

62

W

Quebec (Prov.) Laws, Statutes, etc.

THE
SCHOOL LAW

OF THE
PROVINCE OF QUEBEC

WITH NOTES OF NUMEROUS JUDICIAL DECISIONS THEREON

AND

THE REGULATIONS OF THE PROTESTANT
COMMITTEE OF THE COUNCIL OF
PUBLIC INSTRUCTION

COMPILED BY

G. W. PARMELEE

SECRETARY OF THE DEPARTMENT OF PUBLIC INSTRUCTION.



QUEBEC
THE CANADA STAMP COMPANY, Regd.

1911

LB2537

PAAP

L13

Q4

Q412

2537

1911

Q4

C.2

1911

LIST OF ABBREVIATIONS

- Am.—Amended.
- 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.—Magistrates' Court.
- M. C. R.—Montreal Condensed Reports.
- M. L. R.—Montreal Law Reports
- M. L. R. Q. B.—Montreal Law Reports, Queen's Bench.
- M. L. R. S. C.—Montreal Law Reports, Superior Court.
- Mod.—Modified.
- Q. L. R.—Quebec Law Reports.
- R. C.—Revue Critique.
- R. L.—Revue Légale
- R. C. C.—Regulations of the Roman Catholic Committee.
- R. de L. et de J.—Revue de Législation et de Jurisprudence.
- R. P. C.—Regulations of the Protestant Committee.
- R. S. or R. S. Q.—Revised Statutes of the Province of Quebec.
- S. C.—Superior Court.

Agr

Abs

Aca

Acco

Accu

Appe

F

C

C

C

09501041

100628

ALPHABETICAL AND ANALYTICAL
INDEX
TO THE
SCHOOL LAW

	Article
Agriculture:—	
To be taught in country schools.....	3040
Absent:—	
Definition of word.....	2521
Temporary absence	2692
Academies:—(See R. P. C.)	
Establishment of	2962
Receive share of Superior Education Fund.....	2937, 2970
Conditions required for grants.....	2941
Grant may be withheld.....	2939
Special aid from School Corporation.....	2967, 2968
Maximum cost of school building.....	2749
Monthly fees	2740
Pupils in arrears for fees in County Academies.....	2969
Supported by two or more municipalities.....	2763, 2765
Who may attend	2614
County Academies	2962, 2970
Form each a district.....	2615
Account to the Legislature.....	2538
Accusation:—	
Against a teacher	2550
Against an inspector	2551
Appeals:—(See R. C. C., and R. P. C.)	
How made	2981
Costs of	2991
Concerning school districts and sites.....	2750, 2981
Concerning schoolhouses	2981

Appeals:—Continued.	Article	
Concerning changes in school municipalities.....	2598, 2604	
Concerning a special tax.....	2981	
Concerning insurance of school buildings.....	2723	
Appointments by Lieutenant-Governor-in-Council:—		
Of members of the Council of Public Instruction.....	2540	
Of Superintendent	2530	
Of Professors of Normal Schools.....	2954	
Of School Inspectors	2569	
Of members of Central Board of Examiners.....	2577	
Of School Commissioners and Trustees.....	2668, 2671	
Of Chairman School Board.....	2698	
Terms of School Commissioners and Trustees appointed.....	2694	
May be annulled by the Lieutenant-Governor-in-Council only.....	2592	
Apportionment:—		
Of Taxes	2934	
Of Superior Education Fund.....	2938	
Of Marriage License Fees.....	2943	
Of Common School Fund.....	2923	
Of Local School Fund.....	2934, 2935	
Of Poor Municipality Fund.....	2942, 2943	
Arbitration:—		
For the price of a school site.....	2751, 2757	
For the value of school property upon dividing a district.....	2758, 2762	
Arrears of school taxes prescribed in three years.....	2866	
Assessors:—		
Definition of work	2521	
Attendance:—		
Minimum of pupils for district.....	2608, 2931	
Basis of division of grant.....	2789	
Auditors:—		
For annual audit of accounts of the Secretary-Treasurer.....	2830	
For special audit of accounts of the Secretary-Treasurer.....	2831	
May be demanded by ratepayers.....	2830	
May be demanded by Secretary-Treasurer.....	2830	
For the Pension Fund accounts.....	3036	

Auth

Cent

Candi
TCensu
T
T
C
PCertif
F
F
FChair
Q
R

Authorization:—	Article
To alienate school property.....	2726
To seize school property for debt.....	2927
To exceed maximum price for schoolhouses.....	2749
To build two or more schoolhouses in one district.....	2612
To unite with a dissentient corporation.....	2625
To exempt from taxes.....	2738
For plans of schoolhouses.....	2746
For debentures in aid of school libraries.....	3042
Central Board of Examiners:—(See R. C. C., and R. P. C.)	
Diplomas issued.....	2577
Established by Proclamation.....	2577
Composition of.....	2578
Number of members.....	2578
Salary of Secretary.....	2579
Organized in two divisions.....	2577
Governed by regulations.....	2579
Persons exempt from examination.....	2586
Powers and duties.....	2580
Duties may be modified.....	2585
Fees of candidates.....	2579
Superintendent to receive yearly statement.....	2583
Superintendent to receive list of candidates.....	2582
Superintendent may examine books, etc.....	2584
Candidates for Teachers' Diplomas:—	
To comply with requirements.....	2581
Census:—	
To be made in September each year.....	2768
To be reported.....	2769
Contents of.....	2768
Penalty for refusing information for.....	2770
Certificates:—	
For a Normal School Diploma.....	2957
For incapacity for school duties.....	2695
For discharge or surety.....	2812
For application for pension.....	2996, 3002, 3028
Chairman of an Election Meeting:—	
Qualifications of.....	2647, 2651
Requests nominations for election.....	2652

Chairman of an Election Meeting:—Continued.	Article.
May declare election closed	2655
May proceed to hold a poll	2655
Proclaims candidate elected	2655, 2664
Method of taking the votes	2656, 2664
Must give casting vote	2663
Must make report of election	2666
Chairman of the Administrative Commission	3081
Chairman of the Council of Public Instruction:—	
The Superintendent	2543
Has a casting vote	2558
Calls special meetings	2559, 2560
Chairman of the Committees of the Council of Public Instruction:—	
Named by the Committees	2546
Has a casting vote	2558
Calls meetings of the Committees	2559
Chairman of School Commissioners or Trustees:—	
Appointed by Board at first meeting	2606
Appointed by Lieutenant-Governor	2608
Calls meeting when Secretary-Treasurer is absent	2646
Calls meeting of Board	2700
Makes declaration respecting accuracy of amendments to roll	2865
May order doors to be opened in case of seisure	2876
Signs minutes of proceedings for each sitting	2707
Signs warrants of distress	2873
Must know how to read and write	2648
Receives the notice of dissent	2616
Signs teachers' engagements	2714
Chairman Central Board of Examiners	2578
Collection Roll:—	
Preparation of	2858, 2865
Based upon Municipal Valuation Roll	2836
May be amended in certain cases	2860, 2865
In what manner may be amended	2864, 2865
Special for payment of debts	2908
Special made by Sheriff	2913
Transmitted to Commissioners by Sheriff	2922
Trustees entitled to a copy	2792

Comm
 Wl
 Mu
 Ap
 Ap
 Ar
 Du
 Fir
 Ju
 Ma
 Me
 Me
 Me
 Pa
 Pa
 Rej
 Rig
 Ter
 Cer
 Boc
 Boc
 Su
 Sch
 Inc
 Nec
 Me
 Me
 Pul
 Car
 Ele
 Car
 Lie
 Res
 Mu
 Reg
 Mu
 May
 May
 Mu
 Yea
 Tea
 Mus
 Sch
 Tax

Commissioners:—

	Article
Who may be.....	2639, 2641
Must read and write.....	2648
Appointment of chairman.....	2696, 2698
Appointment of secretary-treasurer.....	2696, 2795
Are a corporation.....	2635
Duration of office.....	2669, 2670, 2694
First meeting.....	2696
Jurisdiction.....	2588
Majority decides.....	2706
Meetings of board called by chairman.....	2700
Meetings of board called by requisition.....	2702
Meetings of board are public.....	2703
Meetings of board, where held.....	2704
Payment of contingent expenses.....	2935
Replacing of commissioners.....	2644, 2671, 2692, 2693
Rights of corporation.....	2635
Temporary chairman.....	2697, 2699
Census of children to be prepared.....	2768, 2770
Books of account.....	2709 § 12
Books to be used.....	2709 § 4
Surplus funds to be banked.....	2936
School districts.....	2605
Incapacity to perform duties.....	2695
Necessary formalities for meetings.....	2700, 2701
Meetings must not be held in a hotel.....	2704
Meetings may be held on legal holidays.....	2705
Public auction of property.....	2726
Capitalize debts and issue debentures.....	2727, 2728
Election of for new municipality.....	2597
Cannot refuse office.....	2665
Lieutenant-Governor-in-Council may appoint.....	2668, 2693
Resolutions necessary.....	2637
Must visit schools.....	2709 § 8
Regulations respecting hygiene.....	2709 § 7
Must attend annual public examination.....	2709 § 6
May dismiss pupils for cause.....	2709 § 14
May provide text-books in certain cases.....	2709 15
Must pay teachers monthly.....	2709 § 16
Yearly written engagement of teachers.....	2711, 2712
Teacher may be sued although a minor.....	2716
Must engage teachers with diplomas.....	2717
School assessments imposed uniformly.....	2731
Taxes payable to both corporations.....	2732

Commissioners:—Continued	Article	Comm
Property exempt from taxation.....	2733	Co
Different tax	2734	Or
School fees	2739, 2745	Ju
Cannot exact school fees in certain cases.....	2743	Ap
May enter into agreements.....	2724	Du
May pay for the conveyance of pupils.....	2611	As
Pupils from another district.....	2613	Sp
Religious community schools.....	2767	Ch
Course of study	2709 § 3	Su
Discharge of school teachers.....	2709 § 2	Ro
Disputes, duty of school board.....	2709 § 13	Ma
Teachers' engagements	2709 § 1, 2711, 2722	Ma
General notices to teachers are null.....	2720	Ma
Management of schools	2709 § 5	Mal
Obey instructions of Superintendent as to accounts and registers.....	2709 § 9	Mal
Religious books not under control of school board.....	2709 § 4	Mal
Report to Superintendent.....	2603, 2709 § 10	Mal
Date of examination of schools.....	2709 § 6	May
Teachers to give notice before leaving.....	2721	May
Teachers to receive notice before discharge.....	2718, 2719	Prej
Agreements to avoid notice or collective notices to teachers are null.....	2720	May
Grant refused for failure to collect school fees.....	2745	May
Statement of fees sent to the Superintendent.....	2744	Rec
Acquire school property.....	2723 § 3, 2725	May
Hold land and school houses.....	2723 § 2	May
Keep school houses in order.....	2723 § 4	May
Managers appointed	2723 § 4	May
School property alienated	2726	
School property vested in school board.....	2723	County:—
May establish girls' schools.....	2766	Defin
Amount of taxes to be levied.....	2730	
Uniformity of taxes.....	2731	
May institute suits for taxes.....	2971	Circuit C
Commute taxes	2893-2896	Defin
May amend property valuation.....	2736	
May amend valuation roll.....	2736, 2737	Common
May make valuation	2840, 2841	Paid
Commissioners alone levy taxes upon incorporated companies.....	2891-2899	To be
Must prepare valuation roll.....	2836-2856	To be
Must collect taxes to pay teachers' salaries monthly.....	2735	Condi
May exempt from taxes.....	2738	To be
Must insure property	2723 § 5	May l
May establish Savings Banks.....	2710	sic

Committees of the Council:—

	Article.
Composition of	2540
Organization	2546
Jurisdiction	2541, 2542
Appoint chairman and secretary.....	2546
Duties of secretaries.....	2552
Associate members	2540 § 2
Special meetings	2559, 2560
Chairman's vote	2558
Superintendent, a member ex-officio.....	2531
Roman Catholic Bishops and other members may be represented..	2561
May appoint sub-committees or delegates.....	2563
Make regulations for Normal Schools.....	2548 § 3
Make regulations for Public Schools.....	2547, 2548 1
Make regulations for Boards of Examiners.....	2548 4
Make regulations for candidates for position of inspector.....	2548 § 5
Make regulations for inspectors.....	2548
Make regulations for school libraries.....	3042
May cancel teachers' diplomas for cause.....	2550
May inquire into the conduct of inspectors.....	2551
Prepare and revise lists of text-books.....	2549
May acquire text-books.....	3043
May receive legacies.....	2553-2555
Receive unexpended balances of school grants.....	2556
May hold inquiries.....	2562
May determine the status of schools.....	2547
May determine school holidays.....	2548 § 6
May establish the boundaries of school inspectorates.....	2548 § 2

County:—

Definition of term.....	2521 § 10
-------------------------	-----------

Circuit Court of the County:—

Definition of term.....	2521 § 7
-------------------------	----------

Common School Fund:—

Paid to the Superintendent.....	2928
To be deposited in a bank.....	2928
To be paid to the school corporations by cheques.....	2930
Conditions upon which grants are paid.....	2931
To be paid to school corporations annually.....	2930
May be paid without fulfilment of required conditions if Commissioners have acted in good faith.....	2932

Common School Fund:—Continued	Article.
Grants may be withheld by Superintendent.....	2938
Distributed in proportion to population.....	2928
Contestation of Elections.....	2672
Country Municipality:—	
Definition of term.....	2521 § 4
Contingent Expenses:—	
Of the Council of Public Instruction.....	2545
Of Boards of Examiners.....	2579
Of School Corporations.....	2985
Council of Public Instruction:—	
Jurisdiction.....	2542
Composition of.....	2539
Division into two Committees.....	2539
Chairman of.....	2543
Members of, appointed.....	2540
Joint Secretaries of.....	2544
Expenses of.....	2545
Date of meeting.....	2557
Quorum of.....	2557
Special meetings of.....	2559, 2560
Chairman has a casting vote.....	2558
Roman Catholic Bishops and other members may be represented at..	2561
May appoint sub-committees and delegates.....	2563
Duties of.....	2547-2563
May hold enquiries.....	2562
May receive a legacy.....	2553-2555
Course of Study:—	
Authorized by the Committees.....	2709 § 3
Enforced by Commissioners and Trustees.....	2709 § 3
Department of Public Instruction:—	
Forms part of the Civil Service.....	2520
Is under the direction of the Superintendent.....	2530, 2531
Secretaries are deputy heads.....	2530
Officers of.....	2530

Dip

Circ

Diss

Distri
DSchoo
F
A

Diplomas:—(See R. C. C. and R. P. C.)	Article
From Central Board of Examiners.....	2577
From Normal Schools.....	2957, 2958
Four grades of.....	2577
Requirements for	2581
Fees for	2579
Enregistered	2580
For what time and place valid.....	2577
May be revoked.....	2550
May be returned.....	2550 § 13
Not required from clergymen, or members of religious orders.....	2586
To be sealed.....	2580 § 3
Forms furnished by Superintendent.....	2580 § 7
Circuit Court:—	
Appeals to regarding school sites, &c.	2981
Districts	2981
Special taxes	2981
Maladministration	2981
Dissentients:—(See Trustees..	
Who may dissent.....	2616
Notice of dissent and when it takes effect.....	2617-2620
Must be served before May 1st.....	2617
If they become the majority.....	2621
Taxes, after notice of dissent	2622
To prevent government by the Commissioners.....	2622
May unite with another municipality.....	2625, 2626
The former majority may organize.....	2622
In case of union, taxes are uniform.....	2625
May cease to be.....	2633, 2634
Minority in a township or parish may unite.....	2626
May be dissolved.....	2627, 2628
May be reorganized a second time.....	2629
Individual dissentients may unite.....	2630, 2631
Children of one district may attend another.....	2632
Right to the schoolhouse of the district.....	2758
District:—	
Definition of term.....	2521 § 6
School District	
Formation, naming, limits	2605-2609
A school in each district.....	2610

School District:—Continued

	Article.
May be united.....	2610
Division of school property.....	2758
Number of children necessary.....	2608
Conveyance of pupils.....	2611
One school for two or more united districts.....	2611
May have two schools in one district.....	2612
Model School and Academy pupils.....	2614
When no school is in operation.....	2613
Division of school funds.....	2934
How schoolhouse is built.....	2746-2750
Academy forms one.....	2615
Girls' school forms one.....	2615
Model school forms one.....	2615
Drawing:—	
To be taught in all schools.....	3040

Election of Commissioners and Trustees:—

First meeting for.....	2651
Procedure.....	2652-2666
Chairman gives casting vote.....	2663
When and where held.....	2644
By whom called.....	2645, 2646, 2650
Who presides.....	2647, 2651
When a poll is demanded.....	2655-2664
Duration of election.....	2654, 2655, 2662
Contestation of.....	2672-2691
After judgment.....	2687-2691
Number to be elected.....	2648
Who may refuse office or may resign.....	2665
Who may vote.....	2642
Who are eligible for election.....	2639-2641
Cannot be re-elected without consent.....	2665
Notices of election.....	2645, 2646
How vacancies from death, absence and sickness, are filled.....	2692
Vacancies filled by Lieutenant-Governor-in-Council after one month.....	2668
Incapacity to be established by certificate.....	2695
May be contested.....	2672
Prosecution for illegally holding office.....	2672-2687
Procedure in case of prosecution.....	2673-2691
If no election is held Commissioners are appointed.....	2671, 2693
Term of office of Commissioners.....	2669, 2694
How retiring Commissioners are replaced.....	2670, 2671

Electo

Wl

Mu

Pe

Ma

Mu

Ma

Engag

By

By

Ma

To

Ma

Un

No

Col

Di

No

To

Exhibit

Examit

Exami

Fabriq

Fire e

Fines:-

For

Followi

Definiti

Electors:—(See Voters.)	Article
Who are electors.....	2642
Must have paid all contributions.....	2642
Penalty	2643, 2663, 2666, 2667
May propose candidates.....	2652
Must make declarations if required.....	2659
May contest any election.....	2672
Engagement of Teachers:—(See R. C. C., and R. P. C.)	
By resolution of School Corporation.....	2712
By written contract.....	2712
Made in triplicate.....	2715
To be by the year.....	2711
May be cancelled for cause.....	2709
Under age	2716
Notice before May 1st required to discontinue.....	2718
Collective notices not valid.....	2720
Diploma necessary	2717
Notice required from teachers.....	2721
To be signed by Chairman or Secretary.....	2714
Exhibitions, School	3045
Examination of Teachers:—(See Central Board of Examiners).....	2577
Examination of Inspectors.....	2571 § 5
Fabrique Schools	2959-2961
Fire escapes	3760-3779
Fines:—	
For not reporting election.....	2666
For neglecting to call meetings.....	2702
For acting without sureties.....	2809
For neglecting to give notice for election, etc.	2645, 2667, 2689 2787
For omission to post notices.....	2774
For refusing inspector access to books.....	2574
For acting without qualifications.....	2856
For detaining valuation roll or refusing a copy.....	2887
For refusing information to valuers.....	2844
For refusing information for the census.....	2770
For refusing to fulfil school duties.....	2974
For retaining documents of School Corporation.....	2976
For obtaining grants under false pretences.....	2975
For disturbing a school.....	2977
Following Day:—	
Definition of Term.....	2521 § 29

Fees Monthly:—	Article
Fixed by School Board.....	2739
Amount of	2740
For Superior schools.....	2740, 2741
For what children.....	2741
Certain children free.....	2743
Report of to be made.....	2744
Grant retained if fees are not fixed.....	2745
Collected with the school taxes.....	2742
Fire Insurance	2723 § 5
Forms:—	
What forms may be used.....	2524
Prepared by Superintendent.....	2537 § 9
Girls' School:—	
May be established by Commissioners.....	2766
Form a district.....	2766
If established by religious community.....	2767
Grants:—(See Superior Education Fund and Common School Fund.)	
Guardian:—	
Definition of term.....	2521 § 25
Hygiene to be taught in all schools.....	3040
Holidays:—(See R. C. C., and R. P. C.)	
May be determined by the Committees of the Council of Public Instruction	2548 § 6
Incorporated Companies:—	
Taxes, by whom levied.....	2891, 2892
Taxes, how divided	2891, 2892
Taxes, commuted	2893-2896
Inquiries:—	
By the Superintendent.....	2536
By the Committees of the Council of Public Instruction.....	2551, 2562
Interpretative Provisions:—	
Absent	2521 § 24
Assessor, valuator	2521 § 21
Following day	2521 § 29
School, Public School, School under control.....	2521 § 13

Interpr

Gu
Mo
Ra
Re
Sel
Co
Lo
Dis
Co
Pa
To
Civ
Ma
Su
Offi
Rea
Sch
Sch
Mor
Oce
" Sc
" Sc
" Su
" To
" Te

Local M

Defin

Immove

Defin

Inspector

Appc
Qual
Resid
Dutic
Powe
Speci
Have
Instr
Salar
To be

739
740
741
743
744
745
742
5
24
9
16
9
7
1

Interpretative Provisions:—Continued.

	Article
Guardian	2521 25
Month	2521 28
Rate-payer	2521 22
Religious majority, and Religious minority.....	2521 26
School corporation or School Board.....	2521 4
Country municipality	2521 5
Local municipality	2521 6
District, judicial	2521 7
County	2521 8
Parish	2521 9
Township	2521 10
Circuit Court of the County.....	2521 11
Magistrate's Court	2521 12
Subsidized school	2521 13
Officers of primary instruction.....	2521 14
Real estate, land or immovable.....	2521 16
School tax or tax.....	2521 18
School assessment	2521 19
Monthly fees	2521 20
Occupant	2521 23
" School municipality	2521 3
" School year"	2521 27
" Superintendent or Superintendent of Education "	2521 2
" Taxable property "	2521 17
" Teacher " " Professor "	2521 15

Local Municipality:—

Definition of term.....	2521 6
-------------------------	--------

Immoveable:—

Definition of term.....	2521 16
-------------------------	---------

Inspectors:—(See R. C. C., and R. P. C.)

Appointment	2569
Qualifications	2571, 2572
Residence of	2570
Duties	2573
Powers	2574
Special provisions	2572
Have access to school records and documents.....	2574
Instructions to	2570
Salary	2569
To be paid for special work.....	2576

Inspectors:—Continued.	Article.
Ineligible for office under school boards.....	2570
May visit schools in another district of inspection.....	2575
To visit pensioned teachers	3037
May be dismissed.....	2522, 2551
Value teachers' salaries and benefits.....	3026, 3028
Land:—	
Definition of term.....	2521 § 16
Libraries in School Municipalities.....	3041, 3042
Local School Funds:—	
How disposed of	2934-2936
Magistrate's Court:—	
Definition of term.....	2521 § 12
Appeals to	2981
Management of Schools:—	
Rules made by Committees	2548
Rules made by Commissioners.....	2709 § 5
Advice upon by Superintendent.....	2537 § 8
Marriage License Fees.....	2943
Managers:—	
Appointment and duties.....	2723 § 4
Meetings:—	
Of the Council of Public Instruction.....	2557
Of the Committees of the Council.....	2546
Of School Commissioners and Trustees.....	2696, 2700, 2703, 2705
Meetings of Commissioners and Trustees:—	
For Organization	2696
Chairman of	2696-2699
How called	2700-2702
Formalities dispensed with.....	2701
Are public	2703
Place of meeting	2704
Votes at	2706
Proposed resolutions need not be seconded.....	2706
Chairman must vote on each question.....	2706
Chairman's casting vote.....	2706
Minutes signed by Chairman and Secretary.....	2707
Amended resolutions	2708

Ministe
Scl
Scl
Ex
El
No
Cal

Minute
Of
Of
Of

Model
Ho
Wh
Ma
Pla
Rec
Con
Sup
Fee
For
Ani

Month

Monthly
Def
Fix
Am
For
Can
For
Cert
Rep
Gra
Coll

Municip
Wh
For
Erec
Spec
Pro

Ministers of Religion:—	Article.
School Visitors	2567
Exempt from examination	2586
Eligible for School Commissioners.....	2639
Not bound to accept office.....	2665
Catholic Priests select books on religious instruction.....	2709 § 4
Minutes:—	
Of the Council of Public Instruction.....	2544
Of the Committees of the Council.....	2552 § 1
Of Boards of Examiners.....	2580 § 5
Of School Commissioners and Trustees.....	2707, 2708
Model Schools:—	
How tax for school building is imposed.....	2748
Who may attend	2614
Maximum cost of schoolhouse.....	2749
Plans for	2746
Receives part of Superior Education Fund.....	2937
Conditions required to be entitled to grant.....	2941
Supported by two or more municipalities.....	2763-2765
Fees for	2740
Form each a district.....	2615
Annexed to Normal School.....	2950
Month	2521 § 28
Monthly Fees:—	
Definition of term.....	2521 § 20
Fixed by Commissioners.....	2739, 2857
Amount of	2740
For Model Schools and Academies.....	2740, 2741
Cannot be collected by teacher.....	2739
For what children.....	2741
Certain children free.....	2743
Report of to be made.....	2744
Grant retained if fees are not fixed.....	2745
Collected with the school taxes	2742
Municipalities:—	
What are municipalities.....	2521 § 3, 5, 6
Formation and changes of.....	2589
Erections of take effect July 1st.....	2592
Special taxes	2595
Pro rata division of assets or debts.....	2596

Notices:—Continued.

	Article.
For election meetings.....	2645
Binding upon outside proprietors.....	2779, 2784
For special acts of Commissioners or Trustees.....	2787
Length of time for.....	2777
Apply to non-residents.....	2779
In two journals for two languages, &c.	2775, 2776, 2778
For erection of a municipality.....	2590
For change of limits of a municipality.....	2787 § 1
For union of districts	2787 § 1
For dissent	2617-2620
For ceasing to be a dissentient.....	2633, 2634
For separation of dissentient corporations.....	2625, 2626
For dissolution of dissentient corporations.....	2627, 2628
For new election when annulled by a judge.....	2688
For meetings of School Corporations.....	2645
For payment of school taxes.....	2869, 2870
For examination of collection roll.....	2849
For inquiry against a teacher.....	2550
For the audit of Sec.-Treasurer's accounts.....	2828, 2829, 2831
For dismissal of teachers.....	2718, 2719

Notices in the Official Gazette:—

For the erection of municipalities.....	2590, 2592, 2597
For change of limits.....	2590-2592
For dissolution of dissentient corporations.....	2627-2629

Occupant:—

Definition of term.....	2521 § 23
Oaths and solemn declarations.....	2523

Officers of Primary Instruction:—

Definition of term	2521 § 14
--------------------------	-----------

Parish:—

Definition of term.....	2521 § 9
-------------------------	----------

Pension Fund:—

Persons eligible for a pension.....	2992, 3024
Amount of Pension	2993
Maximum average salary.....	2993
Pension for ill-health	2995
Years of service	2995, 2999, 3000
Relation to Act of 1856.....	3018

Pension Fund:—Continued.

	Article.
Certificates required	2996, 2997, 3001, 3002
Pensions for widows	3003-3008
Stoppages and grants	3009-3019
Payment of Pensions	3020, 3021
Demand for payment of pensions to be made before 1st November..	3025
Pensions forfeited	3022, 3023
Reduction of pension	3017
Valuation of salaries.....	3026
Valuation of benefits	3027, 3028, 3030
Administrative commission	3031-3035
Pensioners visited by School Inspectors.....	3037
Accounts	3036
Pensions not assignable, may not be seized.....	3038
Does not apply to teachers receiving pensions before 1st July, 1886..	3039
Termination of pension.....	2998
Report of salary, etc.	3029
Protestant Committee	2539-2563
Poor Municipality Fund	2942, 2943

Principals of Normal Schools:—

By whom appointed and removed.....	2954
Report to the Superintendent.....	2953, 2956
Cause pupils to sign agreements.....	2956
Recommend Attorney-General to sue.....	2956 § 3
Certify pupils to Superintendent.....	2957

Professor:—

Definition of term.....	2521 § 15
-------------------------	-----------

Penalties:—(See Fines.)

For school taxes and fees.....	2971
Before what tribunals	2972, 2978
For refusal to convene meeting.....	2702
Action taken in name of school corporation.....	2973
Rate-payers may prosecute.....	2979
For refusing or neglecting office.....	2774, 2974
Penalty to form part of school fund.....	2980
For making false returns.....	2770, 2975
For disturbing a school.....	2977
For retaining documents, &c.	2976
For failure to fulfil Normal School contract.....	2956
For refusal to exhibit documents to inspector.....	2574
For voting unlawfully	2643
For failure of notice.....	2645, 2669, 2689, 2774, 2787

Penal
F
F
Publi
Quoru
F
O
O
Rate-p
D
Real
De
Religio
Me
W
Religio
Me
Ma
Wh
Reports
Of
Of
Of
Of
Of
Of
Roman
Special
School:-
Defi
School
Defi
Subsidiz
Defi

	Penalties:—(See Fines).—Continued.	Article
	For refusal to vote.....	2663
	For interference with valutors.....	2814
	Public Examination of Schools.....	2573, 2709 § 6
	Quorum:—	
	For all corporations, boards, &c.	2525, 2526
	Of the Council of Public Instruction	2557
	Of the Committees of the Council.....	2557
	Rate-payer:—	
	Definition of term.....	2521 § 22
	Real Estate:—	
	Definition of term.....	2521 § 16
	Religious Majority:—	
	Meaning of term.....	2521 § 26
	When it becomes minority.....	2621
	Religious Minority:—	
	Meaning of term.....	2521 § 26
	May dissent	2616
	When it becomes majority.....	2621
	Reports:—	
	Of the Superintendent to the Legislature.....	2537 § 4, 5
	Of election	2666
	Of institutions of Superior Education.....	2939
	Of commissioners and trustees.....	2603, 2709 § 10
	Of principals of Normal Schools.....	2953
	Of teachers' salaries.....	3029
	Of inspectors concerning pensioners.....	3037
	Roman Catholic Committee.....	2539-2563
	Special Notices	2780 2786
	School:—	
	Definition of term.....	2521 § 13
	School Under Control:—	
	Definition of term.....	2521 § 13
	Subsidized School:—	
	Definition of term.....	2521 § 13

School Municipality:—	Article
Definition of term.....	2521 ^{1/2} 3
School Corporation or School Board:—	
Definition of term.....	2521 ^{1/2} 4
School Tax:—	
Meaning of	2521 ^{1/2} 18
School Assessment:—	
Meaning of	2521 ^{1/2} 19
School Libraries	3041, 3042
School Visitors	2566-2568
School Municipalities:— (See Municipalities.)	
School District:— (See District.)	
School Exhibitions	3045
School Funds of a Municipality:—	
Distribution of	2934
The balance to be deposited.....	2747-2750
In charge of Secretary-Treasurer.....	2817
Schoolhouses:— (See R. C. C., and R. P. C.)	
How cost of building is provided for.....	2747-2750
Two or more in one district.....	2612
Maximum cost of	2749
Plans for	2746
For maintenance of schools by two or more corporations.....	2763-2765
To whom they belong when the district is divided.....	2758-2762
To whom they belong when the religious minority dissents....	2758-2762
School Inspectors:— (See Inspectors.)	
School Property:—	
Vested in School Corporation.....	2723
Commissioners to take possession of.....	2723 ^{1/2} 2
Commissioners to acquire.....	2723 ^{1/2} 3
Commissioners to repair, &c.	2723 ^{1/2} 4
Managers for, to be appointed.....	2723 ^{1/2} 4
Maximum value fixed.....	2725
May become vested in the Superintendent.....	2636
Cannot be alienated without authorization.....	2726

	School Site: —(See R. C. C., and R. P. C.)	Article
3	Ground for, may be expropriated.....	2751-2757
	If resistance is offered to Commissioners.....	2751
4	Certain property cannot be expropriated.....	2757
18	School Year: —(See R. C. C., and R. P. C.)	
	Meaning of	2521 § 27
19	Secretaries: —	
42	Of the Council of Public Instruction.....	2544
568	Of the Committees.....	2546
	Of Central Board of Examiners.....	2579
	Secretaries of the Department: —	
	Appointment	2530
	Powers and Duties.....	2530
45	Documents signed by.....	2534
	May hold inquiries.....	2536
	Replace the Superintendent in certain cases.....	2533
	Are joint secretaries of the Council.....	2544
51	Secretary-Treasurer of Commissioners or Trustees: —(See R. C. C., and	
50	R. P. C.)	
17	Who may not be.....	2801
	Appointment and term of office.....	2795, 2796
50	Must give security.....	2797, 2802
12	Form of security.....	2803, 2805, 2808
49	Security bond and discharge to be deposited.....	2804, 2812
46	By insurance policy.....	2805
65	Must take oath.....	2797
62	May reside outside municipality.....	2798
62	Office hours	2799
	Securities of, may free themselves	2810
	Must renew his security.....	2806, 2811
	Sureties of, may demand discharge.....	2812
	Keeper of all books, documents, &c.	2814
23	Keeps minutes of each meeting.....	2815
2	Signs the minutes	2707, 2815
3	Notes amendments in margin.....	2708
4	Copies of documents made are authentic.....	2816
4	Collects and has charge of all moneys.....	2817
25	Pays out sums authorized.....	2818
36	Certain demands paid without authorization.....	2818, 2819
26	Object of the payment must be clear.....	2819

Secretary-Treasurer of Commissioners or Trustees:—Continued.	Article
Cannot grant discharge or lend.....	2820 § 1, 2
Books must be in prescribed form.....	2821
Must preserve vouchers.....	2822
Must keep a Repertory.....	2823
Accounts and vouchers are open for inspection.....	2824
Must deliver copies of documents.....	2825
May be removed at any time.....	2795
Teacher or member of School Board cannot act as.....	2801
Remuneration of.....	2818, 2871
May appoint assistant Secretary-Treasurer.....	2800
Submits financial statement in July.....	2826
Submits abstract of statement to rate-payers.....	2828, 2829
Furnishes copies of statement.....	2829
Accounts of, audited annually.....	2827
Special audit of accounts.....	2830-2835
May demand an audit.....	2830
Sureties cannot be members of school board.....	2807
Sureties to be changed.....	2809
Posts up summary of statement.....	2829
Claims against prescribed in five years.....	2835
Registers limits of school districts.....	2607
May be sued by Commissioners in an action to account.....	2834
Pays teachers monthly.....	2709 § 16
Must take census of children in September.....	2768-2770
Must prepare statement of unpaid taxes in November.....	2885
 Security:—	
Given by Secretary-Treasurers.....	2797, 2802
 Seizures:—	
For taxes of rate-payers.....	2872-2876
Against School Corporations for debts.....	2912-2927
Opposition to.....	2877-2884
 Superintendent:—	
Definition of word.....	2521 § 2
Appointment and salary.....	2530
Acts under instructions of Council and Committees.....	2532
Approves or furnishes plans for schoolhouses.....	2746
Arts, &c., encouragement of.....	2538 § a
Authorizes special tax to pay amount of judgments against school corporations.....	2905-2927
Books and Registers, to keep.....	2387 § 6

Superi

Ch

De

Di

Fo

Co

Gi

Gi

Hs

Ino

Ma

Ma

Ma

Ma

Me

Ma

Mo

Ma

Ma

Me

Otl

Pa2

Pr1

Pr

Pul

Pul

Rec

Dis

Rec

Rec

Ret

Ret

Ret

Ret

Visi

Sch

Sch

Sig

Taxable

Def

Superintendent:—Continued.	Article.
Chairman of Council.....	2543
Depository of all documents.....	2531
Disposes of unexpended balances according to recommendation of Forms, to prepare.....	2537 § 9
Committees.....	2556
Gives instructions to Inspectors.....	2570
Gives notice of proposed alterations, subdivisions or erections of School Municipalities.....	2590-2592
Has control over Normal Schools.....	2952
Inquiries.....	2536, 2599
May allow Commissioners or Trustees to levy a special rate on real estate outside town or village.....	2734
May appoint delegate to hold inquiries.....	2536
May authorize two or more schoolhouses in a district.....	2612
May call special meetings of Council.....	2559, 2560
May delegate powers.....	2539, 2536, 2598
May grant diplomas to students of Normal Schools.....	2957
May order inspectors to visit another district.....	2575
May pay school grant in certain cases.....	2932
May refuse grant in certain cases.....	2933
Member ex-officio of Council and of Committees.....	2531
Other positions occupied by him.....	2531, 2561
Pays school grants yearly.....	2930
Prepares annual report.....	2537 § 4, 5
Prepares budget of Public Instruction.....	2537 § 2
Publishes statistics, &c.....	2537 § 3
Publishes statement of accounts of pension fund in his report.....	3036
Receives and distributes money for school purposes.....	2537 § 1
Distributes Poor Municipality School Fund.....	2942, 2943
Recommendations on management of schools.....	2537 § 8
Recommends Lieutenant-Governor-in-Council to dissolve corporations of trustees.....	2627, 2628
Retains amounts out of salaries to pay stoppages for Pension Fund..	3019
Retains grant in certain cases.....	2535
Retains grant if returns are not made.....	2535
Retains grant if unauthorized text-books are used.....	2535
Retains grant for non-compliance.....	2535
Visitor of all schools.....	2561
School property vested in certain cases.....	2636
Schools for adults, &c., establishment of.....	2537 § 10
Signature to documents authentic.....	2534
Taxable Property:—	
Definition of term.....	2521 § 17

	Article
Sheriff's Sale	2909-2927
Superior Education Fund:—	
Institutions entitled to receive aid.....	2937, 2943
Paid on recommendation of Committees	2937
Divided into Roman Catholic and Protestant shares.....	2938, 2942
Grants for one year only.....	2938
Conditions may be attached.....	2938
Revenue from Marriage License Fess.....	2943
Conditions upon which grants may be made.....	2939-2941
Form of application.....	2939
Sureties of the Secretary-Treasurer.....	2797, 2802, 2812
Taxes:—(See Valuation Roll.)	
Must be levied for ¹ support of schools.....	2730
Amount	2730
Imposed uniformly	2731
Different rates may be levied in certain cases.....	2731
Certain property exempt from.....	2806-2809, 2733
Certain rate-payers may be exempt from.....	2738
May be commuted in certain cases	2893-2896
Based on municipal valuation roll.....	2836
Time when imposed	2857
How the collection roll is prepared.....	2858-2865
Collection by means of seizure.....	2872-2876
Seizure may be opposed.....	2877-2884, 2918
Collection of unpaid taxes by the Secretary-Treasurer of the County Council	2885-2890
May be collected by the Secretary-Treasurer of the Municipal Council	2867, 2868
New tax in case a tax is annulled.....	2901-2904
On incorporated companies.....	2891, 2892
May be divided by non-residents.....	2900
Levied to pay debts incurred.....	2905
Levied to pay judgment.....	2907-2927
Imposed by Sheriff to pay judgment.....	2911-2927
Ordinary collection of.....	2869-2870
May be divided in certain cases.....	2732, 2900
Special	2595, 2604, 2903-2905
Not reimbursable	2904
Bear interest	2866
Prescription	2866

Teach

Mo

Di

Ma

Di

Ma

En

Wl

En

En

To

To

To

To

Na

Ar

Ca

Ca

Ca

Text-Br

Aut

O

Ma

No

Ma

Trustee

Wh

Mus

App

App

Ar

Dur

Fis

Jur

Maj

Meet

Meet

Meet

Meet

Pay

Repl

Righ

Tem

Cens

Article		Article
	Teachers:— (See R. C. C., and R. P. C.)	
	Meaning of term	2521 § 15
-2927	Divided into four grades.....	2577
	Must obtain a diploma.....	2586, 2717
	Diplomas may be cancelled.....	2550
2943	May be reinstated	2550 § 13
2937	Engagement by written contract.....	2712
2942	When under age	2716
2938	Engagement may be cancelled.....	2709 § 2
2938	Engagements made in triplicate.....	2715
2943	To be engaged by the year.....	2711
-2941	To be notified before dismissal.....	2718, 2719
2939	To give notice before resigning.....	2721
2812	To be paid monthly.....	2709 § 16
	Names enregistered by Boards of Examiners.....	2580 § 4
	Are entitled to a pension.....	2992
2730	Cannot be Commissioners.....	2641
2730	Cannot be Secretary Treasurers.....	2801
2731	Text-Books:— (See R. C. C., and R. P. C.)	
2731	Authorized list prepared.....	2549
2733	On Religion and Morals.....	2709 § 4
2738	May be distributed gratuitously.....	2709 § 15, 3041
2896	No unauthorized books to be used.....	2549, 2709 § 4
2836	May become property of the Province.....	3043
2857		
2865	Trustees:—	
2876	Who may be	2639, 2641
2918	Must read and write.....	2648
	Appointment of chairman.....	2696-2698
2890	Appointment of secretary-treasurer.....	2696, 2795
	Are a corporation	2635
2868	Duration of office	2669, 2670, 2694
2904	First meeting	2696
2892	Jurisdiction	2588
2900	Majority decides	2706
2905	Meetings of board called by chairman.....	2700
2927	Meetings of board called by requisition.....	2702
2927	Meetings of board are public	2703
2870	Meetings of board where held.....	2704
2900	Payment of contingent expenses.....	2935
2905	Replacing of trustees	2645, 2671, 2692, 2693
2904	Rights of corporation	2635
2866	Temporary chairman	2697, 2699
2866	Census of children to be prepared.....	2768, 2770

Trustees:—Continued.

	Article.
Books of account.....	2709 § 12
Books to be used.....	2709 § 4
Surplus funds to be banked.....	2936
School districts.....	2605
Incapacity to perform duties.....	2695
Necessary formalities for meetings.....	2700, 2701
Meetings must not be held in a hotel.....	2704
Meetings may be held on legal holidays.....	2705
Public auction of property.....	2726
Capitalize debts and issue debentures.....	2727-2729
Election of for new municipality.....	2597
Cannot refuse office.....	2665
Lieutenant-Governor may appoint.....	2668, 2698
Resolutions necessary.....	2697
Must visit schools and arrange for fire drill.....	2709 § 8, 3760, 3779
Regulations respecting hygiene.....	2709 § 7
Must attend annual public examination.....	2709 § 6
May dismiss pupils for cause.....	2709 § 14
May provide text-books in certain cases.....	2709 § 15
Must pay teachers monthly.....	2709 § 16
Yearly written engagement of teachers.....	2711, 2712
Teachers may be sued although minors.....	2716
Must engage teachers with diplomas.....	2717
School assessments imposed uniformly.....	2731
Taxes payable to both corporations.....	2732
Property exempt from taxation.....	2733
Different tax.....	2734
School fees.....	2739-2745
Cannot exact school fees in certain cases.....	2743
May enter into agreements.....	2724
May pay for the conveyance of pupils.....	2611
Pupils from another district.....	2613
Religious community schools.....	2767
Course of study.....	2709 § 3
Discharge of school teachers.....	2709 § 2
Disputes, duty of school board.....	2709 § 13
Teachers' engagements.....	2709 § 1, 2711-2722
General notices to teachers are null.....	2720
Management of schools.....	2709 § 5
Obey instructions of Superintendent as to accounts and registers.....	2709 § 9
Religious books not under control of school board.....	2709 § 4
Report to Superintendent.....	2603, 2709 § 10
Date of examinations of schools.....	2709 § 6

Trustee

Tc
Tc
Ag
Gr
St
Ac
Ho
Ke
Ma
Sel
Sel
Ma
Am
Uni
Ma
Con
May
May
May
Com
Mus
Mus
May
Musi
Have
May
Have
May

Township
Defin

Vaccinati

Valuation

Munic
Valua
Valua
Musi
New v
Munic
Deposi
Metho
Penalt

	Article.
Trustees:—Continued.	
Teachers to give notice before leaving.....	2721
Teachers to receive notice before discharge.....	2718, 2719
Agreements to avoid notice or collective notices to teachers are null	2720
Grant refused for failure to collect school fees	2745
Statement of fees sent to the Superintendent.....	2744
Acquire school property.....	2723 § 3, 2725
Hold land and school houses.....	2723 § 2
Keep school houses in order.....	2723 § 4
Managers appointed	2723 § 4
School property alienated	2726
School property vested in school board.....	2723
May establish girls' schools.....	2766
Amount of taxes to be levied.....	2730
Uniformity of taxes	2731
May institute suits for taxes.....	2971
Commute taxes	2893-2896
May amend property valuation	2736
May amend valuation roll.....	2736, 2737
May make valuation	2840, 2841
Commissioners alone levy taxes upon incorporated companies..	2891-2899
Must prepare valuation roll.....	2736-2856
Must collect taxes to pay teachers' salaries monthly.....	2735
May exempt from taxes.....	2738
Must insure property.....	2723 § 5
Have share of taxes of incorporated companies.....	2891, 2892
May unite to support a school.....	2791
Have right to documents from commissioners.....	2792
May establish savings banks.....	2710
Township:—	
Definition of word	2521 § 10
Vaccination	3967, 3968, 3971
Valuation Roll:—	
Municipal valuation to be used for school taxes.....	2836
Valuation made by Commissioners if necessary.....	2840
Valuation made by Superintendent.....	2841
Must be provided under penalty.....	2837
New valuation roll may be made by Commissioners in certain cases	2842
Municipal Council must signify changes.....	2839
Deposit of	2845, 2846
Method of preparing new valuation roll.....	2855
Penalty for refusing to deliver valuation roll to Commissioners....	2837

Valuation Roll:—Continued	Article.
Fees for copy of valuation roll.....	2838
By whom valuation roll may be amended.....	2847-2855
May be amended in certain cases.....	2848
Procured by Sheriff or made by him.....	2913
Trustees entitled to a copy.....	2792
Council Secretary must give notice of change.....	2839
Valuators:—	
Definition of term.....	2521 § 21
Appointment of.....	2840-2842
May be appointed by Superintendent.....	2841, 2842
Qualifications of.....	2856
Incur a fine when not qualified.....	2856
Rights of valuers.....	2834
Penalty for obstruction.....	2844
Visitors:—	
Who are visitors.....	2564, 2566, 2567
What schools they may visit.....	2565, 2567
Privileges.....	2568
Voters:—(See Electors.)	
Qualifications for.....	2642
Male resident voters eligible as Commissioners.....	2639
Dissentients cannot vote for or act as Commissioners.....	2640
Members of majority cannot vote for or act as Trustees.....	2640

2521.
the follow
ing mean:
1. The
Education
62 V., c. 2
2. The v
erected in
under the
c. 28, s. 3.

SCHOOL LAW

Title V of the Revised Statutes
of the Province of Quebec,
1909.

PUBLIC INSTRUCTION

CHAPTER FIRST

DECLARATORY AND INTERPRETATIVE.

SECTION I.

INTERPRETATIVE.

2521. In this title or in any regulations made thereunder the following words, terms and expressions, have the following meanings. 62 V., c. 28, s. 1.

1. The words : " Superintendent " or " Superintendent of Education," mean the Superintendent of Public Instruction. 62 V., c. 28, s. 2.

2. The words " school municipality " mean any territory erected into a municipality for the carrying on of schools under the control of school commissioners or trustees. 62 V., c. 28, s. 3.

3. The words "school corporation" or "school board" mean, indifferently, corporations of school commissioners or trustees. 62 V., c. 28, s. 4.

4. The words "country municipality" mean parish municipalities, municipalities of part of a parish, of a township, of part of a township, of united townships, and generally every local municipality other than city, town or village municipalities. 62 V., c. 28, s. 5.

5. The words "local municipality" mean, any city, town, village or rural municipality governed by a municipal council. 62 V., c. 28, s. 6.

6. The word "district" means the judicial district in which the municipality is situated. 62 V., c. 28, s. 7.

7. 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. 62 V., c. 28, s. 8.

8. The word "parish" means any territory erected into a parish by civil authority. 62 V., c. 28, s. 9.

9. The word "township" means any territory erected into a township by proclamation. 62 V., c. 28, s. 10.

10. The words "Circuit Court of the county" or "County Circuit Court" mean the Circuit Court or Courts in and for the county. 62 V., c. 28, s. 11.

11. 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. 62 V., c. 28, s. 12.

12. The words "school," "public school," or "school under control" mean every school under the control of school commissioners or trustees ;

"
ing &
for ec

Th
elem
mary
or " &

Th
are ce
" supe
13.

every
tration
institu
tees, &
schools
stituti
or in th
funds v
clergy
univers

14. T
teacher
of this t

15. T
mean a
several
ments tl

16. T
liable for

17. T

* Teach

"Subsidized school" means any private school receiving a grant from the Government out of the funds voted for education.

The words "elementary school," mean any primary elementary school; the words "model school," any primary intermediate school, and the words "academy school" or "academy" any primary superior school.

The courses which correspond to the above grades of schools are called "elementary courses," "intermediate courses" and "superior courses." 62 V., c. 28, s. 13; 5 Ed. VII, c. 19, s. 1.

13. The words "officers of primary instruction," mean every certificated person who has the direction, administration or supervision of 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. 62 V., c. 28, s. 14.

14. The words "teacher" or "professor" include female teachers and all persons, lay or religious, teaching in virtue of this title. 62 V., c. 28, s. 15.

15. The words "real estate" "land" "or immoveable" mean all lands, possessed or occupied by one person or by several persons jointly, and include the buildings and improvements thereon. 62 V., c. 28, s. 16.

16. The words "taxable property" mean the real estate liable for school taxes. 62 V., c. 28, s. 17.

17. The words "school tax" or "tax" mean all con-

* Teachers are exempt from serving as jurors. Art. 3408, R. S. Q.

tributions that may be levied in virtue of this title. 62 V., c. 28, s. 18.

18. The words "school assessment" mean the tax which is levied on the taxable property of a school municipality. 62 V., c. 28, s. 19.

19. The words "monthly fees" mean the contribution exacted in respect of each child who, in virtue of this title, attends or has a right to attend the public schools. 62 V., c. 28, s. 20.

20. 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. 62 V., c. 28, s. 21.

21. The word "rate-payer" means any person who, in virtue of any provision of this title, is liable to pay school taxes. 62 V., c. 28, s. 22.

22. The word "occupant" means the person who occupies any immoveable otherwise than as proprietor, tenant, or usufructuary, either in his own or his wife's name, and who dwells upon the same and derives revenue therefrom. 62 V., c. 28, s. 23.

23. The word "absent" means all persons residing outside the school municipality; nevertheless, any person, corporation, railway or other company, having a place of business within the municipality, shall be deemed present in such municipality. 62 V., c. 28, s. 24.

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

a. The guardian appointed to a seizure;

b. Any person who has the care or control of one or more children of school age. 62 V., c. 28, s. 25.

25. The words "religious majority" or "religious minority" mean the Roman Catholic or Protestant majority or minority, as the case may be. 62 V., c. 28, s. 26.

20
from
of J
27
28, s
28
holic
V., c

—
He
Coder
Q. B.,
and I
N., vo
(2)
seizure

Hel
in favo
vol. 4,

Hel
which
not app
with h
Johnson

Held
purpose
he havi
due to
who fire
of one o
vs. Labe
judgmer

Held
887 and
over and
been gra
missione
tained fo
School C
—Q. L. F

26. 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. 62 V., c. 28, s. 27.

27. The word "month" means a calendar month. 62 V., c. 28, s. 28.

28. The words "following day" do not mean or include holidays, except when an act may be done upon a holiday. 62 V., c. 28, s. 29.

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

(2) Salaries of professors, tutors and school teachers are exempt from seizure. Code of Civ. Proc. 599, sec. 8.

Held:—That exemption from seizure of teachers' salaries continues in favour of his heirs for arrears due at the time of his decease. Pagnello J. vol. 4, p. 138, Q. P. R.

Held:—That art. 628 (now 599) of the "Code of Civil Procedure," which declares the salaries of teachers to be exempt from seizure, does not apply to a person employed as a private tutor and who, as such, travels with his pupil. *Lafricain vs. Villeneuve*. S. C., Montreal, 1881, Judge Johnson.—L. N., vol. 4, p. 54.

Held:—That the appellants (an institution incorporated for educational purposes) were legally responsible for the death of respondent's husband he having been killed by the bursting of a cannon, which accident was due to the imprudence and incapacity of two pupils of the institution, who fired the cannon on the appellant's grounds and under the *surveillance* of one of the directors of the institution. *Cleres Paroissiaux de St. Viateur vs. Labelle*. C. Q. B., Montreal, 1879.—L. N., vol. 2, p. 83, confirming judgment of S. C., Judge Torrance, 1877.—L. N. vol. 1, p. 63.

Held:—That an action, taken under the Lessor and Lessee Act (Art. 887 and following of the Code of Civil Proc.) to eject a teacher to whom over and above her salary the privilege of dwelling in the school house had been granted, and who continued to occupy it, against the will of the Commissioners, after the termination of her engagement, could not be maintained for want of jurisdiction, there being no lease expressed or presumed. *School Com. St. David vs. De Varenne*, C. C., Quebec, 1878, Judge Caron.—Q. L. R., vol. 4, p. 206.

SECTION II.
DECLARATORY§ 1.—*Appointments by the Lieutenant-Governor in Council*

2522. The Lieutenant-Governor in Council may, whenever he deems it necessary, annul the administrative acts and appointments made by him and make new ones in place thereof. 62 V., c. 28, s. 30 ; 2 Ed. VII, c. 16, s. 1. *

§ 2.—*Oaths and Solemn Declarations*

2523. All oaths or solemn declarations, required by this title or by the regulations made thereunder, may be administered or received by the Superintendent, by either of the secretaries of the Department of Public Instruction, by any school inspector, by any justice of the peace or by any commissioner of the Superior Court. 62 V., c. 28, s. 31.

§ 3.—*Forms*

2524. The forms inserted in this title form part thereof and are sufficient for all cases for which they are intended. Any other form to the like effect may also be employed. 62 V., c. 28, s. 32.

§ 4.—*Quorum*

2525. The quorum of any corporation, board, committee or other body constituted under this title, shall, unless otherwise provided, be an absolute majority of all the members thereof. 62 V., c. 28, s. 33.

* *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, Bélanger, J.—L. N., vol. 6, p. 365.

25
at wh
corpo

§ 5

25
notice
in for25
such n
not beDEPAR
OF252
the Civi
The I
incial S*Held*:
cedure, t
most com
Q. P. R.

2526. 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. 62 V., c. 28, s. 34.

§ 5.—*Default or Insufficiency of and Delays after Notice*

2527. Whoever has had knowledge of a matter for which a notice is required cannot take advantage of any default, error in form, or insufficiency of such notice. 62 V., c. 28, s. 35.

2528. The delay after a notice dates from the day on which such notice was served, such day and the one given in the notice not being counted. 62 V., c. 28, s. 36. *

CHAPTER SECOND

DEPARTMENT OF PUBLIC INSTRUCTION—SUPERINTENDENT
OF PUBLIC INSTRUCTION—COUNCIL OF PUBLIC INSTRUCTION—
SCHOOL VISITORS—SCHOOL INSPECTORS—
CENTRAL BOARD OF EXAMINERS

SECTION I.

DEPARTMENT OF PUBLIC INSTRUCTION

§ 1.—*General Provisions*

2529. The Department of Public Instruction forms part of the Civil Service of the Province. 62 V., c. 28, s. 37.

The Department of Public Instruction is under the Provincial Secretary. Art. 770, R. S. Q., 1909.

Held :—That when a special law does not determine the delays in procedure, the delays prescribed by the Code of Civil Procedure which are most compatible with the matter in litigation should apply. Vol. 3. p. 12., Q. P. R.

§ 2.—*Staff of the Department*

2530. The Department of Public Instruction consists of :

1. The Superintendent of Public Instruction appointed by the Lieutenant-Governor in Council, during pleasure, with a salary of 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 conduct 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. 62 V., c.28, s. 38.

The Secretaries of the Department of Public Instruction are Deputy Ministers. Art. 640, s. 10, R. S. Q., 1909.

SECTION II.

SUPERINTENDENT OF PUBLIC INSTRUCTION

2531. The Superintendent has the administration of the Department of Public Instruction.

He is *ex officio* member of the Council of Public Instruction, and of each committee 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. 62 V., c. 28, s. 39.

2.
pow
and
Th
com
or w
as th

25
or in
of the

25
relati
struct
the fe

Eve
the Su
ment c

253
nicipal
him th
allowed
fused o
of the
s. 43.

2531
to hold
may rec
the app
ent may
to cover

2532. The Superintendent possesses all the rights and powers, and is subject to all the duties and obligations conferred and imposed upon him by this title.

The Superintendent, in the exercise of his functions, shall comply with the directions of the Council of Public Instruction or with those of the Roman Catholic and Protestant Committees as the case may be. 62 V., c. 28, s. 40.

2533. In case the Superintendent is absent from the Province or in case of prolonged illness, he may delegate his powers to one of the secretaries of the Department. 62 V., c. 28, s. 41.

2534. The Superintendent is the depository of all documents relating to matters concerning the Department of Public Instruction, and may deliver copies or extracts, on payment of the fee fixed by the Lieutenant-Governor in Council.

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. 62 V., c. 28, s. 42.

2535. The Superintendent may withhold the grant of any municipality or educational institution which has not forwarded to him the returns prescribed by this title, which has adopted or allowed the use of any unauthorized text-books, or which has refused or neglected to comply with any provision of law, or of the regulations respecting public instruction. 62 V., c. 28, s. 43.

2536. The Superintendent may hold or delegate his power to hold inquiries, the cost whereof, in case of non-payment, he may recover from the losing party. If the inquiry is held upon the application of one or more rate-payers, the Superintendent may exact from the applicant 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. 62 V., c. 28, s. 44.

2537. It is the duty of the Superintendent:

1. To receive from the Provincial Treasurer and distribute, according to law, the grants intended for public schools, and all other educational institutions entitled thereto ;

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

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 ;

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. Such statistics shall be furnished to him, during 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 ;

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 ;

6. To keep books and statements in detail of everything under his supervision and control, so as to be able to furnish any required information to the Government and Legislature ;

7. To
tions of
riated
the said
were gr

8. To
advice
and tru

9. To
and dis

2538

Govern

(a) E
museur
Govern

(b) E
or other
scientific

(c) E
working

(d) Ir
ment an
sciences.

COUNC

2539

Roman C
formance
tions of t

7. To verify and check the accounts of all persons, corporations or associations accountable for any public moneys appropriated and distributed under this title, and to report whether the said moneys were applied for the purposes for which they were granted ;

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

9. To prepare and cause all necessary forms to be printed and distributed. 62 V., c. 28, s. 45, §§ 1 to 9.

2538. 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 concerning the encouragement and advancement of public instruction, arts, letters and sciences. 62 V., c. 28, s. 45, § 10.

SECTION III

COUNCIL OF PUBLIC INSTRUCTION AND COMMITTEES THEREOF

§ 1.—*Council of Public Instruction*

2539. The Council of Public Instruction consists of Roman Catholic and Protestant members who, in the performance of their duties, are subject to the orders and instructions of the Lieutenant-Governor in Council.

The Council is divided into two committees, one consisting of Roman Catholic members, and the other of Protestant members. 62 V., c. 28, s. 46.

2540. 1. The Roman Catholic Committee consists of :

The bishops, ordinaries or administrators of the Roman Catholic dioceses and apostolic vicariates, situated either wholly or partly in the Province, who are members *ex officio*;

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

The Lieutenant-Governor in Council may add to the said committee four officers of instruction, two of whom, being priests, shall be principals of normal schools in this Province, and two of whom shall be laymen, officers of primary instruction; such appointment being made for a term not exceeding three years.

2. The Protestant Committee consists of :

A number of Protestant members, equal to the number of Roman Catholic lay members, and 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 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. 62 V., c. 28, s. 47 ; 6 Ed. VII, c. 23, s. 1.

2541. School questions affecting the joint interests of Roman Catholics and Protestants, are under the jurisdiction of the Council of Public Instruction and shall be decided by it. 62 V., c. 28, s. 48.

254
of Rom
commi
concern

254
V., c. 2

254
structic
They
in a bo

254
Superin
Legislat

§ 4

254
tion shal
its secre

2547
the appr
mine wh
and an a

2548
case may
may, wit
make reg
1. For
public sc

2542. School questions exclusively affecting the interests of Roman Catholics or Protestants, shall be decided by the committee which represents the religious belief which the party concerned professes. 62 V., c. 28, s. 49.

2543. The Superintendent is president of the Council. 62 V., c. 28, s. 50.

2544. 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 minutes in a book kept for that purpose. 62 V., c. 28, s. 51.

2545. The expenses of the Council shall be paid by the Superintendent out of the funds voted for that purpose by the Legislature. 62 V., c. 28, s. 52.

§ 2.—*Committees of the Council of Public Instruction*

2546. Each committee of the Council of Public Instruction shall sit separately and shall appoint its chairman and its secretary. 62 V., c. 28, s. 53.

2547. Each committee shall 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. 62 V., c. 28, s. 54.

2548. The Roman Catholic or Protestant Committee, as the case may be, and as the provisions which concern them require, may, with the approval of the Lieutenant-Governor in Council, make regulations :

1. For the organization, administration and discipline of public schools ;

2. For the division of the Province into inspection districts and for establishing the boundaries of such districts ;
3. For the government of normal schools ;
4. For the government of boards of examiners ;
5. For the examination of candidates for the office of school inspector ;
6. For determining the holidays to be given in schools. 62 V., c. 28, s. 55.

2549. Each committee shall approve the text-books, maps, globes, models or other articles for use in the schools of its religious belief, and when it thinks fit may withdraw such approval. 62 V., c. 28, s. 56.

2550. Each committee may revoke the diploma of any teacher of its religious belief convicted of bad conduct, immorality, drunkenness, or grave neglect of duty, by proceeding as follows:

1. When a charge in writing is laid before a committee of the Council of Public Instruction, against any teacher, by the school inspector or by one or more persons, the Superintendent shall cause 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 charge.

If the teacher appears, the Superintendent shall then take his admission or denial which must be in writing.

2. The Superintendent shall submit the above mentioned documents at the next meeting of the committee.

3. If, after having taken communication thereof, the committee decides that an investigation should be held, it shall hear the

witnes
that a

4. T
may b
which
appoi

5. I
tee, as
held in
localit;
appoin

6. T
the sec
tion fr

7. T
at least
appear.

8. Tl
witness
mitted
the com

9. If
the cha
be, shal
evidenc

10. If
it, and,
of such t
containi

11. Tl
by actio
Superint

witnesses, who shall be sworn by the chairman, or if it decides that an inquiry is not necessary, it shall dismiss the charge.

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 appointed it.

5. If the committee or the special or permanent sub-committee, as the case may be, decides that the investigation should be held in the locality, 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 evidence.

6. The appointment of such commissioners shall be signed by the secretary of the committee of the Council of Public Instruction from which it emanates.

7. The commissioner or commissioners shall give the parties, at least eight days' notice, of the time when they must appear.

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.

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

10. If the charge is not proved, the committee shall dismiss it, and, if it is proved, the committee shall revoke the diploma of such teacher, and cause his name to be struck from the book containing the names of teachers.

11. The costs of the inquiry, if not paid, may be recovered by action at law against the losing party, brought by the Superintendent.

12. The certificate of the commissioners establishing the amount of such costs shall be sufficient proof that they are due.

13. After two years from the revocation of his diploma, any teacher who establishes to the satisfaction of the committee which revoked it 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 reinstated.

14. A diploma may be revoked a second time for the causes above-mentioned ; but such second revocation shall be final and such teacher cannot teach thereafter. 62 V., c. 28, s. 57.

2551. Each committee may also, for any cause mentioned in article 2550, 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 school inspector and after such inquiry shall, if need be, forward all the documents to the Lieutenant-Governor in Council, recommending the cancellation of his commission.

The Lieutenant-Governor in Council may then cancel such commission, and the inspector so dismissed cannot afterwards hold such office. 62 V., c. 28, s. 58.

2552. 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 all documents coming into his hands or matters within his knowledge, which lie within the jurisdiction of his particular committee ;

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

4.
perso
or fro
diplo
teach
grant

255
legacy
move
cretion
Eac
for wh
virtue

255
tion, v
which
mittee
time o

255
Protest
mittees
populat

255
ants fo
any fisc
tendent
Govern
mittee
assignec

4. To enter 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. 62 V., c. 28, s. 59.

2553. Each committee of the Council may receive by gift, legacy, or other gratuitous title, money or other property, moveable or immoveable, and may dispose thereof, in its discretion, for the purposes of education.

Each committee constitutes a corporation as to all purposes for which it is authorized to acquire or to possess property in virtue of this title. 62 V., c. 28, s. 60.

2554. Every legacy made to the Council of Public Instruction, without indication by the testator of the committee for which he intended the same, shall be the property of the committee of the religion to which the testator belonged at the time of his death. 62 V., c. 28, s. 61.

2555. 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. 62 V., c. 28, s. 62.

2556. The money granted to Roman Catholics or Protestants for public instruction, and not expended at the end of any fiscal year, shall be placed to the credit of the Superintendent 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 money 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 for each of the two committees. 62 V., c. 28, s. 63.

§ 3.—*Provisions applicable to the Council of Public Instruction and to the two Committees*

2557. The Council of Public Instruction and each committee may fix the date of its sessions, and quorum, and regulate the manner of proceeding at its meetings. 62 V., c. 28, s. 64.

2558. The president of the council and the chairman of each committee shall, on all questions, in case of a tie, have a second or casting vote. 62 V., c. 28, s. 65.

2559. Special meetings of the council and of each committee may be called by its president or by the Superintendent. Such special meetings shall be called by a notice, given at least eight days before that fixed for the meeting, to each member thereof. 62 V., c. 28, s. 66.

2560. When at least two members of the council or of one of the committees require, in writing, their president or the Superintendent to call a special meeting, he shall call such meeting in the manner prescribed by article 2559. 62 V., c. 28, s. 67.

2561. 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 appoint-

ing l
sent
of hi
V., c

25
tee n
conce
V., c

25
sub-c
of all
Suc
ings t
62 V.,

250
Provin

250
may b
as they
schools

256
whole
(a) l
Instruc

ing 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. 62 V., c. 28, s. 68.

2562. The Council of Public Instruction and either committee may hold and cause to be held inquiries into all questions concerning education which come under their jurisdiction. 62 V., c. 28, s. 69.

2563. The Council and each committee may appoint sub-committees, or one or more delegates for the examination of all matters within their jurisdiction.

Such sub-committees or delegates shall report their proceedings to the Council or to the committee which appointed them. 62 V., c. 28, s. 70.

SECTION IV.

SCHOOL VISITORS

2564. The Superintendent is visitor of all schools in the Province. 62 V., c. 28, s. 71.

2565. Any public school established in town or country, may be visited by the persons hereinafter mentioned, as often as they deem necessary ; but such persons shall visit only the schools of their own religious belief. 62 V., c. 28, s. 72.

2566. 1. The following persons are 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 Canada, of the Court of King'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;

(e) The secretaries of the Department of Public Instruction;

(f) The principals and the professors of normal schools.

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

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

(b) Mayors and justices of the peace;

(c) Colonels, lieutenant-colonels, majors, and senior captains of the militia. 62 V., c. 28, s. 73.

2567. 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. 62 V., c. 28, s. 74.

2568. 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. 62 V., c. 28, s. 75.

SECTION V.

SCHOOL INSPECTORS

2569. The Lieutenant-Governor in Council may appoint public school inspectors, selected from the persons who are qualified under article 2571, whose salary shall not exceed fourteen hundred dollars per annum. 62 V., c. 28, s. 76, as amended by 1 George V. c. 20.

25
inspe
In
comf
tende
mitte
belie
He
missi
distri

25
1.
§ 1.
2.
schoc
3.
c. 28
4.
years
5.
with
Publ

25
inspe
the i
of G
the a

25
are:

* A

2570. Every public school inspector shall reside within his inspection district, at the discretion of the Superintendent.

In the performance of his duties, each school inspector shall comply with the instructions given to him by the Superintendent, 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 the school commissioners or trustees of any municipality in his inspection district. 62 V., c. 28, s. 77.

2571. To be appointed school inspector, it is necessary:

1. To be at least twenty-five years old; 62 V. c. 28, s. 78, § 1.
2. To have obtained a diploma * for a primary superior school; 62 V., c. 28, s. 78, § 2; 6 Ed. VII, c. 23, s. 2.
3. To have taught school for at least five years; 62 V., c. 28, s. 78, § 3.
4. Not to have discontinued teaching for more than five years. 62 V., ch. 28, s. 78, § 4.
5. To have successfully passed an examination in accordance with the regulations of the proper committee of the Council of Public Instruction, 62 V., c. 28, s. 78, § 5.

2572. 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 Gaspé and the Magdalen Islands, may be exempted from the above prescribed formalities. 62 V., c. 28, s. 79.

2573. The principal duties of a public school inspector are:

* An Academy Diploma.

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

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

3. To examine the accounts of the secretary-treasurers of the school municipalities under his control, and to ascertain whether the procedure prescribed by articles 2826 and following has been observed;

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

5. To conform to the provisions of the school law and regulations which apply to him. 62 V., c. 28, s. 80.

2574. 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. 62 V., c. 28, s. 81.

2575. Upon the order of the Superintendent, any school inspector may visit the schools in an inspection district other than his own. 62 V., c. 28, s. 82.

2776. Whenever an inspector is appointed by the Superintendent 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 thinks proper, may be paid him. 62 V., c. 28, s. 83.

SECTION VI

CENTRAL BOARD OF EXAMINERS

2577. The Lieutenant-Governor in Council may, upon the recommendation of the Roman Catholic or Protestant Com-

mitt
Rom
Cent
of ea
Su
Com
the C
c. 28.

25
less
tary,
the re
mitte
It s

25
provis
which

The
the e:
secret

25
1. I
upon
2. A
and ca
3. C
dates
of effi
tary, a
Instru

mittee, as the case may be, appoint 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.

Such boards may, in accordance with the regulations of each Committee, issue diplomas for the schools under the control of the Committee which recommended their appointment. 62 V., c. 28, s. 84; 6 Ed. VII, c. 23, s. 3.

2578. The central board of examiners shall consist of not less than five nor more than ten members, and a secretary, appointed by the Lieutenant-Governor in Council, upon the recommendation of the Roman Catholic or Protestant Committee, as the case may be.

It shall select its president. 62 V., c. 28, s. 85.

2579. The central board of examiners is governed by the provisions of this title and the regulations of the committee which recommended its appointment.

The fees exacted from the candidates shall be used to pay the expenses of the board, which shall fix the salary of its secretary. 62 V., c. 28, s. 86.

2580. The central board of examiners shall :

1. Prepare or cause to be prepared the examination questions upon the various subjects ;
2. Appoint deputy examiners to supervise the examination, and cause the questions to be sent to them ;
3. Carefully examine 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 sealed with 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 presented 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. 62 V., c. 28, s. 87.

2581. Candidates for the various diplomas must, previously to the examination, comply with the requirements of the regulations which either committee of the Council of Public Instruction, as the case may be, may, from time to time, make with the approval of the Lieutenant-Governor in Council. 62 V., c. 28, s. 88.

2582. 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 each diploma, the language or languages which it gives the right to teach and the standing obtained. 62 V., c. 28, s. 89.

2583. The central board of examiners shall yearly send to the Superintendent a detailed statement of the receipts and expenditure for each session. 82 V., c. 28, s. 90.

258
may ex:
boards

258
recomm
Instruc
imposed

258
provisio
under t
out bei
examine
member
for educ

The F
tion may
its relig
exemptio
tion shall

2584. The Superintendent, or any person delegated by him, may examine the registers, books and all other documents of boards of examiners. 62 V., c. 28, s. 91.

2585. 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. 62 V., c. 28, s. 92.

2586. Unless he has obtained a diploma in virtue of some provision of this title, no person, shall teach in any school under the control of school commissioners or trustees, without being provided with a diploma from a board of examiners, with the exception, however, of 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 such exemption shall cease. 62 V., c. 28, s. 93.

CHAPTER THIRD

SCHOOL MUNICIPALITIES AND DISTRICTS — DISSENTIENTS —
 SCHOOL CORPORATIONS—SCHOOL COMMISSIONERS AND
 TRUSTEES—NOTICES—TRUSTEES OF DISSENTIENT
 SCHOOLS—SECRETARY-TREASURERS OF
 SCHOOL COMMISSIONERS AND
 TRUSTEES

SECTION I.

SCHOOL MUNICIPALITIES AND DISTRICTS

§ 1.—*School Municipalities*

2587. Each school municipality in the Province shall contain one or more public schools, under the control of school commissioners or trustees. 62 V., c. 28, s. 94.

2588. The inhabitants of each school municipality, unless it be otherwise specially provided are, for the purposes of this title, under the jurisdiction of school commissioners or trustees elected or appointed for such municipality. 62 V., c. 28, s. 95.

2589. The Lieutenant-Governor in Council may, at the request of the interested parties and upon the recommendation of the Superintendent, erect, divide and alter the boundaries of school municipalities.

No change under this article shall be granted except upon the application of the majority of the proprietors of real estate situated within the territory whereof the erection into a municipality, or the division, or the annexation to an existing municipality is prayed for. 62 V., c. 28, s. 96; 4 Ed. VII, c. 18, s. 1.

2590
aries of
Catholic
territory
intender
2591, sh

2591
alteratio
him, the
cerned,
tions, if
formatio
prayed f
respectin
the *Queb*
erection
sentient
the trust

2592
sions of s
days afte
article 2
of July
them.

* *Held* :-
the creatio
minority w
necessity of
of the orde
and parish
testants int
the erection
of school ce
to recover
S., 408.

2590. The erections, divisions, or alterations of the boundaries of school municipalities may apply only to the Roman Catholics or the Protestants, as the case may be, within such territory. In such case, the notice to be given by the Superintendent in the *Quebec Official Gazette*, as stated in article 2591, shall mention the fact. 62 V., c. 28, s. 97. *

2591. When the request for the erection, division, or the alteration of the boundaries of a municipality is addressed to him, the Superintendent shall so inform the corporations concerned, requiring them without delay to make their objections, if any, and, fifteen days after having given such 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 in any municipality affected thereby unless the trustees have consented thereto. 62 V., c. 28, s. 98.

2592. Erections or alterations of the boundaries or divisions of school municipalities cannot be granted until fifteen days after the last publication of the notice mentioned in article 2591. They shall not take effect until the first day of July following the date of the order in council granting them.

* *Held* :—That art. 1973, R. S. Q., (now art. 2590, R. S. Q., 1909) permits the creation of a distinct and separate school municipality for a religious minority within the limits of an existing school municipality without the necessity of dissent or the election of a board of trustees, and that the effect of the order-in-council erecting such a separate municipality for the town and parish of Longueuil is to cause dissent to cease and to erect the Protestants into a distinct municipality; and that a Protestant who had after the erection of the said separate municipality paid his taxes to the old board of school commissioners representing the majority has the right of action to recover them. *Stephens vs. School Commissioners of Longueuil*. 9. S., 408.

Notice of erections, alterations in the boundaries of or divisions of municipalities shall be published in the *Quebec Official Gazette*. 62 V., c. 28, s. 99.

2593. The Superintendent may require that the costs incurred by the erection, alteration of the boundaries, or the division of a municipality be guaranteed by the persons applying for the same. 62 V., c. 28, s. 100.

2594. 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. 62 V., c. 28, s. 101.

2595. The rate-payers, whose properties are detached from one municipality to form a new municipality or to be annexed to another, shall pay all special taxes that have been imposed in the municipality in which such properties were situated before the application made by them to be detached from the said municipality. 62 V., c. 28, s. 102.

2596. When a municipality is divided owing to the formation of a new municipality or the annexation of its territory to an existing municipality, the debts or assets, as the case may be, shall be divided proportionately to the valuation of the real estate.

The same rule applies when the religious minority declares itself dissentient. 62 V., c. 28, s. 103. *

* *Held*:—That the old municipality has recourse against the rate-payers of the new municipality, or against those of them who are proprietors of lands subject to a former obligation and not against the new municipality. *La Corporation du Sacré-Cœur et la Corporation de Rimouski*, L. N., vol. 7, p. 407.

2597
rate-pay
impossil
July foll
the *Quel*
the man
such sch
Governo
intender

2598
the mun
been det
are aboli
municip
the Sup
intereste
annexati
son appc
state of t
s. 105.

2599.
at least
trustees,
interested
the exam
they may
For the
have all t
intendent

2600.
ested par

2597. When a new municipality has been erected, the rate-payers thereof shall, upon the first Monday, or if that be impossible upon another juridical Monday, 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 2644 and following. Otherwise, such school commissioners shall be appointed by the Lieutenant-Governor in Council, upon the recommendation of the Superintendent. 62 V., c. 28, s. 104.

2598. 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, if a demand is 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. 62 V., c. 28, s. 105.

2599. The person charged with the said inquiry shall give at least eight days' notice 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 they may be present or be represented thereat.

For the purposes of the inquiry, the person holding it shall have all the powers conferred by article 2536 upon the Superintendent. 62 V., c. 28, s. 106.

2600. The Superintendent, after having heard the interested parties, or upon the report of the person whom he has

appointed for that purpose, shall give his decision, which shall have the effect of an award of arbitrators, and shall be final and without appeal. 62 V., 28, s. 107.

2601. Until the Superintendent has made his award, the school municipalities interested shall remain in the same state, and the commissioners or trustees shall retain the same rights and powers, as before the abolition and annexation, as regards the management of the schools; but they cannot contract any new debt or obligation. 62 V., c. 28, s. 108.

2602. If the Superintendent decides that the school commissioners or trustees of the abolished municipality shall pay a part of their debts, or do anything requiring the continuation of the existence of their school municipality, he shall expressly so declare in his award. In such case, the school municipality or municipalities in question shall, for the purpose of carrying out the award, continue to exist as if the abolition and annexation of territory had never taken place, and may levy taxes until the award is completely carried out, without prejudice to the right of the new school municipality or municipalities to levy and recover taxes, according to law, from the rate-payers under their control. 62 V., c. 28, s. 109.

2603. The school municipality or municipalities which so continue their legal existence for the purpose of carrying out the award, shall every year, on or before the first day of July, report to the Superintendent 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 exist. 62 V., c. 28, s. 110.

260
the ne
right t
detach
ties, a
ing on
recover
with th
taxes, v
have or

In al
extract
of the s
tary-tre
shall be
c. 28, s.

2605
their res
by numl
They
resolutio
divide ne

* *Held* :-
the childre
by reason o
palities wh
de Longueu

Held :-
changing th
been read a
resolutions l

NOTE.—
2981, R. S. C
W. P.

2604. The Superintendent may in the 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 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 tax.

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 or secretary-treasurer of the corporation charged with the collection, shall be proof of the existence of the tax in question. 62 V., c. 28, s. 111.

§ 2.—*School Districts*

2605. The school commissioners and trustees shall divide their respective municipalities into school districts designated by numbers.

They may also, whenever they deem expedient, alter, by resolution, the boundaries of existing districts and erect or divide new districts. 62 V., c. 28, s. 112. *

* *Held* :—School commissioners being obliged to provide instruction for the children of their respective members can not discharge their obligations by reason of the fact that the children reside near schools of other municipalities which they may easily attend. *Roy vs. Les Commissaires d'Ecole de Longueuil*, 12, S., 16.

Held :—There is no appeal from a resolution of school commissioners changing the limits of school districts, so long as the resolutions have not been read and published according to law, even when an execution of the resolutions has been begun.....Vol. 3, p. 249. Q. P. R.

NOTE.—Apparently this decision denies the right of appeal under article 2981, R. S. Q., in such circumstances, but other action may be taken.—G. W. P.

2606. School commissioners or trustees need not divide into school districts, cities, 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. 62 V., c. 28, s. 113.

2607. A description of the boundaries assigned to each district shall be entered in the minutes of the school board. 62 V., c. 28, s. 114.

2608. A school district shall not be established unless it contains at least twenty children from five to sixteen years of age.

The commissioners or trustees may, however, for special reasons, establish a school district containing fewer children.

If, in any school year, the average number of children attending the school of a district, is less than ten children of school age, the school board may close such school, and, if necessary, may have the children conveyed free of charge to one or more schools of their municipality. They may also, in such case, annex the district to one or more districts, temporarily or permanently in their discretion, and their decision thereupon shall not be subject to appeal under article 298i.

When the school board have decided to unite two or more schools, and to convey the children to a central school, they may, in their discretion, assume all the necessary expenses, including the purchase of suitable vehicles for the use of the persons undertaking such conveyance. The contract for the conveyance of the children along the route to be indicated, shall be given by tender after public notice specifying all the conditions of such contract including an upset price therefor. The lowest tender shall not exceed the price fixed by the school

board
memb
the o
The c
be re
called

260
breadt
provid
formity

261
that th
may, w
tricts fo
The s
such cha

Held -
because th
the comm
notice ; an
place of m
to attend (

(2) The
divide or r
not subject
been given

(3) It is
tence of di
for the con

(4) Arra
legislative c
al. vs. Les
and D. M. j
Vol. 8, p. 23

board and if the contract is not accepted at such price, any member of the school board may, on the unanimous vote of the other members, accept the contract at the price fixed. The contract, in such case, shall be for one year only, and may be renewed on the same conditions, after tenders have been called for. 62 V., c. 28, s. 115 ; 9 Ed. VII, c. 33, s. 1.

2609. No district shall exceed five miles in length or breadth, unless the school commissioners or trustees have provided means for conveying children to the school, in conformity with article 2611. 62 V., c. 28, s. 116. *

2610. The school commissioners or trustees shall take care that there be, if 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 shall, in either case, be notified of any such changes. 62 V., c. 28, s. 117.

Held —That a special meeting of school commissioners is not irregular because the original notice calling it can not be produced, provided that all the commissioners attended the meeting upon receiving copies of this notice ; and that the only absent and dissenting commissioner was at the place of meeting a few moments before the time set for it and did not wish to attend (*de parti pris*).

(2) The motives and the reasons of the decisions of commissioners to divide or reunite districts are a part of their discretionary power and are not subject to the control of the courts provided that their decisions have been given according to the required formalities.

(3) It is an absolute duty of the commissioners not to permit the existence of districts more than five miles long unless arrangements are made for the conveyance of pupils.

(4) Arrangements made by rate-payers are of no value if contrary to legislative decisions given by competent local authorities.—*Chas. Lord et al. vs. Les Commissaires d'École de la paroisse de St. Jean l'Évangéliste, and D. M. Langlois, mis-en-cause.*—C. C., St. Jean, 1906, Paradis, J.—Rep. Vol. 8, p. 233.

2611. 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. 62 V., c. 28, s. 118.

2612. The school commissioners or trustees may, with the authorization of the Superintendent, build and maintain two or more school-houses in each district in their municipality. 62 V., c. 28, s. 119.

2613. Children domiciled in a district in which there is a school in operation, cannot attend the school in another district in the municipality, unless with 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. 62 V., c. 28, s. 120.

2614. Any child may attend the model school or academy in his municipality. But no child residing outside the district in which such school is situated can attend the same if he has not the attainments required for following the model or academy course. 62 V., c. 28, s. 121.

2615. Every model school and academy established in virtue of articles 2766 and 2767, is considered a school district. 62 V., c. 28, s. 122; 4 Ed. VII, c. 18, s. 2.

SECTION II

DISSENTIENTS

2616. In any school municipality, any number of proprietors, occupants, tenants or rate-payers professing a religious

belief
such
comm
formi
of the
porati
6). 6

261
shall,
the cor
tenden
to be c
One
archive

261
followi
article
municip

261
articles
ordinary
shall th
and foll

* *Held*
one board
the minor
of its own
cinthe, 18;
Held :-
is entitled
of such m
School Tru
Judge Cou

belief different from that of the majority of the rate-payers of such municipality, may give to the chairman of the school commissioners or to their secretary, a notice in writing informing 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. (*Form 6*). 62 V., c. 28, s. 123. *

2617. The notice of dissent shall be made in triplicate, and shall, before the first of May, be served upon the chairman of the commissioners or upon their secretary and upon the Superintendent, and shall be signed by all the rate-payers who wish to be dissentients.

One copy of such notice shall be deposited and kept in the archives of the trustees. (*Form 6*.) 62 V., c. 28, s. 124.

2618. The dissent shall take effect only on the first of July following the date of the service of the notice mentioned in article 2617, except in the case of the erection of a new school municipality as provided in article 2624. 62 V., c. 28, s. 125.

2619. When a notice of dissent is served in conformity with articles 2616 and 2617, the *status quo* is maintained until the ordinary time for the annual elections, and the dissentients shall then elect three trustees, as prescribed by articles 2648 and following. 62 V., c. 28, s. 126.

* *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.

2620. As soon as such trustees are elected, every rate-payer of the municipality belonging to the religious denomination of the dissentients, and who has either given the notice mentioned in articles 2616 and 2617, or who thereafter gives a notice in writing to the chairman of the school commissioners and to the Superintendent that he withdraws from the control of the school commissioners, shall be deemed to be a dissentient, and shall, for school purposes, be under the control of the trustees.

So soon as the rate-payers who have signed one of the notices mentioned in the first paragraph of this article, shall amount to two-thirds of the rate-payers of the municipality professing a religion different from that of the majority of the inhabitants thereof, then all the rate-payers of the municipality of the religious denomination of such dissentients, who have not given such a notice, and who do not send their children to a school under the control of the school commissioners, shall also be deemed dissentients.

This article shall apply to cases where school trustees are elected under the provisions of articles 2622, 2626 or 2629. 62 V., c. 28, s. 126a; 9 Ed. VII, c. 33, s. 2.

2621. 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.

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 or upon their secretary and upon the Superintendent, on or before the first of May. (*Form 8.*)

The *status quo* shall be maintained up to the month of July following, and at that date an election shall be held in the usual

way for
all the
the m
with a
has de

262
to org
sioners
which
dissent
the ch
7.)

The
effect t
June.

In th
elect th

If th
June, t
sioners
2616 an

262
school-r
the asse
by artic
providet
six mon
dissent.

* Held :

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 article 2622, or for the religious majority if the minority has declared itself dissentient. 62 V., c. 28, s. 127.

2622. When the dissentients have declared their intention to organize themselves as a corporation of school commissioners, in accordance with article 2621, the former majority, which has become the minority, may at once declare itself dissentient, by giving notice to the Superintendent and to the chairman of the trustees or to their secretary. (*Form 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 shall elect their school trustees in the usual manner.

If the notice of dissent is not served before the fifteenth of June, the minority shall be governed by the school commissioners until it declares itself dissentient, as prescribed by articles 2616 and following. 62 V., c. 28, s. 128.

2623. Dissentients shall not be liable for any taxes or school-rates imposed by the school commissioners, except for the assessments for the then current year or those imposed by article 2747, 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. 62 V., c. 28, s. 129; 4 Ed. VII, c. 18, s. 3. *

* *Held* :—That dissentients have the right to determine and limit the appli-

2624. In newly organized municipalities, if the declaration of dissent is served upon the chairman of the school commissioners or upon their secretary within thirty days after the organization of the school corporation, the dissentients shall

cation 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.

The Protestant minority of the parish of St. Ignace du Coteau du Lac had been united for forty years for school purposes with the dissentients of Coteau Landing, in a neighbouring parish. The defendant was a Protestant proprietor of real estate in the Parish of St. Ignace, but he paid his school taxes to the Protestant board in Coteau Landing. He was sued by the School Commissioners of St. Ignace for his school taxes.

Held: That in the circumstances the plaintiffs had no action against the defendant, and they could not in the absence of proper proceedings contest the legal existence of the trustees of Coteau Landing which had always had the status of a school corporation and been recognized by competent authority, nor could they question the union of the dissentient minority of St. Ignace with the dissentients of Coteau Landing. *The School Commissioners of St. Ignace du Coteau du Lac vs. French*.—C. C., Coteau Landing, 1899.—Gill, J.—J. R., Vol. 16, p. 70.

NOTE.—This case is interesting because of the fact that no documentary proof could be made that the union of the dissentients of St. Ignace with those of Coteau Landing had ever been effected through the Department of Public Instruction. The Court seems to have assumed that the union that had existed in fact without question for so many years was sufficient to make the union legal.—G. W. P.

Held:—That, in a suit between rate-payers and School Commissioners, the organization of a Board of School Trustees, and the fact that the rate-payers 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 rate-payers, and by other circumstances, that such a board 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 school commissioners cannot levy taxes upon dissentients who have obtained their union with the trustees of a neighboring municipality even when the procedure to effect this union has been irregular. *The School Commissioners of the village of Lauzon vs. Davie*.—S. C., Quebec. Q. L. R., vol. 16, p. 290.

not l
Du
ratio
as p
130.

26
form
the a
scho
or o
In
sentie
remit
and t
part
schoo

If
of dis
pality
for th
the
the a
withi
In
of tax
Suc
petiti
notice
the Q

26
and r

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 shall elect their trustees as prescribed by articles 2644 and following. 62 V., c. 28, s. 130.

2625. The dissentients in any municipality who as such, form a school corporation, may, upon their application, with the approval of the Superintendent, unite with a neighboring school municipality of their religious belief, 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 from the rate-payers bound to pay the same, but shall remit the amount to the school municipality to which they are united within sixty days after the taxes have become due.

In both cases above-mentioned, there shall be but one rate of taxation for school purposes for the two municipalities.

Such union may be cancelled by the Superintendent upon the petition of either school municipality after twelve months' notice to that effect published in two consecutive numbers of the *Quebec Official Gazette*. 62 V., c. 28, s. 131.

2626. Any number 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 in the said township or parish, by giving notice in writing to the chairman or to the secretary of the school commissioners of their respective municipalities as prescribed by articles 2616 and following.

In the month of July following the date upon which the said notice was given, such dissentients shall elect three school 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. 62 V., c. 28, s. 132; 4 Ed. VII, c. 18, s. 4.

2627. 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 of their own religious belief in an adjoining municipality, or when it is shown that they are taking no steps toward obtaining and maintaining schools of their religious belief, the Superintendent, after giving three consecutive notices in the *Quebec Official Gazette* to that effect, may three months after the publication of the first of the said notices, recommend the Lieutenant-Governor in Council to abolish such corporation of trustees. 62 V., c. 28, s. 133; 4 Ed. VII, c. 18, s. 5.

2628. When the abolition of a corporation of trustees is granted, a notice to that effect shall be published by the Super-

NOTE.—The word "schools" in the second line is used in the singular in the French version, 2627, R. S. Q., and should be so interpreted here.—G. W. P.

intenc
licatio
time
to all
pay to
and as
sentier
operat

The
shall b
for the
c. 28, s

262

Gazette
corpora
or rate-
the ma
form a
lowing.

2631

pality,
belief o
said mu
declare,
or to th
articles :
in a neig
such sch

2631

declarati

intendent in the *Quebec Official Gazette*, and, after the publication of the notice, the rate-payers who were up to that time under the control of the trustees, shall then be subject to all taxes levied by the school commissioners, and shall also pay to the latter a sum equal to their share of all school taxes and assessments levied by the commissioners while such dissentient trustees neglected to keep one or more schools in operation.

The publication of the notice in the *Quebec Official Gazette* shall be at the expense of the school board that has applied for the dissolution of the dissentient school corporation. 62 V., c. 28, s. 134.

2629. One year after the publication in the *Quebec Official Gazette* of the notice of the dissolution of such dissentient school corporation, any number of proprietors, tenants, occupants or rate-payers professing a religious faith other than that of the majority of the residents of such municipality, may again form a new corporation as provided by articles 2616 and following. 62 V., c. 28, s. 135.

2630. Whenever there is no dissentient school in a municipality, any resident head of a family professing a religious belief other than that of the majority of the residents in the said municipality, and having children of school age, may declare, in writing, to the chairman of the school commissioners, or to their secretary, observing the formalities prescribed by articles 2616 and following, that he intends to support a school in a neighboring municipality, provided that his children attend such school. 62 V., c. 28, s. 136.

2631. From the first of July following the service of the declaration mentioned in article 2630, such head of a family

shall pay his taxes to the commissioners or trustees by whom the school to which he contributes is maintained; but the reports of the school board 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. 62 V., c. 28, s. 137.

2632. Whenever, in any municipality, the children of the dissentients are not sufficiently numerous in any district to establish a school, children from such district may attend another school in another district of their municipality of the same religious belief. 62 V., c. 28, s. 138.

2633. Subject to article 2623 every dissentient may cease to be such, upon giving notice, simultaneously, to the chairman or secretary of the trustees and to the Superintendent, before the first day of May, that he professes the religion of the majority, and that he therefore desires to be under the control of the school commissioners of such municipality. 62 V., c. 28, s. 139; 9 Ed. VII, c. 33, s. 3.

2634. 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 given, in either of the cases mentioned in article 2633, shall be sufficient to place the rate-payer serving such notice 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. 62 V., c. 28, s. 140.

SECTION III

SCHOOL CORPORATIONS

2635. The school commissioners and trustees in each municipality shall be a corporation under the name of "The

sch

T
and
pora
cons* I
son f
who t
ges, i
absen
fact t
a civi
had e
to sett
cherea
TaschHel
the co
bindin
de St.Hel
a corp
by the
Ste. Se
vs. The
1875, J
MargueHel
in the v
exempti
of Scho
real, 188Hel
proceedi
St. SauvHel
mons, n
was nul
not have

school commissioners (or trustees) for the municipality of
 in the county of (or in the counties of
 " if a municipality is situate partly in several counties).

They shall have perpetual succession, may sue and be sued, and shall generally have the same powers which any other corporation has with regard to the purposes for which they were constituted. 62 V., c. 28, s. 141. *

* *Held* :—A corporation which authorizes its secretary to denounce a person for the offense of obtaining money under false pretences, and those who take part in the arrest which follows are jointly responsible for damages, if they act without probable cause and with malice. Malice and the absence of probable cause are deduced, in this particular case, from the fact that the corporation, to recover the sum in question, had entered a civil action which was pending contestation, and that the complaint had evidently the intent of the coercion by intimidation of that party, to settle a contested and contestable case. C. Q. B., Montreal, 1907. Taschereau, Chief Justice, Blanchet, Trenholme, Lavergne and Cross, J. J. Taschereau C. J. and Lavergne, J. dissentientibus. J. R., vol. 18, p. 6.

Held :—A bond entered into by certain interested rate-payers to secure the corporation against the costs of a defence to a lawsuit is legal and binding, and not contrary to public order. *Nadeau vs. Commissaires d'Ecole de St. Frédéric*. 6 s., 66.

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 ; and *The Corporation of Ste. Marguerite vs. Migneron*, L. C. J., vol. 29, p. 227.

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 exemption to the form and not by a plea to the merit. *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 :—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*

2636. No school corporation shall cease for 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,

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 the members of a school board, who are in good faith, cannot be held personally responsible for the decisions of 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 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 an action for libel may be brought against a corporation. That, by art. 356 of the Civil Code, a body politic is regulated by the Civil Code in its relation with citizens individually. *Brown vs. The Corporation of Montreal,* S. C., Montreal, 1871, Judge Beaudry.—L. C. J., vol. 17, p. 46 and R. C., vol. 1, p. 475.

Held :—That school commissioners or trustees are bound by the acts of their predecessors in office. *The School Commissioners of St. Michel de Vaudreuil vs. Bastien.* S. C., Montreal, 1859, Judge Smith.—L. C. J., vol. 4, p. 123.

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 individuals 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 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 in a suit to enforce payment of this note, it is not necessary to produce

mo
the
Gov
nize

2

trus
regu

2

upol
sent
their

§ 1.

26

any c

the re
Grant
186.

Hei
missi
by the
lier an
B., in
City of
Hel
bers or
is not
Leclerc
et Valo

* No
ponding

moveable or immoveable, shall become vested, in trust, in the Superintendent, or, in his default, in the Lieutenant-Governor in Council, until a school board has been re-organized. 62 V., c. 28, s. 142.

2637. All administrative acts of school commissioners and trustees shall be done in virtue of resolutions adopted at regular sessions of their school board. 62 V., c. 48, s. 143.

2638. Any powers conferred or any obligation imposed upon any school commissioners also apply to trustees of dissentient schools in reference to the school municipalities under their control. 62 V., c. 28, s. 144. *

SECTION IV.

SCHOOL COMMISSIONERS AND TRUSTEES

§ 1.—*Qualifications required to be a School Commissioner or Trustee*

2639. Every Roman Catholic *curé* and every minister of any other religious faith ministering in the school municipality,

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 the chairman and the secretary-treasurer of school commissioners have not the right to sign a promissory note for a debt due by the Commissioners without a special authorization to that effect. *Letelier and the School Commissioners of the Township of Oviatchouan.* C. Q. B., in appeal, Quebec, 1888.—R. L., vol. 16, p. 449. *And Martin vs. the City of Hull, et al.* S. C. Montreal. R. L., vol. 10, p. 232.

Held :—That the recourse which a municipality has against the members or ex-members of its council, for malversation, malice, and bad faith is not by an action in simple warranty, but by an action for damages. *Leclerc vs. The Corporation of the Parish of St. Joachim de la Pointe-Claire et Valois et al.* C. C., Montreal, 1862, Monk, J.—L. C. J., vol. 7, p. 83.

* NOTE.—In the French version of Article 2638 there is no word corresponding to the word "any" in the English version.

although not qualified with respect to property, every male resident rate-payer, and every resident husband of a rate-payer, able to read and write, qualified to vote under article 2642, is eligible as school commissioner or trustee. 62 V., c. 28, s. 145; 9 Ed. VII, c. 34, s. 1. *

2640. In any municipality in which there is a corporation of school trustees, no dissentient shall be elected as school commissioner; and no person from among the majority shall be elected as school trustee. 62 V., c. 28, s. 146.

2641. No person holding an office to which he has been appointed by a school board under this title, or who has a contract for such corporation, or to whom article 2807 applies, shall be a member of such school board. 62 V., c. 28, s. 147

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. Barthémy*. C. Q. B., 1868.—R. L., vol. 1, p. 714.

* *Held*:—That a man who can read and write only with difficulty has not sufficient instruction to hold the position of mayor. *Turgeon vs. Noreau*. C. C., Quebec, 1873, Stuart, J.—Q. L. R., vol. 9, p. 363.

* *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 and if as a matter of fact only one elector has presented himself to pay taxes. *Morrier vs. Rasconi*. M. C., Bagot. Lanctot, J.—R. L., vol. 7, p. 140.

Held:—That one who is inscribed upon the roll as proprietor of real estate, but who has never really owned said real estate, has not a right to vote. *Vinet vs. Fletcher*. C. C., Montreal, R. L., vol. 18, p. 672.

Held:—That the qualification should be considered at the very time of the election; a candidate who is disqualified for non-payment of taxes at the time when he is nominated can be qualified an hour afterwards, during the election, if he pays them in the meantime, and then his election shall be maintained. *Bowvier vs. William alias Chagnon*. M. L. R., vol. 4, p. 381.

* *Held*:—That art. 4215 R. S. Q., renders ineligible for municipal office only those who receive from the corporation a remuneration for services

2
com
maj
esta
buil
as st
tribu

that t
an ob
to pro
profes
tariff

(2)
him in
1902, .

Hel
disqua
he has
the co
can no

(By
school
bursem
a cont
his sea
1905. J.

Not
" contr
Commis
seer of
Board t
element

It do
underlyi

§ 2.—*Qualifications required for an Elector*

2642. To have a right to vote at any election of school commissioners or trustees, it is necessary to be of the age of majority, to be proprietor or husband of the proprietor of real estate, or to be proprietor or husband of the proprietor of the buildings only upon land belonging to another, to be entered as such upon the valuation roll, and to have paid all school contributions.

that they render in virtue of an expressed or a tacit contract that produces an obligation between the parties of a certain duration. It does not apply to professional men who are not bound by a contract in advance but render professional services for which they receive remuneration according to the tariff of their profession.

(2) The fact that a man is a creditor of a corporation does not make him ineligible for election as councillor. *Chaussé vs. Olivier*. S. C., Montreal 1902, Judge Langelier. J.—R., vol. 21, p. 387.

Held:—(Confirming Pelletier J., by Routhier and Andrews, JJ.) The disqualification of a school commissioner which results from the fact that he has contract with the school board ceases with the contract, and after the contract has been completed and the commissioner has been paid he can not be unseated.

(By Langelier J.) A school commissioner who, upon the order of a school board to have certain work done carries out the order, has a reimbursement of his expenditure and is paid for everseeing the work, has not a contract in the meaning of art. 147 of the school law, and does not lose his seat for thus acting. *Larochelle vs. Roi*.—S. C., Quebec, in revision, 1905. J. R., vol. 27, p. 55.

NOTE.—The learned Judge (Langelier) appear to have taken the word "contract" in its most technical and narrow sense. Surely the school Commissioner who knows or expects that he can give his services as overseer of work and receive remuneration for them from the Board and the Board that allows him to do so in such circumstances have created all the elements of a contract as defined in the Civil Code.

It does not seem that the form of the contract matters, but the principle underlying the transaction.—G. W. P.

In any municipality in which there is a corporation of school trustees, no dissentient shall vote at the election of school commissioners ; and no person from among the majority shall vote at the election of school trustees. 62 V., c. 28, s. 148 ; 4 Ed. VII, c. 18, s. 6 ; 7 Ed VII, c. 21, s. 1. *

2643. Whoever votes without having the qualifications of an elector, shall incur a penalty of twenty dollars. 62 V., c. 28, s. 149.

§ 3.—*Meeting for the Election of School Commissioners or Trustees*

2644. Unless otherwise provided by some special provision of this title, a general meeting of all the rate-payers qualified to vote shall be held in each municipality on the first juridical Monday in July of each year, for the election of school commissioners or trustees.

In the school municipality of the parish of St. Pierre de la Pointe aux Esquimaux, in the county of Saguenay, such meeting shall be held on the first juridical Monday of the month of March. 62 V., c. 28, s. 150 ; 2 Ed. VII, c. 16, s. 2.

* Spinsters and widows have the right to vote for school commissioners and trustees, and to vote on all school matters submitted to electors, when otherwise qualified as bylaw provided. 55-56 Vict., Chap. 35.

Held :—There is no appeal to the Court of the Queen's Bench from the judgment of the Superior Court, maintaining a mandamus against the secretary-treasurer of a municipal corporation by which he is ordered to receive municipal and school taxes during a municipal election presided over by the said secretary. Vol. 3, p. 345. Q. P. R.

* *Held* :—That the assistant secretary-treasurer has the same right to preside over the meetings as the secretary-treasurer has. *Morrier vs Rasconi*, M. C., Bagot.—R. L., vol. 7 p. 140.

Held :—That according to the terms of article 296 of the Municipal Code the election of Councillors cannot be presided over by a member going out of office at that time, and that an election thus held shall be declared null. *Globensky vs Champagne*. R. C., vol. 2, p. 235.

2
or
ing,
tice
clea
if he
five
St
mori
be in
V., c.

26
or if l
shall
defaul
62 V.,

264
tion of
among
and wr
the con
chosen
out of c
If a p
son app
the secre
the meet

2648
in virtu
sioners c

2645. The secretary-treasurer of the school commissioners or trustees shall call the annual meeting, or any special meeting, for the election of commissioners or trustees, by public notice given as prescribed by articles 2771 and following, seven clear days at least before the day fixed for the meeting; and if he neglects so to do, he shall be liable to a fine of not less than five dollars nor more than twenty dollars.

Such meetings shall be called for ten of the clock in the morning at a central place in the municipality which shall be indicated in the notice given for that purpose. (*Form 3.*) 62 V., c. 28, s. 151.

2646. An annual meeting, if there is no secretary-treasurer or if he is absent from the municipality or incapable of acting, shall be called by the chairman of the school board, and in default of either, by the senior member of the school board. 62 V., c. 28, s. 152.

2647. 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 a presiding officer has not been appointed, or if the person appointed to perform that duty is absent or unable to act, the secretary-treasurer of the school board shall preside over the meeting. 62 V., c. 28, s. 153.

2648. At such meeting the rate-payers, qualified to vote in virtue of article 2642, 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 the commissioners or trustees who are to go or have gone out of office. 62 V., c. 28, s. 154.

2649. When the annual general meeting for the election of school commissioners or trustees cannot be held on the first juridical Monday in July, or in March for the school municipality of the parish of St. Pierre de la Pointe aux Esquimaux in the county of Saguenay, such meeting and election may be postponed to any juridical Monday in the same month, by observing the same formalities. 62 V., c. 28, s. 155 ; 2 Ed. VII, c. 16, s. 3.

2650. If the meeting is the first held in the municipality for the election of a board of school commissioners or trustees, it shall be called 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 2645. 62 V., c. 28, s. 156. *

* *Held* :—The presiding officer of a meeting for the election of School Commissioners can have assistance in the execution of his duties provided that he is present all the time during the election, authorizes whatever is done and participates in it personally.

(2) In the case of a first election, in a new school municipality, although it is declared that this election should be convened by a justice of the peace or by three electors, if the resident justice of the peace is not known to be such the meeting may be convened by three rate-payers.

The irregularity in this case does not (involve) the nullity of the election if the justice of the peace, being present at the election, allows the nomination of commissioners without protest and does not decide to question the legality of the convocation of the meeting until after the president has proclaimed the election of certain persons.

(3) The lack of qualifications, supposing it to exist in certain persons, to propose or to second a nomination does not render the election null.

(4) The indebtedness of a candidate for school taxes to neighbouring school municipalities, or to municipalities from which the new municipa-

2
sion
mun
com

20
ing,

lity in
Nadon
He
That
of all
two of
Judge
He
elector
presidi
and ac
ground
Larave
J., vol.

Hel
to the
if no c
the po
by law
Lancto

Hel
to the
selves s
311, M.

L. C. J.

Hel
do not
(for ins
of Com

years), s
That
of all p
C., Mont

2651. The first meeting for the election of school commissioners or trustees shall be presided over by a rate-payer of the municipality, able to read and write, selected by those who compose the meeting. 62 V., c. 28, s. 157.

§ 4.—*Election of School Commissioners and Trustees*

2652. The presiding officer, after having opened the meeting, shall request the electors present to propose the per-

son is formed, does not render him ineligible for office under art. 148.—*Nadon vs. Labelle*. C. C., Lorion, J.—Pract. Rep. vol. 7, p. 12.

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 decision 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. *Morrier vs. Rasconi*. Magistrates' C., County Bagot, Judge Lanctot.—R. L., vol. 7, p. 140.

Held :—That the nomination of a candidate should be made directly to the presiding officer; those who demand the poll should present themselves and give their names formally to the presiding officer. (Art. 309, 311, M. C.) *Tessier vs. Meunier*, C. C.—Iberville, Judge Charland, 1888. L. C. J., vol. 32, p. 76.

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 *curé*, 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.

sons whom they wish to choose as school commissioners or trustees.

He shall nominate as candidates all persons whose names are submitted to him, whether verbally or in writing, by at least two electors present. 62 V., c. 28, s. 158.

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

* *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 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 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, begins anew to count the electors favorable to each candidate, and proclaims one of the candidates elected, the election is null.—*St. George vs. Gaboury*, C. C., Joliette, 1885, Judge Cimon.—L. N., vol. 9, p. 59.

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. *Malençon vs. Sylvestre*. C. C., St. Hyacinthe, 1870, Judge Sicotte.—L. C. J., vol. 14, p. 217. Also, *Bezière 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. *Morrier 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

20
time
of th

26
the fi
s. 160

26
chair
who a
nomi
cord t

26
or cau
in the
mentio

265
writing
62 V.,

265
as there
municip

of the elc
Quebec, 1

Held :—
ground fo
magny, 11
The City o

Held :—
vote for tw
ner vs. Arc

2653. 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. 62 V., c. 28, s. 159.

2654. The nomination of candidates shall take place during the first hour after the opening of the meeting. 62 V., c. 28, s. 160.

2655. One hour after the opening of the meeting, the chairman shall proclaim elected the candidate or candidates who are unopposed, and when two or more candidates are nominated in opposition he shall proceed without delay to record the votes of the electors. 62 V., c. 28, s. 161.

2656. 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, mentioning the names and qualities of each. 62 V., c. 28, s. 162.

2657. Each page of the poll-book shall be numbered in writing and initialed by the person presiding over the election. 62 V., c. 28, s. 163.

2658. Every elector may vote for as many candidates as there are school commissioners or trustees to be elected in the municipality. 62 V., c. 28, s. 164.

of the electors have not been mentioned. *Pacaud vs. Gagné*. C. Q. B., Quebec, 1867.—L. C. R., vol. 17, p. 357.

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. Also *Martin vs. The City of Montreal*, L. N., vol. 1, p. 283.

Held:—That the vote is not divisible. If an elector has the right to vote for two persons, both votes should be recorded at the same time. *Venner vs. Archer*.—Q. L. R., vol. 1, p. 283.

2659. Any person tendering his vote must make the following declaration before the presiding officer, if required so to do by him, by any elector, 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 refuses to take such oath, his vote must be refused and he cannot again present himself to vote at the election. 62 V., c. 28, s. 165. *

2660. If an elector takes the required oath, or refuses to take the same, or if objection is made to his vote, mention of each of these facts shall be made in the poll-book, as follows : " Sworn," " Refused," or " Objected to," as the case may be. 62 V., c. 28, s. 166.

2661. Whenever the presiding officer does not understand the language spoken by one or more electors, he shall appoint an interpreter, who before acting shall take the following oath before the 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." 62 V., c. 28, s. 167.

2662. If, at any time after the voting has commenced, one hour elapses without any vote having been polled, the

* *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.

pre
dec
an
the
of o

2
or
im
less

2
o'cl
artic
sign
from
num
decla
numl

26
shall
expir
Catho
and s
years
afterv

26
the el

* *H*
expired
shall be
vs. *L'H*
232.

presiding officer shall close the election. Nevertheless, if a declaration under oath is given to the presiding officer that an elector has been prevented by violence from approaching the poll, the election cannot be closed until the expiration of one hour after such violence has ceased. 62 V., c. 28, s. 168.

2663. In case of an equal division of votes in favor of two or more of the candidates, the presiding officer shall vote immediately for one or other candidate, under a penalty of not less than twenty nor more than fifty dollars. 62 V., c. 28, s. 169

2664. At the close of the election, which shall be at five o'clock in the afternoon, except in the case provided for by article 2662, the presiding officer shall certify, under his signature, in 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 candidate, and he shall then declare such of the candidates as have obtained the largest number of votes duly elected. 62 V., c. 28, s. 170.

2665. The school commissioner or the trustee so elected shall be 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. 62 V., c. 28, s. 171.

2666. The officer presiding over any general meeting for the election of school commissioners or trustees shall, within

* *Held* :—That a school commissioner (or trustee), whose term has expired, cannot be re-elected without his consent, and that his nomination shall be considered null, unless his formal consent be given to it. *Beland vs. L'Heureux*. S. C., St. Johns, 1876, Judge Chagnon.—R. L., vol. 7, p. 232.

eight days thereafter, under a penalty of five dollars for failure so to do, notify in writing the school commissioners or trustees elected, and send a report to the Superintendent mentioning the date and the place at which the meeting was held and the names of the persons elected. (*Forms 4 and 5*). 62 V., c. 28, s. 172.

2667. 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, under the same penalties. 62 V., c. 28, s. 173.

2668. For 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, appoint the school commissioners or trustees required. 62 V., c. 28, s. 174.

§ 5.—*Term of Office of School Commissioners and Trustees*

2669. Except in the cases specified in articles 2670 and 2692, school commissioners and trustees remain in office for three years. 62 V., c. 28, s. 175.

2670. School commissioners or trustees, forming part of the first board elected or appointed by the Lieutenant-Governor in Council after the erection of a school municipality, shall be replaced as follows: two in the case of commissioners, and one in the case of trustees, determined by lot, shall retire from office at the end of the first year, and, from amongst those who have not been replaced, two in the case of commissioners, and one in the case of trustees, determined in the same

man
com

Th
go on

Th

at a

the j

electi

26

be re

Lieut

the St

§ 6.—

267

may be

has be

of pers

on the

vance

(

Held

person f

that he

person in

fore not

and with

by the ab

vs. Géois

NOTE.—

of ousting

ranto proc

following

manner, at the end of the second year, and the remaining commissioner or trustee, at the end of the third year.

The chairman shall, like the other school commissioners, go out of office, if so determined by lot.

The drawing of lots must be effected by the secretary-treasurer at a regular meeting of the board, at least eight days before the publication of the notice calling the meeting for the election. 62 V., c. 28, s. 176.

2671. 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. 62 V., c. 28, s. 177.

§ 6.—*Contestations of Elections of School Commissioners and Trustees*

2672. The election of any 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 being qualified as electors, on the ground of disability, or on the ground of the non-observance of the formalities required. 62 V., c. 28, s. 178. *

Held :—Quo warranto proceedings under art. 987 C. P., lie to oust a person from the office of mayor of a local municipality, on the ground that he can neither read nor write. This incapacity not only makes this person ineligible, but disqualifies him from holding the office. It is therefore not merely a ground for contestation of the election in the manner and within the delay specially prescribed, but may be urged at all times by the above proceeding, although it existed at the time of election. *Page vs. Génais*. S. C. Quebec, 1908. McCorkill, J.—J. R., vol. 34, p. 541.

NOTE.—This judgment is restricted by the learned Judge to the case of ousting a mayor from his office, but it apparently admits that *quo warranto* proceedings could not be taken to set aside an election. The two following decisions are in a contrary sense.—G. W. P.

2673. Contestations of elections of school commissioners or trustees shall be tried and decided by the Circuit Court of the district or county, or by the Magistrate's Court of the county, in which the municipality is situated, to the exclusion of every other court. 62 V., c. 28, s. 179. *

Held :—The election of a school commissioner can be contested on the ground of incapacity to read and write, only in the manner prescribed by art. 2672 and 2673 of the school law. Recourse by *quo warranto* is not open in this case even after the delay fixed for the contestation mentioned in the articles just cited. *Duval vs. Marchand*. S. C., Quebec; in revision, 1905. Routhier, Langelier and Pelletier (Sir C. A. P.), J.J. J. R., vol. 28, p. 184.

Held :—When the reasons upon which the contestation of an election are based existed at the time of the election, or in the delays fixed by the different statutes for contestation, and when the election has not been contested in accordance with the procedure and within the delays provided by these special statutes the right to contest is prescribed. The court has not the right to hear the case on its merits under a writ of *quo warranto*. *Chapdeleine vs. Girard*. S. C., Arthabaskaville, 1902. Choquette, J. La Rev. de Jur., vol. 8, p. 268. See also the judgments and the authorities quoted on pp. 269 and 271 same volume.

Held :—That a person who is sued for having usurped a public office is entitled to plead that the meeting at which he was elected was legal and regular, and can set up the illegality of the meeting at which the election relied upon by the plaintiff took place. *La Caisse Générale, et al vs. Dupuis*. Doherty, J., Montreal, 1899. Vol. 2, p. 478. Q. P. R. *St. Arnaud vs. Barrette*. *Quo warranto*. *Refusal to read or to write, articles 331, 990 and 997 C. P.*

Held :—A candidate elected to a public office and prosecuted by *quo warranto* can not be compelled to read or write. Bélanger, J. Vol. 4, p. Q. P. R.

Held :—The Superintendent has not jurisdiction in the contestation of the election of a school commissioner based on the incapacity of the respondent, such contestation being within the exclusive competence of the Circuit Court and the Magistrate's Court. *Joyce vs. Hart*. Superior Court, Montreal, 1902, Langelier, J. J. R. Vol. 14, p. 199.

* *Held* :—That the election can be contested only by electors duly inscribed and qualified to vote. *Poudrier vs. Bonin dit Dufresne*.—M. L. R., vol. 5, p. 56.

Held :—That the enregistration of illegal votes will not annul the election of a candidate unless it be alleged and proved that another candidate had a larger number of legal votes enregistered in his favor. *Gibb vs. Poston*, S. C., Quebec.—R. J. R., vol. 15, p. 102.

21
the f

Hel
electic
on the
candic
should
C. C.—

Hel
took i
them i
Q. B.,

Hel
tain e
of such
and st
Coutu.

vs. Poi
Hel
not pa
or if h
on the
Gill, J.

Hel
fere in
are cau
which
invalid
Sicotte,

Hel
manner
made v
in Coun

Hel
elected
after h
and upc
person i
the requ
claimed

* *He*
cases un
Laerte

2674. The contestation shall be by petition setting forth the facts and reasons alleged in support of the contestation.

Held:—That not only should the corrupt votes be struck out, but the election should be annulled if there is sufficient proof of general corruption on the part of the caballers and the members of the committee of the elected candidate; and this even when after striking out the said votes there should remain a majority in favor of such candidate. *Parent vs. Patyr.* C. C.—L. N., vol. 12, p. 370.

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. *Sauvé 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 if the majority is affected thereby. *Dostaler et al vs. Coutu.* C. C. Berthier, 1880. Gill, J.—R. L., vol. 11, p. 109, and *Auclair vs. Poirier.*—L. C. J., vol. 28, p. 231.

Held:—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, Gill, J.—R. L., vol. 11, p. 109.

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 free exercise of the right to vote does not invalidate an election. *Bureau vs. Normand.* S. C., Three Rivers, 1873, Sicotte, J.—R. L., vol. 5, p. 40.

Held:—That a school commissioner (or trustee) elected in an illegal manner may resign his office before being prosecuted, and that the office made vacant by his resignation may be filled by the Lieutenant-Governor in Council. *Laliberté vs. Ruelle.* C. Q. B., 1876. Q. L. D., vol. 2, p. 161.

Held:—That the election of a candidate who has been proclaimed elected by the chairman may be contested, notwithstanding the fact that after having been proclaimed elected he has produced his resignation and upon this resignation the Lieutenant-Governor has appointed another person in his place; and that in such a case it is not necessary to serve the *requête* and the contestation on any person other than the one proclaimed elected. *Vinet vs. Fletcher et al.*—R. L., vol. 18, p. 672.

* *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.

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 shall be presented in open court, together with the returns of the preliminary services. 62 V., c. 28, s. 180.

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. *Métras vs. Trudeau, et al.* C. Q. B., Montreal, 1885.—M. L. R., Q. B., vol. 1. p. 347.

* *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. *Lauford vs. Robertson.* C. C., Sherbrooke, 1872, Judge Ramsay.—R. C., vol. 2, p. 235.

Held :—That the petition of an elector shall not be dismissed for failure to allege that he is such, if as a matter of fact he has all the qualifications to vote. *Alexander vs. Corporation of Richmond.*—C. C., Sherbrooke. R. L., vol. 17, p. 402.

Held :—That the nullity of an election may be alleged upon the presentation of as many petitions as there are persons whose election is contested. *Tremblay vs. Roy.*—R. L., vol. 2. p. 235.

Held :—That the petitioner who demands nullity of an election on account of the irregularity of the meeting of electors should allege in his petition in what respect the meeting was irregular, without which the court will presume that the prescribed formalities have been observed. *Marquis vs. Couillard.*—C. C., Quebec.—Q. L. R., vol. 10, p. 98.

* *Held* :—That intervenants in a contested election are not obliged to furnish security, as the petitioners are. *Brousseau vs. Brouillet.*—R. L., vol. 2, p. 234.

* *Held* :—That the security bond need not necessarily contain a description of the real estate of the surety. *Bourgeault et al vs. Dalpé et al.*—L. C. J., vol. 16, p. 255.—R. L., vol. 4. p. 74, C. C., St-Hyacinthe, Judge Sicotte.

* *Held* :—That when an election is contested for illegality and fraud the dismissal of the petition cannot be demanded on the principle that the other candidate was not qualified. *Surprenant et al vs. Tremblay.*—L. N., vol. 11, p. 137.

* *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.

2675. A copy of the petition mentioned in article 2674, with a notice stating the day on which the petition will be presented to the court, shall be 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 shall lapse.

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. 62 V., c. 28, s. 181. *

2676. The petitioners shall give security for costs at least ten days before the petition is presented to the court; otherwise such petition cannot be received. 62 V., c. 28, s. 182.

2677. The security required by article 2676 shall be given before the clerk of the court. 62 V., c. 28, s. 183.

2678. The sureties must be owners of real estate of the value of at least two hundred dollars, over and above any incumbrances thereon.

One surety shall suffice, provided he be an owner of real estate of the required value. 62 V., c. 28, s. 184.

* *Held* :—(1) If a petition contesting an election is served within fifteen days from such election, and another service is ordered, the delay given for the presentation of the petition being insufficient, the petition shall not be dismissed on the ground that the second service of the petition was made more than five days after the election.

(2) Such petition need not be accompanied by affidavit.

(3) The absence of justification showing a surety to be qualified as required by law is not a ground of nullity of the bond justifying a demand for dismissal of a petition in contestation of election, but the respondent is entitled to have the said surety justify that he complied with the requirements of the law. Vol. 4, pp. 66-67. Q. P. R.

2679. 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 shall order proof and hearing on a day in term. 62 V., c. 28, s. 185.

2680. The court shall proceed in a summary manner to hear and decide the contestation. 62 V., c. 28, s. 186.

2681. The evidence may be taken orally or in writing, wholly or in part, as the court shall order. 62 V., c. 28, s. 187.

2682. The court may confirm or annul the election, or declare another person duly elected. 62 V., c. 28, s. 188.

2683. The court may condemn either party to pay the costs of the contestation ; and such costs shall be taxed and be recoverable both against the parties and their sureties. 62 V., c. 28, s. 189.

2684. The judgment as to the costs, shall be executory against the sureties, fifteen days after a copy thereof has been served upon them. 62 V., c. 28, s. 190.

2685. The court may order that its judgment be served at the expense of the losing party upon any person to whom it may deem it proper to communicate it. 62 V., c. 28, s. 191.

2686. If the trial is not concluded at the close of the term of the court during which the petition was presented, the sitting judge shall continue it without interruption out of term and during the vacation, adjourning from day to day until he delivers final judgment upon the merits. 62 V., c. 28, s. 192.

2687. If the judgment annuls the election of the commissioners or trustees or of any of them, without stating who

should fill such offices, the court shall in such judgment order a new election to replace the persons whose elections are annulled, appoint for that purpose a person to preside at such election, and fix the day and hour for the meeting at which the election is to be held.

Such day must not be sooner than fifteen nor later than twenty days from the date of the judgment. 62 V., c. 28, s. 193.

2688. The election which is held by order of the court shall be announced by public notice given by the chairman of the commissioners or trustees, or, if there is no chairman in office, or if he is the commissioner or trustee whose election has been annulled, by the secretary-treasurer,

If there is neither a chairman nor a secretary-treasurer, the notice shall be 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. 62 V., c. 28, s. 194.

2689. The omission of the notice prescribed by article 2688 shall prevent a meeting of the electors from being held, and render the persons, whose duty it is to give it, subject to a penalty of not less than five nor more than twenty dollars. 62 V. c. 28, s. 195.

2690. In default of the person appointed by the court, the election shall be 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.

The election shall be held and conducted as prescribed in articles 2644 and following. 62 V., c. 28, s. 196.

2691. The commissioners and trustees elected at the election mentioned in article 2690 shall have the same rights and be 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. 62 V., c. 28, s. 197.

§ 7.—*Replacing School Commissioners and Trustees when Vacancies occur during their Term of Office*

2692. In case of death, change of domicile, lack of qualification, refusal to accept office when the law authorizes such refusal, resignation legally given, or incapacity, during three consecutive months, by reason of absence or sickness, school commissioners or trustees shall be 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 within fifteen days after the same is made. 62 V., c. 28, s. 198. *

2693. Whenever the replacing mentioned in article 2692 has not been effected within the prescribed delay, the Lieutenant-Governor in Council may, upon the recommendation of the Superintendent, appoint a school commissioner or trustee, as the case may be, to fill such vacancy. 62 V., c. 28, s. 199.

* *Held* :—Recourse under act. 987 (C.P.) (*quo warranto*) is open to an interested person to have declared null the appointment of a commissioner, who can neither read nor write, made by the commissioners in virtue of 62 Viet., ch. 28, art. 198. (2692 above). *Thibault vs. Lévesque*. S. C., Rimouski, 1908. Carroll, J.,—J. R., vol. 34, p. 476.

There is no provision made in the law for contesting appointments under this article as there is for contesting elections before the Circuit Court or the Magistrate's Court (art. 2673). Hence the reason, apparently, for allowing recourse to the Superior Court by *quo warranto*. G. W. P.

a
Me
sio
firs
the
or
ma
—
*
disr
befo
vs. (C
l, p.
H
for d
chair

2694. A school commissioner or a trustee who has been appointed by the school board under article 2692, or by the Lieutenant-Governor in Council, to fill a vacancy, ceases to hold office at the date when the term of the person whom he replaces would have expired. 62 V., c. 28, s. 200.

2695. 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. 62 V., c. 28, s. 201.

§ 8.—*Meetings of School Boards*

2696. 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, or, when no election has been held, on the first Monday following the notice given to those appointed by the Lieutenant-Governor in Council, the school commissioners or trustees shall meet to elect their chairman, who shall remain in office until the appointment of a successor. *

* *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.

Held :—That there is no action against the chairman of a school board for damages caused by a resolution of the board, which he has signed as chairman but upon which he has not voted. Vol. 1, p. 311. Q. P. R.

At such meeting, the secretary-treasurer shall also be engaged, if necessary.

If such meeting cannot be held on the day fixed, it may be held on any day of the same week. 62 V., c. 28, c. 202.

2697. Until the appointment of the chairman for the current school year, the first session of the school commissioners or trustees shall be presided over by one of them. 62 V., c. 28, s. 203.

2698. If the appointment of a chairman is not made at the first meeting of the school board or within fifteen days thereafter, it may be made by the Lieutenant-Governor in Council, on the recommendation of the Superintendent. 62 V., c. 28, s. 204.

2699. In case of the absence of the chairman, the school commissioners or trustees shall appoint one of themselves as chairman for the time being, who shall then have the same powers and obligations as the ordinary chairman. 62 V., c. 28, s. 205.

2700. 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. (*Form 9.*) 62 V., c. 28, s. 206.

2701. The omission of the necessary formalities for the calling of a meeting of school commissioners or trustees cannot be pleaded when all the members present in the municipality have actually attended. 62 V., c. 28, s. 207. *

* *Held* :—That Municipal Councillors can hold a special session without previous notice provided they are all present ; and that at special sessions when all are present they may with unanimous consent transact business other than that mentioned in the notice calling the meeting. *Paris vs Couture*. C. R., Quebec. Q. L. R., vol. 10, p. 1.

2702. Two commissioners, one trustee or five rate-payers, may, by written notice, require the chairman or, in his default, the secretary-treasurer of the school board in question to call such meeting.

The chairman and secretary-treasurer, so notified, shall thereupon call such meeting under penalty of a fine of ten dollars. 62 V., c. 28, s. 208. *

2703. Meetings of school boards are public ; but the board may refer to a committee, whose meetings shall be private, any complaints made against teachers or pupils, applications for employment or any other subject of a personal nature. 62 V., c. 28, s. 209.

2704. School boards 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 sold. 62 V., c. 28, s. 210.

2705. Meetings of school boards may be held on non-judicial days. 62 V., c. 28, s. 211.

2706. At meetings of school boards all questions shall be decided by the majority of votes of the members present. Motions need not be seconded. The presiding officer shall

Held :—A councillor who while retaining his office conspires with others not to attend meetings of the Council in order to prevent the formation of a quorum and thereby to prevent the Council from exercising its rights, powers, or functions which it is obliged to exercise within a certain delay is a person holding an office in a corporation who omits and neglects to perform the duties of that office, and in the terms of art. 992 of the Code of Procedure a writ of *Mandamus* may be issued to compel him to attend the meetings of the Council. *Legacé and Olivier and Legacé and Paquet*. S. C., Quebec, 1902, Judge Cimon. J. R., vol. 21, p. 285.

vote upon each question, and in case of a tie shall always give a casting vote. 62 V., c. 28, s. 212.

2707. The minutes of each meeting shall be entered 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 shall be signed by the person presiding and countersigned by the secretary-treasurer. (*Form 10*) 62 V., c. 28, s. 213.

2708. Whenever a by-law or a resolution of the school commissioners or trustees is amended or repealed, mention shall 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. 62 V., c. 28, s. 214.

§ 9.—*Powers and Duties of School Commissioners and Trustees respecting the Management of Schools*

2709. It is the duty of school boards:

1. To engage teachers duly qualified to teach in the schools under their control ;
2. After mature deliberation at a meeting called for that purpose, to cancel the engagements of teachers on account of incapacity, negligence in the performance of their duties, insubordination, misconduct or immorality ; *

* *Held* :—The engagement of teachers can not be cancelled by school commissioners for any of the causes mentioned in art. 215 of the school law except after mature deliberation at a meeting called for that purpose. *LaCavalier vs. Les Commissaires d'Ecole de Ste. Philomène*. S. C., Valleyfield, 1905. St. Pierre, J. J. R., vol. 27, p. 521.

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,

3. To take the measures necessary to have the course of study authorized by the Roman Catholic or Protestant Committee, as the case may 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.

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.

Held :—That a teacher, who has been illegally dismissed and who has declared his readiness to fulfil 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 instalments prevents prescription from running with respect to instalment 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. *Barrette vs. The School Commissioners of St. Cyrien*. C. R., Montreal, 1880. La Thémis, vol. 4, p. 49.

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.

TEACHERS WIN CASE.—Catholic School Commissioners could not illegally dismiss them.—Injunction granted.—School board liable for damages if teachers discharged without reason.

Witness, 11th November, 1910.—Mr. Justice Demers granted an interlocutory injunction on the application of the five teachers who were dismissed by the Catholic School Board a couple of weeks ago, the general understanding being that the teachers were, or had been, members of Emancipation Lodge of Freemasons. The teachers were Ulric Lamarche, Paul Michal, J. Paradis, J. Scherer and C. P. Beliveau. They objected to being dismissed, as they claimed, without cause, hence the injunction proceedings. The effect of the present judgment is to restrain the commissioners from dismissing the teachers. The ground on which the injunction was granted was that no reasons were specified for the dismissal. The regulations governing the board specified certain causes for which employees could be dismissed. No reason having been given, dismissal would be, technically, without cause, and consequently illegal. It followed technically, that the teachers could not be dismissed, and consequently they are still in the employ of the board. The commissioners claimed that as employers they could discharge the teachers without giving any reasons by paying them their salary in full to the end of the term of the

“ If they ask for the services of a teaching Catholic congregation, the school commissioners or trustees may make a contract with such congregation respecting the books to be used in the school entrusted to such congregation; provided, however, that such books form part of the series approved by the Roman Catholic Committee of the Council of Public Instruction. The rector or priest in charge of a Roman Catholic church has the right to choose the books relating to religion and morality, for the use of the pupils of his religious belief, and the Protestant Committee has the same powers as respects Protestant Schools.” Amended by 1 George V, chap. 20.

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

engagement. This they were willing to do, and indeed, they had given orders for the payment of the salaries and the replacing of the teachers by new ones, but owing to the injunction proceedings the newly selected teachers had not been installed.

The judgment further declared that the commissioners had rendered themselves liable for damages by dismissing the teachers; and further, that the board itself was a body of trustees, responsible to the people and not independent employers.

The above is reproduced from the “ Daily Witness ”. The case now (Dec. 1910) is coming up on its merits on a suit for damages entered by Mr. Michal for illegal dismissal.

Mr. Justice Demers seems to have laid down the principle that school boards are custodians and administrators of public funds which they can not squander, by paying salaries to teachers who have been dismissed without reason.

Held :—By-laws and resolutions of public corporations ought to be benevolently interpreted by the courts and supported if possible. *City of Montreal vs. Tremblay*. C. B. Q., Montreal, 1906. Sir Alexandre Lacoste, Bossé, Blanchet, Lavergne and Dunlop *Ad hoc* JJ. Bossé, J., dissentiente. J. R., vol. 15, p. 425.

Held :—In the absence of fraud, or of an undue invasion of public rights, or of the wilful infliction of a palpable and manifest wrong, the Superior Court will not use its reforming power to interfere with municipal corporations in matters left by law to their discretion. *Mercier et al vs. The Corporation of the County of Bellechasse*. S. C., Quebec, 1907. McCorkill, J.—J. R., vol. 31, p. 247.

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

7. To make and carry out such regulations respecting hygiene in schools, as are not contrary to those of the Board of Health of the Province of Quebec ;

8. To appoint 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, the manner in which the regulations are observed, the progress of the pupils, 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 their secretary-treasurer, with all instructions, whether special or general, given them by the Superintendent ;

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

11. To keep a register in which shall be entered the minutes of their meetings, which shall be signed by the chairman and by the secretary-treasurer, in accordance with the provisions of article 2707. (*Form 10*).

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

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 ; *

* *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

15. To furnish, if necessary, at the expense of the municipality, text-books to indigent children attending the schools under their control,

16. To pay their teachers at the end of each month of teaching. 62 V., c. 28, s. 215.

§ 10—*Powers of School Commissioners and Trustees respecting the Establishment of School Savings' Banks*

2710. The school commissioners or trustees may, if they think fit, establish savings' banks, called "school savings' banks", within their municipalities.

The Superintendent may make regulations necessary for the administration of such funds, and such regulations shall come into force fifteen days after publication thereof in the *Quebec Official Gazette*. 62 V., c. 28, s. 215a; 9 Ed. VII, c. 33, s. 4.

§ 11.—*Duties of School Commissioners and Trustees respecting Teachers*

2711. The engagement of a teacher shall be for a school year, or to complete a year already begun, or for more than one school year in special cases approved by the Superintendent. 62 V., c. 28, s. 216. *

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.

NOTE.—The regulations referred to in article 2710 may be found in the "Appendix" in this volume. G. W. P.

* *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

2712. The engagement shall be in writing in virtue of a resolution adopted by the school board. 62 V., c. 28, s. 217.

2713. The deed of engagement may be drawn up according to form 19. 62 V., c. 28, s. 218.

2714. In the deed of engagement the school board shall be represented by its chairman or in his absence by the secretary-treasurer. 62 V., c. 28, s. 219.

2715. Engagements of teachers shall be made in triplicate. Within fifteen days from the execution of the deed a copy shall be sent to the Superintendent, another given to the teacher, and the third deposited in the archives of the school board. 62 V., c. 28, s. 220.

2716. The fact that a teacher is a minor shall not affect the validity of his engagement and he may sue and be sued for any purpose connected with such engagement, as if he had attained his majority. 62 V., c. 28, s. 221.

2717. Except in the cases specified in article 2586 or in the regulations of the committee of the Council of Public Instruction, school boards shall employ as teachers only those who are provided with diplomas, on pain of losing their share of the Government grant. 62 V., c. 28, s. 222.

2718. School boards, after having decided by resolution at a regular meeting not to re-engage for the following year a teacher

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. Hallé*. C. R., Quebec, 1881.—Q. L. R., vol. 7, p. 252. and *Demeules vs. The School Commissioners of St. Dominique de Jonquières*. C. R., Quebec, 31 March, 1888.

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; but need not in such notice assign any cause therefor (*Form 20.*) 62. V., c. 28, ss. 223, 225. *

2719. Teachers who have not received the notification mentioned in article 2718 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) *Held* :—A meeting of School Commissioners called for a special purpose by notices which do not mention the purpose is not a regular meeting within the meaning of art. 223 of the School Law.

(3) A meeting of school commissioners which is not attended by all the members thereof and of which notice has not been given at least two days in advance of the date fixed for the said meeting is not a regular meeting within the meaning of art. 223 of the School Law.

(4) A resolution of school commissioners declaring "THAT ALL THE TEACHERS OF THIS MUNICIPALITY, WITH THE EXCEPTION OF MISS.....WHO HAS RESIGNED, BE NOTIFIED THAT THE COMMISSIONERS DO NOT INTEND TO CONTINUE THEIR ENGAGEMENT FOR THE NEXT YEAR" is null because it violates art. 226 of the School Law which forbids the giving of notices of dismissal collectively or simultaneously to teachers.

(5) The failure on the part of a school board to fulfil the obligations arising from the engagement of a teacher gives rise to an action to recover the whole salary agreed upon. From this amount, however, the court may deduct what the teacher has earned, and what she has saved by the closing of the school during the term of engagement. *Lacavalier vs. Les Commissaires d'Écoles pour la municipalité de Ste. Philomène.* S. C., Valleyfield, 1905. St. Pierr, J.—J. R., vol. 27, p. 521.

Held :—(1) That the 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, two months 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 Commissioners of St. Louis de Lotbinière.* C. C., Quebec, 1881. Judge Casault.—Q. L. R., vol. 7, p. 251.

2 of article 2709 may be invoked against them. 62 V., c. 28, s. 224. *

2720. All notices given collectively or simultaneously to teachers by commissioners or trustees, and all agreements made with them, with the view of evading the provisions of the school law or regulations are null. But the commissioners or trustees may, by one resolution, declare that the services of their teachers are not required for the following school year. 62 V., c. 28, s. 226.

2721. Every teacher who does not intend to continue his engagement for the following year, must give notice of his intention to his school board, before the first of May preceding the expiration of his engagement. 62 V., c. 28, s. 227.

ò *Held* :—That a teacher dismissed without notice at the end of his engagement, has a right to his salary for the following year, and the commissioners cannot discharge their obligation by offering him another school. *The School Commissioners of St. George de Clarenceville and Cawfield*. C. Q. B., L. R., vol. 18. p. 297.

* *Held* :—That the notice required to terminate the engagement of a teacher should be given by the secretary-treasurer acting in virtue of a resolution adopted by the school commissioners and entered in the minutes of their proceedings, otherwise the engagement shall continue the following year. *The School Commissioners of St. Dominique vs. Demeules*. C. Q. B., Quebec, 1888. Q. L. R., vol. 15, p. 226.

Held :—That a clause in a teacher's engagement stating that such engagement shall terminate on a certain date is null, and that the two months' notice must always be given. *Walsh vs. The School Commissioners of Tingwick*. C. Q. B., Quebec, 1887.

Held :—(1) That a 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.

Mlle L. Monette vs. School Commissioners of St. François de Salles.

2722. Except in the case provided for in article 2719, no school board need employ a teacher who does not suit them. 62 V., c. 28, s. 228.

§ 12.—*Duties of School Commissioners and Trustees respecting School Property*

2723. It is the duty of the school boards in each municipality :

1. To administer the moveable and immoveable property belonging to their school corporation,

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, repair, and keep in order all school-houses and their dependencies; to purchase or repair school furniture; to lease temporarily or accept the gratuitous use of houses and other buildings, fulfilling the conditions required by the regulations of the committees, for the purpose of keeping school therein ;

4. To associate with themselves, permanently, or temporarily, managers to aid them in matters connected with the administration of school-houses, the erection and repair, heating and cleaning thereof, and the keeping in good order of the property, moveable and immoveable, belonging to their corporation. (*Form 12.*)

5. To have the buildings and furniture belonging to their school corporation insured for at least half of their value. 62 V., c. 28, s. 229.

* The decision in this case was given on the 18th of November, 1910. in the Circuit Court of Montreal, and is not yet reported. Miss Monette taught an elementary school and resided in the dwelling above, receiving a stated salary. For the three years she provided the fuel for both the school and her dwelling and saw to the sweeping of the school-room and to the lighting of the fires.

ir
et
w

ci
w

of
ati
or
mc

ma
62

2
ma

B
not
that
sued
board
J.—C
*

recov
and a
exactl
The S
vol. 11

He
manag
school
and a
The S
J., vol.

2724. With the authorization of the Lieutenant-Governor in Council, given upon the recommendation of the Superintendent, school boards may enter into agreements for school purposes with any person, institution, or corporation. 62 V., c. 28, s. 230.

2725. No school corporation shall, unless otherwise specially provided by law, hold real estate the annual revenue whereof exceeds three thousand dollars. 62 V., c. 28, s. 231.

2726. No school corporation shall, without the approval of the Lieutenant-Governor in Council, upon the recommendation of the Superintendent, hypothecate, or sell, exchange or otherwise alienate, the property belonging to it, or borrow money thereon.

All sales of school property authorized by this article shall be made by auction by the secretary-treasurer, after public notice. 62 V., c. 28, s. 232.

2727. Any school corporation in a city, town or village may, with the authorization of the Lieutenant-Governor in

Her contract did not oblige her to do these things, and indeed could not because of the regulations which forbid. The learned judge decided that the teacher should recover for her expenses and services the sum sued for, viz. \$97.00, and commended the regulations which require school boards to provide for the heating and cleaning of school-rooms. *Lebœuf, J.—G. W. P.*

* *Held* :—That a person who contracts to repair a school-house cannot recover payment, (such payment being due only after the completion and acceptance of the repairs,) if the workmanship and materials are not exactly according to the specifications of the contracts. *Saumure vs. The School Commissioners of St. Jérôme.* C. R., Montreal, 1868.—R. L., vol. 16, p. 214.

Held :—That the office of manager being public and gratuitous, the manager cannot exact remuneration for superintending the repairs of a school-house. Nevertheless he can demand payment for specifications and apportionment which he is not held to do himself. *Fournier vs. The School Commissioners of Ste. Marie de Monnoir.* C. C., 1888, L. C. J., vol. 32, p. 326.

Council, upon the report of the Superintendent, 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.

Such annuities shall include the interest and the portion of the capital which is to be paid yearly to extinguish the debt at the date agreed upon.

Such corporation may, with the authorization of the Superintendent, issue, for the payment of such annuities, debentures maturing every six months or every year until the loan is paid off. 62 V., c. 28, s. 233.

Held:—School commissioners can borrow on their own authority provided they (ne donnent pas en gage ou en mortissement) or do not give a hypothec upon their property. In such case the authorization of the Lieutenant-Governor in Council is required. *Savard vs. Les Commissaires d'Ecole du Cap Santé*. P. 276, vol. 13, J. R.

Held:—(1) School Commissioners have the power, with the approval of the Lieutenant-Governor in council, to borrow money for the purposes which they are, by law, authorized to carry out. They may do so by means of promissory notes to the lender and are under no obligation to issue hypothecary debentures or mortgage bonds.

(2) They can contract for repayment of loans by instalments covering a period of years, provided an annual tax is imposed to meet a sinking fund and interest. It is only when the entire loan and interest is made payable by annuities (*without the issue of bonds or debentures*) that the 4 Ed. VII, c. XIX, sec. 7 (2747 R. S. Q., 1909) requires that they shall not exceed five in number.

(3) When a resolution to borrow a sum for a lawful purpose has been passed by school commissioners in the manner and with the formalities prescribed by law, a second resolution to borrow an additional sum for the same purpose, the first having been found insufficient, will not be set aside, because it does not specify the time for which the loan is made nor the rate of interest. There is a presumption that it is an amendment of the first resolution and that the same delay and rate of interest apply to it. *Cloutier vs. School Commissioners of Château Richer*. C. C., Quebec, 1908. McCorkill, J. R., p. vol.

NOTE.—The words in italics are inserted by me after consultation with Justice McCorkill. They do not appear in the published summary of his judgment, but they render his meaning clearer. G. W. P.

2728. Any school corporation may also, with the authorization of the Lieutenant-Governor in Council upon the recommendation of the Superintendent, borrow moneys and, for such purpose, issue bonds or debentures, 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 term of the loan ;
 4. The rate of interest ;
 5. All other details relating to the issue and to the loan.
- 62 V., c. 28, s. 234 ; 2 Ed. VII. c. 16, s. 4.

2729. Any issue of bonds or debentures made before the first day of July, 1899, and which are in conformity with article 2728, are good and valid. 62 V., c. 28, s. 235.

§ 13.—*Duties of School Commissioners and Trustees respecting School Taxes*

2730. The school commissioners and trustees shall cause to be levied by taxation, in their respective municipalities, the taxes necessary for the support of the schools under their control. 62 V., c. 28, s. 236. *

* *Held* :—A town cannot exceed the limit set to the taxing power conferred on it by its special act of incorporation. The right given it therein to make its own by-laws as provided by the Towns' Corporations Act and by the Municipal Code is subject to the restriction above. A by-law passed by the town under the general acts which involves taxation beyond the limit prescribed by the special act is therefore null and void. *McGuire et al vs. The Town of Waterloo*. S. C., Sweetsburg, 1906. Lynch, J. J. R., vol. 29, p. 189.

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 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.

2731. 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 hypothecary charge upon such property, not requiring registration. 62 V., c. 28, s. 237. *

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 situate 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 a 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*:—The hypothec for school taxes comprises all the expenses of collection, even those incurred in a personal action against the debtor: and the school board can enforce its claim, by hypothec, as against a third party who owns the property upon which the taxes are due, for the said expenses as well as the taxes. *The School Trustees of St. Henry vs. Solomon.* P. 179, vol. 12.—J. R.

Held:—(1) School rates constitute a privileged claim upon immovables (arts. 2009, 2011, C. C.) and are exempt from the formality of registration (art. 2084 C. C.)

(2) Where, under a specific provision of the law, a hypothec exists without registration, a judgment upon the debt does not need to be registered in order to preserve the hypothec, nor does sale purge the property therefrom.

(3) The hypothec also covers interest and the costs of a personal judgment against the debtor, such interest and costs being accessories of the debt (art. 2017 C. C.)

An action and judgment against the principal debtor interrupt the three years' prescription as against those who acquire the property from him. *The School Commissioners for the Municipality of Westmount vs. Pitts et vir.* S. C., Montreal. Davidson, J.—J. R., vol. 24, p. 7.

Held:—A person who acquires land after the imposition of a school assessment upon it, is not personally liable for the payment thereof, although said assessment is a special charge upon such property, bearing hypothec with registration. C. C., Waterloo, 1903. Lynch, J. J. R., vol. 24 p. 4^s

2732. 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 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 corporations in proportion to the number of such children of the religious faith of each. 62 V., c. 28, s. 238.

2733. The following properties are exempt from the payment of school assessments :

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

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

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

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

* *Held* :—That the 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 :
 1. for its produce, the greater part of which is used by the Seminary ;
 2. 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 Québec Seminary.* C. Q. B., 1884.—Q. L. R., vol. 10, p. 335.

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 such institution wishing 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, according to a form to be furnished

â 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 and 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 purpose 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 imposed 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.

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 the exemption from taxation in favor of educational institutions comprises special taxes. *The Seminary of St. Sulpice and the City of Montreal*. Supreme Court of Canada. L. C. J., vol. 23, p. 197. L. N., vol. 12, p. 178.

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 information required by the Superintendent ;

6. All property belonging to or used specially for exhibition purposes by agricultural and horticultural societies. 62 V., c. 28, s. 239.

2734. The Superintendent may authorize the 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 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 such town or village shall not be less than one-half of that imposed upon the said town or village. 62 V., c. 28, s. 240.

2735. 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 shall show that this has been done. 62 V., c. 28, s. 241.

2736. The school commissioners or trustees shall value and tax any parcel of land separated from any land already valued and taxed, or 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 because of the separation of such parcel, or the erection of such building. The commissioners or trustees need not however, make such valuation when the alterations are unimportant. 62 V., c. 28, s. 242.

2737. 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. 62 V., c. 28, s. 243.

2738. The school commissioners or trustees, as the case may be, may also, every year, with the authorization or upon the order of the Superintendent, exempt from school contributions any rate-payer living more than five miles from the nearest school of his religious belief, provided he does not send children to such school, but this provision does not apply to the proprietors of unoccupied lots. 62 V., c. 28, s. 244.

§ 14.—*Duties and Powers of School Commissioners and Trustees respecting Monthly Fees*

2739. School commissioners and trustees shall fix a monthly fee 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 such child from seven to fourteen years of age able to attend school, for the months during which the school in the district is in operation.

In no case shall this fee be collected by the teacher under pain of the nullity of the payment. 62 V., c. 28, s. 245.

2740. In the elementary schools, the fees shall in no case exceed fifty cents per month, nor be less than five cents per month.

They may be higher for pupils attending a model school or an academy. 62 V., c. 28, s. 246.

2741. 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 2743, and for each child from five to seven years, or from fourteen to sixteen years of age who attends the school, 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. 62 V., c. 28, s. 247.

2742. The monthly fee is secured by 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 and in advance, except in municipalities in which the collection of such fee is governed by a special act or by a by-law of the school corporation. 62 V., c. 28, s. 248.

2743. 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. 62 V., c. 28, s. 249.

2744. School boards, in the report which they are bound to send to the Superintendent, shall state the amount of monthly fees fixed for the municipality, and the amount of such fees actually collected. 26 V., c. 28, s. 250.

2745. The Superintendent may refuse the school grant to any municipality whose commissioners or trustees have not fixed the monthly fee or have not collected it. 62 V., c. 28, s. 251.

§ 15.—*Duties of School Commissioners and Trustees respecting School-Houses and School-Lots*

2746. School-houses shall be built in accordance with plans and specifications approved or furnished by the Superintendent. 62 V., c. 28, s. 252.

2747. If it is 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 such purpose, tax either the particular district or the whole municipality, according as one or the other plan has already been adopted in the municipality.

Such tax may be payable by annuities for a term of years not to exceed five.

The plan adopted in the above cases can be changed only by resolution of the school board, approved by the Superintendent, six months after a notice to that effect has been given to the rate-payers, in conformity with article 2787. 62 V., c. 28, s. 253 ; 4 Ed. VII, c. 18, s. 7.

NOTE.—See the decision of Justice McCorkill cited under article 2727 in regard to annuities. Article 2747 is not in conflict with art. 2727. They are intended to apply to widely different conditions. In the rural districts the sums borrowed for the erection of school houses are small and can easily be repaid in five annual instalments from a special tax. In these cases no bonds or debentures are issued at all, but the school board acts under art. 2747.

In towns and cities where the buildings are so much more costly it would be impracticable to pay for them by a special tax extending over five years. In these cases procedure is taken under articles 2727 or 2728, debentures are issued and redeemed from ordinary revenue. G. W. P.

2748. If the assessment is for a model school or academy, the district in which the said school is situated, if it is obliged to bear the tax provided for in article 2747, 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 article 2747. 62 V., c. 28, s. 254.

2749. No assessment exceeding three thousand dollars shall be levied for the purchase or construction of a house for a superior school, academy or model school, nor exceeding sixteen hundred dollars for the purchase or construction of an elementary school-house and its dependencies, unless the school commissioners or trustees are specially authorized by the Superintendent to levy a larger sum for such purposes. 62 V., c. 28, s. 255. *

2750. 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

* *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 Commissioners of Barnston.* C. Q. B., Montreal, 1860.—L. C. J., vol. 4, p. 363 and L. C. R., vol. 11, p. 46.

the imposition of such assessment, appeal therefrom, in virtue of articles 2981 and following, to the Circuit Court of the district or county in which the municipality is situated. 62 V., c. 28, s. 256.

2751. If, after having selected a vacant lot of land as a site for a school-house, or for enlarging the same, the school board cannot agree with the proprietor respecting the price of the site, or if the proprietor refuses to deliver possession of the land required, within the eight days next after application in writing has been made to him, the matter shall be settled by arbitration as follows :

The school board shall appoint an arbitrator, and the owner of the land shall appoint another, within thirty days after the said delay of eight days.

A judge of the Superior Court sitting in the district within which the land is situated, shall appoint the third at the diligence of the parties.

If the board, or the proprietor, do not appoint their respective arbitrators within the prescribed delay, the arbitrators shall be appointed by a judge as above mentioned upon the application of either party.

The arbitrators so appointed shall have all the powers necessary for the summoning, hearing, swearing, and examination of witnesses. 62 V., c. 28, s. 257.

2752. Before proceeding in virtue of article 2751, the arbitrators shall take an oath before a justice of the peace for the district, according to form 1. 62 V., c. 28, s. 258.

2753. The arbitrators shall, within thirty days after the appointment of the one last appointed, make their award, and serve a copy thereof upon each of the interested parties.

The award of the arbitrators shall be 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. 62 V., c. 28, s. 259.

2754. Upon deposit in the hands of the prothonotary of the district in which the expropriated lands are situated, of the compensation awarded, the commissioners or trustees may take immediate possession of the land. 62 V., c. 28, s. 260.

2755. 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 district shall order the payment of such compensation to the party or parties to whom it has been awarded. 62 V., c. 28, s. 261.

2756. If any person opposes 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 person having the necessary power, ordering him to put the commissioners or trustees in possession; which such sheriff, bailiff, or other person shall do, taking with him such assistance as may be necessary. 62 V., c. 28, s. 262.

2757. No property exempt from paying school assessments in virtue of article 2733 can be expropriated for the purposes hereinabove mentioned. 62 V., c. 28, s. 263.

2758. 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 an existing municipality or dis-

trict, the part in which the school-house is situated shall retain the property thereof, but shall refund to the other an amount to be established proportionately to the valuation of the real estate which was taxed for its erection.

The same rules shall be followed when the religious minority declare themselves dissentient; and 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. 62 V., c. 28, s. 264. *

2759. In either of the cases mentioned in article 2758, the school-house and the site upon which it is built shall in case of contestation, be valued by experts as follows : when two school boards are interested, each shall appoint an expert, or if two schools in the same municipality are interested, the school board of such municipality shall appoint the two experts. If the two experts cannot agree, they shall appoint a third. 62 V., c. 28, s. 265.

2760. 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 lot and school-house shall be sold by auction and the price of sale shall be divided between the parties as provided in article 2758. 62 V., c. 28, s. 266; 6 Ed. VII, c. 23, s. 4.

* *Held* :—That a school-house, purchased, or built by the rate-payers of a district, shall, if such district is suppressed by being annexed to another or to others, become the property of the school municipality of which such district forms part after its annexation ; if such school-house is sold, the proceeds shall be paid to the school fund of the municipality, and rate-payers, who contributed for the purchase or construction of said school-house, cannot claim back any portion of the proceeds of sale. *Audy vs. Caron*, Q. L. R., vol. 9, p. 103, and *Jobin vs. The School Commissioners of Charlesbourg*. C. C., Quebec, 1883. Judge Casault.—Q. L. R., vol. 9, p. 312.

2761. The experts appointed in virtue of the preceding articles shall have all necessary powers to summon, swear and examine witnesses. Their award shall be final and shall fix the value of the school-house and the land, as well as the amount of the costs of the valuation and designate the party who shall pay the same. 62 V., c. 28, s. 267.

2762. When the experts have given their award, the school board concerned, shall, 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 an account to the persons interested. 62 V., c. 28, s. 268.

2763. 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 shall extend to all the school commissioners or trustees of the said municipalities. 62 V., c. 28, s. 269.

2764. All school corporations desiring to co-operate, as 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 will 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.

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

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 provided for the election of school commissioners and trustees.

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

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. 62 V., c. 28, s. 270.

2765. 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

t
a
a

tl
tc
62

§

fir
ye
the
suc
tin
the
tee
sch

2
repc
s 27

children of the municipality in which such school is situated. 62 V., c. 28, s. 271.

§ 16.—*Duties of School Commissioners and Trustees respecting Schools for Girls and Boys*

2766. School commissioners or trustees may establish in their municipality girls' schools distinct from those for boys, and each of such schools for girls or for boys shall be considered as a district. 62 V., c. 28, s. 272.

2767. A religious community placing its school under the management of commissioners or trustees, shall be entitled to all the advantages granted by this title to public schools. 62 V., c. 28, s. 273.

§ 17.—*Duties of School Commissioners and Trustees respecting the annual Census of Children*

2768. The secretary-treasurer shall make, between the first day of September and the first day of October of every year, a census of the children of the school municipality, and the school commissioners and trustees shall see that he performs such duty. In such census the secretary-treasurer shall distinguish the children from seven to fourteen years of age, those from five to seven, and those from fourteen to sixteen, showing the number of each of these categories attending school 62 V., c. 28, s. 274 ; 2 Ed. VII, c. 16, s. 5.

2769. School commissioners and trustees shall, in their report, send such census to the Superintendent. 62 V., c. 28, s 275.

2770. Every head of a family, tutor, curator or guardian who refuses to give to the secretary-treasurer the information prescribed by article 2768, or who makes a false declaration, shall be liable to a fine of not less than five nor more than twenty-five dollars. 62 V., c. 28, s. 276.

SECTION V.

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

§ 1.—*Public Notices*

2771. 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 board. 62 V., c. 28, s. 277.

2772. In default of localities indicated by the school corporation, the public notice shall 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 public place in such municipality. 62 V., c. 28, s. 278.

2773. The school corporation may also, by resolution, fix one or more places in the municipality or 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. 62 V., c. 28, s. 279.

2774. The publication of a public notice shall be made at one of the places where the posting must be done under

articles 2771, 2772 and 2773, 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 shall not invalidate the publication of the notice, but the persons who were bound to read it, shall incur a penalty of not less than two nor more than ten dollars. 62 V., c. 28, s. 280.

2775. Every notice which should be published in the newspapers, shall be inserted in those published at least once a week in the county, or, if there be none in the county, in the district in which the municipality giving the same, is situate, 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. 62 V., c. 28, s. 281.

2776. No notice shall be inserted in English and in French in a newspaper published in one of those languages only. 62 V., c. 28, s. 282.

2777. Every public notice calling any public meeting or given for any other object shall 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 title. 62 V., c. 28, s. 283.

2778. The delay upon a notice published in a newspaper shall count from the day of the first insertion of the notice in the paper, and, if the notice is published in several papers on different days, the delay shall count from the first insertion in the newspaper which last published the same. 62 V., c. 28, s. 284.

2779. Except in cases otherwise provided for, public notices shall be binding upon proprietors or rate-payers domiciled out of the municipality, in the same manner as upon residents. 62 V., c. 28, s. 285.

§ 2.—*Special Notices*

2780. Every special notice shall be drawn up in writing in the language of the person to whom it is addressed, unless such person speaks a language other than English or French. 62 V., c. 28, s. 286.

2781. The special notice addressed to any person who speaks neither English nor French or who speaks both languages, shall be given to him in either language. 62 V., c. 28, s. 287.

2782. A special notice shall be served 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 title. 62 V., c. 28, s. 288.

2783. Every special notice addressed to an absent proprietor or rate-payer, who has appointed an agent residing in the municipality, shall be served on such agent.

If an agent, residing in the municipality, has not been appointed by such absent rate-payer, every such notice shall be 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. 62 V., c. 28, s. 289.

2784. No one need give a special notice to any absent rate-payer who has not appointed an agent, unless such rate-

payer has filed his address in writing in the office of the secretary-treasurer of the school board. 62 V., c. 28, s. 290.

2785. A special notice may be served between seven o'clock in the morning and seven o'clock in the afternoon, every day in the year, and even on non-judicial days.

It cannot be served at a place of business except on judicial days and between nine o'clock in the morning and four o'clock in the afternoon. 62 V., c. 28, s. 291; 7 Ed. VII, c. 21, s. 2.

2786. 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 shall be effected by affixing a copy of the notice to one of the doors of such domicile or place of business. 62 V., c. 28, s. 292.

§ 3.—*Notices respecting certain Acts of School Commissioners and Trustees*

2787. 1. The secretary-treasurer of a school board, shall under penalty of a fine of ten dollars, read and post up, in accordance with articles 2771 and following, during the fifteen days following their adoption, the resolutions adopted in the following cases :

(a) When the school board establish new school districts, alter the limits of districts already established, unite two or more districts or separate such districts, fix the location of a school-house, decide to acquire a site for a schoolhouse, or to build, enlarge or repair a school-house or its dependencies ;

(b.) When the school board 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 acquisition and repair of school furniture ;

(c.) When the school board have changed the system of assessment followed in the municipality for the purposes mentioned in paragraph (b) of this article. (*Form 21.*)

2. No resolution passed under the provisions of sub-paragraphs a, b and c, of paragraph 1 of this article shall come into force before thirty days after the publication of the above-mentioned notice. 62 V., c. 28, s. 293.

SECTION VI

TRUSTEES OF DISSENTIENT SCHOOLS

2788. 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. 62 V., c. 28, s. 294. *

2789. 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. 62 V., c. 28, s. 295.

2790. Trustees of dissentient schools alone have the right to impose and collect the taxes to be levied upon the dissentient inhabitants. 62 V., c. 28, s. 296.

* *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.

2791. Whenever the school trustees in two adjoining municipalities are unable to support a school in each municipality, they may unite and establish and maintain, under their joint management, a school situated as near both municipalities as possible, so as to be accessible to both.

In such case, the trustees shall jointly report their decision to the Superintendent, 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. 62 V., c. 28, s. 297.

2792. The trustees shall 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. 62 V., c. 28, s. 298.

2793. If there is no collection roll, or if the assessment imposed does not appear to them a proper one, the trustees may, during the two months following their election, or their appointment, impose a new assessment upon the dissentient inhabitants according to the procedure prescribed by articles 2794 and following. 62 V., c. 28, s. 299.

2794. Trustees may constitute school districts, distinct and separate from the school districts established by the school commissioners. 62 V., c. 28, s. 300.

SECTION VII

SECRETARY-TREASURER OF SCHOOL COMMISSIONERS AND TRUSTEES

§ 1.—*General Provisions*

2795. Every school board shall have an officer called the secretary-treasurer, whom it shall appoint and may dismiss

at pleasure, and whose remuneration it shall fix by resolution. 62 V., c. 28, s. 301. *

2796. In every newly formed municipality, the secretary-treasurer shall be appointed within thirty days after the election or the appointment of the members of the school board. 62 V., c. 28, s. 302.

2797. Every secretary-treasurer, before acting as such, shall make oath faithfully to discharge the duties of his office, and give the security required by article 2802. (*Forms 1 and 11.*) 62 V., c. 28, s. 303.

2798. The secretary-treasurer may reside outside the municipality, but he must have his office in the place where

* *Held* :—A priest who threatens school commissioners of his parish with a refusal of the sacraments if they appoint a specified person as secretary-treasurer renders himself liable to damages to the latter.

(2) He can not in such a case invoke privilege or immunity, unless there has been a refusal on the part of the commissioners to obey a grave moral obligation, e. g. in appointing to such an office a person incompetent from the point of view of morals, and so declared by competent authority. *St. Pierre vs. Beaulieu*. S. C., in revision, Quebec, 1906. Sir F. Langelier, S. C. J., Lemieux and Sir C. A. P. Pelletier, J.J. Reversing the decision of Judge Cimon of June 30, 1906. J. R., vol. 33, p. 385.

Held :—That the secretary-treasurer of a municipality remains in office only during the good pleasure of the council. *Loiseau vs. Lacaille*. C. C., Montreal, 1872. Judge Mackay.—R. C., vol. 2, p. 236.

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

NOTE.—He can of course make special arrangements with the board before undertaking any work not within the scope of his ordinary duties, and receive remuneration therefor. If he does not arrange in advance the presumption is that his salary pays for whatever he has done. G. W. P.

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. 62 V., c. 28, s. 304.

2799. The school board shall also fix by resolution the days and hours during which the office of the secretary-treasurer shall be open to the public. 62 V., c. 28, s. 305.

2800. 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. 62 V., c. 28, s. 306.

2801. Neither the secretary-treasurer nor the assistant secretary-treasurer can be either a member of the school board or a teacher employed by it. 62 V., c. 28, s. 307.

§ 2.—*Secretary-Treasurer's Security*

2802. 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 original of which shall remain with the notary receiving it, or by a bond in the form of a private writing signed and acknowledged before a justice of the peace, or the mayor of the municipality, or by a policy of a guarantee insurance company,

under the provisions of article 2805. 62 V., c. 28, s. 308; 5 Ed. VII, c. 19, s. 2. *

2803. The security by notarial instrument or by bond shall be given by at least two solvent sureties, jointly and severally, to the satisfaction of the chairman of the school board. (*Form 11.*)

A copy of such surety bond shall be sent to the Superintendent within fifteen days after it is executed. 62 V., c. 28, s. 309. †

* *Held* :—That the assured in a guarantee company is obliged to supervise in a rigorous manner the conduct of the employee who is the subject of its assurances, to see that he conforms to the provisions of the law in respect to the keeping and the auditing of his accounts, and in the case of misappropriation to have diligent recourse to the civil or criminal courts.

In default of fulfilling these obligations the assured loses his right of recourse to secure the indemnity stipulated in the policy. *The School Commissioners of the Municipality of the Parish of St. Edward and the Employers Liability Assurance Corporation.* K. B. Montreal, 1907. Taschereau, C. J., Bossé, Blanchet, Trenholme and Lavergne, JJ. Confirming the judgment of Tellier, J., S. C., 1905. J. R., K. B., vol. 16, p. 402.

† *Held* :—The security furnished by the Secretary-Treasurer of a school board and accepted by the Chairman thereof is not null because it was not given by notarial instrument or by a board under private seal signed and acknowledged before a justice of the peace according to the terms of art. 2088 R. S. Q., but this formality being only accidental for the purposes of making proof of authenticity, a security given by private document, not signed and acknowledged before a justice of the peace, is none the less valid as against surety.

(2) Although art. 2089 R. S. Q., (now art. 2803) says that the security is given jointly and severally by at least two solvent sureties, and bond given by one surety alone is none the less valid.

(3) The failure to transmit the bond to the Superintendent is without effect on the validity thereof. (The dissent of Judge Taschereau does not appear to apply to this point.) C. of R., Montreal. Taschereau, Gill, Lemieux, JJ., confirming judgment of Ouimet, J. Judge Taschereau dissentiente : J. R., vol. 18. p. 289.

NOTE.—Notwithstanding the judgment given above the formalities required by the law should be respected. Since the Secretary-Treasurer

2804. Whenever the security is entered into by bond in the form of a private writing, the original thereof shall, within thirty days after its acceptance, 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 be authentic.

For every such copy the registrar may demand and receive ten cents for every hundred words therein. 62 V., c. 28, s. 310.

2805. The security by insurance policy or contract shall be made in favor of the school board, by a guarantee insurance company lawfully constituted, and accepted by the said school board by resolution adopted by them for that purpose.

The insurance premium may be paid by the school board 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 during the fifteen days following the receipt of the said insurance policy. 62 V., c. 28, s. 311.

2806. Such security shall remain in force if the engagement of the secretary-treasurer is continued; but shall be renewed whenever required by the school board. 62 V., c. 28, s. 312.

§ 3.—*The Secretary-Treasurer's Sureties*

2807. The sureties of a secretary-treasurer cannot be members of the school board whereof such secretary-treasurer

is the custodian of the documents belonging to the school board he might have an opportunity and a temptation to destroy the bond which he has signed with his sureties, and it is in view of this fact that the law provides for the deposit of the bond in other hands. G. W. P.

is or was the employee, before being discharged from all obligations arising out of the security bond. 62 V., c. 28, s. 313.

2808. The sureties shall bind themselves, jointly and severally with the secretary-treasurer, towards the school board, 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, in principal, interest, costs, penalties and damages. 62 V., c. 28, s. 314.

2809. Whenever one of his sureties dies, fails or becomes insolvent, or removes his domicile outside the district, the secretary-treasurer shall, as soon as he becomes aware of such fact, notify the same, in writing, to the chairman of his school board, under a penalty of one hundred dollars. 62 V., c. 28, s. 315.

2810. The sureties of the secretary-treasurer may at any time free themselves from the 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 shall be given and served by a notary or by the surety himself in writing delivered in presence of a witness. 62 V., c. 28, s. 316.

2811. The secretary-treasurer shall, within fifteen days after the service of the notice mentioned in articles 2809 and 2810, furnish other security; 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 each infraction. 62 V., c. 28, s. 317.

2812. 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 in the form of a private writing. 62 V., c. 28, s. 318.

§ 4.—*General Duties of Secretary-Treasurer*

2813. The secretary-treasurer, in consideration of the remuneration which he receives, shall perform all the duties imposed upon him by this title. 62 V., c. 28, s. 319.

NOTE.—See the decision and the note given under article 2795. G. W. P.

2814. The secretary-treasurer shall be the custodian of all the registers, books, plans, maps, and other documents produced, filed and kept 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 order of a competent court or of the Superintendent. 62 V., c. 28, s. 320. *

2815. The secretary-treasurer shall attend all meetings of the school corporation and, in accordance with article 2707, shall draw up minutes of all the acts and proceedings thereof, in the book kept for that purpose. 62 V., c. 28, s. 321. †

* *Held* :—That the secretary cannot be compelled to produce in court the documents and registers of the council bearing upon the question in litigation. *Cramp vs. The City of Montreal*. C. Q. B., Montreal, 1877, L. C. J., vol. 21, p. 249. A similar decision in *Workman vs. City of Montreal*. C. C., Montreal, 1876. Judge Torrance.—L. C. J., vol. 20, p. 217.

Judgment upon the interpretation of art. 157 of the Municipal Code.

† *Held* :—That the secretary is not bound to enter at once during the

2816. Copies and extracts, certified by the secretary-treasurer from all books, registers, archives, and other documents, are authentic. 62 V., c. 28, s. 322.

2817. The secretary-treasurer shall collect and have charge of all the moneys of the school corporation. 62 V., c. 28, s. 323. *

2818. 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 by

meeting, in the minute-book the resolution and regulations of the council, but he may write them on loose sheets in order to write them out in full in the minute-book after the meeting. *Martin vs. The Corporation of the County of Argenteuil*. C. C., Ste. Schoolastique, 1884. Judge Bélanger.—L. N., vol. 7, p. 139.

Held :—That any rate-payer may take judicial proceedings to compel a secretary-treasurer to enter in the minutes any resolution that has been regularly passed. *Massue vs. Nadeau and The Corporation of the Parish of St. Aimé*.—Q. L. R., vol. 3, p. 118.

Held :—The secretary-treasurer of a school board should enter in his minutes the names of those present, and if one of the members who is recorded as present leaves the meeting and demands that his departure be mentioned in the minutes it is the duty of the secretary-treasurer to make a note accordingly. He may be compelled by a writ of *Mandamus*. The writ ought, in such a case to be issued against the secretary-treasurer and not against the school board. *Guay vs. Beauchamp*. 9 s., 229.

* *Held* :—That a secretary-treasurer, who had delivered a cheque, receive 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. 34.

Held :—That under our municipal law a Secretary-Treasurer, the custodian of Corporation money, cannot legally divest himself of the same, except in the manner prescribed by the Code ; and that in the present case, although he had paid the same over to the then mayor for safe keeping, he was not thereby relieved from the liability to account to the Corporation. *The Corporation of Melbourne and Brompton Gore vs. John Main et al.*—L. N., vol. 11, p. 394.

resolution of the school board.

If, however, the sum to be paid does not exceed ten dollars, the authorization of the chairman is sufficient. 62 V., c. 28, s. 324.

2819. 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 of the sum therein mentioned. 62 V., c. 28, s. 325.

2820. 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, money belonging to the school corporation. 62 V., c. 28, s. 326. *

2821. The secretary-treasurer shall keep, in the form prescribed, books of account, in which he shall enter, in order of date, each item of receipt and expenditure, mentioning therein the names of all persons who have paid money to him or to whom he has made any payment. 62 V., c. 28, s. 327.

2822. The secretary-treasurer shall keep, among the archives of the school corporation, all vouchers for his expenditure. 62 V., c. 28, s. 328.

* *Held* :—That the secretary-treasurer of a city has not the right to accept a note for municipal taxes. *Dumaine vs. The Corporation of Montreal*.—R. C., vol. I, p. 475.

2823. The secretary-treasurer shall keep a repertory, in which he shall mention, in a summary manner and in the order of date, all reports, acts of apportionment, valuation rolls, collection rolls, judgments, statements, notices, letters, maps, plans, and other documents that he makes or that are in his possession while in office. 62 V., c. 28, s. 329.

2824. 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, shall be open for inspection and examination by any interested party, or his agents, on office days.

Such persons, either themselves or by their agents, may take all notes or copies which they require. 62 V., c. 28, s. 330.

2825. The secretary-treasurer upon payment of a fee of ten cents per hundred words, shall deliver to any person applying for the same, copies of or extracts from any book, roll, register, document, or other paper which forms part of the archives.

He shall, nevertheless, furnish, free of charge, any copy or extract required by the Lieutenant-Governor, the Superintendent, the Council of Public Instruction and its committees, or by the school corporation. 62 V., c. 28, s. 331 ; 4 Ed. VII, c. 18, s. 8.

§ 5.—Accounting by Secretary-Treasurer

2826. Unless otherwise specially provided, every secretary-treasurer shall prepare and submit to his school board, 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. 62 V., c. 28, s. 332.

2827. Each year, during the month of July, the school board shall have the accounts of the secretary-treasurer audited by one or more auditors whom they shall appoint.

Before entering into office, such auditors shall take an oath to conscientiously perform the duties of their office. 62 V., c. 28, s. 333.

2828. As soon as his accounts have been audited under the provisions of article 2827, the secretary-treasurer shall prepare a summary of receipts and expenditure, as well as of assets and liabilities, which he shall afterwards submit to the rate-payers of the municipality at a meeting called by him for the purpose, which he shall call in the same manner as a meeting for the election of commissioner or trustees. 62 V., c. 28, s. 334.

2829. On the Sunday preceding the meeting which he shall call in virtue of article 2828, the secretary-treasurer shall post the summary of his statement of accounts in the manner prescribed by articles 2771 and following, or he shall cause the same to be inserted in a newspaper at least eight days before such meeting, in conformity with article 2775.

He shall furnish to every rate-payer requiring the same, a copy of such summary on payment of the sum of twenty-five cents, or a copy of the statement as approved by the school board, on payment of ten cents per hundred words for each copy. 62 V., c. 28, s. 335. *

* *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.

Held :—That failure to read a regulation does not annul the regulation, but renders the officer charged with reading it liable to the penalty imposed by law. *Parent vs. The Corporation of St. Sauveur*. C. C., Quebec, 1873. Judge Meredith.—Q. L. R., vol. 2, p. 258.

§ 6.—*Examination of the Accounts of a Secretary-Treasurer*

2830. 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, the school commissioners or 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 July preceding, 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 article 2827.

The costs of such audit are 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. 62 V., c. 28, s. 336.

2831. 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 this title or a written notice served upon him by a bailiff who shall make a return of such service, requiring such secretary-treasurer to attend, so as to give all explanations and produce all documents that may be required of him. 62 V., c. 28, s. 337.

2832. If the secretary-treasurer refuses or neglects to comply with the order served upon him, under article 2831, the auditor or auditors shall, nevertheless, proceed to the examination and auditing of the accounts, and shall make and forward their report to the school board, together with a statement of the amount of their costs and expenses. The school board shall, at a regular meeting, adopt the said report, wholly or partly, 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. 62 V., c. 28, s. 338. *

2833. If the auditor's report establishes a deficiency in the accounts, the secretary-treasurer shall, within fifteen days after service, pay the amount found deficient. 62 V., c. 28, s. 339.

2834. If the secretary-treasurer refuses or neglects to comply with article 2833, 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 due, together with all such other sums as the court may order him to pay, including the costs of the prosecution.

Such judgment shall involve coercive imprisonment if the same has been demanded in the action. 62 V., c. 28, s. 340. †

* *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. Grondin*. C. Q. B., Quebec, 1884.—R. L., vol. 13, p. 658.

NOTE :—Under the present reading of the law the board can not adopt any report except at a meeting attended by a quorum. See articles 2526 and 2637. G. W. P.

† *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. *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 *Ouimet vs. Normandin*. C. Q. B., Montreal, 1884.—L. N., vol. 8, p. 11.

2835. All actions or claims against the secretary-treasurer resulting from his administration shall be prescribed in five years from the day on which such actions or claims originated. 62 V., c. 28, s. 341.

CHAPTER FOURTH.

VALUATION OF PROPERTY—SCHOOL TAXES

SECTION I.

VALUATION OF PROPERTY

2836. 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. 62 V., c. 28, s. 342.

2837. 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 custodian thereof, shall, within fifteen days after demand in writing from the chairman or the secretary-treasurer of any school municipality wholly or in part within such municipality, furnish a certified copy of the valuation roll or of that part of it which may be indicated to him, under penalty of a fine of twenty dollars in the case of refusal or neglect. (*Form 13.*) 62 V., c. 28, s. 343.

2838. 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 ten cents per hundred words and fifty cents for the certificate. 62 V., c. 28, s. 344.

2839. The secretary-treasurer of the municipal council shall 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. 62 V., c. 28, s. 345.

2840. 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 2837, the school board shall at once cause a valuation to be made by three competent persons residing in the municipality. 62 V., c. 28, s. 346.

2841. If, in the case mentioned in article 2840, the school board do not proceed to value the property of their municipality, the Superintendent may appoint three competent persons resident in the municipality to make such valuation. 62 V., c. 28, s. 347. *

* *Held* :—The Superintendent, in virtue of articles 347 and 348 of the school law, in the same manner as the Lieutenant-Governor in council, as provided by the municipal code, may appoint three competent persons to make a valuation roll and these valuers are not obliged to give their services gratuitously, but they have a right to remuneration payable by the party in default, in this case by the school commissioners under article 442. *Robert vs. School Commissioners of St. Herménégilde*. C. C., Stanstead, 1901. Choquette, J. S. C. La Rev. de Jur., vol. 8, p. 95.

2842. 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 as in the case provided for in article 2841. 62 V., c. 28, s. 348.

2843. The persons authorized to make the 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 any useful information from the proprietor or occupant. 62 V., c. 28, s. 349.

2844. Any person who interferes with a valuator in the exercise of his duties, or who refuses to give him the information which he demands, shall be liable to a fine of four dollars. 62 V., c. 28, s. 350.

2845. After the completion of the valuation roll, the valuers shall, after having certified to the same before a justice of the peace, deposit it in the office of the secretary-treasurer of the school board for which it is made. 62 V., c. 28, s. 351.*

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

2846. The secretary-treasurer of the school board affected shall then, without delay, give notice, in the manner prescribed by article 2771, that the valuation roll has been deposited in his office, where it will remain during thirty days for examination by those interested. (*Form 14*). 62 V., c. 28, s. 352.

2847. The school commissioners or trustees, shall, during the thirty days that follow the notice given in virtue of article 2846, 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 lands, included or omitted by error. 62 V., c. 28, s. 353. *

2848. 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. 62 V., c. 28, s. 354.

2849. The school board shall, before examining the valuation roll as prescribed in article 2847, inform the rate-payers of the municipality, by public notice, of the day and the hour of the session at which the examination will begin. 62 V., c. 28, s. 355.

* *Held* :—School commissioners can not perform the functions of a court by declaring a valuation roll null and illegal, but they must confine themselves to the performance of the duties assigned to them by article 353 of the school law in relation to amendments of the roll. *Robert vs. School Commissioners of St. Herménégilde*. C. C., Stanstead, 1901. Choquette, J. S. C.—*La Rev. de Jur.*, vol. 8, p. 95.

2850. The school board, during the examination of the valuation roll, shall take cognizance of the written complaints filed at its office, and hear all interested parties present, as well as their witnesses. 62 V., c. 28, s. 356.

2851. After the expiration of the thirty days mentioned in article 2847, the school board may amend the valuation roll when they deem it expedient, after having, by public notice to that effect given eight days in advance, indicated the day and the hour when they will hold the meeting at 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 2847. 62 V., c. 28, s. 357.

2852. Every amendment made to the valuation roll shall be entered on the roll itself or annexed to it on a sheet of paper initialed by the secretary-treasurer. 62 V., c. 28, s. 358.

2853. A declaration, bearing the signature of the chairman and of the secretary-treasurer, attesting the correctness of the amendments if any, and stating their number and also the date on which they were made, shall be inscribed on the roll or be annexed thereto, whereupon the roll shall be *pleno jure* homologated. 62 V., c. 28, s. 359.

2854. The valuation roll shall serve as a basis for the collection roll of the school board, and shall remain in force until the municipal or school authorities have made another according to law. 62 V., c. 28, s. 360.

2855. The valuation roll can be amended only by the authority which ordered its preparation.

But the assessment based on such valuation roll shall be amended only by the school board concerned. 62 V., c. 28, s. 361. *

2856. Every valuator for school purposes 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 such capacity without such qualification shall be liable to a fine of ten dollars. 62 V., c. 28, s. 362. †

SECTION II

SCHOOL TAXES

§ 1.—*Imposition of School Taxes*

2857. School assessments and monthly fees shall be imposed by all school corporations, between the first day of July and the first day of September in each year.

* *Held* :—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 accrued previous to his becoming the proprietor, or *tiers détenteur*, 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 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 Ste. Brigide vs. Murray*. C. C., Iberville, 1886, Judge Chagnon.—R. L., vol. 14, p. 187.

† *Held* :—That a valuation roll made by three volutors 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.

The imposition of such taxes shall not, however, be considered null if made after the delay fixed. 62 V., c. 28, s. 363.

2858. After the imposition of the 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 ordered so to do by the school board. 62 V., c. 28, s. 364. *

Held :—That valuers must proceed strictly according to law, and it can not be said in answer to a petition to set aside a valuation roll, that they have acted in the exercise of their discretion or according to an established practice.

(2) It can not be alleged that the party who contests a valuation roll is acting in the interest of other parties, unless it is also alleged that the petitioner himself is without any interest whatsoever. *W. C. Leitch vs. the Town of Westmount.* S. C., Montreal, 1902. Lavergne, J.—Pract. Rep., vol. 5, p. 225.

* *Held* :—That a collection roll is null, if the valuers 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 valuers 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 valuers. *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 :—(1) That a scholar tax is a school tax within the meaning of art. 290 of the Municipal Code. (2) That the collection roll will be accepted as sufficient proof or the imposition and non-payment of taxes when no issue is raised by a specific plea as to the validity of the imposition of such taxes. *Auclair vs. Poirier.* L. C., J., vol. 28, p. 231.

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. Crépeau.* 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.

2859. If the collection roll, is general, it shall mention in detail, in as many distinct columns, all the taxes, both for assessments and for the monthly fees. 62 V., c. 28, s. 365. *

2860. The secretary-treasurer, after having completed a general or special collection roll, shall announce, by public notice given in conformity with articles 2771 and following, that the roll is deposited in his office, where it may be examined by those interested during the thirty days following the date of such notice ; and that it will be homologated at a meeting of the school board, on a specified date, which must be within the delay of ten days mentioned in article 2861, and that, during the twenty days following the thirty days' delay above mentioned, all rate-payers must pay their taxes at his office without further notice. (*Form 15.*) 62 V., c. 28, s. 366. †

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 assesment.

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 assessments can only be collected from those whose names appear on the assessment roll. *City of Montreal vs. Lyster.*—L. C. J., vol. 31, p. 28.

Held :—That if the collection roll indicates a higher tax for any rate-payer than it should, such roll is not null excepting in regard to the excess. *Dubois vs. The Corporation of Acton Vale.*—Vol. 2, R. L., p. 565.

† *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. Crépeau.* C. R., Quebec, 1885.—Q. L. R., vol. 11, p. 119.

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.

2861. The school board shall, during the ten days following 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 descriptions of lands entered therein, or in the calculations of the taxes imposed, and homologate such roll. 62 V., c. 28, s. 367.

2862. 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. 62 V., c. 28, s. 368.

2863. The school board shall take into consideration all complaints made orally or in writing and hear all interested persons present. 62 V., c. 28, s. 369.

2864. Any amendment made to the collection roll shall be entered upon it, or on a paper annexed thereto, with the initials of the secretary-treasurer. 62 V., c. 28, s. 370.

2865. A declaration indicating the amendments shall be entered upon or annexed to the collection roll, under the signa-

Held :—That the required notice concerning the completion of the collection roll is an indispensable formality. *Patton vs. The Municipality of St. André d'Acton*. S. C., St. Hyacinthe.—L. C. J., vol. 13, p. 21.

Held :—That formalities prescribed by the Municipal Code relative to the collection roll should be strictly observed. *The Corporation of the Village of Chambly Basin, vs. Scheffer*. M. L. R., vol. 1, p. 42.

See also, Matthews and the Mayor, the Aldermen and the Citizens of Montreal. R. L., vol. 1, p. 610.

tures of the chairman and the secretary-treasurer ; after which the said roll shall come into force and the said taxes shall be exigible. (*Form 15.*) 62 V., c. 28, s. 371.

2866. School taxes bear interest after thirty days from the date when they become exigible.

They are prescribed by three years. 62 V., c. 28, s. 372.

§ 2.—*Collection of Taxes*

2867. The local council of any city, town, village or rural municipality, when required by the school board 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. 62 V., c. 28, s. 373.

2868. The secretary-treasurer of the said municipal council shall, so soon as he has collected the school taxes, hand over the entire amount to the secretary-treasurer of the school board to which they belong. 62 V., c. 28, s. 374.

2869. If the school board have not availed themselves of the provisions of article 2867, the secretary-treasurer shall, at the expiration of the delay of twenty days prescribed by article 2860, 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. (*Form 16.*) 62 V., c. 28, s. 375. *

* *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 Bien-*

2870. The service prescribed by article 2869 shall be 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, it shall be effected 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. 62 V., c. 28, s. 376.

2871. The fees to which the secretary-treasurer is entitled for such special notice and for the costs of service shall be fixed by resolution of the school board. 62 V., c. 28, s. 377.

§ 3.—*Seizure of Moveables*

2872. Fifteen days following the service of the notice prescribed by article 2869, the secretary-treasurer may levy

ville vs Gillespie et vir. C. C., Quebec, 1880. Judge Casault.—Q. L. R., vol. 6, p. 346.

NOTE.—Article 2972 R. S. Q., 1909, makes it necessary now to replace the last five words in this decision by the following, "provided the amount does not exceed the lawful jurisdiction of this court." G. W. P.

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

the sums due and costs by seizure and sale of all the goods and chattels of the persons entered on the roll, which may be found within the municipality, saving those which are exempt from seizure. 62 V., c. 28, s. 378; 2 Ed. VII, c, 16, s 6. *

2873. Such seizure and sale, shall be made under a warrant signed by the chairman of the school board. (*Form 17.*) 62 V., c. 28, s. 379. †

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 debtors' 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 notice 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 and L. C. J., vol. 18. p. 182.

† *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 excess 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 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.

2874. The warrant issued for the seizure and sale shall be 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, shall not incur any personal responsibility; he shall act under the responsibility of the school corporation in whose interest the distress is made. 62 V., c. 28, s. 380.

2875. The day and place of sale of the goods and chattels so seized shall be announced by the seizing bailiff by public notice in the ordinary manner.

Such notice shall also state the names and quality of the person whose goods and chattels are to be sold. (*Form 18.*) 62 V., c. 28, s. 381.

2876. 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 same, the bailiff may, by an order of the chairman of the school board, 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. 62 V., c. 28, s. 382.

§ 4.—*Oppositions to the Seizure and Sale of Moveables and Oppositions for Payment*

2877. The party seized upon and any person having a right of property or of pledge in the effects seized may oppose the

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

seizure and sale, the former for any reason mentioned in article 645 of the Code of Civil Procedure, and the latter for any of the reasons mentioned in article 646 of the said Code. 62 V., c. 28 s. 383. *

2878. 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 shall be served upon the bailiff entrusted with the execution of the distress warrant and returned to the office of the Circuit Court of the county or district, or of the Magistrate's Court, within the eight days following the service thereof. 62 V., c. 28, s. 384.

2879. 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. 62 V., c. 28, s. 385.

2880. The opposition shall subsequently be contested, heard and decided, according to the rules of procedure governing oppositions to the seizure and sale of moveables before the court before which it is brought. 62 V., c. 28, s. 386.

alleged that the seizure was illegal and malicious, without making any specific accusation of non-observance of formalities. *Mathews vs. The City of Montreal*. C. Q. B., Montreal, 1870.—R. L., vol. 1, p. 610.

* *Held* :—Where goods belonging to plaintiff, *separée 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. 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.

2881. When the opposition to the seizure and sale is dismissed, the court shall order 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 shall proceed with the sale of the goods and chattels seized, after having given notice in the usual way. 62 V., c. 28, s. 387.

2882. When no opposition to the distribution of the proceeds of the sale of the moveables is made, the bailiff shall return the warrant and his proceedings thereon, and pay over the proceeds of the sale, after deducting the costs of seizure and sale, to the secretary-treasurer, who shall apply such proceeds towards the payment of the school taxes for which the distress warrant was issued. 62 V., c. 28, s. 388.

2883. If opposition is made to the payment of the proceeds of the sale, the bailiff shall pay over the moneys in his hands, after deduction of the costs of seizure and sale, to the secretary-treasurer, who shall receive 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 shall afterwards be contested, heard and decided according to the rules of procedure governing oppositions for payment before the court before which it is brought.

The proceeds of the sale shall be distributed by the court, and paid by the secretary-treasurer according to its order. 62 V., c. 28, s. 389.

2884. If there is any surplus, it shall be paid by the secretary-treasurer to the rate-payer whose goods and chattels were sold. 62 V., c. 28, s. 390.

§ 5.—*Sale of Immoveables for Taxes*

2885. The secretary-treasurer shall prepare, in 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 assessments 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. 62 V., c. 28, s. 391.

2886. Such statements shall be submitted to the school board and be approved by them. 62. V, c. 28, c. 392.

2887. The secretary-treasurer shall, before the twentieth day of December, send the statements mentioned in article 2885, 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. 62 V., c. 28, s. 393. *

* *Held* :—That the corporation that has land sold for taxes, etc., and the corporation of the county that makes the sales at its request, are equally liable toward the buyer, for any illegalities or errors of their respective secretary-treasurers, and that when the two corporations admit such irregularities and the county corporation deposits the price of sale in court, the sale may be annulled, even after the two years have passed since the date of the sale ; that the corporations have no right to the notice required by art. 88 of the Civil Code of Procedure although damages are asked for by the conclusions of an action in warranty. L. C. J., vol. 19, p. 10.

2888. 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 article 2887. *62 V., c. 28, s. 394. **

Held :—That a corporation may be sued in damages for irregularities in the sale of immoveables, for which the sale has been declared null, and that the right to take action exists even after the two years from the date of the sale. *The County Corporation of Beauce and the Corporation of Liniere.* L. C. J., vol. 19, p. 10.

Held :—That the local corporation and the county corporation are jointly and severally liable for the irregularities committed by the secretary-treasurer of the county corporation in proceedings for the sale of lands for taxes. *Atkin vs. The City of Montreal and the Corporation of the County of Hochelaga.* R. L., vol. 14, p. 696.

Held :—That a county corporation which has sold an immoveable is not responsible for the irregularities committed by the local corporation which has caused the sale, when all the proceedings of the county corporation are regular. *Brunet vs. The County Corporation of Hochelaga.* R. L., vol. 1, p. 166.

Held :—That the local corporation which causes the sale of land for taxes, etc., and the county corporation which sells it upon demand of the former, are jointly and severally liable for the illegalities and errors of their respective secretary-treasurers.

That the defendants have not a right to the notice of art. 22 of the Code of Civil Procedure.

That the sale may be annulled even after a lapse of two years. *Bartly and Boon.* C. R., Quebec, 1874,—L. C. J., vol. 19, p. 10.

* *Held* :—That a corporation may be summoned in a cause to defend a rate-payer when it has caused an immoveable to be sold for taxes which were already paid, when the rate-payer who has sold the immoveable to a third party is summoned in warranty by his purchaser who is disturbed in his possession by the purchaser from the municipal corporation, even after the lapse of two years from the municipal auction sale. *Wurtele vs. The Corporation of the Township of Gratham.* R. L., vol. 7, p. 548.

Held :—That the sale for municipal taxes of lots belonging to a resident, advertised and sold by the defendant as the property of a non-resident, is null, and gives no right to the purchaser. Said purchaser on being disturbed has the right to summon the local and county corporation in warranty, even after two years have elapsed since the date of sale ; if the two corporations plead such nullity themselves they must be condemned as warranties to pay each one half the costs. *Bartley vs. Boon and Armstrong Opposant.* Q. L. R., vol. 1, p. 33.

2889. The secretary-treasurer of the county council shall, without delay, pay over the amounts recovered to the secretary-treasurer of the school corporation for which he collected them. 62 V., c. 28, s. 395.

2890. 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 clerk or secretary-treasurer of the municipal corporation of the town or city when not otherwise provided by special statute. 62 V., c. 28, s. 396.

§ 6.—*Collection of Taxes from Corporations and Incorporated Companies*

2891. Subject to article 2898, the school commissioners for any school municipality shall alone have the power of

Held :—That the sale of immoveables made on the authority of the municipal code for the payment of taxes shall be declared null. (1) If at the time of the sale the proprietor was insolvent and his property in the hands of an assignee ; (2) If at the time of the sale a part proprietor had taken proceedings in licitation to bring about a sale and division of the said immoveables. *Armstrong vs. the Building Society*. L. N., vol. 7, p. 51.

Held :—That the prescription of two years for the redemption of land sold for taxes, runs from the date of the sale and not from that of the deed of sale ; that this prescription runs in favor of the purchaser only and not in favor of the corporations that caused the sale to be made, which corporations are always liable before as well as after the two years, for damages resulting from a sale made illegally. *The Corporation of Arthabaska county et al and Barlow*. R. L., vol. 1, p. 759.

Held :—That when a property has been sold for taxes, a person who is not the proprietor who redeems the land and is subrogated in the rights of the purchaser, effects such redemption for the benefit of the actual proprietor ; that he cannot after the expiration of the two years refuse to transfer the property to its proprietor ; that the proprietor, however, cannot force him to return the property without first offering the price paid for the redemption together with interest at fifteen per cent per annum. L. C. J., vol. 29, p. 255.

levying assessments on the real estate of corporations and incorporated companies; but they shall annually pay over to the trustees, if 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 2789.

In a school municipality in which there are two school boards, each board, in levying a special tax, may tax incorporated companies in the same way as other rate-payers under their control, to an amount equal to the amount such board would have been entitled to receive if such tax had been an ordinary tax apportioned in accordance with the first paragraph of this article. 62 V., c. 28, s. 397; 9 Ed. VII, c. 33, s. 5.

NOTE.—In other words the school commissioners divide these taxes between themselves and the trustees in proportion to school attendance. G. W. P.

2892. When the immoveable property of such corporations and companies is within a territory placed under the administration of two corporations of school commissioners of different religious beliefs, established in virtue of article 2590, the corporation 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 municipality. 62 V., c. 28, s. 399.

2893. School commissioners may, by a resolution approved by the Lieutenant-Governor in Council upon the recommendation of the Superintendent, commute for the annual payment of a certain specified sum of money for a number of years not to exceed ten, the school assessments on immoveable property

belonging to any person, firm or incorporated company for carrying on any manufacturing or industrial undertaking within their municipality. 62 V., c. 28, s. 400.

2894. School trustees may, in the same manner as school commissioners, commute their share of such school assessments. 62 V., c. 28, s. 401 ; 9 Ed. VII, c. 33, s. 7.

2895. If the school trustees do not 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 2891, if the commissioners had not commuted their share of the said school assessments. 62 V., c. 28, s. 402.

2896. Unless there be an agreement to that effect, the commutation of assessments shall not apply to any special assessment which may be imposed in virtue of this title. 62 V., c. 28, s. 403.

2897. No religious, charitable or educational institution or corporation shall be assessed, under this title, on the property occupied by them for the objects for which they were instituted. 62 V., c. 28, s. 404. *

* *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, 8 March, 1886.

2898. All property held by any of the institutions or corporations mentioned in article 2897 for the purpose of deriving any income therefrom, shall be assessed by the school board of the religious majority or minority to which such corporations or institutions belong, and for the exclusive benefit of such majority or minority, or in conformity with the declarations which they may make to that effect. 62 V., c. 28, s. 405.

2899. When the religious body to which such corporations or institutions belong, is not defined, or where no such declaration has been made, then the taxes to which they are liable shall be collected in the same manner and have the same destination as those of the properties of other corporations and incorporated companies mentioned in article 2891. 62 V., c. 28, s. 406.

Held :—That the exemption from municipal taxes enjoyed by educational institutions extends to taxes imposed for special purposes, as for the construction of drains, sidewalks, etc. *City of Montreal vs. The Seminary of St. Sulpice*. Supreme Court. L. C. J., vol. 33, p. 197 and L. N., vol. 12, p. 178.

Held :—That where moneys are paid as assessments levied by the City of Montreal, on premises sued for the purposes of a private school which comes within the meaning of 41 Viet., c. 6, s. 20, as an Educational Institution in the City of Montreal, by the person who keeps such school, the said moneys being demanded by the usual notice from the said City, that unless paid within a certain delay execution will issue for the same, and the person from whom the said assessments are demanded pays the amount in ignorance of any exemption in favor of such school, the moneys so paid may be recovered by the party who has so paid them. That where in an action for the recovery of such moneys the plaintiff has omitted to allege that the said moneys were paid through ignorance of facts and of law, and before judgment moves to be allowed to amend by adding such an allegation the Court will grant the motion that such amendment be made. *Haight vs. The City of Montreal*. C. Q. B., Montreal.—L. C. J., vol. 33, p. 13.

NOTE.—The Montreal City Charter, exempts private schools only when they are recognized by the Council of Public Instruction. As this body has no power given by law to "recognize" private schools the exemption is entirely nugatory. For the specific powers of the Council of Public Instruction see art. 2541 R. S. Q. G. W. P.

§ 7.—*Assessment of non-resident Rate-Payers*

2900. 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 proportion thereof as such proprietor may direct. 62 V., c. 28, s. 407.

§ 8.—*Special Assessments for certain Purposes*

2901. Whenever a general or special assessment imposed by a school board in any school municipality, is annulled, such school board shall forthwith, in a summary manner, cause an assessment roll to be made, which new assessment shall have 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. 62 V., c. 28, s. 408.

2902. Every assessment annulled shall be declared invalid for the future only, and shall not affect any judgments already rendered to enforce such payments. 62 V., c. 28, s. 409.

2903. 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, 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 2749; 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. 62 V., c. 28, s. 410.

2904. If 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 be credited with the sums paid on the assessment so annulled. 62 V., c. 28, s. 411.

§ 9.—*Certain executory Proceedings against indebted School Corporations*

2905. The Superintendent may authorize or order special assessments to be levied in any school municipality or district for the payment 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 school municipality or district. 62 V., c. 28, s. 412.

2906. Debts which have been contracted by a municipality, subsequently divided into several municipalities, or the limits of which have been subsequently altered, shall be apportioned by the Superintendent among the several municipalities liable for the same. 62 V., c. 28, s. 413.

2907. Whenever a copy of a 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 call a meeting of the school board which shall then order the payment of the amount due.

If the school board has not sufficient funds at its disposal, it shall apply to the Superintendent for authorization to levy a special assessment to pay the amount of the judgment. 62 V., c. 28, s. 414.

2908. If, for the reasons specified in article 2907, the Superintendent 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. 62 V., c. 28, s. 415.

2909. 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 has not given, within the fifteen days following 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 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 the assessment, wholly or in part. 62 V., c. 28, s. 416.

2910. The court which has rendered the judgment, or a judge of such court, may, on petition, grant to the Superintendent, 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. 62 V., c. 28, s. 417.

2911. The writ of execution, issued under article 2909, shall be addressed and delivered to the sheriff of the district in which the school municipality in question is situated, and shall order him :

1. To levy upon 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 the moveable property of the school corporation, if any, and the real estate belonging to it upon which the judgment creditor may have a privilege or hypothec, and the seizure and sale of which are ordered by such judgment. 62 V., c. 28, s. 418.

2912. If there is no moveable or immovable property belonging to the school corporation to be seized and sold, or, if such property is 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 ordering him :

1. To levy upon the school corporation the whole, or the balance, 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. 62 V., c. 28, s. 419.

2913. The sheriff shall, on payment of the usual fees to the secretary-treasurer or secretary-treasurers 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 exists, he shall make a valuation of the taxable property of the school municipality himself. 62 V., c. 28, s. 420.

2914. 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, shall be added to the amount to be levied. 62 V., c. 28, s. 421.

2915. The sheriff shall 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 shall make a special collection roll in accordance with such apportionment. 62 V., c. 28, s. 422.

2916. The sheriff, after having given a notice similar to that prescribed by article 2860, 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. 62 V., c. 28, s. 423.

2917. 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. 62 V., c. 28, s. 424.

2918. Any rate-payer or other person having a right of property in or a privilege upon the moveables and effects seized, may oppose such seizure or sale or the payment of the proceeds thereof, for the causes, and in the manner mentioned in articles 2877 and following. 62 V., c. 28, s. 425.

2919. 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. 62 V., c. 28, s. 426.

2920. 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 shall not sell the land, but shall forth-

with 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 and the preceding articles. 62 V., c. 28, s. 427.

2921. 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. 62 V., c. 28, s. 428.

2922. After having levied the whole amount set forth in the *alias* writ of execution, with costs and interest, the sheriff shall 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 remains in the hands of the sheriff, he shall pay it over to the school corporation to which it belongs. 62 V., c. 28, s. 429.

2923. All arrears shall belong to the school corporation, and may be recovered in the same manner as ordinary taxes. 62 V., c. 28, s. 430.

2924. The sheriff may obtain from the court any order calculated to facilitate and ensure the execution of the writ addressed to him. 62 V., c. 28, s. 431.

2925. 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. 62 V., c. 28, s. 432.

2926. 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. 62 V., c. 28, s. 433.

2927. 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, 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 the debts due to it, may also be attached and sold in the same manner. 62 V., c. 28, s. 434.

P

pu
int
thebu
in
censch
sch
ord
the
vid
1 G2
a sc

CHAPTER FIFTH

PUBLIC SCHOOL FUND—SUPERIOR EDUCATION FUND—POOR
MUNICIPALITY FUND—ELEMENTARY SCHOOL FUND

SECTION I

PUBLIC SCHOOL FUND

§ 1.—*Application of Public School Fund*

2926. The grant voted annually by the Legislature for public schools shall be payable upon the application of the Superintendent, who shall deposit it in a bank indicated to him by the Lieutenant-Governor in Council. 62 V., c. 28, s. 435.

2929. The sums destined for public schools shall be distributed by the Superintendent among the school municipalities in proportion to their population, according to the then last census. 62 V., c. 28, s. 436.

2930. The Superintendent shall pay 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 such division the share of the school trustees shall be in the proportion provided by article 2789. 62 V., c. 28, s. 437, as amended by 1 Geo. V., c. 20

PUBLIC INSTRUCTION

2931. To have a right to a share of the public school fund, a school corporation must prove :

1. That the school municipality has been under the management of school commissioners or trustees in the manner directed by this title ;

2. That its schools have been in actual operation during the school year ;

3. That each of its schools has been attended at least by fifteen children, except in the case provided for by article 2932, or when epidemic or contagious diseases have prevailed 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 the majority of the school board and by the secretary-treasurer, has been transmitted to the Superintendent, 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, except in the case provided for by article 2586 ;

8. That the teachers have been regularly paid ;

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, have been observed. 62 V., c. 28, s. 438.

2932. If, however, a school corporation have endeavored in good faith to have the law carried out, a share of the school fund may be allowed them. 62 V., c. 28, s. 439.

2933. The Superintendent may refuse the school grant to any municipality in which a school board have not rendered sufficient accounts, accompanied by vouchers, or have refused or neglected to observe any of the provisions of this title. 62 V., c. 28, s. 440.

§ 2.—*Disposal of local School Funds*

2934. In every municipality, all sums of money, which have not been specially appropriated by provision of the donors, vendors, or others, shall 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. 62 V., c. 28, s. 441. *

2935. The school commissioners and trustees may direct the payment, out of the funds of their school corporation, of such expenses as are not specially provided for by this title. 62 V., c. 28, s. 442.

§ 3.—*Disposal of local School Funds in certain Cases*

2936. Whenever the school funds of a municipality have not been completely expended, the surplus shall, at the end of each school year, be deposited in the name of the school corporation, at interest, in a chartered bank. 62 V., c. 28, s. 443.

SECTION II.

[SUPERIOR EDUCATION FUND—POOR MUNICIPALITY FUND

2937. The Superintendent shall, upon the recommendation of the Roman Catholic or Protestant Committee of the Council

* *Held* :—That article 441 which authorizes the expenditure for the purchase of books should be interpreted in the light of paragraph 15, article 215 of the same law, which authorizes commissioners to furnish text-books to indigent children.

The authorization in article 441 to purchase school books is therefore limited to the purchase for indigent children. *Les Commissaires d'Écoles de St. Thècle. vs. Price Bros.* C. C., Three Rivers, 1906. Cannon, J. S. C.

of Public Instruction, as the case may be, annually apportion to and among 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 may be prescribed by the Lieutenant-Governor in Council, and in the proportion approved by him ; provided, however, that if and so long as a special grant is voted by the Legislature for McGill University and the University of Bishop's College, or for either of them, the said universities or the one for which such special grant is voted, shall not participate in said apportionment nor in the apportionment mentioned in article 2943.

Such grants shall be paid by the Provincial Treasurer, on the warrant of the Lieutenant-Governor, to the Superintendent, who shall pay the same to the institutions entitled thereto. 62 V., c. 28, s. 444; 8 Ed. VII, c. 29, s. 1.

2938. The aid granted for the purposes 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 populations of the Province according to the then last census.

The aid granted under such distribution shall be 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. 62 V., c. 28, s. 445.

2939. The Superintendent 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 under, and those who are over, sixteen years of age ;
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, or taught only, free of charge ;
9. The number of books, globes and maps, and the value of any museum and apparatus for physics and chemistry belonging to it. 62 V., c. 28, s. 446.

2940. The Superintendent may in addition require all the information he may think necessary, and, in such case, the report mentioned in article 2939 must contain the same. 62 V., c. 28, s. 447.

2941. To be entitled to a grant, every superior school or educational institution must have been actually in operation at least one year, and have fulfilled all the conditions required by law. 62 V., c. 28, s. 448.

2942. The sum annually voted by the Legislature in aid of poor municipalities shall be distributed by the Superintendent, 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, approved by the Lieutenant-Governor in Council. 62 V., c. 28, s. 449.

2943. 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, 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 those institutions and municipalities. 62 V., c. 28, s. 450.

SECTION III.

ELEMENTARY SCHOOL FUND

2944. The Lieutenant-Governor in Council may cause to be set aside and appropriated for elementary school purposes, two million five hundred thousand acres of public lands, which lands shall be disposed of in such manner, for such prices and under such conditions as may be fixed by the Lieutenant-Governor in Council. 60 V., c. 3, s. 1; 5 Ed. VII, c. 2, s. 1; 8 Ed. VII, c. 4, s. 1.

2945. The moneys arising from the sale or disposal of any portion of the said lands, shall be invested and applied towards creating a capital sum sufficient, at the rate of four per cent. per annum interest, to produce a clear sum of one hundred and eighty thousand dollars annually; such capital and the income therefrom shall form the elementary school fund, and the capital of the said fund shall be invested in federal or provincial debentures or inscribed stock. 60 V., c. 3, s. 2; 5 Ed. VII, c. 2, s. 2; 8 Ed. VII, c. 4, s. 2.

2946. The income of the said fund shall be applied, under the direction of the Lieutenant-Governor in Council, by the

Superintendent, in promoting elementary instruction in poor municipalities, aiding schools for the benefit of the working classes in cities and towns, aiding the establishment by school commissioners, of commercial academies in poor municipalities to the amount of twenty thousand dollars, improving the condition of elementary and model school teachers, supplying school-books, and generally providing for the more efficient diffusion of elementary education throughout the Province, the whole to such extent as the Lieutenant-Governor in Council may order and under such regulations as he may make. 60 V., c. 3, s. 3; 8 Ed. VII, c. 4, s. 3.

2947. For the purposes mentioned in article 2946, until the said elementary school fund produces a net yearly income of one hundred and eighty thousand dollars, there shall be granted to His Majesty yearly, the sum of one hundred and fifty thousand dollars, out of the consolidated revenue fund of this Province. 60 V., c. 3, s. 4; 5 Ed. VII, c. 2, s. 3; 8 Ed. VII, c. 4, s. 4.

2948. So soon as a net annual income of one hundred and eighty thousand dollars shall be raised from the permanent fund, the said grant out of the consolidated revenue fund shall cease; but if, in any year thereafter, the income arising from the said permanent fund, from any cause falls short of the annual sum of one hundred and eighty thousand dollars, then the Provincial Treasurer shall pay, out of the consolidated revenue fund, such sums of money as are, from time to time, required to make up the deficiency; but such sums shall be repaid out of any excess of the income of the said school fund in any year over the said sum of one hundred and eighty thousand dollars. 60 V., c. 3, s. 5; 5 Ed. VII, c. 2, s. 4; 8 Ed. VII, c. 4, s. 5.

2949. All charges for the management and sale of the lands, set apart as mentioned in article 2944, shall be paid out of the moneys derived therefrom, before making any use, for the elementary schools, of the moneys so obtained. 60 V. c. 3, s. 6.

CHAPTER SIXTH.

NORMAL SCHOOLS—FABRIQUE SCHOOLS—COUNTY ACADEMIES

SECTION I.

NORMAL SCHOOLS

§ 1.—*Establishment of Normal Schools*

2950. 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 Province.

Model schools may be conducted in connection with such normal schools. 62 V., c. 28, s. 451.

NOTE.—For the organization of the Normal School for Protestants see the appendix under the title "Macdonald College." G. W. P.

2951. The sum necessary for the establishment and maintenance of normal schools is voted by the Legislature. 62 V., c. 28, s. 452.

§ 2.—*Management of Normal Schools*

2952. Normal schools shall be under the control of the Superintendent and subject to the regulations concerning them. 62 V., c. 28, s. 453.

2953. The principals of normal schools shall, yearly and whenever required so to do by the Superintendent, make a report to him concerning their administration, furnishing a detailed statement of their receipts and expenses. 62 V., c. 28, s. 454.

2954. The professors, directors and principals of normal schools, shall be 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. 62 V., c. 28, s. 455.

2955. 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 made for that purpose by the Committee of the Council of Public Instruction of the religious belief to which such normal school belongs. 62 V., c. 28, s. 456.

2956. The principal of a normal school shall, before admitting any pupil into such school, make him sign, in 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 fulfill the conditions required by the school law and regulations, and to pay, if necessary, the

finances which may be imposed by the Lieutenant-Governor in Council.

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.

The Attorney-General, upon the recommendation of the principal of a normal school, may sue in any competent court 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 called in such suit "the Principal of.....Normal School."

The principal shall account to the Superintendent for all sums collected in virtue of this article, which shall apply also to the recovery of any sum due to normal schools under regulations in force. 62 V., c. 28, s. 457.

2957 The normal schools shall grant diplomas for elementary schools, model schools and academies, and the Superintendent shall grant a diploma of qualification to any pupil of a normal school who has obtained from the principal thereof a certificate establishing that such pupil has successfully followed a regular course of studies therein in accordance with the regulations of the Roman Catholic or Protestant Committee, as the case may be. 62 V., c. 28, s. 458 ; 6 Ed. VII, c. 23, s. 5.

2958. 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 or elementary school under the control of school commissioners or trustees. 62 V., c. 28, s. 459.

SECTION II.

FABRIQUE SCHOOLS

2959. The *fabrique* of any parish, and the school 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 title. 62 V., c. 28, s. 460.

2960. The contribution by any *fabrique* of not less than fifty dollars annually towards the support of any school under the management of school commissioners or trustees, shall entitle the *curé* and church-warden in office to be commissioners or trustees for the management of that school only, if they were not so before. 62 V., c. 28, s. 461. *

2961. 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. 62 V., c. 28, s. 462.

SECTION III

COUNTY ACADEMIES

2962. School commissioners or trustees, as the case may be, of any municipality in any county, counties or parts of

* *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 *curé* and churchwarden in office become *ipso-facto* school commissioners. *Charest vs. Veilleux*. C. Q. B., Quebec, 1881.—Q. L. R., vol. 8, p. 230.

counties, may combine to establish one or more academies therein, by proceeding as follows:

The chairmen of the said school corporations may be appointed academy delegates to represent the said corporations, by resolution adopted for that purpose by each.

The last delegate appointed shall call the first meeting of the delegates by giving a written notice of eight days of the time and place of such first meeting.

At the first meeting, the delegates shall elect a chairman and a secretary.

If the majority of the delegates pass a resolution declaring that it is necessary to establish one or more academies in a county, counties, or parts of counties, a petition to that effect, signed by the chairman and secretary of the meeting, may be forwarded to the Roman Catholic or Protestant Committee, as the case may be, stating the facts of the case.

At the next ensuing meeting of the Roman Catholic or Protestant Committee as the case may be, or at a meeting specially called for that purpose, the said petition shall be taken into consideration, and, if approved by the majority of the members of the committee, shall be delivered to the Superintendent for transmission to the Lieutenant-Governor in Council.

If the Lieutenant-Governor in Council approves 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 academies of parts of counties.

Within the thirty days following the proclamation establishing an academy, the board of delegates shall again meet,

and 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. 62 V., c. 28, s. 463.

2963. 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 article 2962, 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, 62 V., c. 28, s. 464.

2964. 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. 62 V., c. 28, s. 465.

2965. The secretary of the board of delegates may be the secretary-treasurer of a board of academy trustees. 62 V., c. 28, s. 466.

2966. 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 apply 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. 62 V., c. 28, s. 467.

2967. To provide for the building and maintenance of any county academy or academy of parts of counties, the Roman Catholic or Protestant school boards 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 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. 62 V., c. 28, s. 468.

2968. The school boards shall be jointly and severally responsible for the payment of the sums mentioned in article 2967, and shall pay the said sums to the said academy trustees by equal semi-annual payments on the first juridical days of January and of July in each year. 62 V., c. 28, s. 469.

2969. 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 arrears for such fees, shall be permitted to attend such academy. 62 V., c. 28, s. 470.

2970. Each academy fulfilling the conditions of the preceding articles, and conforming to the regulations in respect to academies adopted or which may be 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. 62 V., c. 28, s. 471.

d
st
2b
C
tl
-sa
no
fr
ofpc
in
S.an
a
wl
ju
im
Co
ricof
de
Me

CHAPTER SEVENTH

PROSECUTIONS—PENALTIES—APPEALS

SECTION I.

PROSECUTIONS

2971. Any school board may institute such suits as they deem necessary for the recovery of sums due, for school assessments, monthly fees and for arrears thereof. 62 V., c. 28, s. 472. *

2972. All suits, instituted under article 2971, 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 such courts. 62 V., c. 28, s. 473. †

* *Held* :—That in a suit for arrears of municipal taxes, it is not necessary to produce the original collection rolls, and that proof of the public notice required by art. 960 of the Municipal Code and of true abstracts from the collection roll are sufficient. *The Corporation of the Township of Acton vs. Felton et al.* C. R., Montreal,—L. C. J., vol. 24, p. 113.

Held :—That in an action for taxes the legality of the existence of a corporation established *de facto* for several years can not be put in question incidentally. *The School Commissioners of the Village of Lauzon vs. Davie.* S. C., Quebec. Q. L. R., vol. 16, p. 290. Cite this in con with dissent.

† *Held* :—In a suit in the Superior Court, claiming municipal taxes to an amount exceeding \$100.00, accompanied with a demand for school taxes, a declinatory exception asking the dismissal of that portion of the demand which is for school taxes, on the ground that the Circuit Court has exclusive jurisdiction, will be maintained, notwithstanding art. 170 C. C. P., it being impossible in such a case to transmit the whole record to the Circuit Court. *Corporation of Township of Dudswell vs. Quebec Central Railway Co.* Superior Court, Sherbrooke, 1898. Judge White.—J. R., vol. 29, p. 116.

Held :—An action can not be taken in the Superior Court for the recovery of taxes even when future rights are involved. *Les Commissaires d'Ecole de la Cité de St. Henri vs. la Cité de St. Henri.* C. S., Montreal, 1898. Judge Mathieu. J. R., vol. 14, p. 144.

2973. Every action shall be brought in the name of the school corporation, in virtue of a resolution adopted for that purpose. 62 V., c. 28, s. 474. *

Held :—That school taxes cannot be sued for in the Superior Court. *The 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.

i *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 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. *Daudelin vs. The School Commissioners of St. Jude*. S. C., St. Hyacinthe, 1876. Judge Sicotte.—R. L., vol. 7, p. 433.

Held :—That the chairman of school commissioners, prosecuting in the name of the corporation, is not obliged to allege in his declaration that he has been authorized to prosecute; it suffices to produce this authorization if objection is made by the opposite party.

The school commissioners of Sts. Anges and Augustin vs. St. Hilaire. C. Q. B., Quebec. R. L., vol. 19, p. 474, and the Sc. Com, of *St. Norbert vs. Crépeau*. C. R., Quebec, Q. L. R., vol. 11, p. 19.

* *Held* :—An action taken by school commissioners to compel a secretary-treasurer to surrender the books of the board, should be accompanied by a resolution passed by them for the purpose of authorizing such action.

(2) Art. 474 of the school law requiring that actions shall be brought in virtue of a resolution to that effect is imperative and if such a resolution is not alleged, or produced, an exception to the form based on this defect will be maintained. *Commissaires d'Ecoles de St. Croix vs. Lemay*. S. C., Quebec, 1908. Lemieux, J. J. R., 33, p. 257.

SECTION II.

PENALTIES

2974. Every person lawfully called upon to accept any office or perform any functions under this title, who refuses to accept or neglects to perform the same, or who, in any way, wilfully contravenes the provisions of this title, or of the regulations thereunder, shall, for each such offence, incur a penalty of not less than five dollars nor more than ten dollars. 62 V., c. 28, s. 475.

2975. Any school commissioner, trustee, secretary-treasurer or other person making 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 title, shall restore the money so obtained, and shall also incur a fine of not less than ten dollars nor more than forty dollars.

If such fine is not paid within ten days after judgment, it shall 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 due. 62 V., c. 28, s. 476. †

Held :—That in any action taken under the provisions of art. 125, chap. 15 of the R. S. of L. C. (art 2974 R. S. Q., 1909) 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. 62.

† *Held* :—That the secretary-treasurer of a board of school commissioners, who makes a false report in order to obtain the government grant, may be prosecuted by any citizen interested in the proper administration of the schools and be condemned to pay a fine not exceeding forty dollars nor less than ten dollars. *Pacaud vs. Roy*. C. Q. B., Quebec, 1866.—L. C. J., vol. 12, p. 65.

2976. Any school commissioner, trustee, or secretary-treasurer, after dismissal or retirement from office, or any other person, who 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, 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, 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 second paragraph of this article 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 above-mentioned.

Before suing for such fine, notice shall be given by the Superintendent 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.

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, or any of them, until he has conformed to the judgment. 62 V., c. 28, s. 477. *

* *Held* :—That a secretary-treasurer of a school municipality who has been dismissed from his office does not incur a penalty by his refusal to carry the archives and other objects of which he was the depository to his successor when the latter lives in a neighboring municipality and has no office in the school municipality. But he must transmit these things

2977. Every person, who voluntarily troubles, disturbs or interrupts any school or educational institution by indecent, improper or insulting expressions or conduct, or by making any noise in or near such school or educational institution so as to disturb the classes or the school, shall be liable to a fine not exceeding twenty dollars and costs, or thirty days' imprisonment, or to a fine and imprisonment at the same time. 62 V., c. 28, s. 478.

2978. Except when otherwise provided by this title, any suit for the recovery of a fine shall be taken before the Circuit Court, or the District Magistrate's Court. 62 V., c. 28, s. 479.

2979. Except in the case specified in article 2976, any person whose duty it is to carry out the provisions of this title or who is qualified to vote at an election of school commissioners or trustees, may sue in his own name for the recovery of the fines imposed in virtue of this title. 62 V., c. 28, s. 480.

2980. The amount of every fine 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. 62 V., c. 28, s. 481.

SECTION III.

APPEALS

2981. An appeal or recourse lies to the Circuit Court of the county or district or to the Magistrate's Court :

to his successor, without previous notice, when occasion offers, e.g., when his successor comes to his house after his dismissal, and his neglect to do so will give right to an action. *Ouimet vs. Migneault*. C. R., Quebec.—Q. L. R., vol. 15. p, 333.

When the school commissioners or trustees have :

- (a) Selected a school site or decided upon rebuilding a school ;
- (b) Established a new district ;
- (c) Altered the limits of a district already existing ;
- (d) United or separated two or more districts ;
- (e) Levied a special tax in virtue of the provisions of article 2747 ;
- (f) Refused to perform any of the duties which they may or should perform in virtue of articles 2605, 2610, 2723, 2746, 2747, 2748, or 2749. 62 V., c. 28, s. 482 ; 2 Ed. VII, c. 17, s. 1 ; 3 Ed. VII, c. 14, s. 1. *

2982. 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 2787 in the cases in which such notice is required ; or

(b) If the school commissioners or trustees refuse or neglect to perform a duty or to exercise a power mentioned in articles 2605, 2610, 2723, 2746, 2747, 2748, or 2749, 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 or trustees have not granted the application of such rate-payer. 62 V., c. 28, s. 483.

2983. The appeal or recourse shall be brought or exercised by means of a notice served by a bailiff upon the secretary-treas-

* *Held* :—When the notice of appeal in a school matter is based upon the refusal of the school board to act, appeal will not be dismissed on a motion because of a lack of *mise en demeure*.

But the plaintiff shall upon the motion for the school board for details in regard to the *mise en demeure* be obliged to declare where, when, how, and by whom the school board was put *en demeure* to maintain a school in certain district. Vo. 3, p. 249. Q. P. R.

urer of the school board interested in the suit, personally or at his office or domicile. 62 V., c. 28, s. 484.

2984. 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. 62 V. c. 28, s. 485.

2985. Within ten days after the service of the notice, all the documents concerning the matter must be filed at the office of the court, at ten of the clock in the morning, by the secretary-treasurer of the school board, under a penalty not exceeding twenty dollars, which may be imposed in open court. 62 V., c. 28, s. 486.

2986. As soon as the ten days mentioned in article 2985 have expired, the case shall 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. 62 V., c. 28, s. 487.

2987. The case shall be heard by privilege. 62 V., c. 28, s. 488.

2988. 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 powers respecting which recourse shad. 62 V., c. 28. s. 489. *

* *Held* :—That the Superintendent may on a regular appeal to him, order something different to be done from what was asked of him in the petition. *Martel vs. The School Commissioners of St. Raymond*. S. C., Quebec. Judge Casault. Q. L. R., vol. 14, p. 148.

See also, *The Commissioners of St. Valier and Bouchard*. L. C. J., vol. 19, p. 276.

2989. 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 what it is bound to do. 62 V., c. 28, s. 490.

2990. The execution of the decision of the school commissioners or trustees appealed from, shall be suspended until the judgment on the appeal is rendered. 62 V., c. 28, s. 491.

2991. The costs of the appeal or the recourse shall be in the discretion of the court or judge and shall be taxed against either party 62 V., c. 28, s. 492.

NOTE.—This decision was given when such appeals were referred by law to the Superintendent. The principle applies now as well as then.—G. W. P.

A school board having decided to repair a school-house changed its intention on the representations of a certain number of rate-payers and resolved to rebuild on another site. Other rate-payers opposed the rebuilding and in consequence the board reverted to its first intention of repairing the old house and retaining the old site. The Court on proof that it was in the public interest to rebuild on another site, instead of repairing, held that it had jurisdiction under art. 489 to render such decision as the board should have originally rendered. Accordingly the Court annulled the resolutions providing for repair and re-established the resolutions calling for a new building on a more suitable site. *Beandoin et al vs. School Commissioners of Ste. Anastasie de Nelson*. C. C., Arthabaskaville, 1902. Choquette J.—*La Rev. de Jur.*, vol. 8. p. 519.

CHAPTER EIGHTH

PENSIONS OF OFFICERS OF PRIMARY INSTRUCTION

SECTION I.

PENSIONS OF OFFICERS

2992. Every person who is fifty-six years of age, and who has been employed as an officer of primary instruction, during

a term of twenty years or upwards, is entitled to an annual pension, based upon the average salary received by him during the years he taught, and for which he has paid the stoppages.

Such person may, however, discontinue teaching at the age of fifty years, but he cannot begin to receive his pension until he is fifty-six years of age. 62 V., c. 28, s. 493 ; 6 Ed. VII, c. 23, s. 6.

2993. The pension of every male officer of primary instruction, except in the case provided for by article 3017, shall be two per cent. of the average salary, for each year of service up to thirty-five years.

The pension of every female officer of primary instruction, except in the case provided for by article 3017, shall be three per cent of the average salary for each year of service up to thirty-five years ; provided, however, that such pension shall not exceed ninety per cent of the average salary which she received during the ten years when her salary was the highest, nor, in any case, the amount fixed by article 2994.

The pension of no officer of primary instruction shall in any case be less than seventy-five dollars.

The two last preceding paragraphs shall apply to every female officer of primary instruction, who shall have retired on or before the 1st day of July, 1911.

The pension of every officer of primary instruction who has contributed to the pension fund for more than thirty-five years shall be based on the average salary of the thirty-five years when his salary was highest ; provided, nevertheless, that in the case of an officer of primary instruction to whom the second paragraph of this article applies, such pension shall not exceed ninety per cent of the average salary for the ten years during which he received his highest salary, and, in no case shall exceed the

amount fixed by article 2994. 62 V., c. 28, s. 495 ; 9 Ed. VII, 33, s. 9. 1 Geo. V, c. 27.

2994. For the purposes of this chapter no pension shall exceed eight hundred and five dollars a year, except that any officer of primary instruction who, by reason of his age, the length of his services, and the previous payment of stoppages, was entitled, on the first day of July, 1899, to a higher pension, shall not suffer any diminution in his pension, owing to this article ; the amount of his pension which shall exceed the pension that may be allowed under this article, shall be paid annually out of the capitalized pension fund. 62 V., c. 28, s. 495 ; 9 Ed. VII, c 33, s. 9

2995. After twenty years' service, every officer of primary instruction, whatever be his age, may receive a pension when a serious accident, 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 repaid the sums which he paid into the pension fund, without interest. But any officer who, after having been so repaid 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 five years next after his again taking up teaching. Such repayment may be made in five equal and annual payments.

In case of the officer's death during the said term of from ten to twenty years of service, the repayment shall be made to the legal heirs of the deceased. 62 V., c. 28, s. 496 ; 3 Ed. VII, c. 15, s. 1 ; 6 Ed. VII, c. 23, s. 7.

2996. If an officer applies for leave to retire owing to enfeebled health or serious illness, such infirmities and the cause thereof shall be established by 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. (*Form 23.*) 62 V., c. 28, s. 497.

2997. The physicians' certificates, prescribed by article 2996, shall be prepared according to form 23, and verified under oath before a justice of the peace or any other person authorized to receive an oath. 62 V., c. 28, s. 498.

2998. Such pension shall be stopped from the moment the cause which gave rise to it has ceased to exist.

So soon as the administrative commission of the pension fund has decided that the cause which gave rise to the pension has ceased to exist, notice shall be immediately given to the pensioner that the payment of the pension will be discontinued at the expiration of a year from the month of July following the sending of such notice.

The pension shall be again granted to the person from whom it was taken under this article, if he again becomes entitled thereto. 62 V., c. 28, s. 499 ; 2 Ed. VII, c. 18, s. 1.

2999. The time passed in teaching since the teacher has reached the age of eighteen years, shall be included in the years of service, when the amount of the pension is fixed. 62 V., c. 28, s. 500.

3000. The years, during which officers of primary instruction have taught outside of the Province, cannot be counted among those which entitle them to a pension. 62 V., c. 28, s. 501.

3001. 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 officer during the last five years preceding his application, and that he has complied with the other provisions of this title. 62 V., c. 28, s. 502.

3002. 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. 62 V., c. 28, s. 503.

SECTION II.

PENSION OF WIDOWS OF OFFICERS

3003. The widow of an officer of primary instruction who has died between the twenty fourth of July, 1880, and the first of July, 1886, after having paid his stoppages under 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. 62 V., c. 28, s. 504.

3004. Such half-pension shall be allowed to the widow of an officer of primary instruction dying after the first 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, and if such sum has not been paid in due time the officer may pay it on or before the thirtieth day of June, 1913; nevertheless the latter stoppage exacted shall be only for the years during which the officer was married. 62 V., c. 28, s. 505 ; 9 Ed. VII, c. 33, s. 10.

3005. For the years previous to the twenty-fourth 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 his widow's pension during each of the first three years.

Such sums shall also form part of the capital. 62 V., c. 28, s. 506.

3006. In order that a widow of an officer of primary instruction shall be entitled to a pension, the said officer must have paid, during at least six years before he ceased teaching, the stoppages prescribed by article 3004. 62 V., c. 28, s. 507 ; 7 Ed. VII, c. 22, s. 1.

3007. The widow is not allowed to pay the stoppages which her husband neglected to pay into the pension fund. 62 V., c. 28, s. 508.

3008. The widow of an officer of primary instruction claiming the pension, shall furnish, in addition to the vouchers which her husband would have been obliged to produce :

- a. Her certificate of birth ;
- b. The burial certificate of her husband ;
- c. Her marriage certificate. (*Form 24*). 62 V., c. 28, s. 509.

SECTION III.

INSTALMENTS AND STOPPAGES

3009. Any officer of primary instruction, who, before the first of July 1913, paid into the pension fund the stop-

pages required by this chapter, for the years of service immediately preceding the twenty-fourth of July, 1880, may count the said preceding years of service to establish his right to a pension. 62 V., c. 28, s. 510; 9 Ed. VII, c. 33, s. 11.

3010. The stoppages upon the salaries of officers of primary instruction for the years previous to the twenty-fourth 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 twenty-fourth of July, 1880, must be paid before the first of July 1913; 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 shall not form part of the yearly revenue of the pension fund, but shall be placed in the capital fund. 62 V., c. 28, s. 511; 9 Ed. VII, c. 33, s. 12.

3011. The officers of primary instruction, who, between the twenty-fourth of July, 1880, and the first July, 1886, paid the stoppages required by the act 43-44 Victoria, chapter 22, for their years of service previous to the twenty-fourth of July, 1880, are entitled to interest, at the rate of five per cent per annum upon the sums so paid 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. 62 V., c. 28, s. 512.

3012. The pension fund of officers of primary instruction is made up of :

1. A reduction or stoppage of not less than two per cent nor more than four per cent., per annum, from the salary of every officer and of every layman teaching without a diploma in

schools of commissioners or trustees or in those subsidized by them or by the Government, except professors of music, drawing, or other specialties of that nature ;

2. A deduction 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 twenty-two thousand dollars from the Government of the Province. 62 V., c. 28, s. 513 ; 6 Ed. VII, c. 23, s. 8 ; 9 Ed. VII, c. 33, s. 13. 1 Geo. V, c. 27.

3013. The total amount of such stoppages and grants, made from the twenty-fourth of July, 1880, to the first of July, 1886, shall be deposited with the Provincial Treasurer, and converted into provincial or Dominion bonds, at the current price of such bonds, and capitalized for the benefit of the pension fund of officers of primary instruction. 62 V., c. 28, s. 514.

3014. 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 shall be held in trust by the Provincial Treasurer for the purposes of this chapter. 62., c. 28, s. 515.

3015. If the interest on the said capitalized fund and the total of the different stoppages and grants do not suffice to pay pensions applied for, the stoppages from the salaries of the officers of primary instruction, and from those of any other laymen teaching in schools under control or subsidized, may be increased to four per cent., the maximum rate of the stoppages. 62 V., c. 28, s. 516.

3016. Every excess of receipts over expenditure in the pension fund shall be first employed in paying the deficits of previous years, if any, and then to proportionately increase the pensions of the male pensioners who have a pension of less than three hundred dollars ; provided, however, that no such pension shall be increased more than fifty per cent nor when so increased exceed three hundred dollars, and the balance shall be placed with the Provincial Treasurer in trust for the purposes of this title. 62 V., c. 28, s. 517 ; 9 Ed. VII, c. 33, s. 14.

3017. If the stoppages and grants are 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. 62 V., c. 28, s. 518.

3018. The portion of the pension fund established by the act passed on the twenty-second 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 pensioners, shall be paid into the pension fund established by this chapter, so that the whole shall be so paid in when the last of such officers dies. 62 V., c. 28, s. 519.

3019. The Superintendent shall retain, 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 chapter; 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.

For the same purposes also, a deduction shall be made from the salaries of all other officers of primary instruction paid

directly by the Department of Public Instruction. 62 V., c. 28, s. 520 ; 6 Ed. VII, c. 23, s. 9.

SECTION IV.

PAYMENT OF PENSIONS

3020. The pension in the case of any 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 3003 and following, from the day following the decease of her husband. 62 V., c. 28, s. 521.

3021. All pensions shall be paid half-yearly ; but if an officer dies without leaving a widow entitled to receive a pension, his heirs shall be entitled to receive his pension for the current six months. 62 V., c. 28, s. 522.

3022. Every officer of primary instruction, who has resigned his office, or whose diploma or commission has been cancelled for any cause 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. 22 V., c. 28, s. 523.

3023. 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. 62 V., c. 28, s. 524.

3024. 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 to whom he must apply therefor, shall not forfeit his right to a pension, provided he regularly pays the stoppages on his salary.

An officer of primary instruction who has taught in a private school without the authorization of the Superintendent, and without paying stoppages, may, before the 2nd day of July, 1913, pay as follows, a stoppage of five per cent for the years before 1910 and 1911 and have them counted for the purposes of his pension.

Two-fifths of the total amount of the stoppages for the said previous years shall be paid before the second day of July, 1913, and one-fifth of the total amount of such stoppage shall be deducted from the yearly pension of such officer during the first three years of his retirement.

The sums so stopped shall not form part of the yearly revenue of the pension fund, but shall be added to the capital thereof. (*Form 25.*) 62 V., c. 28, s. 525. 1 Geo. V, c. 27.

3025. All claims for pensions must be made before the first of November of each year ; pensions claimed after that date shall only be paid the following year. (*Form 22.*) 62 V., c. 28, s. 526.

SECTION V.

VALUATION OF SALARIES

3026. 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, who may order an enquiry for such pur-

pose, in accordance with the laws respecting education. 62 V., c. 28, s. 527.

3027. Officers of primary instruction may, in addition to the specific salary agreed upon between them and their school board 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 carry on at the same time any other profession, trade or business, the benefits they derive therefrom shall not be included in such valuation. 62 V., c. 28, s. 529.

3028. The valuation of the benefits so derived by officers of primary instruction shall be made by the school inspectors of the district, shall be certified to be correct, and shall be revised by the administrative commission. 62 V., c. 28, s. 530.

3029. School boards or administrative bodies, employing officers of primary instruction, shall 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. 62 V., c. 28, s. 531.

3030. 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 cities or towns, one hundred dollars,—in country municipalities, thirty dollars ;

For a model school :—in cities or towns one hundred and fifty dollars,—in country municipalities, fifty dollars ;

For an academy :—in cities or towns, two hundred dollars,—in country municipalities, seventy-five dollars. 62 V., c. 28, s. 532.

SECTION VI

ADMINISTRATIVE COMMISSION

3031. The pension fund for officers of primary instruction shall be administered by an administrative commission consisting of the Superintendent 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 shall be gratuitous, but their travelling expenses shall be paid out of the pension fund.

Such delegates shall remain in office until they are replaced by those who appointed them.

The commission shall appoint its secretary. 62 V., c. 28, s. 533.

3032. In case of absence, through illness or other 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 of the Provincial Association of Protestant teachers, as the case may be, to which he belongs. 62 V., c. 28, s. 534.

3033. The administrative commission shall determine all questions connected with the pension fund and pensioners, and its decision shall be final. 62 V., c. 28, s. 535.

3034. The minutes of each meeting of the administrative commission shall be published in the English and French journals of education in the Province. 62 V., c. 28, s. 536.

3035. The administrative commission shall make all regulations which it may deem necessary for carrying out this chapter 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 force of law for the purposes of this chapter. 62 V., c. 28, s. 537.

SECTION VII.

MISCELLANEOUS

3036. The accounts of the pension fund shall be kept by the Department of Public Instruction, certified yearly by the Provincial Auditor, and published in the report of the Superintendent. 62 V., c. 28, s. 538.

3037. The school inspectors, whenever they make their official inspection, shall visit, at least once a year, the pensioners in their respective districts, and report to the Superintendent every year, before the month of November, upon the state of the health of the pensioners, and as to their right to receive a pension.

They shall also mention 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. 62 V., c. 28, s. 539.

3038. Pensions shall not be assignable nor liable to seizure. 62 V., c. 28, s. 540.

3039. This chapter does not apply to teachers receiving pensions before the first of July, 1886. 62 V., c. 28, s. 541.

CHAPTER NINTH

TEACHING OF DRAWING, HYGIENE AND AGRICULTURE—
SCHOOL LIBRARIES—SCHOOL BOOKS—SCHOOL
EXHIBITIONS

SECTION I.

TEACHING OF DRAWING, HYGIENE AND AGRICULTURE IN SCHOOLS

3040. Drawing and hygiene shall be taught in all schools, and agriculture in all schools in rural municipalities. 62 V., c. 28, ss. 542, 543, 544.

SECTION II.

SCHOOL LIBRARIES

3041. The Lieutenant-Governor in Council, may order that a sum, not exceeding two thousand dollars, be appropriated annually, or during a certain number of years, out of the Superior Education Fund, to aid 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.

Such aid shall be given in money or in books, upon the conditions deemed expedient by the Lieutenant-Governor in Council. 62 V., c. 28, s. 545.

3042. School corporations may, for the establishment and maintenance of libraries, appropriate any sum of money whatever, and, with the authorization of the Superintendent, 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 Com-

mittee, 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 in the *Quebec Official Gazette*. 62 V., c. 28, s. 546.

SECTION III.

SCHOOL BOOKS

§ 1.—*Acquisition of Books, Maps, &c.*

3043. The Lieutenant-Governor in Council may acquire, for the Province, the copyright of books, maps and other publications approved by either committee of the Council of Public Instruction. 62 V., c. 28, s. 547.

§ 2.—*Free Distribution of School Books*

3044. The Lieutenant-Governor in Council may distribute, free of charge, to pupils in schools, under the conditions which may be imposed, books, or series of books, maps, and other publications selected from among those that have been approved by either committee of the Council of Public Instruction in accordance with article 2549. 62 V., c. 28, s. 548.

SECTION IV.

SCHOOL EXHIBITIONS

3045. The Lieutenant-Governor in Council may, on the report of the Superintendent, 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*. 62 V., c. 28, s. 549.

CHAPTER TENTH.

EDUCATION AS REGARDS PERSONS PROFESSING THE JEWISH RELIGION

3046. Any provision to the contrary notwithstanding, in all the municipalities of the Province, whether governed, as regards schools, by this title or by special laws, or by this title and by special laws, persons professing the Jewish religion shall, for school purposes, be treated in the same manner as Protestants, and, for such purposes, shall be subject to the same obligations and shall enjoy the same rights and privileges as the latter. 3 Ed. VII, c. 16, s. 1.

3047. In every municipality in the Province, persons professing the Jewish religion shall pay their school taxes to or for the benefit of the school corporation in such municipality which is under the control of the Protestant Committee of the Council of Public Instruction, and if there is no such corporation, then to the sole school corporation existing therein. 3 Ed. VII, c. 16. s. 2.

3048. In every municipality in which, for the purpose of imposing and collecting the school tax, the immoveable property, belonging to persons professing the Jewish religion, is entered in a statement comprising the immoveable property of persons who do not profess either the Roman Catholic

or Protestant faith, the immoveable property belonging to persons professing the Jewish religion, shall be omitted from such statement, and be entered on the statement comprising the immoveable property of persons who are of the Protestant faith.

Every provision in any act, whether general or special, conferring upon persons of the Jewish religion the right to have their immoveable property entered upon any other statement than that on which the immoveable property of Protestants, is entered, is repealed. 3 Ed. VII, c. 16, s. 3.

3049. Whenever, under the law applicable to any municipality, the moneys arising from school taxes are divided between the Roman Catholic school corporation and the Protestant school corporation, in the relative proportion of the Roman Catholic and Protestant population, persons professing the Jewish religion shall be counted as Protestants. 3 Ed. VII, c. 16, s. 4.

3050. In every municipality in which the grant annually voted by the Legislature for public schools is to be divided by the Superintendent between the Roman Catholic school corporation and the Protestant school corporation, in the relative proportion of the Roman Catholic and Protestant population of the municipality according to the then last census, that officer shall include among the Protestants, the persons who, according to the then last census, professed the Jewish religion. 3 Ed. VII, c. 16, s. 5.

3051. The children of persons professing the Jewish religion shall have the same right to be educated in the public schools of the Province as Protestant children, and shall be treated in the same manner as Protestants for all school purposes.

No pupil of the Jewish religion shall, however, be compelled to read or study any religious or devotional books or to take part in any religious exercises or devotions, to which the father or in his default the mother or tutor or person having the care or maintenance of such pupil, shall object. 3 Ed. VII, c. 16, s. 6.

Rights of Jewish residents not owners of real estate. *Pinsler vs. Protestant Board of School Commissioners of Montreal*. S. C., J. R., vol. 23, p. 365. Davidson, J., 1903.

An interesting judgment although it is inapplicable to the present law. G. W. P.

Articles from the Revised Statutes of Quebec, 1909, which have some bearing on education.

3760. Any system or device for safe exit may be adopted if it is approved by the inspector. If there are no means of safety apart from the ordinary exits, or if the safety system in use is not approved by the inspector, the latter may, by an order given to the proprietor, tenant, agent, or superintendent of the building, require one or more safety devices. Such safety devices shall be installed at the places directed by the inspector, and built in the manner specified in the order. The exits or safety devices shall be built within thirty days after the order has been given, and each of them shall comply with the specification contained in the order or with those contained in the following paragraphs :

(a) Safety stair-cases shall be built of iron, with sufficient side railings, and shall be connected with the inside of the building by means of doors or windows ; and shall also have sufficient landings at each story above the first, including the attic when

it is used as a workshop, and shall be kept in good condition and unobstructed.

(b) Canvas tubes shall consist of tubes made of strong canvas, treated chemically and so as to offer sufficient resistance to fire. Such tubes shall be solidly fixed to an iron frame and shall be supplied with brakes to check the descent.

(c) Metal tubes shall consist of tubes of steel or sheet iron, of spiral form, and connected to each story by galleries.

(d) All balconies, galleries and stair-cases shall be put up at the places and in the manner determined by the inspector.

Canvas tubes shall be placed in portable chests, and installed in the places determined by the inspector. R. S. Q., 2984 ; 8 Ed. VII, chap. 52, s. 1.

3779. The principal or head of every college, seminary, school, convent, hospital or asylum, shall so far as possible, instruct the pupils or other occupants as to what is to be done in case of fire, and show them how to use the safety appliances and extinguishers.

Fire-drill shall be practised from time to time, under the supervision of the principal or head of the institution, and of the inspector if he thinks proper.

The proprietors and principals of colleges, convents, boarding schools, or other educational establishments, shall constantly keep posted in the parlour of the building, a certificate signed by the inspector, attesting that all precautions touching the safety of the pupils, boarders or other occupants of the building, in case of fire or panic, have been taken according to law and to the satisfaction of the inspector. R. S. Q., 2988 ; 8 Ed. VII, c. 52, s. 1.

3835. Every child and young girl less than sixteen years of age, employed, in an industrial establishment and not able to read and write, shall, so long as he or she continues to be so

employed, or until he or she is able to read or write, continuously attend a night school within the municipality where he or she resides; and no employer shall receive a child or young girl into his establishment without ascertaining that such child or young girl can read and write, or (as the case may be) without a certificate from the principal or other teacher in charge of such night school that such child or young girl is attending the same. Such certificate shall be kept in the establishment and shall be shown to the inspector, whenever so required by him. R. S. Q., 3024a; 7 Ed. VII, c. 39, s. 3.

3917. Whenever the head of any household or of any establishment whatever, ascertains that any person dwelling in his home or in the establishment under his control, has small, pox, varioloid, Asiatic cholera, plague, typhus, diphtheria-croup, scarlatina, typhoid fever, measles, tuberculosis, leprosy, or any other disease which the Board of Health has designated by by-law, he shall, within twenty-four hours notify the same to the municipal sanitary authority of the locality in which he resides or has his establishment. 1. Ed. VII, c. 19, s. 50; 9 Ed. VII, c. 49, s. 4.

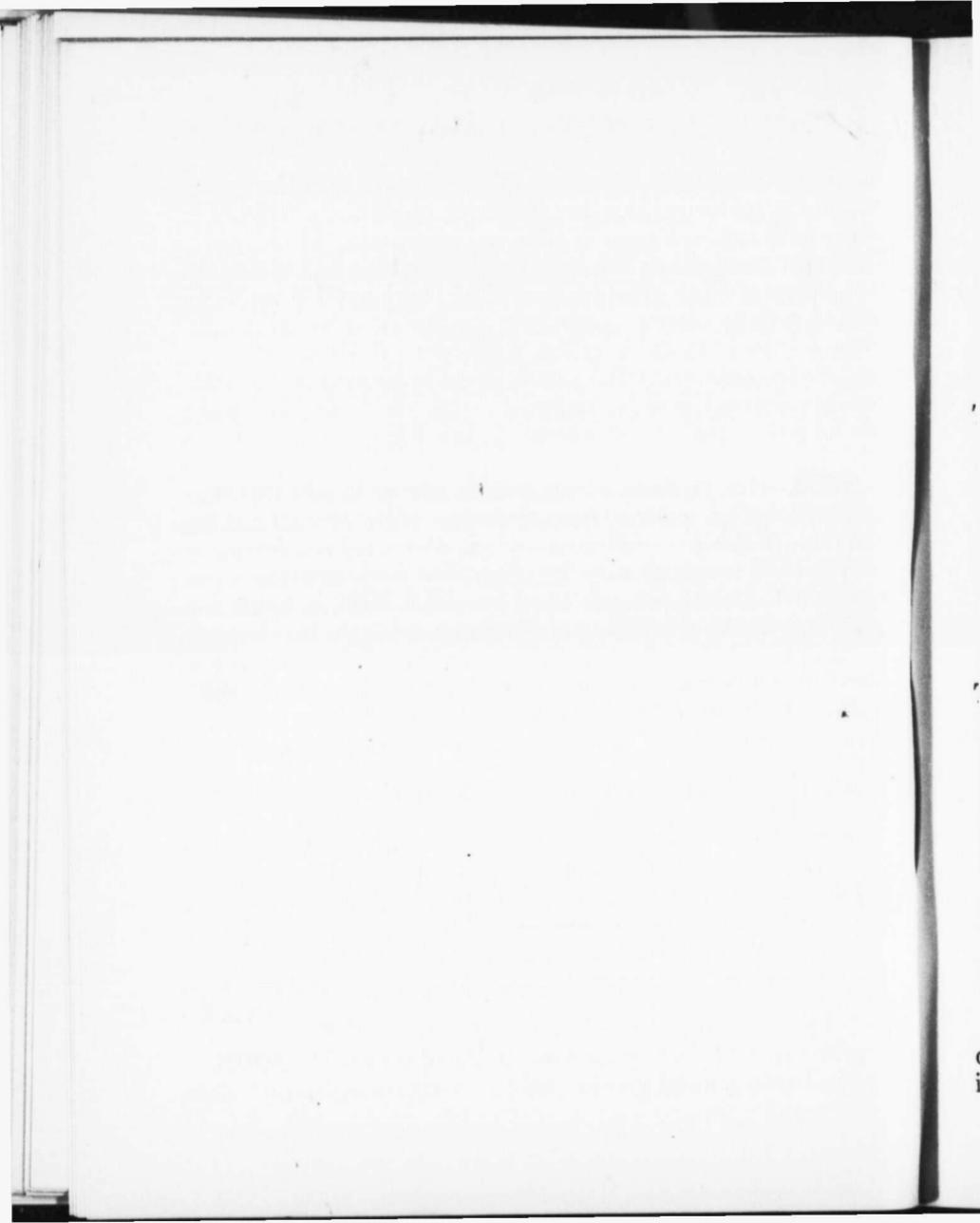
3942. Duties and Powers of the Central Board of Health.

3967. School commissioners and trustees and all educational authorities may, at any time, require that no pupil shall be admitted to any school under their control, unless he hands to the teacher of the school he attends a certificate or other sufficient evidence, either of efficient anti-variolic vaccination, or of his not being susceptible to vaccination. 1. Ed. VII, c. 19, s. 99.

3968. Whenever he thinks necessary, the executive officer of the municipal sanitary authority of any locality attacked by

small-pox or which is threatened to be so, may, with the approval of the municipal sanitary authority, require a certificate or other sufficient evidence of efficient vaccination or insusceptibility to vaccination, the operation having been had within the seven years, which shall be handed by every pupil attending a school, college, convent, university or other educational institution, to the authorities of the institution which he attends; and every pupil who refuses or neglects to give up such certificate on demand shall be excluded from the institution while his refusal or neglect continues. 1. Ed. VII, c. 19, s. 100.

3971. Every person or corporation having the control over a school, college, convent, university or other educational institution, refusing to exclude a pupil who does not furnish a certificate of vaccination or insusceptibility to vaccination when required to do so, as prescribed by article 3968, is liable for each day during which the contravention exists, to fine not exceeding ten dollars, recoverable in the manner provided for offences mentioned in article 3933; 1. Ed. VII, c. 19, s. 103; 9. Ed. VII, c. 49, s. 10.



MACDONALD COLLEGE

(7 Edward VII, Chapter 26)

SCHEDULE.

This agreement made in duplicate between HIS MAJESTY THE KING, in right of the Province of Quebec, hereinafter called the Government, and herein acting and represented by the Honourable William Alexander Weir, Minister of Public Works and Labour of the Province of Quebec,

of the one part ;

AND

THE ROYAL INSTITUTION FOR THE ADVANCEMENT OF LEARNING, a body corporate and politic, having its chief office and principal place of business in the city of Montreal, in the said Province, hereinafter called "the trustees", and herein acting by Edward Black Greenshields, hereunto duly authorized by a resolution passed at a meeting of the said corporation, held on the fifteenth day of February, 1907,

of the other part ;

WITNESSETH :

That whereas for many years there has existed and been carried on in the city of Montreal, upon property belonging to the Government, a school called the McGill Normal

School for the purpose of training teachers for the schools under the control of the Protestant Committee of the Council of Public Instruction, hereinafter called the "Protestant Committee" ;

And whereas, during said time, McGill University, the property whereof belongs to the trustees, has taken part in the management and administration of the said school, the whole under the regulations of the Protestant Committee ;

And whereas there has, for many years, been paid annually by the Government to the said school, for the support thereof, out of moneys voted therefor by the Legislature of Quebec, the sum of sixteen thousand eight hundred and sixty-six dollars and sixty-seven cents ;

And whereas Sir William C. MacDonald, of the city of Montreal, Knight, has erected, founded and endowed at Ste-Anne de Bellevue, in the district of Montreal, a college under the name of Macdonald College, which said college has been duly and regularly constituted a college of McGill University ;

And whereas, by deed executed before Herbert M. Marler, notary, at the city of Montreal, on the 18th day of July, 1906, the said Sir William C. Macdonald, did, for the purposes of Macdonald College, give to the trustees, who then and there duly accepted the same, certain valuable land and buildings described in the said deed and being at Ste-Anne de Bellevue, in the district of Montreal, which property is suitable for the carrying on of a school for the training of teachers, and was so acquired by the trustees with the object (among other things) that such a school should be there established and carried on ;

And whereas the trustees are desirous and hereby oblige themselves, subject to the terms and conditions hereinafter mentioned, to establish and carry on at their own expense,

upon the said property at Ste-Anne de Bellevue, a school for the training (under the regulations of the Protestant Committee) of teachers for the schools under the control of the Protestant Committee ; said school to take the place of the said McGill Normal School ;

And whereas the Government is of opinion that the said property at Ste-Anne de Bellevue is suitable for the school in question, and that the trustees are in a position to efficiently carry on such school ;

And whereas the question of the carrying on of such school by the trustees, as aforesaid, has been submitted to and been approved by the Protestant Committee ;

And whereas, if this agreement is carried into effect, the said annual sum of \$16,866.67 will no longer be paid to or for the McGill Normal School ;

And whereas the Government is of opinion that the establishment and carrying on as aforesaid of the said school at Ste-Anne de Bellevue, in lieu of the said McGill Normal School at Montreal, will be in the interest of the public, and more particularly in the interest of Protestant education in the Province ;

It is therefore agreed as follows :

The trustees undertake :

1. To provide and maintain, at their own expense, upon the said property at Ste-Anne de Bellevue, class-rooms, laboratories, libraries, assembly hall, offices and other rooms, fully equipped and in every way suitable for the purposes of a school for the training of teachers according to the present requirements of the Province ;

2. To carry on therein, at their own expense, a school for the training of teachers for the schools under the control of the Protestant Committee, the teaching and training to

be given by said school to be in all respects equal to the present standard and requirements of the Province and to be carried on in accordance with the regulations made from time to time by the Protestant Committee ; such training to include efficient courses in the study of nature, in household science, and in manual training ;

3. To provide and maintain, without expense to the Province of Quebec, upon said property, a suitable residence for the female pupils of said school and a suitable residence for the male pupils thereof ;

4. To give free tuition to such of the pupils as may give to their satisfaction, an undertaking to teach in the Province of Quebec, and to supply board and lodging to the resident pupils as cheaply as can be done without loss.

The appointment of teachers in the said school shall be made by the trustees, who shall also have the power of dismissal, and the teaching and training in the said school shall, subject to the regulations at all times of the Protestant Committee, be under the direction of a committee to be called the Teachers Training Committee, which shall consist of the Principal of McGill University for the time being, who shall be *ex-officio* chairman ; of two persons appointed by the Protestant Committee ; of the English Secretary of the Council of Public Instruction ; of the Professor of Education in McGill University for the time being ; of the Principal for the time being of Macdonald College ; of the Head, for the time being, of the Teachers' Training Department of Macdonald College ; and of one person appointed by the corporation of McGill University ; the persons appointed, respectively, by the corporation of McGill University, and by the Protestant Committee to hold office for a term of three years and to be eligible for re-election.

The obligations herein undertaken by the trustees, have been so undertaken in order that the Government may each

year appropriate out of the public moneys of the Province, for the purposes of Protestant education in the Province and over and above any moneys that would have been so appropriated for purposes other than the support and maintenance of the said McGill Normal School if the said McGill Normal School had continued to be carried on as heretofore, the sum of \$16,866.67 ; and in the event of the Government at any time deciding not to appropriate the said sum as aforesaid, the obligations of the trustees hereunder shall, *ipso facto*, cease and determine.

The Government, in consideration of the premises, hereby consents that the said McGill Normal School be no longer carried on upon the said property at Montreal, and that so long as the present agreement remains in force and so long as the trustees duly perform their obligations hereunder, the school to be established and carried on at Ste-Anne de Bellevue, as aforesaid, be in lieu thereof and substituted therefor.

Among the purposes for which the said sum of \$16,866.67 may be expended, shall be the payment to such of the present teachers, if any, of the McGill Normal School as may not be appointed teachers of the said school at Ste-Anne de Bellevue, of such allowance as may be agreed upon between them and the Protestant Committee, and approved by the Lieutenant-Governor in Council.

It is further agreed that this agreement shall be conditional upon the same being ratified and confirmed by an act of the Legislature of Quebec to be passed at the present session thereof.

In witness whereof, E. B. Greenshields, one of the governors of the Royal Institution for the Advancement of Learning, duly authorized thereto, has signed these presents in duplicate, at the City of Montreal, on the 25th day of Febru-

ary, A. D. 1907, before the undersigned witness, and the Honourable William Alexander Weir, in the capacities above stated, has also signed the same in duplicate, in the City of Quebec, on the 26th day of February, A. D. 1907, in the presence of the undersigned witness.

(Signed) W. A. WEIR,

“ THE ROYAL INSTITUTION FOR
THE ADVANCEMENT OF
LEARNING,

E. B. GREENSHIELDS,
Governor.

Witness to the signature of William Alexander Weir.

(Signed) W. J. WRIGHT.

Witness to the signature of Edward Black Greenshields.

(Signed) W. VAUGHAN.

he
ve
of
he

APPENDIX

FORMS

DR
DF

1.—(*Articles 2752, 2797.*)

Oath of Office

Province of Quebec,
School Municipality of

}

I. A. B. having been duly appointed (*arbitrator, secretary-treasurer &c.*) 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 } (*Signature*)
the undersigned justice of the
peace.

(*Signature*) J. P.
62 V., c. 28, Form 1.

2.—(Articles 2780, &c.)

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 of one thousand nine hundred and

(Signature)

62 V., c. 28, Form 2.

3.—(Article 2645.)

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
nine hundred and at the hour of ten of

6.—(Articles 2616, 2617)

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 honour, under article 2616 of the Revised Statutes of Quebec, 1909, to notify you of our intention of withdrawing from the control of the school corporation of which you are the chairman (*or* secretary-treasurer) from the first day of July next.

Given at this day of

(*Signatures.*)

62 V., c. 28, Form 6.

8.—(Article. 2621.)

Notice by Dissentients declaring themselves the Majority.

Province of Quebec, }
 School municipality of . }

To Mr. Chairman (or secretary-treasurer 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 honour to inform you, in virtue of article 2621 of the Revised Statutes of Quebec, 1909, 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.)

62 V., c. 28, Form 8.

10.—(Articles 2707, 2709)

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 nine hundred and _____, at the hour of _____ in the _____ noon, at which meeting were present :

Messrs. (*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.

Mr. (*his name*) moves, that (*write out the motion.*)

Carried unanimously (or on the following division or lost on the following division, as the case may be.)

(*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 shall vote, 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 the names.)*
 Against the amendment:—Messrs. _____ }

(Signature of the Chairman.)

(Signature of the Secretary-Treasurer.)

62 V., c. 28, Form 10.

11.—*(Articles. 2797 and 2803)*

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 domicile,)* 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 secretary-treasurer)*, for the total amount for which the said *(name of the secretary-treasurer)* is and shall be, at any time whatever, responsible, or 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-treasurer ;

of _____, in the county of _____, all sums of money for which the said (*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 his duties and functions of the office of secretary-treasurer, to which he has been appointed, and account for, pay over or remit 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.

Done and passed in triplicate, at _____ the

day of the month of _____, one thousand nine hundred and _____

(*Signatures.*)

(*Signature of the notary or
of a justice of the peace,
as the case may be.*) }

62 V., c. 28, Form 11.

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

12.—(*Article 2723*)

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 nine hundred and _____, you were appointed (*permanently or temporarily or stating the length of time*) manager to assist them in the management of the school-house, the building, repairing, heating and cleaning of the same, and also in keeping the furniture belonging to the schools in order.

Given at this day of

(*Signature.*)

62 V., c. 28, Form 12.

13—(Article 2837)

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*) situated (*state whether wholly or in part*) within 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 your municipality.

Date

(*Signature.*)

14.—(*Article 2846.*)*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) to be held at a date to be specified in a future notice.

Given at this day of

(*Signature.*)

62 V., c. 28, Form 14.

15.—(*Articles 2860, 2865.*)*Notice to Rate-Payers of 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 of

sci
tr
an
tic
du
du
tal
an
tal
wh

ior
an
to
ing

(
of

school taxes, 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 the 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 desires, 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)

62 V., c. 28, Form 15.

No. 16.—SECRETARY—TREASURER'S NOTICE FOR THE
PAYMENT OF SCHOOL TAXES.

SCHOOL MUNICIPALITY OF

PROVINCE OF QUEBEC

M.

Dr. to The School Corporation of.

SCHOOL MUNICIPALITY OF...

Taxes on your (*here mention the property, as,
house, farm, &c.*) valued at \$.....
at the rate of (*state amount*) in the \$

\$ cts.

Monthly fee for (*state number of children*) during
(*state number of months*) at (*state amount*) per
month. *

Copy of account of.....

Total\$

Name of the rate payer.....

\$

Notice served.....

Insert, date of notice.....

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.

COSTS

(Place and date)

Costs :

Notice. \$

(Signature)

Service. \$

Secretary-Treasurer.

Notice. \$

Service. \$

Total....\$

Total....\$

* If the monthly fee is payable monthly in advance it should be demanded by this notice.

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 nine hundred and _____ at _____ in the aforesaid district.

(*Signature.*)

62 V., c. 28, Form 17.

18.—(*Article. 2875.*)

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 (*mention the place*) the goods and chattels of (*name of the person*) now under seizure in default of payment of the taxes due to the said school commissioners (*or trustees*) will be sold by public auction at (*name the place.*)

Given under my hand at (*place*), in the district of _____ this _____ day of _____ .

(*Signature.*)

62 V., c. 28, Form 18.

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 is legally set aside.

And the parties have signed, after hearing the same read.

Made in duplicate at _____, the

day of

one thousand nine hundred and

(*Signature.*)

Chairman of the School Commissioners (*or Trustees.*)

(*Signature*)

Teacher.

62 V., c. 28, Form 19.

20.—(*Article. 2718*)

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 honour to inform you that, by a resolution adopted at their meeting of (*insert the date*), the school commissioners

22.—(Article. 3025)

Application for Pension

To the Superintendent of Public Instruction.

SIR,

I have the honour to submit for your consideration the following reasons which constitute my right to the pension allowed to 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 resides in a city or town, he must give the name of such city
or town, the name of the street and the number of his residence.)

Letters for me should be addressed to the Post Office of

I hold a _____ school diploma (mention the class of diploma)
which I obtained from the board of examiners of _____ (or
normal school) on the _____.

I commenced teaching school in (state the date) and ceased
teaching on the _____ day of the month of _____.

I taught school for _____ years.

Since the first of July (state the date), I taught in the following municipalities :

At (name of municipality) from (date) _____, to (date).

My reasons for making the present application are the following :

(Give the reasons)

At _____, this _____ day of _____ 19 _____ .

(Signature.)

62 V., c. 28, Form 22.

23.—*(Article 2996)*

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 _____ 19 _____ } *(Signature.)*
(Signature.)

_____ c
62 V., c. 28, Form 23.

J. P.

24—(Article 3008)

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 the Education Act.

Dated at the day of 19 .

(*Signature*).

62 V., c. 28, Form 24.

FORM B.
 PERSONAL ACCOUNT BOOK.
 MONTHLY STATEMENT.

The School Savings' Bank In account with

M.

Child of

Address

DATE	WITHDRAWALS		DEPOSITS		BALANCE		SIGNATURE
	\$	cts.	\$	cts.	\$	cts.	
.....						
.....						
.....						
.....						
.....						
.....						
.....						

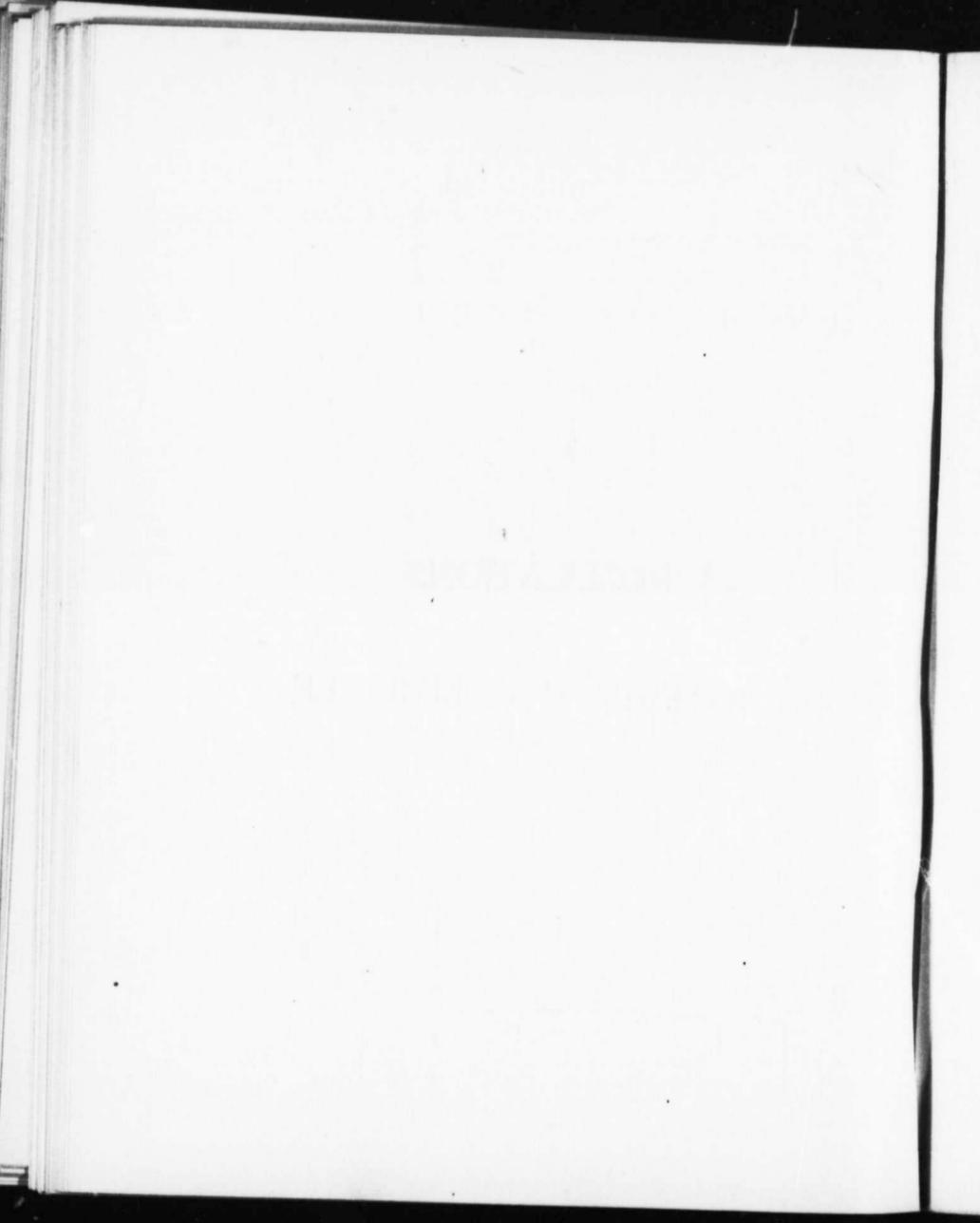
FORM B

FORM C.

THE SCHOOL SAVINGS' BANK.....

DATE.	TREASURER'S BOOK.	RECEIPTS.		DISBURSEMENTS.		BALANCE.	
		\$	cts.	\$	cts.	\$	cts.
.....							
.....							
.....							
.....							
.....							
	Totals.....						

REGULATIONS
OF THE
PROTESTANT COMMITTEE



SCHOOL REGULATIONS

REVISED BY THE

Protestant Committee of the Council of Public Instruction.

And approved by Order in Council.

WITH AMENDMENTS TO JULY, 1909.

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 Dean of the School for the Training of Teachers, of Macdonald College. 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 Protestant Committee.

4 REGULATIONS OF THE PROTESTANT COMMITTEE

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 the time and place 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;

(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 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.

6 REGULATIONS OF THE PROTESTANT COMMITTEE

DUTIES OF SCHOOL INSPECTORS

9. It is the duty of school inspectors :

(a) To hold educational conferences with the teachers, school commissioners and trustees of their respective inspectorates at suitable and convenient centres during the first half of each scholastic year, and to visit each school under their control during the second half, giving two hours on an average to the inspection of each school ;

(b) To examine the pupils upon the authorized course of study, and to insist upon the course being followed by teacher and pupils. The Inspector may allow the work of any of the model school grades to be followed whenever he judges it to be in the best interests of the school to do so ;

(c) 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 ;

(d) 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 ;

(e) To observe the methods of instruction followed by the teacher;

(f) To give a few model lessons in the presence of the teacher;

(g) To ascertain what methods are used in maintaining discipline;

(h) To give such advice to the teacher as may be deemed necessary;

(i) 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;

(j) 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;

(k) 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;

(l) After inspecting the schools of a municipality, to report the results to the commissioners (or trustees), under the following heads:

8 REGULATIONS OF THE PROTESTANT COMMITTEE

(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 ;

(m) 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 :—

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.

(n) To examine the books of the secretary-treasurers and to ascertain whether they are kept in accordance with the authorized form ;

(o) 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 ;

(p) To forward their annual reports and statistical tables to the Superintendent before the first of August each year.

10 REGULATIONS OF THE PROTESTANT COMMITTEE

PRIZE BOOKS

10 The inspectors shall distribute the prize books furnished by the Department of Public Instruction as follows. (a) In the municipalities that are endeavouring to comply with the provisions of the school law and regulations; (b) In the schools in which the teachers are endeavouring to carry out the course of study in accordance with a definite time-table; (c) 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.

SCHOOL LIBRARIES

17. Whenever books are purchased by the Department of Public Instruction for school libraries, instead of prize books, the inspectors shall distribute them to the various schools in their districts and shall see from time to time that they are properly cared for.

CONCERNING THE CENTRAL BOARD OF EXAMINERS

18. The Superintendent of Public Instruction, under provision of Article 458 of the School Law,

12 REGULATIONS OF THE PROTESTANT COMMITTEE

and the Protestant Central Board of Examiners under Article 84, shall alone have the power to grant diplomas valid for Protestant schools.

19. Professional training shall be given by the School for the Training of Teachers in Macdonald College, as provided in 7 Edward VII, ch. 26, and by the universities for academy diplomas under regulation 32.

20. To the Central Board is committed the power of admitting teachers in training for diplomas valid in this Province to the School for the Training of Teachers, hereinafter called the School for Teachers, or to any course leading to a diploma.

21. The diplomas granted shall be of four grades, namely : elementary, kindergarten, model school (or intermediate) and academy (or secondary), and these are valid for any Protestant school of the same grade in the Province.

But special certificates may be granted by the Central Board to teachers of modern languages, drawing, music, manual work, domestic subjects, nature study, or calisthenics, after the candidates have passed the examinations set for the second grade academy, or have shown by documents that work equivalent to second grade academy work has been done, and have shown that sufficient special training has been taken.

22. There shall be two classes of elementary diplomas, namely : first and second class elementary diplomas, and two classes of academy diplomas. namely, first and second class.

23. First class diplomas shall be given after January 1st 1909 only to persons who have had professional training.

24 The only persons eligible for examination and for diplomas are :

a. For first class elementary diplomas, such persons as have completed a year's course of training in the School for Teachers.

b. For second class elementary diplomas, such persons as have complied with the conditions laid down in regulations 35 to 39.

c. For kindergarten diplomas, such persons as have completed a year's course of training in the kindergarten class of the School for Teachers.

d. For model school diplomas, such persons as have completed a year's course of training in the model school class of the School for Teachers.

e. For first class academy diplomas, graduates in arts of some Canadian or other British university, who have had professional training.

14 REGULATIONS OF THE PROTESTANT COMMITTEE

f. For second class academy diplomas, such persons as have complied with the conditions prescribed in regulations 40 to 44.

g. For any grade of diploma, such persons as may have received from the Protestant Central Board of Examiners permission to enter upon any examinations specifically indicated by that Board.

25. Before entering upon any course leading to a diploma valid for the Protestant schools in this Province, each candidate must :

a. Make application upon the authorized form to the Secretary of the Central Board on or before the 20th of July.

b. Be a British subject, or satisfy the Central Board that he has begun the necessary proceedings to become such.

c. Have entered upon his seventeenth year before entering the School for Teachers for an elementary diploma, or his eighteenth year before entering for any other diploma, or applying for a permit.

d. Submit to the Dean of the School for Teachers, when entering, a physician's certificate to show that he is in good health, and a certificate from the Secretary of the Central Board of Examiners showing that all conditions for entrance have been fulfilled.

26. Candidates for entrance to the classes of the School for Teachers must hold certificates or diplomas as follows:—

a. To the elementary class, the first grade academy certificate. (As this standing is considered insufficient, the second grade academy certificate will be required in 1910-11 and thereafter.)

b. To the model school class, the A.A. certificate, (third grade academy,) or an elementary diploma. The A.A. certificate must show that the holder has passed in Latin, French, Algebra, Geometry and English Language or Literature. Moreover, the Central Board may at its discretion require an examination in any subject or subjects from holders of elementary diplomas.

c. To the kindergarten class, the first class elementary diploma, together with a written certificate from the Dean of the School for Teachers to the effect that the candidate possesses the necessary special aptitudes for kindergarten work.

27. However, the Central Board of Examiners, or a committee thereof, may admit to any class in exceptional cases, persons whose qualification may be insufficient for entrance. Such persons may, after trial, be excluded from the School by the Dean at his discretion, but none shall be permitted to enter or to remain on trial after the Christmas examinations.

16 REGULATIONS OF THE PROTESTANT COMMITTEE

28. The examinations for first class elementary, for kindergarten and model school diplomas shall be the sessional examinations of the School, the results of which shall be considered, together with reports on ability to teach and to govern rendered by the Dean of the School. For all such examinations, one-half of each examination paper may be set by the Central Board of Examiners, whenever the Board wishes to exercise this right, and such tests of ability to teach and to govern must be met as may be indicated by that Board.

All results, including examination questions and answers, shall be submitted to the Board by the Dean of the School; and in view of these results diplomas shall be granted.

29. The Dean of the School for Teachers shall be the custodian of the final examination papers and shall retain them subject to orders from the Central Board, or from the Department of Public Instruction, for at least one year.

30. The examinations for first class academy diplomas shall be the examinations in arts and in the history, theory and practice of education of Canadian or other British universities.

31. All holders of model school diplomas from the McGill Normal School, or from the School for Teachers, shall be entitled to receive first class academy diplomas on graduating in arts at some Canadian or other British university.

32. All graduates in arts of Canadian or other British universities who have passed satisfactory examinations in education and in practical teaching under the control of the universities or of the School for Teachers, as approved by the Protestant Committee of the Council of Public Instruction, shall be entitled to receive first class academy diplomas. After considering the results of the examinations and the recommendations of the professors of education, which, with the examination questions and answers, shall be submitted to the Board, the Central Board of Examiners shall determine who have passed satisfactory examinations in education and in practical teaching.

The Central Board of Examiners is empowered to set, whenever it wishes to do so, 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.

33. The form of the first class academy diploma shall give the standing of the graduates in Mathematics, Latin, Greek, French, and in subjects in which the graduates have obtained university honours.

34. When a teacher in training, through sickness or other cause, fails to pass the requisite examinations to receive a diploma, the Dean of the School for Teachers may upon a two-thirds vote of the members of the Central Board present at the discussion of the case, recommend a diploma, permit

18 REGULATIONS OF THE PROTESTANT COMMITTEE

the return of the candidate to renew his course, or permit him to return for any of his examinations at the close of a subsequent year, and, if he be successful, recommend him for a diploma.

PERMITS AND SECOND CLASS ELEMENTARY DIPLOMAS

35. Permits to teach may be granted by the Central Board of Examiners to candidates who produce satisfactory evidence:—

a. That they have completed their seventeenth year;

b. That they are of good moral character;

c. That they have passed successfully Grade II Academy examinations.

36. Such permits to teach shall be valid for the school year only during which they are issued and for elementary schools in those municipalities only which make formal application to be authorized to employ teachers holding such permits.

37. Such permits shall be valid for a second year when endorsed, on the ground of satisfactory teaching, by the chairman of the school board under which the teacher served, the School Inspector of the district and the Secretary of the Central Board of Examiners.

38. At the end of the second year of service, teachers holding permits may, upon the recommendation of the School Inspector of the district, present themselves for examination in the Art of Teaching and School Law, and, if successful, receive a second class elementary diploma valid for elementary schools only. Candidates for this second class diploma shall notify the Inspector of Superior Schools on or before the first of May in any year of their intention to take the examination in Art of Teaching and School Law.

39. The examination papers in Art of Teaching and School Law shall be set by the Inspector of Superior Schools, the examinations shall be held in the academies in June along with the regular examinations; the papers, together with the other papers of the grade, shall be sent to Quebec, to be read by the regular staff of examiners appointed by the Protestant Committee for the June examinations; and the Inspector of Superior Schools shall report the result to the Secretary of the Central Board.

SECOND CLASS ACADEMY DIPLOMAS

40. Persons holding model school diplomas from McGill Normal School, or from the School for Teachers, after having taught successfully in the Province of Quebec for a period of not less than five years since receiving such diploma, successful teaching to be attested by the Inspector of Superior

20 REGULATIONS OF THE PROTESTANT COMMITTEE

Schools or by one of the public school inspectors, shall be entitled to receive Second Class Academy Diplomas on passing a successful examination in the following subjects :

I.—LATIN

- a.* Cicero—De Senectute.
- b.* Livy—Book XXII.
- c.* Ovid—Tristia III.
- d.* Horace—Selected Odes.
- e.* Tacitus—Annals I and II.
- f.* Prose Composition—North and Hillard, Exs. 1-255.
- g.* Grammar.
- h.* Unseens—Passages from the works of the authors prescribed, the use of the dictionary being allowed.

II.—FRENCH

- a.* Grammar—The authorized text-book.
- b.* Composition—Macmillan's French Composition—Fasnacht.
- c.* Voyage en Espagne—Gauthier.
- d.* Tour du Monde en Quatre-vingts Jours—Verne.
- e.* Madame de la Seiglière—Sandeau.
- f.* Hernani—Victor Hugo.
- g.* Pensées, Chapters I-VI—Pascal.

III.—MATHEMATICS

a. Plane Geometry as in Euclid—Geometrical Conics and Solid Geometry as far as Volume and Surface of the Sphere (Theorem and Archimedes).

b. Algebra—Quadratic Equations of Two Unknown Quantities, Indeterminate Equations, Progressions, Permutations and Combinations, Theorem of Undetermined Coefficients, Binomial Theorem, Exponential Theorem and Logarithms.

c. Trigonometry—Methods of measuring angles, trigonometrical ratios of all angles and of the sum and differences of two angles, properties of triangles and their solution in easier cases. Radii of inscribed and circumscribed circles.

d. Mechanics and Hydrostatics, Statics, Dynamics, Hydrostatics, as in Loney's Mechanics and Hydrostatics, or the same matter in a similar textbook.

41. Any candidate who obtains sixty per cent. of the possible number of marks assigned shall be considered as entitled to a pass. The cases of those whose marks fall below 60 p.c. of the total, shall be considered on their merits.

42. Candidates presenting a certificate from either of the universities that they have passed the examinations in Latin, French and Mathematics of the first and second year in Arts, shall be exempt from further examination.

22 REGULATIONS OF THE PROTESTANT COMMITTEE

43. Candidates for this diploma shall notify the Inspector of Superior Schools on or before May 1st in any year of their intention to take the required examinations and of the academy at which they intend to write.

44. The examinations will be held in the academies in June, at the time of the regular examinations, and the time therefor shall be two days.

45. *The expenses of the Central Board of Examiners* shall be paid from the funds of the Protestant Committee.

EXTRA PROVINCIAL CERTIFICATES

46. A person holding a diploma as teacher granted by extra provincial authorities, who desires to obtain a diploma for this Province, shall submit to the Central Board of Examiners 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;

e. Satisfactory evidence that he is a British subject, or has begun the necessary proceedings to become such.

47. If these documents are satisfactory, the Superintendent of Public Instruction may, at his discretion, grant a permit to teach until the date of examination.

48. In view of these documents the Central Board shall determine what examinations, if any, the candidate is to undergo, and issue the diploma to which he may be entitled after all conditions are complied with.

49. The candidate shall remit to the Central Board of Examiners a fee of five dollars with his application and shall receive notification of the days of examination, which shall be held at the time and place appointed by the Board.

50. The Secretary of the Central Board of Examiners shall cause to be provided when necessary (a) a suitable room in which to conduct the examination, (b) a supply of stationery, and (c) the required number of examination papers.

24 REGULATIONS OF THE PROTESTANT COMMITTEE

ANNUAL SESSIONS OF THE SCHOOL FOR TEACHERS

51. The annual sessions of the School shall begin on the first Thursday of September of each year and end in the month of June.

52. The course of study in the School for Teachers shall be drawn up by the Dean of the School in conference with the Teachers' Training Committee, and be submitted to the Protestant Committee of the Council of Public Instruction for approval.

53. The practice schools for teachers in training shall conform as closely as possible to the authorized courses of study.

54. No candidate is admitted to the School for Teachers until the provisions of the school law respecting admission have been fulfilled.

CONDITIONS OF CONTINUANCE IN THE SCHOOL FOR TEACHERS

55. Persons admitted to the School must attend on the first day of the session and must thereafter attend punctually every day of the session or give reasons satisfactory to the Dean of the School for their absence or tardiness.

56. In order to continue in the School, teachers in training must maintain conduct and character suitable to their present position and their future calling.

57. 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 infraction of the regulations, until the matter can be reported to the Dean.

58. The Dean of the School shall have the power to suspend from attendance any pupil for improper conduct or neglect of duty, for a week, or until the next meeting of the Training Committee, when he deems it advisable to submit the case to that body.

59. The Training Committee is empowered for any grave cause to expel any teacher in training from any class.

60. Teachers in training who leave the School during the session are expected to assign to the Dean 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 School.

61. 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.

62. Upon the report of the physician to the Macdonald College that any pupil is physically or mentally unfit to continue his work, the Training Committee may require such pupil to withdraw from the School for Teachers.

63. All teachers in training in order to continue in the School must pass the prescribed examinations during the session to the satisfaction of the Dean.

RELIGIOUS INSTRUCTION

64. Teachers in training will be required to state with what religious denomination they are connected; and to meet weekly for religious instruction in accordance with the scheme provided by the Teachers' Training Committee from time to time.

65. Every Thursday after four o'clock shall be assigned for this purpose, or such hour as may be determined by the Training Committee. In addition to punctual attendance at weekly religious instruction, each student will be required to attend public worship at least once every Sunday at his own church, when possible.

66. All teachers in training who pass the various examinations in the School for Teachers with 60 per cent. of the total marks and who have not fallen below 50 per cent. in any one of the groups of subjects, English, Mathematics, French and Miscellaneous, nor in any one of the subjects re-

quired by the authorized course of study for schools of the grade which they aspire to teach, shall be entitled to continue in their classes.

Except by the special permission of the Dean, no others shall be entitled to this privilege.

67. All teachers in training who attain the standards defined above at the final examinations in the 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 Examiners, 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.

68. Whenever it is evident from any report to the Superintendent of Public Instruction or from the papers of the candidates submitted to the Central Board in accordance with the regulations, 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 the 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.

BURSARIES

69. Until such time as the salaries paid in the rural schools of the Province can be said to be fairly equivalent to those paid elsewhere, bursaries of at least fifty dollars each shall be paid from the released Normal School fund to such teachers-in-training in the School for Teachers as shall comply with the regulations in regard thereto, as follows :

(a) Candidates must promise by a witnessed writing to teach three years in some rural elementary school in the Province of Quebec.

(b) Candidates must enter into a joint obligation with a parent or guardian to reimburse to the Superintendent of Public Instruction the amount of the bursary received should they not, within five years, fulfil their said obligation to teach.

(c) No candidate may receive a bursary for two years ; but in case of failure in one year, he may receive the balance of the bursary on the successful completion of his course in a subsequent year.

(d) Candidates for bursaries shall make their applications for the same to the Secretary of the Central Board of Examiners when applying for admission to the School for Teachers.

(e) It is further provided that in addition to the payment of the foregoing bursaries, similar bursaries shall be paid to such teachers as, having not signed the required promise to teach, nevertheless have fulfilled the obligation entered into by others to teach three years in some rural school in the Province of Quebec.

70. Should the funds available in any year allow, the bursaries may be increased pro rata, provided they do not exceed \$100.00 each.

(a) The bursaries to teachers-in-training shall be paid in two equal instalments, in December and in June, to those only who have passed their examinations successfully ; and to this end the Bursar of Macdonald College shall draw upon the Superintendent of Public Instruction, make the individual payments and render an account to the Superintendent.

(b) The bursaries to teachers who come under the provisions of paragraph (e) No. 69, shall be divided into three equal portions and shall be paid only at the end of each year of successful teaching but in no case shall they be paid after five years from the date of the diploma.

(c) A report shall be made to the Protestant Committee yearly in the month of September by the Central Board of such facts as the Committee may require from time to time, in regard to the allocation of the bursaries.

(d) The Superintendent of Public Instruction may release for good and sufficient cause a teacher from any obligation to teach three years in the Province of Quebec, but this release shall not involve the obligation to return any bursaries that may have been received.

TRAVELLING EXPENSES

71. On being awarded a first class elementary diploma, a model school diploma, or a kindergarten diploma, each teacher in training at the School

30 REGULATIONS OF THE PROTESTANT COMMITTEE

shall be paid out of the released Normal School Funds or other funds provided for the purpose the sum of five cents for each mile that his home, in the Province of Quebec, is distant from the Macdougald College.

GENERAL DUTIES OF THE CENTRAL BOARD

72. The Central Board of Examiners is empowered and required :

To prepare and issue all forms of diplomas, certificates and tabulated reports which it may require in addition to the forms provided for 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 School for Teachers, 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 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.

e. To report to the Protestant Committee of the Council of Public Instruction as that body may direct.

CONCERNING THE CLASSIFICATION OF SCHOOLS

73. 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.

74. Protestant Institutions of Superior Education are classified as follows :

a 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.

b. Academies and High Schools (secondary 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.

c. Model Schools (intermediate schools) providing instruction in Algebra, Geometry, French and the Latin elements, in addition to the subjects of the elementary schools.

75. The following shall be the course of study for Protestant Elementary Schools, Model Schools and Academies, and be enforced according to directions contained in the Manual for Elementary Schools, and in the Memoranda of Instructions to Teachers of Model Schools and Academies as issued from time to time from the Department of Public Instruction.

ELEMENTARY

SUBJECTS.	GRADE I.	GRADE II.
<i>Scripture Knowledge</i>	<p>The first half hour of each day to be devoted to Instruction in Scripture as below, and in Morals, Honour, Respect for others, Good Manners,</p> <p>Events connected with birth of Christ. LUKE I, II, 1-7.—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, 3-12.</p>	<p>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.—Imprisonment 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, 1-12.</p>
	<p>Outlines of chief events to the end of the life of Joseph.</p>	<p>Outlines of chief events to the death of Joshua.</p>
	<p><i>To be committed to memory.</i> The Lord's Prayer. The Beatitudes. Six special texts, viz., Psal. IV, 8, Psal. LI, 10, 11. MATT. XI, 28.—JOHN III, 16-17</p>	<p><i>To be committed to memory.</i> The Lord's Prayer. The Beatitudes. The Apostles' Creed.—Six special texts, viz., Psal. XIX, 12-14, Prov. III, 5, MATT. XI, 29, JOHN X, 14, JOHN XIV, 15.</p>

SCHOOLS

GRADE III.	GRADE IV.
------------	-----------

the Opening Exercises, Scripture Reading, Singing and Prayer, including readings and lessons upon Godliness, Truthfulness, Temperance, Health, Kindness to Animals, &c.

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, 1-16.—Feast of Dedication. JOHN X, 22-42.—Paschal Supper. JOHN XIII, 1-35, Garden of Gethsemane. MATT. XXVI, 36-46.—Betrayal. MATT. XXVI, 47-56.—Trial. JOHN XVIII.—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.

To be committed to memory.
The Ten Commandments and MARK XV.

Life and Words of Christ.

To be committed to memory.

MATTHEW VI.

34 REGULATIONS OF THE PROTESTANT COMMITTEE

ELEMENTARY

SUBJECTS.	GRADE I.	GRADE II.
<i>English.....</i>	The meaning of words with the subject matter of ness and brightness of tones, fluency, clearness in all written work. Copying words and sentences, oral and written reproduction, Memoriter work. Special attention to penholding and hand-movements.	Copying words and sentences, Dictation, oral and written. Reproduction, Sentence Composition, Memoriter work
<i>Arithmetic...</i>	Mental Arithmetic, Addition and Subtraction with objects, and with numbers of two figures. Reading and writing numbers to 100.	Mental Arithmetic, Four Simple Rules to Short Division inclusive. Multiplication Table. Avoir dupois weight, Long, and Liquid Measures.
<i>Geography and History.</i>	Elementary terms. Divisions of land and water. Map of the school neighborhood.	Outline of the map of Canada.
<i>Object Lessons or Useful Knowledge.....</i>	Form Study and Drawing, Colour, Size, Weight, Plants, Animals, Forest Trees, and Minerals of	

SCHOOLS.—Continued.

GRADE III.	GRADE IV.
<p>the reading lesson. Special attention to be given to pleasant and correctness of pronunciation, and to writing and spelling</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>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 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>

Motion, First Notions of Agriculture, (Special attention to the the Province, and their uses.)

ELEMENTARY

SUBJECTS.	GRADE I.	GRADE II.
<i>French</i> (optional)	Names of objects in conversation...	Names of objects, familiar phrases.
<i>Text-Books</i> .. necessary for each grade.	Reading Book, Table-card, Slate, Slate-Pencil. *Primary Exercises in Arithmetic, Parts 1 and 2.	Reading Book, Table-card, Slate, Slate-Pencil, Copy Book, Blank Book, Pen, Ink. *Primary Exercises in Arithmetic, Parts 3 and 4. Curtis' Oral Lessons in French, Part. I.

N. B.—Musical and Physical Exercises are required to
 * Primary Exercises in Arithmetic were formerly called

SCHOOLS.—Continued.

GRADE III.	GRADE IV.
Easy sentences with simple forms of familiar verbs.	Reading, easy exercises in translation, regular verbs.
Reading Book, Slate, Pencils, Copy-Book, Blank Book, Pen, Ink, Arithmetic, Geography, Canadian History, Drawing Book No. 1. *Primary Exercises in Arithmetic, Parts 5 and 6. Curtis' Oral Lessons in French, Part II.	Reading Book, Slate, Pencils, Spelling Book, Copy Book, Blank Book, Pen, Ink, Arithmetic, Grammar, Geography Canadian History, Drawing Book No. 2. *Primary Exercises in Arithmetic, Parts 7 and 8. Curtis' Oral Lessons in French, Part. III.

form part of School Course.
 "Grafton's."

MODEL SCHOOLS
(INTERMEDIATE AND

SUBJECT.	I. 5th year.	II. 6th year.	III. 7th year.
	The Opening Exercises in all Grades consist		
<i>Scripture.</i>	Life and Words of Christ. The Gospel of St. Luke.	The Gospel of St. Luke.	The Acts of the Apostles.
<i>Writing.</i>	Simple Business Forms, addressing of envelopes, and easy Bills.	Business Forms, including Promissory Notes and short business letters.	As in Grade II and also to make a Day Book and Personal Ledger accounts from easy transactions.
<i>English.</i>	Dictation, Renouf's Easy Exercises in English Part II., Lamb's Tales, Pt. II. (Renouf) ; or Kingsley:— The Heroes, (Morang and Co.)	Dictation Renouf's Easy Exercises in English Parts III. and IV Longfellow : — King Robert of Sicily, and Macaulay : — The battle of Lake Regillus (Morang and Co.)	Dictation , West's Grammar for Beginners to p. 89, Analysis of Easy Sentences ; Scott's Ivanhoe (Nelson).
<i>History.</i>	(a) Canadian History :— French Regime.	Canadian History : — English Rule.	(b) British History to 1603.

AND ACADEMIES
SECONDARY SCHOOLS)

I. 8th year.	II. 9th year.	III. 10th year.
--------------	---------------	-----------------

of Scripture Reading and Prayer, with Singing

<p>To make a Day Book, Cash Book and Journal from easy transactions; to post from the Journal, and to close the accounts in the Ledger.</p>		
<p>Dictation, West's Grammar for Beginners, Composition; Scott: The Lady of the Lake. (Macmillan and Co.)</p>	<p>Tennyson:— Select Poems (Alexander). West's Elements of English Grammar. Sykes' English Composition, pp. 1-80.</p>	<p>Shakespeare's Merchant of Venice; Tennyson:— Select Poems, (Alexander) English Composition; or Nineteenth Century, Prose, pp. 1-126; English Composition</p>
<p>British History, 1485-1900.</p>	<p>Greek History; or Collier's Great Events, Periods I-IV; or Halleck's History of Eng. Lit. to p. 260.</p>	<p>Collier's Great Events; or Greek and Roman History; or Halleck's History of Lit. complete.</p>

MODEL SCHOOLS
(INTERMEDIATE AND

SUBJECT.	I. 5th year.	II. 6th year.	III. 7th year.
<i>Geography</i>	North and South America.	Europe with special study of the British Isles.	Asia, Africa and Australia.
<i>Arithmetic</i>	Mental and Rapid ; Vulgar Fractions.	Mental and Rapid ; Vulgar and Decimal Fractions, Compound Rules.	Mental and Rapid ; Percentage, Interest, Time and Work, Square Root, Areas :— including triangle, parallelogram and circle.
<i>Algebra.</i>	.....	.....	Simple Preparatory Exercises. —Easy work in the four Simple Rules.
<i>Geometry.</i>	.....	.....	.....
<i>French.</i>	Curtis' Oral Lessons, Part III ; or Fasquelle's Introductory French Course, pp. 26-80.	Curtis' Oral Lessons, Part IV. ; or Fasquelles, Introductory French Course, pp. 81-164.	Curtis' Oral Lessons, Pt. V. ; or Progressive Fr. Reader, Part I— pp. 1 to 31. Fasquelle's Introductory French Course, pp. 164-242.

AND ACADEMIES.—Continued.

SECONDARY SCHOOLS)

I. 8th year.	II. 9th year.	III. 10th year.
.....	Physical and Agriculture. As in Davis' Elementary (Ed. 1902) Chap. I. to V., or Longmans' Primary Phys.Geog.,chap. I to V.	Physical Geography. As in Davis' Elementary (Ed. 1902); or Longmans' Pri. Phys. Geog., the whole book.
Complete Arithmetic, including Gain and Loss, Metric System and easy examples in Stocks and Present Worth.	Mensuration as in Stevens.	Extra Math. Pt. II. (Algebra, Geometry Trigonometry.)
Simples Rules ; and easy exercises in Factoring and in Simple Equations of one unknown quantity.	Factoring, Fractions, G.C.M. and L.C.M., Simple Equations and easy Quadratics.	Quadratics, Involution, Evolution, Fractional Indices and Surds.
Euclid I., 1-26.	Euclid I., II. and easy Deductions.	Euclid I., II., III., with Deductions.
Progressive Fr., Reader, Part I., Bertenshaw's Gr., pp. 44-72.	Progressive Fr. Reader, Part II., Bertenshaw's Gr. to page 142. French Comp. based on Selections from the Reader Pt. II.	Progressive Fr. Reader, Part II., Bertenshaw's Gr. French Comp. based on Selections from the Reader, Pt. II.

MODEL SCHOOLS
(INTERMEDIATE AND

SUBJECT.	I. 5th year.	II. 6th year.	III. 7th year.
<i>German.</i>	.....	.....	.....
<i>Latin.</i>	.....	Henderson and Little's New First Latin Book Lessons 1-30.	(1) Henderson and Little's New First Latin Book, Lessons 1-61, with pp. 274-281. (2) <i>Fabulæ Faciles</i> — Extracts 21-40.
<i>Greek.</i>	.....	.....	.....
<i>Science.</i>	Lessons on Temperance and Health. Knight, Part I, with Lesson XIX of Part II.	Lessons and Temperance and Health. Knight, Part II, with Lessons XX and XXI of Part III and Lesson XXI of Part IV.	.....

AND ACADEMIES.—Continued.

SECONDARY SCHOOLS)

I. 8th year.	II. 9th year.	III. 10th year.
.....	German Accidence, Joynes-Meissner, 135 pages.. Storm-Immensee, 25 pp.	Storm-Immensee, Auf der Sonnenseite ; Grammar.
(1) Shorter Latin Course, Part (c) II, pp. 1-40 (2) Fabulæ Faciles — Extracts 41-100.	(1) Shorter Latin Course, Part (c) II., 40-73 ; ; (2) Cæsar, De Bello Gallico, IV, chap. 20 to 38 ; (3) Gleasons' Ovid, 200 lines, beginning on p. 1.	(1) Syntax, as in S. L.C. Part II. with exercises; (2) Cæsar, De Bello Gallico, IV chap. 20-38. and V; (3) Gleason's Ovid, lines 1-670; (4) Exercises in unseen Translation.
First Greek Book, (White)pp. 1-73; or First Steps in Greek (Ritchie) pp. 1-37.	First Greek Book, p. 64 to end, with translation and written exercises from English into Greek ; or First Steps in Greek, (Ritchie) p. 38 to end.	Xenophon, Anabasis I., (as in White's Beginners' Greek Book, pp. 304-428) ; or Xenophon, Anabasis II. Grammatical Review, written exercises ; Exercises in Translation, as in Peacock & Bell.
Physics and Chemistry (Stage I.) (d)	Physics and Chemistry (Stage II.), Chemistry : — Remsen, chap. I-X. Gage's Introduction to Physical Science; chaps. I., II. (e).	Physics and Chemistry (Stages II. and III.) ; or Botany (Bailey) ; or Chemistry ; or Gage's Introduction to Physical Science, chaps. I. to V.

MODEL SCHOOLS
(INTERMEDIATE AND

SUBJECT.	I. 5th year.	II. 6th year.	III. 7th year.
<i>Science.</i>			
<i>Drawing.</i>	Prang, No. 2	Prang, No. 3.	Prang, No. 4 ; or No. 3. D. C. F.

Candidates who pass successfully the III Grade Academy Examination subjects will be accepted for matriculation by the Uni
 (a) Gammell's suggested. (b) Gardiner's Outlines suggested.
 Physics and Chemistry (*Gregory & Simmons.*) (c) *Edition 1902.*
 (*) For information concerning Grade-Subjects, Time-Limits,

AND ACADEMIES.—Continued.

SECONDARY SCHOOLS)

I. 8th year.	II. 9th year.	III. 10th year.
	Botany :—Bailey, pp. 1 to 250, and the study of a few common plants.	
Prang, No. 5 ; or No. 4. D.C.F.	Prang, No. 6 ; or No. 5. D.C.F.	Special Review of Freehand and Geometrical.

nations, having gained the required standing on the papers in matriculations of Bishops and McGill.

(c) Macmillans' Shorter Latin Course suggested. (d) Elementary

&c., see Memoranda of Instructions to Teachers.

46 REGULATIONS OF THE PROTESTANT COMMITTEE

ACADEMIES AND MODEL SCHOOLS

76. In order that an institution may be recognized as an Academy it must fulfil the following conditions :

a. It must be under the control of, and receive financial support from, the school board of the municipality in which it is situated.

b. A suitable school building, furnished with the necessary appliances, must be provided.

c. It must be organized in three departments, viz: Elementary, Model School and Academy.

d. Three teachers must be employed, one of whom must hold an academy diploma.

e. The teachers must be engaged at fixed salaries by the school board.

f. The authorized course of study must be followed in each department.

g. The pupils must pass satisfactorily the annual written examination prescribed for such schools.

h. It must remain in session at least one hundred and eighty days during the year.

77. In order that an institution may be recognized as a Model School it must fulfil the condi-

tions 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.

78. 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.

79. 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.

80. Model schools shall not take up the work of grades not properly belonging to such schools without the express permission of the Protestant Committee. Permission to do the work of specified Academy grades may be granted upon the request of any school board to any model school upon the receipt, from the Inspector of Superior Schools, of a report recommending that such permission be given.

81. Every pupil desiring to enter the model school department of a superior school must undergo an examination in the subjects of Grade IV. Elementary Course, and pupils desiring to enter

48 REGULATIONS OF THE PROTESTANT COMMITTEE

the academy department must undergo an examination in the subjects of the Grade III. Model School Course.

82. 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.

83. 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.

84. 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

85. It is the duty of the Inspector of Superior Schools :

a. To inspect the Protestant Academies and Model Schools of the Province at any time from the 1st of October to the 1st of May, giving one day

when so ordered, to the inspection of each Model School and two days to the inspection of each Academy ;

b. To examine the buildings and furnishings of each school, and the condition of the outhouses ;

c. To note the number of pupils on the roll, and the number present on the day of inspection ;

d. 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 ;

e. To inquire into the work and the progress of the work in the several grades ;

f. To examine the time-table, and ascertain whether it is judiciously formulated or not ;

g. 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 ;

h. To note the strong and weak points of each school ;

i. To give each teacher privately, such judicious hints and suggestions as to the conduct of his school as may seem necessary in the circumstances ;

50 REGULATIONS OF THE PROTESTANT COMMITTEE

j. To fill up the bulletin furnished by the Superintendent for each school ;

k. 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 ;

l. To prepare the examination papers in accordance with the authorized course of study, in Academies and Model Schools, if required, and to submit them to the sub-committee on examinations, for revision and approval.

86. The Inspector of Superior Schools shall, in the tabulated returns of the written examination, report in regard to each school :—

a. 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.

b. The number of pupils presented for examination in each grade.

c. The number of pupils not classed in any grade, and the subjects taken by them.

d. The number of pupils that have passed in each grade, and the number that have failed in each.

e. 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

87. There shall be an annual written examination of the Protestant Academies and Model Schools held simultaneously under the direction of local deputy-examiners approved of by the Protestant Committee.

88. The examination papers shall not be sent to a school which refuses to remunerate its deputy-examiners.

89. In these written examinations pupils shall be considered as having passed in their respective grades provided they pass in all the grade 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.

90. The papers for these examinations, excepting the Grade III Academy, 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.

UNIVERSITY SCHOOL EXAMINATIONS

91. The University School Examinations shall be the leaving examinations of Grade III Academy.

92. These examinations shall be known as the "University School Examinations." They shall be conducted by the Matriculation Board of McGill University as enlarged by the addition of two assessors appointed to represent the teaching profession, with the addition for this purpose of the following associate members:—

a. Two members of the teaching staff of the University of Bishop's College, appointed by the Protestant Committee on the nomination of the College Council.

b. The Secretary of the Protestant Committee, the Inspector of Superior Schools, and one additional member appointed by the Protestant Committee and qualified by experience to take part in the actual work of examination. Associate members shall have all the powers and privileges of ordinary members in regard to matters affecting the interests of schools under the control of the Protestant Committee.

93. This enlarged board shall be known as the University School Examining Board.

94. The arrangements for and conduct of these examinations are, as heretofore, to be in accordance with the regulations of the Protestant Committee. The date of these examinations and the course of study and text-books upon which they are based shall be determined by the Protestant Committee after consultation with the Corporation of McGill.

95. "University School Examinations" shall be the official heading for all reports, examination papers, certificates and other blank forms connected with the examinations.

96. The certificate issued to successful candidates shall be signed by the by the English Secretary of the Department and stamped with the seal of the Department, and shall be known as the Associate in Arts or A. A. certificate.

97. An annual report shall be made to the Protestant Committee giving the membership of the Matriculation Board and the results of the examinations. The tabulated results of the examinations shall be filed in the Department of Public Instruction.

98. The foregoing provisions with the existing financial arrangements (1) shall be continued until terminated by a year's notice, either by the Protestant Committee or by McGill University.

The University of Bishop's College shall have the right of withdrawal on giving a year's notice.

99. The University School Examining Board may be represented at the Grade II Academy examinations by one examiner in Mathematics and one in English, the examinations to be held at Quebec or Montreal, as may be decided from time to time by the Protestant Committee.

a. Pupils of Grade III. Academy Course, shall take the University School Examinations for the Certificate of Associate in Arts and those who pass for the certificate of Associate in Arts shall be held to have passed in their Grade.

b. 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.

c. No pupil shall be accepted for these examinations from a Model School that is not equipped as an Academy in point of staff.

(1) The contribution of \$500.00 annually by the Protestant Committee towards the expenses of the University Examining Board,

d. Candidates in the Province of Quebec not in attendance at schools which take the June examinations as provided by the Protestant Committee may, upon application, present themselves at these examinations on payment of a fee of five dollars and on conforming to the regulations governing these examinations.

100. The examination of the pupils of Grade III. Academy Course, for the certificate of Associates in Arts, shall be in accordance with the standard prescribed in the course of study for that grade.

101. 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.

102. The examination papers, 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 University Board of School Examiners, for examination and report for the information of the Protestant Committee.

103. 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 examination, pupils shall not be considered as having passed in any subject unless they have obtained at least fifty percent (and in the case of Dictation seventy-five) of the marks attainable in that subject.

104. The examination papers prepared by the Inspector of Superior Schools shall have the value of each question printed in the margin.

105. All pupils in attendance at any superior school must take the June examinations, but credit will not be given to the school for the marks of pupils who have not been in attendance at least ninety days during the current year.

106. 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. (1)

(1) By arrangement with these universities. Particulars as to options may be found in the University Calendars.

107. These examinations shall be held in the month of June, and shall not begin earlier than the twelfth day of that month.

108. The following rules shall govern all examinations and shall be read to candidates before the first of the series of examinations.

a. The candidates are to be placed in the examination room so as to prevent copying, or communication of any kind between them.

One candidate only shall be placed at each desk which he shall occupy throughout the examination.

b. At the hour appointed for the examination, the candidates being in their allotted places, the examination papers for that hour shall be opened, and distributed to the candidates.

c. The examination papers, or any question therein, may be read aloud to the candidates by the deputy examiner, but no explanation whatever shall be given as to the meaning or purport of the questions.

d. No candidate shall be permitted to enter the examination room after the expiration of one half hour from the commencement of the examinations. 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.

e. 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.

f. Candidates shall write their answers on one side only of the paper, and shall use no other paper than that provided for them.

g. 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.

h. At the close of the examination all the paper, including the blotting paper, furnished to a candidate must be returned to the deputy examiner.

i. No candidate shall have access to his answers, and no alteration shall be made therein after they are delivered to the deputy examiner.

j. No persons, except those taking part in the examination, shall be admitted into the examination room during the examination, and no conversation or anything that may disturb the candidates shall be allowed.

k. The candidates shall be under the direct and careful supervision of the deputy examiner from the beginning of the examination to its close.

l. The deputy examiner of each local centre shall sign the following declaration at the close of the examination and forward it to Quebec.

"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 for the June examinations were opened in the presence of the candidates, that all the answers were collected at the time specified, and that these 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."

60 REGULATIONS OF THE PROTESTANT COMMITTEE

m. The deputy examiner shall send with the above declaration a plan of the examination room setting forth the position occupied by each candidate.

CONCERNING THE DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES

School Grounds

109. School sites shall, when possible, be in dry elevated positions, easily accessible, and provided with good water.

110. School sites shall, when possible, be isolated and so situated that the surroundings will not interfere with the work of the school room or with the morals of the pupils.

111. School sites shall be as far removed as possible from swamp, or cemetery.

112. The school grounds shall be properly leveled and drained, planted with shade trees and enclosed by a substantial fence. They shall, when possible, not be less than half of an acre in extent. A larger area shall be provided for large schools.

113. 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 of these closets.

114. Proper care shall be taken to secure cleanliness in these closets and to prevent unpleasant and unhealthful odours. The approaches from the school house to the closets shall be so kept that the closets may be reached with comfort in all kinds of weather.

School Houses

115. The school house shall, when possible, be placed at least thirty feet from the public highway.

116. 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.

117. In each school room the area shall be at least fifteen square feet for each pupil, and the height from door to ceiling at least ten feet, so as to give at least one hundred and fifty cubic feet of air space per pupil. *

* This minimum space is sufficient only when provision is made for ventilation upon the most recent and approved plans. In ordinary cases nearly twice as much space is needed. G. W. P.

118. 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.

119. All doors shall open outward.

120. 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.

121. 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.

122. 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.

123. There shall be in every school room ample provision for the admission and circulation of pure air and for the escape of impure air.

124. The school boards are required to observe the regulations of the Provincial Board of Health and to follow the directions of the local Boards of Health in all matters concerning the sanitary conditions of school houses, grounds and outbuildings.

125. The school houses are to be built in accordance with plans and specifications furnished or approved by the Superintendent.

126. School houses shall not be opened before having been accepted by the school inspector who will visit them at the request of the school board, and the said school board shall pay the travelling and other expenses incurred by the school inspector for the purpose of this visit. The school inspector shall report the result of his visit immediately to the Superintendent of Public Instruction.

127. School boards shall see that each school-house 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 provided 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

64 REGULATIONS OF THE PROTESTANT COMMITTEE

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.

128. No public school house 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.

129. The teacher has charge of the school house on behalf of the school board. He has no authority to use the school house 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 school house to the chairman.

School Furniture and Apparatus

130. 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.

131. 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.

132. The height of the seats shall be so graduated that all pupils may be seated with their feet resting firmly upon the floor. (To accommodate pupils of all ages the desks should be of three different sizes.)

133. 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.

134. Each desk shall be so placed that its edge will be directly over the edge of the seat behind it. The desk shall be provided with a shelf for pupils' books.

135. 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.

136. There shall be a cupboard, provided with lock and key, for the preservation of school records and apparatus.

137. 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.

138. There shall be in every school room a jacketed stove (unless another system of heating is used) a wood-box or a coal-bucket, a shovel, a poker, 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 visitor's 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.

139. Provision shall be made by every school board for sweeping each school house 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

140. 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.

141. 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.

142. 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 ten months the school boards may provide by resolution for closing the schools during the breaking up of the roads.

143. 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; Victoria Day; Dominion Day; and such days as are proclaimed by authority or granted by reso-

lution 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

144. 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.

145. 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

146. 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.

147. 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.

148. No school board shall require or permit any teacher under its control to "board around" among the inhabitants of the district.

149. The teacher's engagement for Protestant schools shall be made in accordance with Form No. 4.

150. 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

151. 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.

152. Every Protestant school shall be opened each day with the reading of a portion of the Holy Scriptures followed by the Lord's Prayer.

153. 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

154. A revision of the authorized text-books and apparatus shall be made once in four years.

155. Each school board shall, during the year following each 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.

156. School boards having adopted a list of text-books after the quadrennial revision, in accordance with the provisions of this article, shall not replace one book by another during the quadrennium without the express permission of the Protestant Committee of the Council of Public Instruction. 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.)

157. School boards shall provide and use the authorized forms of teachers' engagements, account-books, school journal and school visitors' register in their municipalities.

Secretary-Treasurer's Expenses

158. 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.

159. 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.

160. When a secretary-treasurer travels upon business of the school corporation he shall be paid his just travelling 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.

72 REGULATIONS OF THE PROTESTANT COMMITTEE

161. 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.

162. 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.

163. 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

164. Those school municipalities only whose annual share of the government grant is less than two hundred dollars are eligible for a grant from the Poor Municipality Fund.

165. Municipalities desiring to obtain a grant from the Poor Municipality Fund must make application to that effect to the Superintendent through the Inspector on or before the 1st of January each year.

166. This application must be accompanied by a certificate from the school inspector stating (a) that the school law and regulations have been faithfully carried out in the municipality; (b) that the teachers are competent; (c) that there are no arrears due by solvent persons; (d) that the municipality is poor and cannot contribute more than it does for school purposes.

The Inspector shall give the rate of taxation upon the saleable value of real estate in the municipality, as nearly as he can estimate it.

167. School municipalities that have failed to comply with the instructions of the Superintendent shall receive no share of the Poor Municipality Fund.

VI

CONCERNING TEACHERS

168. 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.

169. 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.

170. It is the duty of a teacher in a public school :

1. To see that the school house 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 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 school house 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 may 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 time-table showing the order of exercises for each class for each day in the week, and the time devoted to each exercise per day ;

76 REGULATIONS OF THE PROTESTANT COMMITTEE

9. Not to require or 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 parts, 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 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 punishment 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 inquire 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 ;

ol
ss
s ;

as
nt
pt
ry,

78 REGULATIONS OF THE PROTESTANT COMMITTEE

24. To endeavor to improve his professional status by attending the teachers' meeting held in the county, and by professional reading.

VII

CONCERNING PUPILS

171. 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 schoolmates, clean and neat in habits, person and clothing, and to refrain entirely from the use of profane and vulgar language.

172. 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.

173. Pupils are required to procure the textbooks and other school requisites indicated by the course of study for the class to which they belong.

174. The school board may provide and lend to indigent pupils with due precautions for their proper preservation, text-books and other school requisites.

175. In all cases of absence pupils are required to furnish from their parents or guardians on returning to school sufficient reasons for such absence.

176. No pupil shall be permitted to leave at any time before the regular hour for closing his class, except in the case of sickness or on a written or personal request of his parent or guardian.

177. 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.

178. Each pupil shall have a particular desk, and shall keep the same and the floor beneath it in a neat and orderly condition.

179. Pupils of one district shall not attend the school of another district unless by special permission of the school board.

180. 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.

181. 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.

182. Any school property or furniture injured or destroyed by a pupil must be made good forthwith by the parent or guardian.

183. 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 refusing 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.

184. 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.

185. When it becomes evident that the conduct of a pupils 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.

186. Any pupils 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.

CONCERNING APPEALS TO THE PROTESTANT COMMITTEE
FROM THE DECISIONS OF THE SUPERINTENDENT

187. 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 explanations 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

188. 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.

189. 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.

190. 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.

191. No alterations in contents, typography, binding, paper, or any other material respect, shall in any case be made without the approval of the Protestant Committee.

192. Any books recommended as aids to teachers, for private reference or study, shall not be used as text-books by the pupils.

193. All regulations of the Protestant Committee of the Council of Public Instruction which are in force when these regulations are approved by order-in-council, are hereby repealed.

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
Province of Quebec, Council 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 posi-
tion of Inspector of Protestant Schools, to the satis-
faction 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 19.....

.....Chairman.

.....Secretary.

86 REGULATIONS TO THE PROTESTANT COMMITTEE

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 presented myself at.....in June 19.....
for examination for grade—Academy Certificate.

I enclose herewith:—

1. A certificate that I was born at.....county
of.....on the.....day o the month
of.....19.....
2. A certificate of moral character according to
the authorized form.

(*Signature in full.*)

FORM No. 4

Canada,
Province of Quebec. Municipality of

On the.....day of the month.....in the year
19..., 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.....19 .., 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 board for the term of.....
year from the.....day of.....19...to the.....
day of..... 19... (unless the diploma of the
said teacher be withdrawn, or any other legal im-
pediment arise) to teach the.....school in dis-
trict No....., according to the school law and
regulations, every day during said term except on
holidays prescribed by the Regulations for Pro-
testant Schools.

The said.....agree to pay to the said teacher
the sum of.....for the said school year, payable
monthly in current money and not otherwise, and
neither the secretary-treasurer nor any other person
shall alter this method of payment.

Done at.....the day and date first above
mentioned, and the parties have signed after hear-
ing the same read.

Chairman of the School

Teacher.

88 REGULATIONS TO THE PROTESTANT COMMITTEE

FORM No. 5

This is to certify that.....who holds a.....diploma from the School for Teachers, dated.....has taught in the.....school at..... in the county of.....during..... months of the scholastic year 19..., and has been assiduous in duty, punctual in attendance, observant of regulations, has governed her pupils well, secured good progress in study, been polite and tactful in intercourse with parents, commissioners and Inspector, and maintained a character above reproach.

Signed.....

Chairman or Secretary-Treasurer of

School Commissioners of.....

School Inspector.....

N.B.—Let each person signing this certificate fill in the number of months for which he gives it, and score out any clause to which he cannot subscribe.

INDEX

ACADEMY :	
Conditions.....	76
Special.....	78
Change of name.....	79
Fees of.....	82
Specimens of work.....	84
Inspection of.....	85
Examination of.....	87
ACADEMY DIPLOMAS :	
First Class for Graduates in Arts.....	24e-30-32-33
First Class for Holders of Model Sc. Dip.....	31
Second Class.....	24f-40-44
APPEALS TO PROTESTANT COMMITTEE.....	187
AUTHORIZED FORMS.....	157
AUTHORIZATION OF TEXT BOOKS.....	154-156-188-192
BULLETINS OF INSPECTION.....	9k-85j
BLACKBOARD.....	127-137
BOARDING AROUND.....	148
BOARD OF EXAMINERS :	
Central Board.....	18-72
For Inspectors.....	1-8
CENTRAL BOARD :	
Powers and Duties of.....	18-20-28-29-72
Grades of Diplomas.....	21-24
Classes of Diplomas.....	22-24
Fees.....	45-49
Subjects of Examination.....	28-30
Extra Provincial Certificates.....	46-50
Exemptions granted.....	27
Records and Reports.....	72-74
Action of Board annulled.....	68
Permits granted.....	35-39
CLASSIFICATION OF SCHOOLS.....	73-74

II

INDEX

COURSE OF STUDY :	
For three Grades of Schools.....	75
In relation to Inspectors.....	9b
In relation to Superior Schools.....	76f
Of Normal School.....	52-53
In relation to Teachers.....	9c
In relation to Pupils.....	9b
DIPLOMAS :	
Grades of.....	21-24
Classes of.....	22-24
Academy.....	24e-24f-30-31-32-33-40-44
ENGAGEMENT OF TEACHERS :	
Length of.....	146
Form of.....	149
EDUCATIONAL JOURNALS.....	170 (23)
FEES :	
For Examination of Inspectors.....	6
“ “ Teachers.....	49
“ Superior Schools.....	82
“ University Certificate.....	99d
HOLIDAYS.....	143
HEAD TEACHERS.....	168
INSPECTORS :	
Examination of.....	4
Composition of Board.....	1
Expenses of Board.....	2
Duties of Board.....	3
Time of Examination.....	4
Subjects of Examination.....	7
Certificates.....	5
Duties of.....	9
Prize-Books.....	10
INSPECTOR OF SUPERIOR SCHOOLS :	
Duties of.....	85-86
MAPS.....	138
MODEL SCHOOL :	
Conditions for.....	76-77
Special Cases.....	78
Change of Name.....	79

INDEX

III

Fees of.....	82
Application for Inspection.....	83
Specimens of Work.....	84
Inspection of.....	85
Examination of.....	87-90
MACDONALD COLLEGE SCHOOL FOR TEACHERS :	
Direction of.....	57-58-59
Committee of.....	59
Annual Session.....	51
Course of Study.....	52-53
Admission.....	20-54
Conditions of Continuance.....	55-56-60
Religious Instruction.....	64-65
Privileges of Teachers.....	66-67
Bursaries.....	69-70
OUTBUILDINGS.....	70 (5) 85 (b)
PERMITS.....	35-39
PRIZE-BOOKS.....	10-16
POOR MUNICIPALITIES.....	164-167
PUPILS :	
Duties of.....	171
Classification.....	168-170 (6)
Work of.....	170 (7)
Discipline of.....	154 (16)-183
Conduct of.....	181-185
Contagious diseases.....	172
Text-Books for.....	173-174
Reasons for absence.....	175
Cannot leave School.....	176
To be present at Inspection.....	177
Of adjoining district.....	179
Damages by.....	182
PUNISHMENTS.....	183-184-185
RELIGIOUS INSTRUCTION.....	
	151-153
SCHOOL BOARDS :	
In relation to School grounds.....	109-114
" " " School houses.....	115-129
" " " School furniture.....	130-138
" " " Teachers' engagements.....	146-150
" " " Text-books.....	154-156
Authorized Forms.....	157

IV

INDEX

SECRETARY-TREASURER'S EXPENSES.....	158-163
SCHOOL JOURNAL.....	157-170 (19)-170 (23)
SCHOOL YEAR.....	140-142
SCHOOL HOURS.....	144-145
SCHOOL GROUNDS.....	109-114

SCHOOL HOUSES :

Position.....	109-115
Size.....	112
Plans.....	125
Windows.....	121-122
Repairs.....	127
Use of.....	128
Furniture.....	130-138
Cleaning and Fires.....	139
Damages.....	182-170 (4)
To be locked.....	129
In charge of Teachers.....	129

SPECIMENS OF SCHOOL WORK :

Elementary School.....	9 (i)
Superior School.....	84

TEXT-BOOKS :

Authorization of.....	154-156
How authorized.....	188-192
Uniform series of.....	155
Pupils provided with.....	173
May be lent to pupils.....	174

TEACHERS :

Attendance.....	169-170 (1)
Duties of.....	170
Head Teacher.....	168
Engagements.....	76 (e)-146-147-149
Number of.....	150

TIME TABLE..... 9 (c) and (d)-170 (8)

TEMPERATURE..... 120-170 (2)

UNIFORM SERIES OF TEXT-BOOKS..... 155-170 (9)

VENTILATION..... 122-123-170 (2)

VISITOR'S REGISTER..... 138-157-170 (20)

