school boards or administrative bodies employing officers of primary instruction, to make a yearly report stating the name, office and salary during the previous year of each certificated and non-certificated lay teacher teaching in the schools under their control.
R. S., 2279.

532. In no case shall the valuation of such benefits in the schools under control exceed the following amounts, to wit:

For an elementary school:—in towns, one hundred dollars,—in country municipalities, thirty dollars;

For a model school:—in towns, one hundred and fifty dollars,—in country municipalities, fifty dollars;

For an academy:—in towns, two hundred dollars,—in country municipalities, seventy-five dollars. R. S., 2280.

CHAPTER SIXTH

Administrative Commission

533. The pension fund for officers of primary instruction is administered by a commission composed of the Superintendent of Public Instruction as chairman and of four delegates appointed as follows: one by the convention of Roman Catholic teachers in Montreal, one by the convention of Roman Catholic teachers in Quebec, and two by the Provincial Association of Protestant teachers.

Their services are gratuitous, but their travelling expenses are paid out of the pension fund.

These delegates remain in office until they are replaced by those who appointed them.

The commission appoints its secretary. R. S., 2281, 2282, *in part, am.*

534. In case of absence, through illness or for some unavoidable cause, any delegate may have himself replaced by an officer of primary instruction being a member of the convention of Roman Catholic teachers or the provincial association of Protestant teachers, as the case may be, to which he belongs. R. S., 2283, *am.*

535. The administrative commission determines all questions connected with the pension fund and pensioners and its decision is final. R. S., 2282, *in part.*

536. The minutes of each meeting of the administrative commission of the pension fund of the officers of primary instruction shall be published in the French and English journals of education in the province. *New.*

537. The administrative commission shall be bound to make all regulations which it may deem necessary to put this title into operation and to provide for unforeseen cases.

Such regulations, when sanctioned by the Lieutenant-Governor in Council and published in the *Quebec Official Gazette*, shall have operation of law for the carrying out of the present title of this act. R. S., 2285.

CHAPTER SEVENTH

Miscellaneous Provisions

538. The accounts of the pension fund are kept by the Department of Public Instruction, certified

yearly by the Provincial Auditor, and published in the report of the Superintendent of Public Instruction. R. S., 2286.

539. It shall be the duty of the school inspectors, whenever they make their official inspection, to visit, at least once a year, the pensioners in their respective districts, and to report to the Superintendent of Public Instruction, every year before the month of November, upon the state of the health of the pensioners and upon their qualifications for receiving a pension under the terms of the law.

They shall also indicate the date of the death of any pensioners who may have died during the year and add any remarks which may assist the work of the administrative commission. R. S., 2284.

540. Pensions are not assignable and are not liable to seizure. R. S., 2287.

541. The provisions of this title do not apply to teachers receiving pensions before the first of July, 1886. R. S., 2288, *mod.*

TITLE EIGHTH

**Teaching of Drawing, Hygiene and Agriculture—
School Libraries—School Books—School Exhibition**

CHAPTER FIRST

**Teaching of Drawing, Hygiene and Agriculture
in Schools**

SECTION I

TEACHING OF DRAWING AND HYGIENE IN SCHOOLS

542. Drawing shall be taught in all schools. R. S., 1875, *in part, am.*

543. Hygiene shall be taught in all schools.

SECTION II

TEACHING OF AGRICULTURE IN SCHOOLS

544. Agriculture shall be taught in all schools in rural municipalities. *New.*

CHAPTER SECOND

School Libraries

545. The Lieutenant-Governor in Council, may order that a sum, not exceeding two thousand dollars, may be appropriated annually, or during a certain number of years, out of the Superior Education Fund, to assist the establishment of city, town, village, parish or township libraries, in school municipalities in which suitable contributions have been made by school corporations for that purpose.

2. Such assistance shall be given in money or in books, upon the conditions deemed expedient by the Lieutenant-Governor in Council. R. S., 2236.

546. School corporations may, for the establishment and maintenance of libraries, appropriate any sum of money whatever, and, with the authorization of the Superintendent of Public Instruction, issue debentures to create a fund for that purpose.

Such libraries shall be under the management, inspection and regulations which the Roman Catholic or Protestant Committee, as the case may be, of the Council of Public Instruction may, with the approval of the Lieutenant-Governor in Council, prescribe; and such regulations shall be published by the Superintendent of Public Instruction in the *Quebec Official Gazette*. R. S., 2237.

CHAPTER THIRD

School Books

SECTION I

ACQUISITION OF BOOKS, MAPS, ETC.

547. The Lieutenant-Governor in Council may acquire, for the Province, the copyright of books, maps and other publications whatsoever, approved by either committee of the Council of Public Instruction. R. S., 1912, § 5, *am.*

SECTION II

GRATUITOUS DISTRIBUTION OF SCHOOL BOOKS

548. The Lieutenant-Governor in Council may distribute gratuitously to pupils in schools under the conditions which may be imposed, books, or series of books, maps, and other publications whatsoever selected, from among those that have been approved by either committee of the Council of Public Instruction in accordance with article 56 of this act. *Nov.*

CHAPTER FOURTH

School Exhibitions

549. The Lieutenant-Governor in Council may on the report of the Superintendent of Public Instruction, or on the recommendation of the Council of Public Instruction or of either of its committees, promulgate regulations for establishing, holding,

directing and maintaining school exhibitions, and may appoint one or more commissioners for that purpose, whose duty it shall be to obey the instructions given by him.

Such regulations shall be published in the *Quebec Official Gazette*. R. S., 1877.

TITLE NINTH

Laws Repealed, Temporary Provisions and Coming Into Force

550. Title fifth of the Revised Statutes respecting public instruction and the laws amending the same are repealed.

551. Such repeal shall in no way affect or invalidate any matter preceding or thing commenced, done or completed in virtue of the repealed provisions, or any regulation respecting school matters now in force, but they shall be continued or terminated in virtue of the provisions of this act, in so far as such provisions allow of the same.

552. The officers of the present Department of Public Instruction, school inspectors and other employees exercising functions under the school laws, shall continue to perform their duties until it is otherwise ordered by the Lieutenant-Governor in Council, in accordance with this act.

553. This law shall come into force on the day which the Lieutenant-Governor in Council shall fix by proclamation.

APPENDIX

FORMS.

No. 1—OATH OF OFFICE

Province of Québec, }
School Municipality of }

I, A. B., having been duly appointed (*arbitrator, secretary-treasurer*) of this municipality, make oath that I will well and faithfully discharge the duties of my office, according to the best of my judgment and ability. So help me God.

Sworn at this day of
the month of (*insert the date*)
before me
the undersigned justice of
the peace.

*Signature
of the person
taking the oath.*

Signature of the justice of the peace.

No. 2—SPECIAL NOTICE IN WRITING

Province of Quebec, }
 School Municipality of }

To

Joseph B

name and occupation of person to whom notice is given.

SIR,

Special notice is hereby given you by the undersigned, L. M. (*name and occupation of person giving notice*) that (*the object of the special notice*)

Given at this day of the
 month one thousand hundred and
 (*Signature of the person giving notice*)

No. 3—NOTICE FOR ELECTION OF SCHOOL COMMISSIONERS OR TRUSTEES

Province of Quebec, }
 School Municipality of }

Public notice is hereby given that there will be held on Monday, the day of July, one thousand hundred and at the hour of ten in the morning, at the church door of the said municipality (*or at indicate any other place*), a meeting of the proprietors of real estate of this municipality, entered as such upon the valuation roll and having paid all their school taxes and other contributions to proceed with the election of a board of school commissioners, (*or of one or more school commissioners or trustees, as the case may be*).

Given at this day of
 one thousand hundred and
 (*Signature of person or persons giving the notice.*)

No. 4—REPORT OF ELECTION OF SCHOOL COMMISSIONERS OR TRUSTEES

Province of Quebec, }
 School Municipality of }

To the Superintendent of Public Instruction.

SIR,

On Monday, the _____ day of July, one thousand _____ hundred and _____, at a public meeting of the electors of this municipality, duly convened and held according to law, at (*mention the place*), at the hour of ten in the morning, Messrs. (*insert the names and surnames written very plainly*) were elected as school commissioners (*or trustees, as the case may be*), for the said municipality.

Given at _____ this _____ day
 (*Signature of the Presiding Officer*).

No. 5—NOTICE TO SCHOOL COMMISSIONERS OR TRUSTEES ELECTED

Province of Quebec, }
 School Municipality of }

To Mr. A. B., School Commissioner (*or Trustee*).

SIR,

I hereby notify you that at a public meeting of the electors of this municipality, duly convened according to law, and held on the _____ day of _____ one thousand eight hundred and _____ you were elected a school commissioner (*or trustee, as the case may be*).

Given at _____ this _____ day
 (*Signature of the Presiding Officer*).

No. 6—NOTICE OF DISSENT

Province of Quebec, }
 School Municipality of }

To the Chairman or secretary-treasurer of the
 school commissioners of the municipality of
 county of

SIR,

We, the undersigned, proprietors, occupants, tenants and rate-payers of the municipality of county of _____, professing the _____ religion, have the honor, under article 123 of the Education Act, to notify you of our intention of withdrawing from the control of the school corporation of which you are the chairman from the first day of July next.

Given at this day of
(Signatures of the dissentients).

No. 7—NOTICE OF DISSENT SO AS TO WITHDRAW FROM
 CONTROL OF FUTURE COMMISSIONERS

Province of Quebec, }
 School Municipality of }

To Mr.

Chairman of the school trustees of the municipal-
 ity of county of

SIR,

We, the undersigned, proprietors, tenants, occupants and rate-payers of the municipality of in the county of _____ professing the

religion, have the honor to inform you that, in virtue of article 128 of the Education Act, we do not intend to be governed by the school commissioners who shall be elected in July next, and that we intend to elect three trustees to administer our schools in the month of July next.

Given at this day of
(Signatures of those interested).



No. 8—NOTICE OF DISSENTIENTS DECLARING
 THEMSELVES THE MAJORITY

Province of Quebec, }
 School Municipality of }

To Mr.

Chairman of the school commissioners of the municipality of , county of

SIR,

We, the undersigned, proprietors, tenants, occupants and rate-payers of the municipality of in the county of , now under the control of the school trustees of the said municipality, have the honor to inform you, in virtue of article 127 of the Education Act, that we have become the majority, and that we intend accordingly to organize ourselves and to elect five school commissioners for the administration of our schools, in the month of July next.

Given at this day of
(Signatures of those interested).

No. 9—NOTICE CONVENING MEETING OF SCHOOL
COMMISSIONERS OR TRUSTEES

Province of Quebec, }
School Municipality of }

To Mr. A. B.,

School Commissioner (*or* Trustee).

SIR,

I am instructed by the chairman of the school commissioners (*or* trustees) to inform you that a meeting of the board of school commissioners (*or* trustees) of this municipality, of which you are a member, will be held at (*the place*) at the hour of
 in noon, the day of the
month of , one thousand hundred
and

Given at this

(*Signature of the Secretary-Treasurer*).

FORM 10—MINUTES OF PROCEEDINGS OF SCHOOL
COMMISSIONERS OR TRUSTEES

Province of Quebec, }
School Municipality of }

At a meeting of the school commissioners (*or* trustees) of the municipality of , in the county of , held at (*mention the place*) in this municipality, on the day of the month of , one thousand hundred and , at the hour of in the noon, at which meeting were present:

MM. (*insert the names of all the members present*),
all School Commissioners (*or* Trustees).

The chairman (*or* acting chairman, in the absence of the chairman) in the chair.

The secretary-treasurer being also present.

M. (*his name*) moves, that (*write out the motion*).
 Carried unanimously (*or on the following division*).

*If there be a division, the votes shall be taken by the
 chairman as follows:—*

Yeas:—Messrs. }
 Nays:—Messrs. } (*Insert the names*)

*If the votes be equal, the chairman votes, and then he
 declares the motion carried or not, as the case may be.*

If there be an amendment, say:

Mr. _____, moves in amendment, that
 (*State the amendment*)

For the amendment:—Messrs. } (*Insert*
 Against the amendment:—Messrs. } *the names*).
 (*Signature of the Chairman*).
 (*Signature of the Secretary-Treasurer*).

FORM 11—SURETY BOND OF THE SECRETARY-
 TREASURER

Province of Quebec, }
 School Municipality of }

Whereas I, (*name of the secretary-treasurer*), have
 been appointed secretary-treasurer of the school
 commissioners (*or trustees*) for the municipality of
 _____ in the county of _____, and, whereas,
 in conformity with the provisions of the law, we
 (*names of the two sureties and their quality and domi-
 cile,*) have been accepted by (*name of the chairman*)
 the chairman of the said school commissioners (*or
 trustees*) as sureties of the said (*name of the secre-
 tary-treasurer*), for the total amount for which the
 said (*name of the secretary-treasurer*) is and shall be,
 at any time whatever, responsible, for all sums of
 money which he may have in his hands belonging to
 the said school commissioners (*or trustees*), and for
 the due execution of his duties as secretary-treasur-
 er;

Know by these presents that we, the said (*names of the secretary-treasurer and of the two sureties*), acknowledge ourselves to be jointly and severally bound to pay and to reimburse the school commissioners (*or trustees*) of the municipality of _____ in the county of _____, all sums of money for which the same (*name of the secretary-treasurer*), by himself or by any person for whom he is responsible, may, in the exercise of his office, become responsible towards the school commissioners (*or trustees*) of the said municipality, or towards any other person for them, in principal, interest, costs, penalties or damages, if any.

The condition of this bond is that if the said (*name of the secretary-treasurer*) shall well and faithfully at all times perform the duties and functions of the office of secretary-treasurer, to which he has been appointed, and accounts for, pays over or remits to the school commissioners (*or trustees*) of the municipality of _____, in the county of _____, or to any person indicated by them, all sums of money for which he himself, or any person for whom he is responsible, shall become responsible, during his tenure of office, towards the said school commissioners (*or trustees*) of the said municipality, in principal, interest, costs, penalties, or damages, then this bond shall be null, otherwise it shall remain in full force and effect.

Made and passed in triplicate, at _____ the day of the month of _____, one thousand _____ hundred and _____

(*Signatures of chairman of the school commissioners or trustees, of the secretary-treasurer and of the sureties*).

(*Signature of the notary or of a Justice of the Peace, as the case may be*).

}

No. 12—NOTICE OF APPOINTMENT OF MANAGER

Province of Quebec, }
 School Municipality of }

To Mr. (*Name of Manager*).

SIR,

I hereby give you notice that at a meeting of the school commissioners (*or trustees*) of this municipality, held on the day of the month of one thousand hundred and you were named (*permanently or temporarily or for what time, must be stated*) manager to assist them in the administration of the school-houses, the building, repairing, heating and cleaning the same, and also to keep the furniture belonging to the school in order.

Given at this day of the month of

(*Signature of the Secretary-Treasurer*).

No. 13—DEMAND FOR COPY OF THE VALUATION ROLL

Province of Quebec, }
 School Municipality of }

To the Secretary-Treasurer of the Municipal Council of the Municipality of County of

SIR,

I hereby require you to forward and deliver to me, within fifteen days from this date, for the use of the school commissioners (*or trustees*) of the municipality of (*name of the school municipality*) situ-

ated (*state whether wholly or in part*) in the limits of the municipality of (*name of the rural municipality*), a certified copy, according to law, of the valuation roll (*or of a part of the valuation roll*) of the property situate within the limits of the municipality.

Date

(*Signature of the Secretary-Treasurer*).

No. 14—NOTICE TO RATE-PAYERS FOR EXAMINATION
OF VALUATION ROLL

Province of Quebec, }
School Municipality of }

PUBLIC NOTICE

Is hereby given to all proprietors of real estate and resident householders of this municipality, that the valuation roll made by order of the school commissioners (*or trustees*) of the municipality is deposited in my office where it may be examined by the interested parties, during thirty days from this notice; during which time any rate-payer interested may, in writing, complain of such roll, which shall be taken into consideration and homologated at a meeting of the school commissioners (*or trustees*) which shall be held at a date to be fixed in a future notice.

Given at this day of

(*Signature of the Secretary-Treasurer*).

No. 15—NOTICE TO RATE-PAYERS FOR EXAMINATION
OF COLLECTION ROLL

Province of Quebec, }
School Municipality of }

PUBLIC NOTICE

Is hereby given to all proprietors of real estate and resident householders of this municipality, that the collection roll as established by the school commissioners (or trustees) of this municipality has been made and completed, and that it now is and will remain in my possession, for inspection by parties interested, during thirty days from this notice, during which time it may be amended; any rate-payer may, during the said delay, complain of such roll, which shall be taken into consideration, and homologated with or without amendment, at the meeting of commissioners (or trustees) to take place on the day of at the place where meetings are usually held at the hour of in the noon; but, such delay expired, it shall come into force, and every person interested after having taken cognizance thereof, if he so desire, shall pay the amount of his taxes to the undersigned, at his office, within the twenty days following the said delay of thirty days, without further notice.

Given at this day of the
month of

(Signature of the Secretary-Treasurer),

No. 16.—SECRETARY-TREASURER'S NOTICE FOR THE PAYMENT OF SCHOOL TAXES.

SCHOOL MUNICIPALITY OF

M.....
 Dr. to The School Corporation of.....

	\$	cts.
Taxes on your (here mention the property, as house, farm, &c.) valued at \$ at the rate of (state amount) in the \$		
Monthly fee for (state number of children) during (state number of months) at (state amount) per month.*		
Total	\$	

SIR,—Take notice that, having failed to pay the above mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from this date, to pay the said sum to me, in my office, together with the costs of the present notice and of the service thereof, detailed hereunder, in default whereof an execution will be issued against your goods and chattels.

(Place and date.)
 Costs: _____
 Notice. \$ \$ _____
 Service. \$ _____
 Total....\$ _____
 (Signature.)
 Secretary-Treasurer.

PROVINCE OF QUEBEC

SCHOOL MUNICIPALITY OF.....

Copy of account of.....
 Name of the rate payer.....

\$

Notice served.....
 Insert, date of notice.....

COSTS.

Notice. \$ _____
 Service. \$ _____
 Total....\$ _____

* If the monthly fee is payable monthly in advance it should not be demanded by this notice.

No. 17—WARRANT OF DISTRESS FOR ARREARS OF
SCHOOL TAXES

Province of Quebec, }
School Municipality of }

The school commissioners (*or* trustees) for the
municipality of _____, in the county of _____

To any bailiff of the Superior Court, acting in and
for the district of _____

Whereas (*name and description of the debtor*) has
been required by the secretary-treasurer of the
school commissioners (*or* trustees) for the munici-
pality of _____, in the county of _____,
to pay into his hands, for the use of the said school
commissioners (*or* trustees), the sum of _____,
being the amount due by him to the said school
commissioners (*or* trustees) as appears by the col-
lection roll of the municipality for the year 18 ____;
and whereas the said (*name of the debtor*) hath neg-
lected and refused to pay to the said secretary-
treasurer, within the delay required by law, the
said sum of (*the amount in words*) with the costs of
notice and service amounting to (*the amount in
words*); these are therefore, to command you to
seize, without delay, the goods and chattels of the
said (*name of the debtor*) which may be found within
the limits of the said municipality; if, within the
space of eight days after such seizure, the above
mentioned sums, with the reasonable expenses of
the said seizure, be not paid, then you shall sell
according to law the said goods and chattels so by
you held and you shall pay over the moneys arising
from such sale to the secretary-treasurer of the said
school commissioners (*or* trustees), so that he may

* If the monthly fee is payable monthly in advance it should not be demanded by this notice.

apply the sum as by law directed, and return the surplus, if any, when demanded, to the said (*name of the debtor*), or to whom it may concern; and, if such seizure cannot be effected, in default of goods liable to seizure, you shall then certify the same to me so that such proceedings may be had as the law may require.

Given under my hand and the seal of the said corporation of school commissioners (*or trustees*) this _____ day of the month of _____ in the year of Our Lord one thousand _____ hundred and _____ at _____ in the aforesaid district.

(*Signature of the Chairman of the School Commissioners (or Trustees).*)

No. 18—NOTICE OF THE DAY AND PLACE OF SALE OF
GOODS AND EFFECTS SEIZED FOR SCHOOL TAXES
PUBLIC NOTICE

Is hereby given that on (*day of the week*) the _____ day of the month of _____ instant (*or next*) at the hour of _____ in the _____ noon at (*designate the place*) the goods and chattels of (*name of the person*) now under seizure in default of payment of taxes due to the said school commissioners (*or trustees*) will be sold at public auction at (*name the place*).

Given under my hand at (*place*), in the district of _____ this day of _____

(*Signature of the Bailiff.*)

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No.19—FORM OF TEACHER'S ENGAGEMENT

Province of Quebec, }
 School Municipality of }

On the day of the month of in the year 18 , it is mutually agreed and stipulated between the school commissioners (*or trustees*) of the municipality of in the county of , represented by (*name of chairman*) their chairman, under a resolution of the said commissioners (*or trustees*) passed on the day of 18 , and (*name of teacher*) teacher, holding a diploma for a (*insert grade*) school, residing at as follows:

The said teacher makes an engagement with the said school commissioners (*or trustees*) for the school year from the first of July (unless the diploma of the said teacher be withdrawn, or any other legal impediment arise) to teach the (*grade of school*) school in district No. according to law, to the rules and regulations established or to be established by the competent authorities, and amongst others, to exercise an efficient supervision over the pupils attending the school; to teach the subjects authorized, and to use only authorized text-books; to fill up all blank forms required by the Department of Public Instruction, the inspectors or commissioners (*or trustees*); to keep the required school registers; to preserve amongst the archives of the school such copy-books, and other work of the pupils as may be ordered to be put aside; to keep the school rooms in good order and not allow them to be used for any other than school purposes without permission to that effect; to follow such rules as may be established; in a word, to fulfil all the duties of a good

teacher; to hold school every day, except during the vacations, and on Sundays and festivals and on the holidays authorized by law and the school regulations.

The commissioners (or trustees) undertake to pay every month to the said (*name of teacher*) the sum of (*state sum in full*) for the said school year in current money and not otherwise.

In default of any other engagement, the present agreement shall continue to remain in force between the parties until it be legally set aside.

And the parties have signed, after hearing the same read.

Made in *Duplicate* at _____ the
 day of _____
 one thousand _____ hundred and
 (*Signature*)
 Chairman of the School Commissioners (or Trustees)
 (*Signature*)
 _____ Teacher.

No. 20—NOTICE TO TEACHERS INFORMING THEM THAT
 THEIR SERVICES ARE NO LONGER REQUIRED

Province of Quebec, }
 School Municipality of }

To Mr.

Teacher of school district No.

SIR,

I have the honor to inform you that, by a resolution adopted at their meeting of (*insert the date*), the school commissioners (or trustees) of this municipality have decided that they will not require your services for the next year.

Date.....

(*Signature of the Secretary-Treasurer*).

No. 21—NOTICE RESPECTING RESOLUTIONS ADOPTED
IN CERTAIN CASES

Province of Quebec, }
School Municipality of }

PUBLIC NOTICE

Is hereby given that at a meeting of the school
commissioners (or trustees) of this municipality held
on the _____ day of the month of _____
one thousand _____ hundred and _____
it was resolved:

(Enter the resolution adopted)

Date.....

(Signature of the Secretary-Treasurer).

No. 22—APPLICATION FOR PENSION

To the Superintendent of Public Instruction.

SIR,

I have the honor to submit for your consideration
the following reasons which constitute my right to
the pension enacted in favor of officers of primary
instruction:

I was born at _____ county of _____ on the
day of the month of _____ *(state the date)*

I am a (Roman Catholic or, Protestant or as the
case may be)

If the officer be married add:

I am married to *(name in full)* since the *(date of
the marriage)*

I reside at _____ in the county of _____ *(If the
officer reside in a city or town, he must give the name of
such city or town, the name of the street and the num-
ber of his residence).*

Letters for me should be addressed to the post-
office of _____

I hold a _____ school diploma which I obtained from the board of examiners (*or*.....normal school) of _____ on the _____ 18 .

I commenced teaching school in (*state the date*) and ceased teaching on the _____ day of the month of _____ 18 .

I taught school for _____ years

Since the first of July (*state the date*), I taught in the following municipalities:

At ⁽¹⁾ _____ from ⁽²⁾ 18 to ⁽²⁾ _____

My reasons for making the present application are the following:

(*Give the reasons*).

At _____ this _____ day of _____ 18 .

(*Signature of the officer*).

No. 23—MEDICAL CERTIFICATE

I, the undersigned _____ physician, domiciled at _____ county of _____ solemnly declare that on the _____ day of the month of _____ I examined _____ an officer of primary instruction, and I found that _____ is affected by _____ (*state the cause, duration and gravity of the disease so as prima facie to establish that the officer is unable to teach*), which renders _____ completely incapacitated from performing _____ duties as an officer of primary instruction.

Sworn before me at _____ this _____ day of _____ A.D. 18 . } (*Signature of the Justice of the Peace*). } (*Signature of the Physician*)
J. P.

(1) Name of the municipality in which officer taught school.
(2) Date.

No. 24—APPLICATION FOR PENSION BY WIDOW

Province of Quebec, }
 School Municipality of }

To the Superintendent of Public Instruction.

SIR,

I, the undersigned (*family name of widow*) was the wife of the late (*name of deceased teacher*), in his lifetime an officer of primary instruction, who died on the (*date of decease*), at (*parish and county*).

I was born on the (*date of birth*), and was married to the said (*name of deceased teacher*), on the (*date of marriage*), as shewn by the annexed documents; and, in consequence, I claim the pension allowed to widows of officers of primary instruction in virtue of article 497 of the Education Act.

Dated at the day of 18

(*Signature of the widow*).

No. 25—REQUEST FOR AUTHORIZATION TO TEACH IN AN INDEPENDENT SCHOOL

Province of Quebec, }
 School municipality of }

To the Superintendent of Public Instruction

SIR,

I have the honor to inform you that I have abandoned the occupation of a teacher under the control of the school commissioners (*or school trustees*) of (*name of the municipality*), for the reason that (*give reasons*), and I have accepted employment in (*name of the institution*), under the control of (*name of person in charge*), with a salary of dollars per annum.

Or that I keep a private school in the municipal-
 ity of _____, county of _____, and
 that my salary has been valued by Mr. (*name of the
 school inspector of the district*), inspector of schools,
 at the sum of \$ _____, as appears by the an-
 nexed certificate, and that in virtue of article 525
 of the Education Act, I desire to continue my con-
 tributions to the Pension Fund, if the reasons stat-
 ed above be approved by you.

Dated at _____ the _____ day _____ of _____ 18 _____.

(*Signature of the teacher*)



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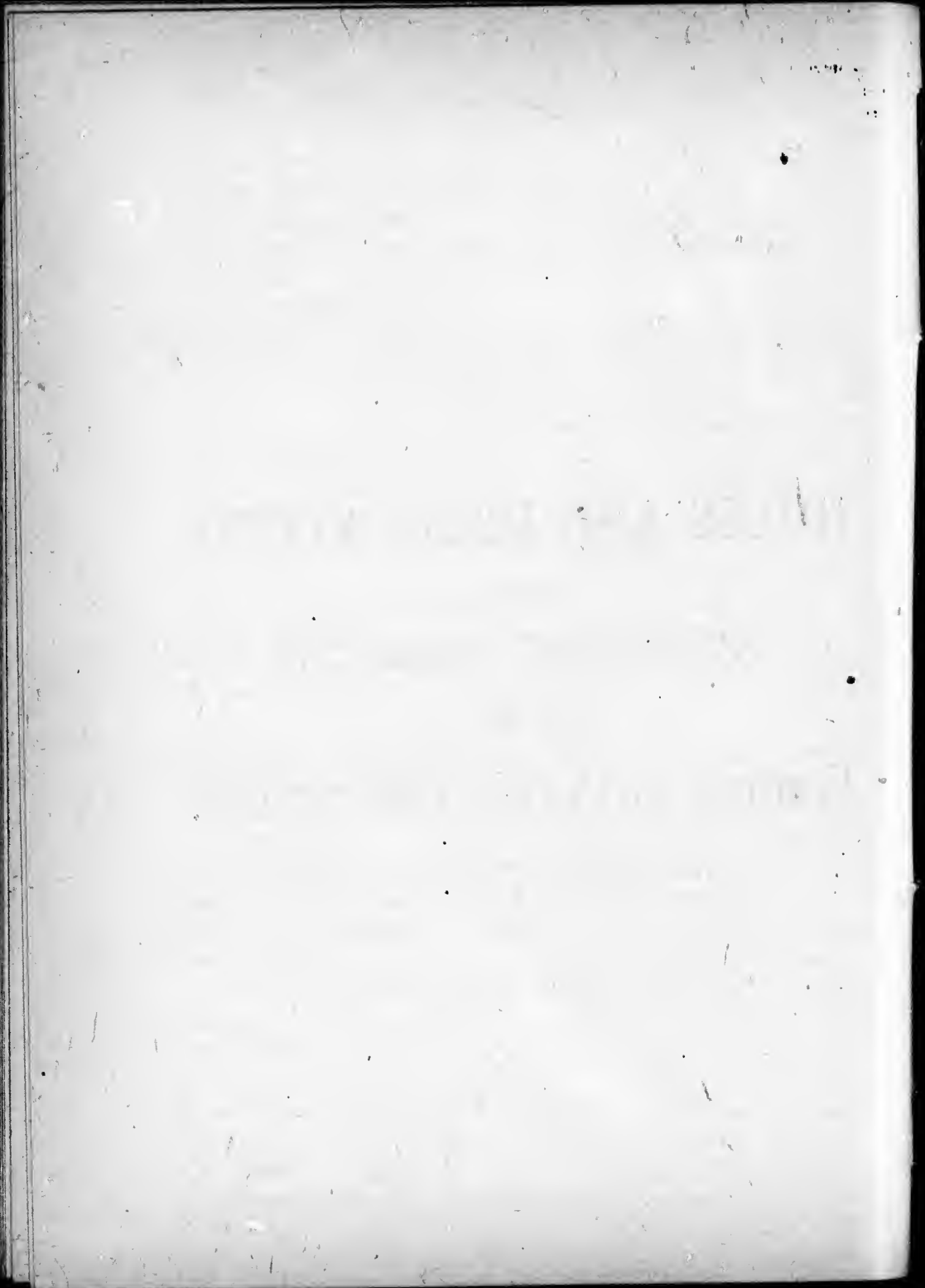
RULES AND REGULATIONS

OF THE

PROTESTANT COMMITTEE

OF THE

Council of Public Instruction.



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REGULATIONS
OF THE
Protestant Committee of the Council of Public Instruction
WITH AMENDMENTS TO DATE.

I.

CONCERNING SCHOOL INSPECTORS.

Examination.

1. There shall be a Board of Examiners for the examination of candidates for the position of inspector of Protestant schools, composed of three members, one of whom shall be the principal of the McGill Normal School. The remaining two members shall be appointed by the Protestant Committee of the Council of Public Instruction.

2. The expenses of this Board of Examiners shall be paid, partly from the deposits of the candidates and partly from the contingent expenses of the Department of Public Instruction.

3. The examiners shall prepare the questions, conduct the examinations in writing, value the answers, and make a written report of the results to the Protestant Committee at the first meeting after the examination.

4. Candidates for the position of inspector of Protestant schools shall appear before the Board of Examiners, or before a sub-committee of the Protestant Committee appointed for the purpose, at Quebec, at the time appointed by advertisement given by the Superintendent of Public Instruction.

5. Each candidate shall forward to the Superintendent of Public Instruction, at least six days before the time appointed for the examination, the following documents.

(a) A written application for appointment stating the religious belief of the candidate, and his age, which must not be less than 25 nor more than 50 years;

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(b) Testimonials of good character and conduct, according to Form No. 1, prescribed for teachers;

(c) Certificates of literary attainments and qualifications, of university degree, and of honors, if any, and other particulars bearing upon his qualifications;

(d) Certificates showing (1), that he holds a diploma, (2) that he has taught at least five years, (3) that he has not discontinued teaching more than five years.

6. Each candidate shall deposit six dollars to defray the cost of advertising in the Quebec Official Gazette, and for other necessary expenses.

7. Each candidate shall be examined with reference to:

(a) The methods of teaching the subjects of the authorized course of study;

(b) The organization, discipline and management of schools;

(c) The duties of inspectors, school boards and teachers, and the operation of the school law and regulations of the Province. Fifty per cent. of the marks in each of the three divisions of the examination will be required for passing.

8. The documents produced by the candidates, and the results of their examination shall be submitted to the Protestant Committee for their approval, and the candidates found qualified by the Committee for the position of inspector shall be granted certificates of the first or second class, according to Form No. 2.

Duties of School Inspectors.

9. It is the duty of school inspectors:—

1. To visit each school of their inspectorates twice every year, giving two hours, on an average, to the inspection of each school;

2. To examine the pupils upon the authorized course of study, and to insist upon the course being followed by teacher and pupils;

3. To transmit to the Superintendent (a) the names of those teachers who are eminently successful in carrying out the course of study, and (b) the names of teachers who, after warning, neglect the course of study or teach without a proper time-table;

4. To ascertain whether the regulations for teachers and for pupils are observed, and to note especially the classification of the pupils, the arrangements and allotments of the time-table, and the manner in which the school journals and registers are kept;

5. To examine the methods of instruction followed by the teacher;

6. To give a few model lessons in the presence of the teacher;

7. To ascertain what methods are used in maintaining discipline;

8. To give such advice to the teacher as may be deemed necessary;

9. To encourage teachers to preserve the best specimens of their pupils' work on the authorized form of test-sheets, in order that the inspector may examine them at his next visit and transmit to the Superintendent specimens worthy of being exhibited;

10. To ascertain whether the regulations concerning schoolhouses, closets, apparatus, etc., are observed, and especially whether the necessary air space per pupil has been provided, and whether proper attention is paid to the heating and ventilation of the school rooms;

11. To fill up a bulletin of inspection for each school, and to transmit the bulletins of each municipality to the Superintendent as soon as the inspection of the municipality is completed;

12. After inspecting the school of a municipality, to report the results to the commissioners (or trustees), under the following heads:

(1) Condition of the schools of the municipality as to;

(a) The use of the course of study,

(b) A uniform series of text-books,

(c) The use of definite time-tables,

(d) Schoolhouses and closets,

(e) Apparatus (blackboard, authorized journal, etc.)

(2) Serious defects in;

(a) The municipality as a whole,

(b) Particular schools,

(c) Individual teachers,

(3) Any action that should be taken by the school commissioners (or trustees) to improve the condition of their schools;

13. To classify, in their annual reports to the Superintendent, the school municipalities of their inspectorates under the following heads:—1, Excellent; 2, Good; 3, Middling; 4, Bad; 5, Very bad; arranging the members of each class in order of merit. The classification shall be based upon the following points, each of which shall be valued at ten marks:—

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1. The length and arrangement of the school year.
2. The condition of schoolhouses, closets and grounds.
3. The supply of apparatus, blackboards, authorized school journals, maps, etc.
4. The use of the course of study.
5. The use of a uniform series of authorized text-books.
6. The salaries of teachers and the method of payment.
14. To examine the books of the secretary-treasurers and to ascertain whether they are kept in accordance with the authorized form;
15. To hold a meeting of teachers in each county, when required by the Superintendent, for the purpose of considering the difficulties, defects and desirable improvements of the schools of the county and the best methods of organizing and teaching elementary schools;
16. To co-operate with the directors of the Teachers' Institutes in making all necessary arrangements for the institutes to be held in their respective inspectorates;
17. To forward their annual reports and statistical tables to the Superintendent before the first of August each year.

Prize Books.

10. The inspectors shall distribute the prize books furnished by the Department of Public Instruction as follows:
1. In the municipalities that are endeavoring to comply with the provisions of the school law and regulations;
2. In the schools in which the teachers are endeavoring to carry out the course of study in accordance with a definite time-table; 3. To the pupils who are taking regularly the subjects of the course of study.

11. Prizes shall be awarded for general proficiency in all the subjects of the course of study, but if the examination is unsatisfactory no prize shall be given.

12. Prizes shall be given upon the actual results of the examination by the inspector and upon the information obtained from the teacher. It is desirable that one prize at least should be given in each of the classes of the school. An extra prize may be given for attendance and conduct as shown by the school journal, but this shall be distinct from the prizes for proficiency, and shall not be given unless a school journal has been regularly kept.

13. Prize books given by the inspectors shall not be distributed at public examinations or closing exercises in lieu of prizes to which pupils are entitled from the teachers or school boards.

14. The inspector shall fill up and sign the label to be found in each prize book.

15. The inspector shall enter on the school visitors' register the name of each pupil to whom he gives a prize, his age, the subject for which it was awarded, and the title of the book given. The inspector shall see that the teachers are provided by the school commissioners (or trustees) with a school visitors' register, separate from the school journal, and in schools where there is no register, he shall give no prizes.

16. The prize books are divided into two classes, Roman Catholic and Protestant, distinguished by special labels, and inspectors shall observe this division in distributing the prizes to pupils.

II.

CONCERNING THE PROTESTANT CENTRAL BOARD OF EXAMINERS.

17. The Protestant Central Board of Examiners shall alone have the power to grant diplomas valid for Protestant Schools.

18. The diplomas granted by the Central Board of Examiners shall be of four grades, viz.: Elementary, Model School, Kindergarten and Academy, and these are valid for any Protestant School of the same grade in the Province.

19. There shall be two classes of elementary diplomas named respectively, elementary diplomas, and advanced elementary diplomas.

20. The only persons eligible for examination by the Central Board of Examiners are:

1st. For elementary diplomas, such persons as have completed a four months' course of training in the McGill Normal School.

2nd. For advanced elementary diplomas, such persons as have completed a nine months' course of training in the McGill Normal School.

3rd. For model school diplomas, such persons as have completed a nine months' course of training in the model school class of the McGill Normal School.

4th. For Kindergarten diplomas, such persons as have completed a nine months' course of training in the Kindergarten class of the McGill Normal School.

8 REGULATIONS OF THE PROTESTANT COMMITTEE.

5th. For academy diplomas, graduates in arts of some Canadian or other British university.

6th. For any grade of diplomas, such persons as may have received from the Protestant Committee of the Council of Public Instruction, permission to enter upon any examinations specifically indicated by that Committee.

21. The examinations for elementary, kindergarten and model school diplomas shall be the sessional examinations of the McGill Normal School, together with reports on ability to teach and to govern, rendered by the Principal of the school.

For all such examinations one half of each examination paper may be set by the Central Board of Examiners, and such tests of ability to teach and to govern as may be indicated by that Board must be given. All results, including examination questions and answers, shall be submitted to the Board by the Principal of the Normal School; and in view of these results diplomas shall be granted by the Board.

22. The examinations for academy diplomas shall be the examinations in arts and in education of Canadian and other British universities.

All holders of model school diplomas that have been granted by the McGill Normal School or that shall hereafter be granted by the Central Board of Examiners shall be entitled to receive academy diplomas on graduating in arts at some Canadian or other British university, provided that they pass in mathematics, Latin, Greek and French at the degree examinations or, failing this in any subject or subjects, pass examinations in such subject or subjects as are certified by the universities to have given to the graduate concerned a standing not lower than that of second class at the close of the second year in arts.

All graduates in arts of Canadian or other British universities who have passed in mathematics, Latin, Greek and French as above defined and have taken a course and have passed satisfactory examinations in education and in practical teaching under the control of the universities or of the McGill Normal School as approved by the Protestant Committee of the Council of Public Instruction, shall be entitled to receive academy diplomas. The Central Board of Examiners shall determine who have passed satisfactory examinations in education and in practical teaching in view of the results, which, including examination questions and

answers, shall be remitted to the Board by the University examiners, and in view of the recommendations of the professors of education. The Central Board of Examiners is empowered to set one-half of the questions in education, and to prescribe tests of ability to teach and to govern, which must be followed in such examinations.

23. A person holding a diploma as teacher granted by extra provincial examiners, who desires to obtain a diploma for this Province, shall submit to the Protestant Committee the following documents:

(a) A programme showing the subjects and the nature of the examination upon which he obtained his extra-provincial diploma;

(b) A certified statement of the marks obtained in each subject of the examination;

(c) The diploma which he holds;

(d) A certificate of age, and a certificate of moral character according to the authorized form No. 1;

If these documents are satisfactory the Superintendent may, if necessary, grant a permit to teach until the date of examination.

In view of these documents the Protestant Committee shall determine what examinations, if any, the candidate is to undergo, and to what diploma he shall be entitled, and shall notify the Secretary of the Central Board of Examiners accordingly. The candidate shall then remit to the Secretary of the Central Board of Examiners a fee of five dollars, and shall receive from him notification of the days of examination, which shall be held in the McGill Normal School at the same time and on the same examination papers as those of the corresponding examinations for teachers-in-training.

If no examination is required the diploma as recommended by the Protestant Committee shall be issued by the Central Board of Examiners at its annual meeting, after payment of the above fee.

24. When a teacher-in-training through sickness or other cause fails to pass the requisite examinations to receive a diploma the Central Board of Examiners may on the recommendation of the Principal of the Normal School, by a two-thirds vote of those present at the discussion of the case, grant a diploma, or permit the return of the candidate to renew his course the next year or permit him to return for any of his examinations at the close of the next year, and, if he be successful, grant him a diploma.

10 REGULATIONS OF THE PROTESTANT COMMITTEE.

25. Upon representation made in writing to the Protestant Committee of the Council of Public Instruction by the inspector of any district, or by the Inspector of Superior schools, that a teacher holding a diploma and teaching in a certain school within his inspectorate, is not in his judgment qualified for the due discharge of the duties of the office held by such teacher, the said teacher may be required by the Protestant Committee to present himself, or herself, before the Board of Examiners and be re-examined.

In such case the Protestant Committee shall inform the Central Board of Examiners, as well as the teacher concerned, of what examinations will be required, and what grade of diploma shall be issued if the candidate be successful.

26. Each person who is not a teacher-in-training of the McGill Normal School, but who applies for a diploma under the provisions of section 24 or 25, must send an application for admission to such examinations as may be requisite, according to form No. 3, to the Secretary of the Central Board of Examiners on or before April 15th preceding the examination, together with the certificate of character form No. 1, duly signed, an extract from a register of baptism or other satisfactory evidence showing that he is of the age required, and the requisite examination fee. In these two cases, the examination fee shall be for each elementary diploma two dollars and for each model school diploma three dollars, and for each academy diploma four dollars, but no examination fees shall be required from teachers-in-training attending the McGill Normal School in elementary, model school or kindergarten classes. The fees shall be used in paying the expenses of the Central Board of Examiners. The fee shall not be returned to a candidate who has failed to obtain a diploma, but at the next examination such candidate may again present himself without extra payment.

27. Candidates holding model school or elementary diplomas granted under the regulations of the Protestant Committee before 1st of January, 1887, or second class model school diplomas or elementary diplomas granted before the 1st of September, 1897, who present to the Central Board of Examiners a certificate or certificates from a school inspector or school inspectors that they have taught successfully for five years after obtaining such diplomas

may exchange them for diplomas for the same grade of school, under these regulations, on payment of a fee of two dollars.

28. To the Central Board is committed the power of admitting teachers-in-training to the several classes of the McGill Normal School. Its powers in this behalf are defined under the head "Normal Schools."

29. The Central Board of Examiners is empowered and required:

(a) To prepare and issue all forms of diplomas, certificates and tabulated reports which it may require in addition to the forms provided in the law or in these regulations.

(b) To determine the time and the manner in which any report required by it shall be made.

(c) To determine all details of time and manner of conducting examinations, for admission to the Normal School and for teachers' diplomas, not provided for by law or by the regulations of the Protestant Committee of the Council of Public Instruction.

(d) To be the custodian of all examination papers, keeping them for one year subject to the call of the Protestant Committee of the Council of Public Instruction.

(e) To observe and to cause to be observed all laws and all regulations of the Protestant Committee of the Council of Public Instruction, touching the duties committed to the Central Board of Examiners.

(f) To report to the Protestant Committee of the Council of Public Instruction as that body may direct.

RULES FOR EXAMINATIONS.

30. The following rules shall govern all examinations conducted for or by the Central Board of Examiners, and shall be read to candidates before the first of the series of examinations.

1. The candidates are to be placed in the examination room, so as to prevent copying, or communications of any kind between them.

One candidate only shall be placed at each desk, which he shall occupy throughout the examination.

2. At the hour appointed for the examination, the candidates being in their allotted places, the examination papers for that hour shall be distributed to the candidates.

3. The examination papers or any question therein may be read aloud to the candidates by the deputy examiner,

12 REGULATIONS OF THE PROTESTANT COMMITTEE.

but no explanation whatever shall be given as to the meaning or purport of the questions.

4. No candidates shall be permitted to enter the examination room after the expiration of one-half hour from the commencement of the examinations, nor after a candidate has left the examination room. Any candidate leaving the examination room after the issue of the examination papers in any subject shall not be permitted to return during the examination of the subject then in hand.

5. No candidate shall give or receive assistance of any kind in answering the examination questions. Any candidate detected (a) in taking into the examination room or having about him any book or writing from which he might derive assistance in the examination, (b) in speaking to or applying to other candidates under any circumstances whatever, (c) in answering under any circumstances whatever applications from other candidates, (d) in exposing written papers to the view of other candidates, (e) in endeavoring to overlook the work of other candidates, shall be immediately dismissed from the examination. The plea of accident or forgetfulness shall not be received.

6. Candidates shall write their answers on one side only of the paper, and shall use no other paper than that provided for them.

The use of blotting paper for rough drafts or for any writing whatever is strictly forbidden. But rough drafts may be made on the back of the paper provided.

7. At the close of the examination all the paper, including the blotting paper, furnished to a candidate must be returned to the deputy examiner.

8. No candidate shall have access to his answers, and no alteration shall be made in a candidate's answers after they are delivered to the deputy examiner.

9. No persons, except those taking part in the examination, shall be admitted into the examination room during the examination, and no conversation nor anything that may disturb the candidates shall be allowed.

10. The candidates shall be under the direct and careful supervision of the deputy examiner from the beginning of the examination to its close.

11. The deputy examiner of each local centre shall sign the following declaration at the close of the examination and forward it to the secretary of the Central Board:

"I hereby solemnly declare that the examination of
..... has been conducted strictly in accordance

with the special regulations prescribed for such examination, that the envelopes containing the printed examination papers furnished by the Central Board of Examiners were opened in the presence of the candidates, that the answers were collected at the time specified, and that the answers as forwarded to the secretary have been given, to the best of my knowledge, by the pupils themselves, without assistance from the deputy examiner, fellow pupils, memoranda or text book, during the time of examination, and have not been accessible to unauthorized persons.

(Signature,)

.....

Deputy Examiner."

12. The deputy examiner shall send with the above declaration a plan of the examination room, setting forth the position occupied by each candidate.

31. The secretary of the Central Board of Examiners shall cause to be provided at each local centre (a) a suitable room in which to conduct the examination, (b) a supply of stationery, and (c) the required number of examination papers.

III.

CONCERNING THE M'GILL NORMAL SCHOOL.

32. The McGill Normal School in the city of Montreal is established chiefly for the purpose of training teachers for the Protestant population, and for all other religious denominations of the Province of Quebec other than the Roman Catholic. The studies in this school are carried on chiefly in English, but French shall also be taught.

33. The Corporation of McGill University is associated with the Superintendent of Public Instruction in the direction of the McGill Normal School under the regulations of the Protestant Committee, and it is authorized to appoint a standing committee, consisting of five members, called "The Normal School Committee," which shall have the general supervision of the affairs of the Normal School.

34. It shall be the duty of this Committee, in conjunction with the Superintendent of Public Instruction, under the regulations of the Protestant Committee of the Council of Public Instruction, to watch over the interests of the school, to supervise its expenditures, to make by-laws for its government, to provide for all unforeseen emergencies,

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and to employ from year to year assistants in the Normal and Model Schools other than the principal and professors of the Normal School and the head master and head mistresses of the Model Schools.

THE STAFF OF THE M'GILL NORMAL AND MODEL SCHOOLS.

35. The professors of the Normal School shall be divided into two classes, ordinary professors and associate professors. These shall be under the direction of a principal, who, as such, will have particular duties to perform, for which he will bear the responsibility. Any one of the ordinary professors may be chosen to fill the office.

2. Each ordinary professor may be required to teach several branches of study, and to devote the whole of his time to the Normal School.

3. The associate professors shall teach one or more separate branches, and shall not be required to devote the whole of their time to the school.

36. There shall be a head master of the Boys' Model School, a head mistress of the Girls' Model School and a head mistress of the Primary School, and they shall be under the general direction of the principal of the Normal School.

ANNUAL SESSIONS OF THE NORMAL AND MODEL SCHOOLS.

37. The Annual Sessions of the Normal and Model Schools shall begin on the first school day of September of each year and end in the Normal School on the last school day of May, and in the Model School on the last school day of June. Such holidays shall be kept as are prescribed by the Protestant Committee of the Council of Public Instruction, or by the Normal School Committee.

COURSE OF STUDY.

38. The course of study in the Normal School shall be drawn up by the Principal of the Normal School, and submitted to the Protestant Committee of the Council of Public Instruction for approval.

The model schools shall conform as closely as possible to the authorized course of study for elementary and model schools.

MODE OF ADMISSION TO THE NORMAL SCHOOL.

39. The Central Board of Examiners alone have the right to admit to the several courses of study in McGill Normal School.

40. Any British subject who produces a certificate of good moral character from the minister of the congregation to which he belongs, and evidence to show that at the time of his application he has entered upon the seventeenth year of his age, may be admitted to examination for entrance into the Elementary Class of the McGill Normal School.

41. Each candidate for admission to the Elementary Class shall notify the Secretary of the Central Board of Examiners, in accordance with form No. 3, on or before the 15th of April next preceding the examination, of his intention to present himself for examination. Each candidate shall at the same time deposit with the secretary of the Central Board, first a certificate of good moral character, according to the authorized form No. 1, signed by the minister of the congregation to which he belongs, and by at least two school commissioners or trustees or school visitors of the locality in which he has resided six months during the preceding two years; second an extract from a register of baptisms or other sufficient proof, showing that he is of the requisite age.

Each candidate shall at the same time pay to the Secretary of the Central Board of Examiners the sum of two dollars. This fee shall be used in paying the expenses of the Central Board of Examiners.

The fees shall not be returned to a candidate who has failed to enter the Normal School, but at the next examination such candidate may again present himself without extra payment.

42. On receiving the candidate's notification, certificates of moral character, satisfactory evidence of age, and examination fee, the Secretary of the Central Board shall notify the candidate of the place and time of the examination, and shall also notify the deputy-examiner or examiners at the centre of examination chosen, to admit the candidates to the examination of the second grade academy, or to such examinations as may be indicated by the Central Board of Examiners.

The answers of all such candidates shall be written on a paper of a special tint, shall be promptly read and valued with other answers to the same questions; then collected and sent with another copy of the questions submitted and a statement of the results to the Secretary, who shall submit the whole to the Central Board or to a sub-committee of that Board. In view of the results and the

answers submitted the Central Board of Examiners or its sub-committee shall authorize the candidate to enter the Normal School for the four months' course or for the nine months' course in the elementary school class, or shall refuse admission, as each case may warrant. But when a candidate is authorized to enter for the four months' course he may, if he choose, enter at the beginning of the session for the nine months' course.

43. Holders of elementary diplomas are exempt from examination for entrance to the elementary school class.

44. Any British subject who produces a certificate of good moral character according to the authorized form, and evidence to show that at the time of his application he has entered upon the eighteenth year of his age, may be admitted to examination for entrance into the model school class of the McGill Normal School.

45. Each candidate for admission to the Model School Class shall at the same time and in the same manner as candidates for admission to the elementary school class give notification and deposit a certificate of good moral character and satisfactory evidence of age, together with an examination fee of four dollars, which sum shall admit, in case of failure, without further payment, to the examination of the year next ensuing.

46. Examinations for admission to the model school class shall be either the examinations in the Normal School for the advanced elementary diploma, or the A. A. examinations of the universities.

On receipt of the notification, certificate of moral character, examination fee and satisfactory evidence of age, the Secretary of the Central Board shall notify the candidate of the place and time of the examination, and shall also notify the Principal of the Normal School or the Secretary of the university examiners, as the case may be, to admit the candidate to examination. If the examination chosen be that of the A. A. examiners, he shall remit the examination fee to their Secretary.

47. Persons who already hold elementary school diplomas are exempt from the examination fee and will be liable to examination only in Algebra, Geometry, Latin and French, with such additional subjects as in the judgment of the Central Board or its sub-committee may be deemed necessary in particular instances. But satisfactory evidence of having taught successfully for eight months shall give exemption from such examinations.

48. No evidence of standing at the A. A. examinations other than the certificate of the universities shall be taken. For admission to the model school class of the Normal School such certificate must show that the candidate has passed in Latin, French, Arithmetic, Algebra, Geometry and the English Language, or English Literature. Such candidate, who has failed to enter the Model School class, may be admitted to the Elementary School Class.

49. Admission to the class for Kindergartners shall be granted by the Central Board of Examiners or its sub-committee only to such persons as holding advanced elementary school diplomas, notify the Secretary of the Central Board on or before the fifteenth day of April in any year, of their wish to enter this class, and are reported by the Principal of the Normal School to possess the necessary fitness for Kindergarten work.

50. Authorization to enter any class of the McGill Normal School holds good for two years from the date of the issue, but no longer, and is forfeited by failure to pass the semi-sessional examinations to the satisfaction of the Principal of the Normal School.

51. The Central Board of Examiners may admit to any class, in exceptional cases, persons whose qualifications may be insufficient for entrance. Such persons may be excluded from the school by the Principal whenever he may judge it best so to do; but none shall be permitted to enter or remain on trial after the semi-sessional examinations.

52. No candidate is admitted to the Normal School until the provisions of the school law respecting admissions have been fulfilled.

CONDITIONS OF CONTINUANCE IN THE NORMAL SCHOOL.

53. Persons admitted to the Normal School must attend on the first day of the opening and must thereafter attend punctually every day of the session, or give reasons satisfactory to the Principal of the School for their absence or tardiness.

54. In order to continue in the Normal School teachers in training must maintain conduct and character suitable to their present position and their future calling.

55. Each professor, lecturer or teacher shall have the power of excluding from his lectures any student who may be inattentive to his studies, or guilty of any minor infrac-

tion of the regulations, until the matter can be reported to the Principal.

56. The Principal of the school shall have power to suspend from attendance any pupil, for improper conduct or neglect of duty, for a week, or when he deems it advisable to submit the case to the Normal School Committee, until the next meeting of that body.

57. The Normal School Committee shall be empowered for any grave cause to expel any teacher-in-training from any class.

58. Teachers-in-training who leave the Normal School in the middle of a session, are expected to assign to the Principal satisfactory reasons, accompanied in case of failure of health by a medical certificate. Neglect to comply with this regulation will be a bar to future admission to the Normal School.

59. Teachers-in-training must give their whole time and attention to the work of the school, and are not permitted to engage in any other course of study or business during the session of the school.

60. All teachers-in-training in order to continue in the Normal School must pass the Christmas examinations to the satisfaction of the Principal.

ATTENDANCE ON RELIGIOUS INSTRUCTION.

61. Teachers-in-training will be required to state with what religious denomination they are connected; and a list of the students connected with each denomination shall be furnished to one of the ministers of such denomination resident in Montreal, with the request, that he will meet weekly with that portion of the teachers-in-training or otherwise provide for their religious instruction. Every Thursday at four o'clock shall be assigned for this purpose or such other hour as may be determined by the Normal School Committee. In addition to punctual attendance at weekly religious instruction, each student will be required to attend public worship at his own church at least once every Sunday.

BOARDING HOUSES.

62. The teachers-in-training shall state the place of their residence, and those who cannot reside with their parents will be permitted to live in boarding-houses, but in such only as shall be specially approved of. No boarding houses

having permission to board male teachers-in-training will be permitted to receive female teachers-in-training as boarders, and *vice-versa*.

2. They are on no account to be absent from their lodgings after half-past nine o'clock in the evening.

3. They will be allowed to attend such lectures and public meetings only as may be considered by the Principal conducive to their moral and mental improvement.

4. A copy of the regulations shall be sent to all keepers of lodging-houses at the beginning of the season.

5. In case of lodgings being chosen by parents or guardians, a written statement of the parent or guardian shall be presented to the Principal.

6. All intended changes of lodgings shall be made known beforehand to the Principal or to one of the professors.

7. Boarding-houses shall be visited monthly by a committee of professors.

8. Special visitations shall be made in case of sickness being reported, either by professors or by ladies connected with the school; and, if necessary, medical attendance shall be procured.

9. Students and lodging house keepers are required to report, as soon as possible, all cases of serious illness and all infractions of rules touching boarding-houses.

FEEES.

63. Each teacher-in-training, who during attendance at the school resided at home with parents or guardians shall pay monthly in advance the sum of four dollars school fee. The Principal of the school is permitted to wait until the end of the fifth day of the month for payment, but no longer; if the amount be not then paid the teacher-in-training must withdraw from the school until the amount is paid, but if it be not paid within the next five days, that is, before the tenth day of the month, the delinquent teacher-in-training shall be held to have withdrawn, and his name shall be removed from the books of the school.

BURSARIES.

64. Each holder of an advanced elementary diploma, or of a model school or kindergarten diploma, on showing that he has taught successfully in some school of this Province under the control of school commissioners or school trustees other than the Protestant Board of School Commissioners of Montreal, shall be paid by the Principal of the Normal School, out of its funds, the sum of two dollars for

each month of such successful teaching, not exceeding eight months in each year, during each of the two scholastic years immediately succeeding the award of his diploma. If in two years of consecutive attendance at the Normal School a teacher-in-training has taken an advanced elementary diploma and either a model school diploma or a kindergarten diploma the amount to be paid shall be four dollars for each month; if three sessions of the Normal School elapse between the admission of the teacher-in-training and the conferring of the second diploma the amount to be paid shall be three dollars for each month.

65. Successful teaching shall be shown by submitting at the annual meeting of the Central Board of Examiners a certificate according to form 5, signed by the chairman or by the secretary-treasurer of each board under which the teacher has taught and by each school inspector in whose district of inspection he has taught. But the signature of any school inspector stating that he was unable to visit the school during the incumbency of that teacher shall be accepted.

TRAVELLING EXPENSES.

66. On being awarded an advanced elementary diploma, a model school diploma, or a kindergarten diploma, each teacher-in-training at the McGill Normal School shall be paid by the Principal of the Normal School, out of its funds, the sum of three cents for each mile that his home, in the Province of Quebec, is more than fifty miles distant from the city of Montreal.

67. All teachers-in-training who pass the semi-sessional examinations in the Normal School with 60 per cent. of the total marks, and who have not fallen below 50 per cent., in any of the groups of subjects: English, Mathematics, French and Miscellaneous, nor in any one of the subjects required by the authorized course of study for schools of the grade which they aspire to teach, nor make more than one mistake in spelling in one hundred words of dictation chosen from any authorized text book, shall be entitled to continue in their classes after Christmas. Except by the special permission of the Principal, no others shall be entitled to this privilege.

68. All teachers-in-training who attain the standards defined above at the final examinations in the Normal School shall be entitled to diplomas of the grade of the class to which they belong; and except with the concurrence of two-thirds of the members of the Central Board of Ex-

aminers, who may be present at the discussion, no others shall receive diplomas. But the Central Board of Examiners may grant an elementary diploma to a teacher-in-training who fails to pass the examinations in the Model School Class, or the examinations for the advanced elementary diploma.

69. All holders of elementary school diplomas obtained by reaching the standards defined above shall be entitled to admission to the Model School Class; no others without the special permission of the Central Board of Examiners.

70. Whenever it is evident, from the report to the Superintendent, or from the papers of the candidates submitted to the Protestant Committee, in accordance with Reg. 29 (d) or for other reasons, that any particular examination has not been conducted in accordance with the provisions of the law and these regulations, the Protestant Committee of the Council of Public Instruction may declare, either, first, one or more diplomas granted at said examination, or, second, the whole or any part of the proceedings of said Central Board of Examiners at any meeting, null and void, in which case the Central Board of Examiners and the candidates who received diplomas shall be notified thereof by the Superintendent.

IV.

CONCERNING THE CLASSIFICATION OF SCHOOLS.

71. The educational institutions of the Province are divided into Elementary Schools, Institutions for superior education and Normal Schools for the instruction and training of teachers.

72. Protestant Institutions of Superior Education are classified as follows:—

1. Chartered Universities and incorporated Colleges affiliated thereto, which are required to make a return of their annual written examinations to the Superintendent in addition to the annual report made by such institutions.

2. Academies and High Schools providing instruction, in English, French, Classics, Mathematics, and Science, adequate to the standard of matriculation in the Universities or for the Certificate of Associate in Arts.

3. Model Schools providing instruction in Algebra, Geometry, French and the Latin elements, in addition to the subjects of the elementary schools.

73. The following shall be the course of study for Protestant Elementary Schools, Model Schools and Academies,

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ELEMENTARY

SUBJECTS.	GRADE I.	GRADE
SCRIPTURE KNOWLEDGE.	The first half-hour of each day to be devoted to Scripture and Morals, including read- Good Manners, Temperance, Health, Kind-	
ENGLISH	The meaning of words with the subject matter brightness of tones, fluency, clearness and work. Copying words and sentences, oral and written reproduction, Memoriter work Special attention to penholding and hand movements.	Copying words Dictation, oral production, position, Me-
ARITHMETIC.....	Mental Arithmetic, Addition and Subtraction with objects and with numbers of two figures. Reading and writing numbers to 100.	Mental Arithme- Rules to short sive. Multipli- Avoir dupois and Liquid
GEOGRAPHY AND HISTORY.. ...	Elementary terms, Divisions of land and water. Map of the school neighborhood.	Outline of the
OBJECT LESSONS OR USEFUL KNOWLEDGE.	Form Study and Drawing, Colour, Size, Weight, Animals, Forest Trees, and Minerals of the	
FRENCH (Optional)	Names of objects in conver- sation.	Names of ob- phrases.
TEXT BOOKS NECESSARY FOR EACH GRADE.....	Reading Book, Table-card, Slate, Slate-Pencil.	Reading Book, Slate, Slate- Book, Blank

N.B.—Music and Physical Exercises are required to form part of School Course,

SCHOOLS.

II.	GRADE III.	GRADE IV.
<p>to the Opening Exercises, Scripture Reading, Singing and Prayer, Instructions and lessons upon Godliness, Truthfulness, Honour, Respect for others, Kindness to Animals, Etc. See scheme of Bible Study.</p>		
<p>of the reading lesson. Special attention to be given to pleasantness and correctness of pronunciation, and to writing and spelling in all written</p>		
<p>and sentences, and written Re-Sentence Copying work.</p>	<p>Copying, Dictation, Word Building, Special Study of Simple Selections, from best prose and poetry, with Memoriter work, Sentence Drill, the Parts of Speech.</p>	<p>Dictation, Special Study of Selections, including Definitions, Derivations, Analysis and Synthesis of sentences, Parsing, Letter Writing, Accounts, Descriptive Composition, and Recitation of selected passages.</p>
<p>tic, Four Simple division inclusion Table, weight, Long Measures.</p>	<p>Mental Arithmetic, Long Division, Simple Examples in Fractions and in Compound Numbers in ordinary use, and Review.</p>	<p>Mental Arithmetic, Simple Examples in Fractions, Decimals, Percentage, Interest, Mensuration, and Review.</p>
<p>map of Canada.</p>	<p>Map of Western Hemisphere, Map Drawing, Outline of Canadian History, French Rule.</p>	<p>Map of Eastern Hemisphere Map Drawing, Outline of Canadian History, including points of contact with British History.</p>
<p>Motion, First Notions of Agriculture, (Special attention to the Plants, Province, and their uses)</p>		
<p>jects, familiar</p>	<p>Easy sentences with simple forms of familiar verbs.</p>	<p>Reading, easy exercises in translation, regular verbs.</p>
<p>Table-card, Pencil, Copy-Book, Pen, Ink.</p>	<p>Reading Book, Slate, Pencils, Copy-Book, Blank Book, Pen, Ink, Arithmetic, Geography, Canadian History, Drawing Book No. 1.</p>	<p>Reading Book, Slate, Pencils, Spelling Book, Copy Book, Blank Book, Pen, Ink, Arithmetic, Grammar, Geography, Canadian History, Drawing Book, No. 2.</p>

MODEL SCHOOL.

SUBJECTS.	GRADE I	GRADE II.	GRADE III.
SCRIPTURE KNOWLEDGE.....	<i>The opening Exercises in all Grades consist of Scripture, Reading and Praying with Singing.</i>		
ENGLISH.....	Life and words of Christ. Memoriter work, Matt. 6. The work of these two grades may be taken as one class in alternate years.	Me-Old Testament History complete.....	.....
ARITHMETIC.....	Reading from authorized books in use in the respective grades, special attention to writing and spelling in all written work, use of the dictionary. Analysis and Synthesis of simple sentences. Etymology. Noun, Personal Pronoun, Adjective. Parsing, Business Forms, Reproduction, Letter Writing.	Analysis and Synthesis of simple and Compound Sentences. Etymology, Parsing, Letter Writing, Business Forms, Reproduction, and Study of the Deserted Village.	Analysis and Synthesis of Sentences, Syntax, Parsing, Reproduction, Descriptive Composition, Study of Scott's Ivanhoe, (School Edition.)
GEOGRAPHY.....	Mental Arithmetic and rapid work, simple examples in Vulgar Fractions, and Review.	Mental Arithmetic and rapid work, Vulgar and Decimal Fractions, Compound Rules, and Review.	Mental Arithmetic and rapid work, Percentage and its applications, square Root, simple examples in Mensuration, and Review.
HISTORY.....	North America with Geography of Scripture and History Courses. Memory map drawing.	Europe with Special study of Geography of Scripture and History Courses. Memory map drawing.	Geography of Scripture and History Courses, North and South America in detail, Memory map drawing.
ALGEBRA.....	Outlines of Canadian History.	Outlines of English History to the end of the Tudor Period.	Canadian History, and English History to the end of the Stuart Period.
	.....	Simple Preparatory Exercises.	Easy exercises in simple Equations of one unknown quantity with the simple rules.

GEOMETRY.....	.....	.....	.....	Euclid, Book I, 1-26, with at least five deductions.
FRENCH.....	Exercises in Words and Phrases. Conversation in all grades.	.....	Article, Noun and Adjective, with written exercises, Simple Tenses of avoir and être, Present, Imperative and Future. Tenses of Regular verbs of the first conjugation.	Adjectives and Pronouns, with written Exercises, Regular Verbs of the four conjugations, Translation, Dictation.
LATIN.....	.....	.....	The Declensions Adjective and Pronoun with exercises.	The four conjugations, Regular and Irregular, with written exercises, Caesar's Helvetican War, Chap. 1-10, (Welch & Duffield.)
GREEK.....	.....	.....	.....	.....
HYGIENE.....	.....	One half-hour per week for each grade.	.....	.....
DRAWING.....	.....	No. 2 Dominion Freehand Drawing Course.	.....	No. 4. Dominion Freehand Drawing Course.
SPECIAL COURSE.....	.....	.....	.....	.....
GRADE SUBJECTS.....	As above.....	.....	Scripture, English, Arithmetic, Geography, History, French, Hygiene, Drawing, and at least one of the following: Algebra or Latin.	Scripture, English, Arithmetic, Geography, History, French, Hygiene, Drawing, and at least one of the following: Algebra, Geometry or Latin.

NOTE.—I. One or more of these subjects as may be determined by the local school authorities.
 II. The examinations in Reading, Writing, Oral French, Hygiene, Drawing and Book-Keeping, are determined and conducted by the local school authorities, but the Inspector of Superior Schools will inspect and report on these subjects. Pupils are required to pass the Provincial Examination in the remaining subjects as indicated under the respective grades.

ACADEMY.

SUBJECTS.	GRADE I.	GRADE II.	GRADE III.
SCRIPTURE KNOWLEDGE.	<i>The opening Exercises in all Grades consist of Scripture, Reading and Praying with Singing.</i>		
ENGLISH	Gospels and the Acts of the Apostles. Memoriter work as selected by teacher.	Analysis of Sentences, Syntax, Parsing, Composition, Study of Selections from Tennyson, (Rowe & Webb).	Use of the Dictionary. Brook's English Literature (New Edition). Shakespeare and Tennyson as in A. A. Examinations.
ARITHMETIC	Same as Grade III. Model.....	Complete Arithmetic with Metric System. Book-keeping.	Arithmetic as in A. A. Examinations.
GEOGRAPHY	Mental Arithmetic and rapid work, Percentage and its applications, Square Root, simple examples in Mensuration, and Review. Book-Keeping	General Geography.	Physical Geography. See A. A. Prospectus.
HISTORY	As in Grade III. Model.....	British History and Canadian History.	Grecian History and Roman History. (Collier's Great Events).
ALGEBRA	As in Grade III. Model.....	Factoring Fractions, G. C. M. & L. C. M., Simple Equations and Review.	Quadratic Equations, Involutions and Evolution and review as in A. A. Examinations.
GEOMETRY	Easy exercises in simple Equations of one unknown quantity. As in Grade III. Model.	Euclid, Books I and II, with at least ten additional deductions.	Books I, II and III, with at least fifteen additional deductions.
FRENCH	Euclid, Book I, 1-26, etc., as in Grade III. Model.	Verbs, Regular and Irregular, written Exercises, Translations, Dictation, Memoriter reproduction of a brief narrative read in French.	Books I, II and III, with at least fifteen additional deductions.
	Adjectives and Pronouns, with written Exercises, Regular Verbs of the four conjugations, Translation, Dictation.		Grammar, easy translation from French into English, and from English into French. The reproduction in French of an easy narrative read in French. Repetition.

LATIN

The four conjugations, etc., as Caesar Bell. Gal., Lib. I. Gram.-Cesar. — Bell. Gall., Bks. I. in Grade III. Model.

Grammar and Syntax, Easy Exercises and II.

LATIN	The four conjugations, etc., as in Grade III., Model.	Cæsar Bell. Gal., Lib. I. Grammar and Syntax. Easy Prose Composition.	Cæsar. — Bell. Gall., Bks. I. and II. Latin Grammar. Virgil.—Æneid, Bk. I. Prose Composition, based on the prescribed prose text, and Easy Translation at Sight.
GREEK .....	.....	Grammar accidence with exercises	Xenophon.—Anabasis, Bk. I. Greek Grammar. Prose Composition, based on the prescribed prose text, and Easy Translation at Sight.
HYGIENE	One half-hour per week for each grade.		
DRAWING.	No. 4 Dominion Freehand Drawing Course.	No. 5 Dominion Freehand Drawing Course.	General Review of Freehand and Geometrical Drawing with Perspective and Model Drawing.
SPECIAL COURSE .....	.....	Botany, Chemistry, Physics, Physiology and Agriculture. See Note I.	Trigonometry, Botany, Physics, Chemistry, Physiology and Agriculture.—See Note I.
GRADE SUBJECTS	Same as Grade III. Model.....	Scripture, English, Arithmetic, Geography, History, French, Drawing and at least two of the following group I: I. Algebra, Geometry, Latin, Greek. And at least one of the following group II: II. Physics, Chemistry, Botany, Physiology and Agriculture.	At least six subjects as prescribed for the A. A. Certificate.

NOTE.—I. One or more of these subjects as may be determined by the local school authorities.
 II. The examinations in Reading, Writing, Oral French, Hygiene, Drawing and Book-Keeping, are determined and conducted by the local school authorities, but the Inspector of Superior Schools will inspect and report on these subjects. Pupils are required to pass the Provincial Examination in the remaining subjects as indicated under the respective grades.

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NEW SCHEME OF BIBLE STUDY FOR PROTESTANT SCHOOLS.
(Authorized by the Protestant Committee—To take effect Sept. 1895.)

CLASS.	New Testament Stories.	Old Testament Stories.	Memorized Matter.
GRADE 1	Events connected with birth of Christ. LUKE, I. II. 7.—Visit of Shepherds, LUKE, II, 8-20.—Visit of Magi. MATT. II 1-12.—Flight into Egypt. MATT. II, 13-23 —Jesus and the Doctors LUKE II, 41-52.—Baptism, LUKE III, 15-23, MATT. III, 1-17 —Death and Burial. JOHN XIX.—Resurrection and Ascension. JOHN XX, and Acts 1, 3 to 12	Outlines of chief events to the end of the life of Joseph.	The Lord's Prayer. The Beatitudes. Six special texts, viz., Psal. IV, 8, Psal. LI, 10, 11, MATT. XI, 28, —JOHN III, 16-17.
GRADE 2	As in previous year together with the Circumcision and Presentation of Jesus. LUKE II, 21-38. Preparation at Nazareth. LUKE II, 51-52.—Choice of Apostles. LUKE VI, 12-19. Impisonment of the Baptist. MARK VI, 17-20.—Death of the Baptist. MARK VI, 21-29.—Supper at Bethany. JOHN XII, 2-8.—Entry into Jerusalem. MARK XI, 1 to 12.	Outlines of chief events to the death of Joshua.	The Lord's Prayer. The Beatitudes. The Apostles' Creed —Six special texts, viz., Psal. XIX, 12-14, Prov. III, 5, MATT., XI, 28, JOHN X, 14, JOHN XIV, 15.
GRADE 3	As in previous year together with Temptation. LUKE IV, 1-13.—First Passover of Ministry. JOHN II, 13, 25. III, 1 21.—Peter's Confession. MATT. XVI, 13-20.—Transfiguration. MATT. XVII, 1-13.—Sending out the seventy. LUKE X, 1-13 Feast of Dedication. JOHN X, 22-42.—Paschal supper. JOHN XIII, 1-35 Garden of Gethsemane. MATT. XXVI, 26-46. —Betrayal. MATT. XXVI, 47-56.—Trial, JOHN XXVIII.—Appearances after resurrection. JOHN XX, MATT. XXVIII, 16-20, LUKE XXIV, 13-35.—Pentecost. Acts II.	Outlines of chief events to the end of the Judges.	The Ten Commandments and MARK, XV.
GRADE 4	Life and Words of Christ.		MATTHEW VI.
MODEL GR. 2.		Old Testament History complete.	
ACADEMY GR. 1 and 2.	Gospels and Acts of Apostles		Selections. To be made by the teacher.

Academies and Model Schools.

74. In order that an institution may be recognized as an Academy it must fulfil the following conditions:

1. It must be under the control of, and receive financial support from, the school board of the municipality in which it is situated.

2. A suitable school building, furnished with the necessary appliances, must be provided.

3. It must be organized in three departments, viz.: Elementary, Model School and Academy.

4. Three teachers must be employed, one of whom must hold an academy diploma.

5. The teachers must be engaged at fixed salaries by the school board.

6. The authorized course of study must be followed in each department.

7. The pupils must pass satisfactorily the annual written examination prescribed for such schools.

8. It must remain in session at least one hundred and eighty days during the year.

75. In order that an institution may be recognized as a Model School it must fulfil the conditions prescribed for Academies, except that it may be organized in two departments, elementary and model, under two teachers, one of whom must hold, at least a model school diploma.

76. It shall be competent, however, for the Protestant Committee to recommend a special grant to one school in a county, when the conditions requisite for a Model School or an Academy have not been fulfilled.

77. No institution is allowed to change the title under which it is known, so as to transfer it from one grade of institution recognized by law to a higher grade, without being previously authorized to do so by the Protestant Committee.

78. Every pupil desiring to enter the model school department of a superior school must undergo an examination in the subjects of Grade III. Elementary Course, and pupils desiring to enter the academy department must undergo an examination in the subjects of the Grade II. Model School Course.

79. The school board shall fix a uniform school fee for each department of a superior school so that there may be one fee for the whole course of study of each department.

80. Academies and Model Schools, that receive no grant in any year, must make application if they desire to be inspected by the inspector of superior schools the following year.

81. Academies and Model Schools are required to send to the Department of Public Instruction, before the first of July each year, specimens of school exercises in Writing, Drawing, Map Drawing and Mathematics, prepared upon the approved form of paper, and these specimens shall be taken into consideration in the distribution of the grants.

Inspection of Academies and Model Schools.

82. It is the duty of the Inspector of Superior Schools:—

1. To inspect the Protestant Academies and Model Schools of the Province at any time from 1st October to the 1st of May, giving one day at least to the inspection of each Model School and two days to the inspection of each Academy;

2. To examine the buildings and furnishings of each school, and the condition of the outhouses;

3. To note the number of pupils on the roll, and the number present on the day of inspection;

4. To ascertain how far the course of study is being carried out in each school and what, if any, are the obstacles to this being done fully;

5. To inquire into the work and the progress of the work in the several grades;

6. To examine the time-table, and ascertain whether it is judiciously framed or not;

7. To take notes of each teacher's method of conducting his classes, whether he enlists the interest and attention of his pupils, whether there are indications of careful preparation for the work on his part or not;

8. To note the strong and weak points of each school;

9. To give each teacher, privately, such judicious hints and suggestions in the conduct of his school as may seem necessary in the circumstances;

10. To fill up the bulletin furnished by the Superintendent for each school;

11. To submit a general annual report upon the prescribed work of inspection at the September meeting of the Committee, along with the tabulated returns of the results of the written examination, and to submit an interim report upon the work of inspection at each of the three remaining quarterly meetings of the Committee;

12. To prepare the examination papers in accordance with the authorized course of study, that is, fifteen subjects in Academies and thirteen in Model Schools, and to submit them to the sub-committee on examinations, for revision and approval.

83. The Inspector of Superior Schools shall, in the tabulated returns of the written examination, report in regard to each school:—

1. The number of pupils on the roll for the term in which the examination is held, and the number present on the day of examination.

2. The number of pupils presented for examination in each grade.

3. The number of pupils not classed in any grade, and the subjects taken by them.

4. The number of pupils that have passed in each grade, and the number that have failed in each.

5. The information required in the form of report, in which the standing of the pupils in the several grades shall be given, and separately the standing of the ungraded pupils in the subjects which they have taken, along with a copy of the examination papers.

Written Examination of Academies and Model Schools.

84. There shall be an annual written examination of the Protestant Academies and Model Schools held simultaneously under the direction of local deputy-examiners appointed by the Protestant Committee.

The examination papers shall not be sent to a school which refuses to remunerate its deputy-examiners.

85. In these written examinations pupils shall be considered as having passed in their respective grades provided they pass in all the grades, subjects specified in the course of study. However, pupils who fail in not more than two subjects may be passed at the discretion of the examiners when the aggregate of marks is high enough to justify such exceptional action.

86. The papers for these examinations shall be prepared by the inspector of superior schools. Pupils who pass in the subjects prescribed for their respective grades will be entitled to receive certificates to this effect from the Department of Public Instruction.

87. Pupils of Grade III, Academy Course, shall take the University School Examinations for the Certificate

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of Associate in Arts and those who pass for the Certificate of Associate in Arts shall be held to have passed in their Grade.

2. No pupil shall be allowed without the concurrence of the Inspector of Superior Schools, to proceed to these examinations from any of the Superior Schools under the supervision of the Protestant Committee before having passed in Grade II. Academy.

3. No pupil shall be accepted for these examinations from a Model School that is not equipped as an Academy in point of staff.

88. The examination of the pupils of Grade III. Academy Course, for the certificate of Associate in Arts, will be in accordance with the standard prescribed in the course of study for that grade.

89. The examination shall be held the third week in June.

90. Pupils over eighteen years of age may receive the certificates of the Universities and the title of Associate in Arts, but they shall not be ranked with the other candidates.

91. The examination papers, including those for the A. A. Examination, shall be distributed from the Department of Public Instruction by the inspector of superior schools, and the answers of the pupils shall be returned to the Department in accordance with instructions to deputy-examiners. The answers of the pupils of Grade III. Academies shall be transmitted directly to the secretary of the Board of Examiners of the Universities, for examination and report thereon for the information of the Protestant Committee.

92. The maximum number of marks for each subject shall be as follows:—In Grade I. 50; in Grade II. 75; and in Grade III. 100. In the examinations, pupils shall not be considered as having passed in any subject unless they have obtained at least forty per cent. (and in the case of Reading and Dictation seventy-five per cent.) of the marks attainable in that subject.

93. The examination papers prepared by the inspector of superior schools shall consist of nine questions in each subject, arranged in three groups, only one question from each group to be answered by pupils of Grade I. and II. Model School Course, and two from each group by pupils of other Grades.

94. Two papers shall be prepared for the Academy Grades I. and II. on each of the subjects of English, Geography and History in accordance with the course of study, but at the option of the teacher, the deputy-examiner may adopt one of the two as the examination paper for the two grades. No pupil, however, shall select questions from more than one of such papers.

95. In order to be eligible for examination a pupil must be in attendance ninety days at least, during the current scholastic year.

96. Associates in Arts who have passed in Latin, Greek, Algebra and Geometry, may, without further examination, enter the Faculties of Arts of the two Universities of McGill College and Bishop's College. Those who have passed in Algebra, Geometry and Trigonometry, may enter the Faculty of Applied Science of McGill University.

2. The Secretary of the Protestant Committee will, on application, furnish successful pupils with evidence of their qualifications with reference to the Normal School and Boards of Examiners.*

97. Deputy-examiners shall observe the instructions given in regulation 30.

V.

CONCERNING THE DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES.

School Grounds.

98. School sites shall, when possible, be in dry elevated positions, easily accessible, and provided with good water.

99. School sites shall, when possible, be isolated and so situated that the surroundings will not interfere with the work of the school room nor with the morals of the pupils.

100. School sites shall be as far removed as possible from swamp, or cemetery.

101. The school grounds shall be properly levelled and drained, planted with shade trees and enclosed by a substantial fence. They shall, when possible, not be less than a quarter of an acre in extent. A larger area shall be provided for large schools.

*NOTE.—No fees will be exacted for the examination of pupils of Academies under the control of the Protestant Committee, but in order to obtain the certificate from the Universities the prescribed fee, viz.: \$4.00 for A. A. certificates, must be paid to the Secretary of the University Examiners.

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102. Separate closets or privies shall be provided for the sexes. A close fence, at least six feet in height, extending from the closets to the school building, shall separate the approaches to these closets.

103. Proper care shall be taken to secure cleanliness in these closets and to prevent unpleasant and unhealthy odours. The approaches from the schoolhouse to the closets shall be so kept that the closets may be reached with comfort in all kinds of weather.

Schoolhouses.

104. The schoolhouse shall, when possible, be placed at least thirty feet from the public highway.

105. When the number of children of school age in a district exceeds seventy-five, the school-house shall contain at least two rooms, when it exceeds one hundred and twenty-five three rooms; an additional room, at least, being required for each additional fifty children.

106. In each school room the area shall be at least fifteen square feet for each pupil, and the height from floor to ceiling at least ten feet, so as to give at least one hundred and fifty cubic feet of air space per pupil.

107. There shall be ante-rooms or cloak rooms for pupils of both sexes, separate from the school room, warmed and ventilated, and supplied with hooks and with shelves for the pupils' luncheon. (The outside door should never open directly into the school room).

108. The heating apparatus shall be so placed as to give a uniform temperature of sixty-five degrees, determined by a thermometer, in the school room during school hours.

109. The windows of a school room shall be placed on both sides of the school room, or on the left side of the pupils and behind them, but never in front of the pupils. The area of the windows, collectively, shall not be less than one-sixth of the floor surface of the school room. The top of each window shall be carried up as near the ceiling as possible; and the bottom of the side windows shall be at least four feet from the floor of the room, and the bottom of the windows behind the pupils at least six feet from the floor.

110. The windows shall open readily from the top and bottom, and when double windows are used a ventilator

shall be provided at the top and bottom of each double window.

111. There shall be in every school room ample provision for the admission and circulation of pure air and for the escape of impure air.

112. The schoolhouses are to be built in accordance with plans and specifications furnished or approved by the Superintendent.

113. School boards shall see that each schoolhouse is kept in good repair, that the windows are properly filled with glass, and that suitable fuel is provided; that the desks and seats are in good repair, that the outhouses are properly supplied with doors and kept clean, that the blackboards are kept painted, that there is a supply of good water, and that everything that is necessary for the comfort of the pupils and the success of the school is provided. When a manager is appointed, the school board shall see that he performs his duties in a proper manner.

114. No public schoolhouse or school ground or any building, furniture, or other thing pertaining thereto, shall be used or occupied for any other purpose than for the use or accommodation of the public school of the district, without the express permission of the school board or the chairman thereof, and then only on condition that all damages are made good by the persons obtaining permission and that the school room is properly cleaned before the time for opening the school.

115. The teacher has charge of the schoolhouse on behalf of the school board. He has no authority to use the schoolhouse other than as directed by them, without their sanction. At the request of the school board he must at once deliver up the key of the schoolhouse to the chairman.

School Furniture and Apparatus.

116. A sufficient number of seats, provided with backs, and desks shall be provided for the accommodation of all the pupils ordinarily in attendance at the school.

117. The seats and desks shall be so arranged that the pupils may sit facing the teacher. Not more than two pupils shall be allowed to sit at one desk.

118. The height of the seats shall be so graduated that all pupils may be seated with their feet firmly upon the floor. (To accommodate pupils of all ages the desks should be of three different sizes).

119. The seats and desks shall be fastened to the floor in rows, with aisles at least eighteen inches in width between the rows; passages, at least three feet wide, shall be left between the outside rows and the side and the rear walls of the room, and a space from three to five feet wide, between the teacher's platform and the front desks, directly over the edge of the seat behind it. The desk shall be provided with a shelf for pupils' books.

120. Each desk shall be so placed that its edge will be

121. There shall be a teacher's desk of convenient form with lock and key, placed upon a dais or platform at least six inches in height.

122. There shall be a cupboard, provided with lock and key, for the preservation of school records and apparatus.

123. There shall be a blackboard, at least three feet six inches wide, extending across the whole room in rear of the teacher's desk, with its lower edge not more than two and a half feet above the floor or platform; and, when possible, there shall be an additional blackboard on each side of the room. At the lower edge of each blackboard there shall be a shelf or trough for holding crayons and brushes.

124. There shall be in every school room a jacketed stove (unless another system of heating is used) a wood-box or coal-bucket, a shovel, a poke, a broom, a water-bucket, a drinking-cup, a hand bell, a clock, a thermometer, a copy of the school regulations, a copy of the authorized course of study and an authorized school journal; and in every school a standard dictionary, a visitors' register, a set of tablet lessons of Part I. of the First Reader, a supply of crayons and blackboard brushes, a waste paper box, a map of North America, a map of Canada, and a map of the Province of Quebec.

125. Provision shall be made by every school board for sweeping each schoolhouse daily and for scrubbing the floors at least once every two months, and for making fires one hour before the time for opening school when requisite; but it is not the duty of teachers to do this work.

The School Year.

126. All schools shall be closed from the 1st July to the 15th August each year; but any school board may, with the approval of the Superintendent, open one or more of

its schools during this period when the circumstances of the school render it necessary.

127. The schools of a municipality shall open each year after the 15th of August, and not later than the first Monday in September, as may be determined by resolution of the school board of the municipality.

128. The schools of each municipality shall continue in session each day, except the holidays hereinafter provided, from the date appointed for the opening until the close of the school session. In school municipalities where the school session is less than six months the school boards may provide by resolution for closing the schools during the breaking up of the roads.

129. The holidays for the Protestant Schools of the Province shall be as follows:

Every Saturday and Sunday; From 24th December to 2nd January inclusive; Good Friday; The Queen's Birthday; Dominion Day; and such days as are proclaimed by authority or granted by resolution of the school board of the municipality or by the Superintendent of Public Instruction; also the two days upon which the Protestant Teachers' Association meets yearly, provided the teacher concerned actually attends the sessions of the Association after giving notice in writing to the school board.

School Hours.

130. The school hours shall be from nine o'clock in the forenoon till four o'clock in the afternoon, unless the school board by resolution prescribes a shorter period.

There shall be a recess of not less than ten minutes each forenoon and afternoon, and a recess of one hour at least shall be allowed for recreation during the middle of the school day.

Engagement of Teachers.

131. Each school board shall engage its teachers for the time, at least, that the schools are to be in operation during the school year, and not for any less period, except to replace a teacher retiring before the end of the school year.

132. Each school board shall appoint a day, and give due notice thereof, upon which they will meet and receive applications and engage teachers for all the schools of the municipality.

133. In the engagement of teachers the school board shall consider the special needs and circumstances of the several schools under its control, and shall allot the teachers among these schools so as best to promote the interests of the whole municipality.

134. No school board shall require or permit any teacher under its control to "board around" among the inhabitants of the district.

135. The teacher's engagements for Protestant schools shall be made in accordance with Form No. 4.

136. Whenever the average attendance of an elementary school exceeds fifty a second teacher shall be engaged for that school by the school board.

Religious Instruction.

137. Religious Instruction shall be given in all public schools, but no person shall require any pupil in any public school to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to in writing by his or her parents or guardians.

138. Every Protestant school shall be opened each day with the reading of a portion of the Holy Scriptures followed by the Lord's Prayer.

139. In all grades of Protestant schools the first half hour of each day shall be devoted to the opening exercises (prescribed by the preceding Regulation), instruction in morals, and Scripture History. The Holy Scriptures and the authorized text-books shall be used for this purpose. No denominational teaching shall be given in such schools.

Authorized Text-Books and Forms.

140. Each school board shall, during the year following each quadrennial revision, select from the authorized books a list of text-books for use in the municipality, naming one book, or one graded set of books, in each subject of the course of study, and shall insist upon their use in the schools of the municipality to the exclusion of all others. A copy of this list shall be placed in each school of the municipality, and a copy shall be sent to the English Secretary of the Department of Public Instruction. (An additional series of reading books may be selected for supplementary reading.)

141. Schools boards shall provide and use the authorized forms of teachers' engagements, account-books, school journal and school visitors' register in their municipalities.

Secretary-treasurers' expenses, as provided by 2112, R. S. Q.

142. The secretary-treasurer shall be provided by the school commissioners or trustees with a suitable minute-book, account-books, and other stationery required for their work.

143. The school commissioners and trustees shall, if possible, hold their meetings in the most central school of the municipality, and if they hold their meetings at any other place, they shall not pay rent therefor without the permission of the Superintendent.

144. When a secretary-treasurer travels upon business of the school corporation he shall be paid his just traveling expenses; but any indemnity which may have been accorded him by a court of justice or by any legislative or municipal body for the same journey shall be deducted from his expenses.

145. A secretary-treasurer shall only be considered to travel upon business of the corporation when he is specially authorized to do so by a resolution adopted at a regular meeting of the school corporation stating the object of the journey, or, if there is not time for a meeting, upon an order signed by the chairman, or, in his absence, by two members of the school corporation.

146. In the cities, towns and municipalities, of which the population amounted at the taking of the last census, to more than three thousand souls, or of which the extent is more than nine miles in length, there shall be allowed a certain sum for taking the census of the children, upon a requisition to that effect addressed by the commissioners or trustees to the Superintendent and approved by the school inspector.

147. Every sum allowed to the secretary-treasurer, or otherwise paid out in accordance with the preceding regulations, shall be paid out of the funds of the school municipality, and shall be accounted for in the ordinary manner.

Poor Municipalities.

148. Those school municipalities only, whose annual share of the government grant is less than two hundred

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dollars, are eligible for a grant from the Poor Municipalities Fund.

149. Municipalities, desiring to obtain a grant from the Poor Municipalities Fund, must make application to that effect to the Superintendent on or before the 1st September each year.

150. This application must be accompanied by a certificate from the school inspector stating (1) that the school law and regulations have been faithfully carried out in the municipality; (2) that the teachers are competent; (3) that there are no arrears due by solvent persons; (4) that the municipality is poor and cannot contribute more than it does for school purposes.

151. School municipalities that have failed to comply with the instructions of the Superintendent shall receive no share of the Poor Municipalities Fund.

VI.

CONCERNING TEACHERS.

152. When two or more teachers are employed in a school one shall be the head teacher. The head teacher shall be responsible for the organization, classification, and discipline of the whole school, and shall prescribe (with the concurrence of the school board), the duties of the assistant-teachers.

153. Teachers shall not absent themselves from school nor close their schools on regular school days without permission from the school board or the chairman thereof, unless in case of sickness or other unavoidable cause, in which case the absence shall be immediately reported to the school board.

154. It is the duty of a teacher in a public school: :

1. To see that the schoolhouse is ready for the reception of the pupils at least fifteen minutes before the time prescribed for opening the school in the morning, and five minutes before the time for opening in the afternoon;

2. To give vigilant attention to the ventilation and temperature of the school rooms, and to determine the temperature by a thermometer. At each recess the windows and doors shall be opened for the purpose of changing the atmosphere of the room;

3. To give strict attention to the proper cleanliness of

the schoolhouse and outbuildings, to make and enforce such rules as will ensure the keeping of the school grounds and outbuildings in a neat and cleanly condition, and to inspect these at least once each day;

4. To see that no damage is done to the furniture, fences, outbuildings, or other school property, and to give notice in writing to the school board of any such damage and also of any necessary repairs;

5. To see that the schoolhouse and outbuildings are locked at all proper times, and when not locked to see that they are under the charge of a teacher, or of a monitor for whose faithfulness the teacher shall be responsible (or of a caretaker after school hours);

6. To classify the pupils strictly according to the authorized course of study.

7. To require each pupil to do thoroughly the work prescribed for one grade before promoting him to the next higher grade. Pupils who have fallen behind in the work of their grade shall be placed in the next lower grade;

8. To prepare and keep in a conspicuous place in the school room, for the guidance of teacher and pupils, a timetable showing the order of exercises for each class for each day in the week, and the time devoted to each exercise per day.

9. Not to require nor permit any pupil to use as a school text-book any book not included in the list of text-books prescribed for the use of pupils in the municipality;

10. To open the school each morning with reading a portion of the Holy Scriptures, followed by the Lord's Prayer;

11. To furnish the pupils with constant employment during school hours, and to endeavor by judicious and diversified methods to render the exercises of the school pleasant as well as profitable;

12. To make special preparation beforehand for each day's work with the several classes;

13. To teach diligently and faithfully all the subjects of the authorized course of study;

14. To explain each new lesson assigned, pointing out the difficult part, that every pupil may know what he is expected to do for the next recitation, and how it is to be done;

15. To give his undivided attention to the school work, and not to engage in any private business or work on the school premises during school hours;

16. To use such methods to secure discipline as may be

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adopted by a kind, firm and judicious parent in his family, avoiding corporal punishment, except when it shall appear to be imperatively necessary, and then a record of the offence and the punishment shall be made in the school journal. All degrading and unusual punishments shall be avoided. Teachers are specially warned not to inflict any blow with the hand or otherwise upon the head of a pupil;

17. To read to the pupils, from time to time, the school regulations that apply to them, that they may have a clear understanding of the rules by which they are governed;

18. To preserve a careful oversight of the conduct and habits of the pupils during school hours;

19. To keep, in the prescribed form, a journal of the daily attendance, and to enquire into causes of tardiness and absence;

20. To keep the visitors' register, and to allow visitors free access to the same;

21. To make up all returns required by the superintendent, the inspector and the school board, as far as the information required can be supplied;

22. To carry out the suggestions of the inspector to the best of his ability;

23. To preserve for reference the educational journal and other works, etc., furnished to the school, and on retiring from the school to leave them in order for his successor;

24. To endeavor to improve his professional status by attending the teachers' meetings held in the county, and, if possible, the annual Teachers' Institute, and by professional reading.

VII.

CONCERNING PUPILS.

155. It is the duty of every pupil to attend school punctually and regularly, to follow the authorized course of study, to conform to the regulations of the school, to obey promptly all the directions of the teacher, to be diligent in study, respectful to teachers, kind and obliging to school-mates, clean and neat in habits, person and clothing, and to refrain entirely from the use of profane and vulgar language.

156. No pupil who is affected with, or exposed to, any contagious disease shall be permitted to attend school until he produces medical or other satisfactory evidence that all danger from his mingling with the other pupils, or from his exposure to the disease, has passed away.

157. Pupils are required to procure the text-books and other school requisites indicated by the course of study for the class to which they belong.

158. The school board may provide and lend to indigent pupils, with due precaution for their proper preservation, text-books and other school requisites.

159. In all cases of absence pupils are required to furnish from their parents or guardians on returning to school sufficient reasons for such absence.

160. No pupil shall be permitted to leave at any time before the regular hour for closing his class, except in case of sickness or on a written or personal request of his parent or guardian.

161. Each pupil is required to be present at each inspection and examination of his school or department, or to present a satisfactory excuse for absence.

162. Each pupil shall have a particular desk, and shall keep the same and the floor beneath it in a neat and orderly condition.

163. Pupils of one district shall not attend the school of another district unless by special permission of the school board.

164. When the school board establishes more than one department or school in a district, all the pupils shall be classified according to their attainments and shall attend such department therein as they shall be found qualified for, as determined by proper examination.

165. Pupils shall be responsible to the teacher for their conduct on the school premises, and also when going to, or returning from, school, unless they are accompanied by their parents or guardians.

166. Any school property or furniture, injured or destroyed by a pupil, must be made good forthwith by the parent or guardian.

167. When the ordinary discipline of the school fails to secure becoming conduct in a pupil, the teacher shall notify the parents of the fact. If no improvement takes place, the teacher may then suspend him from the school for a period not exceeding five school days. If the suspension be for refusal to do some definite act that may rightfully be demanded, it may be extended until the offender returns and does that which he had refused to do.

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168. Whenever any teacher suspends a pupil, he shall at once notify the parents or guardians in writing, stating the length of time for which the pupil is suspended and the reasons for such suspension.

169. When it becomes evident that the conduct of a pupil is such as to endanger the morals of his companions, or the authority of the teacher and the ordinary modes of discipline fail to secure amendment, the head teacher may report the pupil to the school board for expulsion, and may suspend the pupil pending the decision of the school board.

170. Any pupil expelled from school by the school board shall not be re-admitted to any school in the municipality without the written consent of the school board; but any pupil expelled from school who shall express to the teacher his regret for his conduct as openly and explicitly as the case may require, may, with the approval of the teacher and the school board, be re-admitted to the school.

VIII.

CONCERNING APPEALS TO THE PROTESTANT COMMITTEE FROM THE DECISIONS OF THE SUPERINTENDENT.

171. Any person who desires to appeal to the Protestant Committee from the decision of the Superintendent shall do so by petition and in conformity with the following provisions:

1. The petition addressed to the Protestant Committee of the Council of Public Instruction shall be forwarded to the secretary of the committee by registered letter or it shall be served on him by a bailiff;

2. This petition shall state the grounds or reasons of the appeal, and no others will be taken into consideration by the committee;

3. The persons interested shall appear before the committee or a sub-committee, personally (or by their attorney if they desire), otherwise the committee will proceed against them by default;

4. The superintendent shall submit to the committee all the documents in his possession relative to said appeal, and no other document concerning matters or facts which may have happened since the judgment which is appealed against, was rendered, shall be produced before the committee;

5. The Superintendent, if he desires to do so, shall give to the committee explanation concerning the question or questions which form the subject of the appeal, in the presence of the persons interested;

6. The appeal shall be made within fifteen days from the day in which the judgment of the Superintendent is communicated or transmitted to the representatives of both appellants and respondents;

7. No petition in appeal will be received by the committee unless accompanied with a deposit of four dollars to pay for copying documents required for the appeal.

IX.

CONCERNING TEXT-BOOKS SUBMITTED FOR
AUTHORIZATION.

172. Persons desiring to submit a text-book to the Protestant Committee for authorization shall forward one dozen copies of the book to the Superintendent for examination, stating the retail price and the price per dozen.

2. Before final authorization of any book the publisher must legally bind himself to supply said book, in harmony with price and quality of samples submitted, as may be needed for schools under the jurisdiction of the Protestant Committee, for a term of at least five years.

173. A sample copy of every edition of every book authorized by the Protestant Committee shall be deposited in the Department of Public Instruction by the publisher, and no edition of any book shall be considered as approved without a certificate to that effect from the Superintendent of Public Instruction, which certificate may be withdrawn at any time at the request of the committee.

174. Every authorized book shall bear the imprint of the publisher, and shall show upon the cover or title page the authorized retail price, and no part of the book shall be used for advertising purposes, without the written consent of the Superintendent of Public Instruction.

175. No alterations in contents, typography, binding, paper, or any other material respects, shall in any case be made without the approval of the Protestant Committee.

176. Any books recommended as aids to teachers, for private reference or study, shall not be used as text-books by the pupils.

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FORM No. 1.

Form of Certificate of Moral Character.

"This is to certify that I, the undersigned, have personally known and had opportunity of observing.. . .

.. . . for the.. . . last past; that during all such time *his* life and conduct have been without reproach; and I affirm that I believe *him* to be an upright, conscientious and strictly sober man."

(This certificate must be signed by the Minister of the congregation to which the candidate belongs and by two school commissioners or trustees or school visitors.)

FORM No. 2.

Canada. Protestant Committee of the Council
Province of Quebec. of Public Instruction.

We hereby certify that.. . . a native of
.. . . aged.. . . residing at.. . .
and professing the Protestant faith, has produced the requisite certificates, passed the examinations, and fulfilled the conditions prescribed by the School Law and Regulations for Candidates for the position of Inspector of Protestant Schools to the satisfaction of the Protestant Committee.

We further certify that a.. . . class certificate has been granted to him and that he is, therefore, eligible for appointment as Inspector of Protestant Schools in the Province of Quebec.

In witness whereof, by order of the Protestant Committee of the Council of Public Instruction, we have hereunto affixed our hands the.. . . day of.. . . in the year 18....

.. . . Chairman.
.. . . Secretary.

FORM No. 3.

To the Secretary,
Protestant Central Board of Examiners, Quebec.

SIR,
I, (name in full) residing at
(Post Office) county of.. . . professing the
.. . . Faith, have the honor to inform you that

I intend to present myself at... ..for the examination for... ..diploma in July next.

I enclose herewith:—

- 1. A certificate that I was born at... ..county ofon the... ..day of the month of... ..18... ..
2. A certificate of moral character according to the authorized form.
3. The sum of... ..dollars for examination fees.

(Signature in full.)

FORM No. 4.

Canada. Municipality of
Province of Quebec.
On the day of the month in the year 18 , it is mutually agreed and stipulated between the school of the municipality of in the county of , represented by their chairman under a resolution of the said passed on the day of 18 , and teacher holding a diploma for the Province of Quebec and residing at as follows:—

The said teacher hereby makes an engagement with the said school for term of year from the day of 18 , to the day of 18 (unless the diploma of the said teacher be withdrawn, or any other legal impediment arise) to teach the school in district No. , according to the school law and regulations, every day during said term except on holidays prescribed by the regulations for Protestant Schools.

The said agree to pay to the said teacher the sum of for the said school year, payable in current money and not otherwise, and neither the secretary-treasurer nor any person shall alter this method of payment.

Done at the day and date first above mentioned, and the parties have signed after hearing the same read.

Chairman of the School

Teacher

48 REGULATIONS OF THE PROTESTANT COMMITTEE.

FORM (5).

This is to certify that.....who holds a..... diploma from the McGill Normal School, dated..... has taught in the.....School at.....in the County of, during the Months of July....., August....., September....., October....., November....., December....., January....., February....., March....., April....., May....., and June....., of the scholastic year....., and has been assiduous in duty....., been punctual in attendance....., been observant of regulations....., governed her pupils well....., secured good progress in study....., been polite and tactful in intercourse with parents, commissioners and the inspector....., and maintained a character above reproach.....,

Signed.....

Chairman or Secretary-Treasurer School

Commissioners of.....

School Inspector.....

N.B.—Let each person signing this certificate insert his initials after each month for which he gives it, and after each clause which he approves.

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