



No. 117.

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2nd Session, 7th Parliament, 26 Victoria, 1863.

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**BILL.**

**An Act for the further improvement of Grammar Schools in Upper Canada.**

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**Received and read, 1st time, Friday, 6th  
March, 1863.**

**Second reading, Tuesday, 10th March, 1863**

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**Hon. Mr. Atty-Gen. MACDONALD.**

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**QUEBEC**

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**An Act for the further improvement of Grammar Schools in Upper Canada.**

**W**HEREAS it is expedient to amend the law and to make further provision for the improvement of Grammar Schools in Upper Canada;

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Grammar School fund shall be apportioned to counties upon the same terms and conditions as the fund provided by the Legislature in aid of Common Schools.

Appropriation of Fund.

2. The corporation of each county shall annually levy and collect a rate for the support of Grammar Schools, in the same manner and subject to the same conditions and restrictions, as such corporations levy and collect rates for the support of Common Schools; and the forfeited and unexpended balances of Grammar School moneys over from any one year shall be added to and form part of the Grammar School fund of the next year.

County Councils to levy rates for Grammar Schools as for Common Schools.

3. In consideration of the aid provided by the corporation of each county to the Grammar School or Schools of such county, as authorized and required by the foregoing section, such school or schools shall be free to all the youth of such county, without payment of fees for tuition (except to residents in the city, town or incorporated village within the limits of which a Grammar School may be situated,) according to the standard now established or which may be established for the admission of pupils to Grammar Schools; and as long as the conduct of each youth shall be agreeable to the rules and discipline of such schools. Provided always, that where a county is divided into school circuits, each Grammar School shall be free only to the youth of that school circuit for which it is established.

Grammar Schools to be free.

Exception.

Condition.

Proviso.

4. The corporation of each city, town or incorporated village within the limits of which a Grammar School is or may be situated, shall provide such accommodations and further means for the support and efficient operation of such school, as may be required from time to time by the Board of Trustees of such school.

City, town or village corporation to furnish accommodation

5. The Trustees of each Grammar School shall be appointed by the corporation of the county and the corporation of the city, town or incorporated village municipality, within the limits of which such Grammar School is or may be situated; that is to say, each County Council at its first session, to be held after the first day of January next, shall select and appoint as Trustees of each Grammar School within its jurisdiction, three fit and proper persons as Trustees of such Grammar School, one of whom, in the order of their appointment, shall annually retire from office (but may be re-appointed) on the thirty-first day of January in each year; and the vacancy occasioned by the retirement of

Mode of appointing Trustees of Grammar Schools.

Three by County Council.

**Filling vacancies.** one of such Trustees annually, as also any occasional vacancy in their number, arising from death, resignation, removal from the county, or otherwise, shall be filled up by such County Council, provided that the person appointed to fill such occasional vacancy shall hold office only for the unexpired part of the term for which the person whose place shall have become vacant was appointed to serve : And the corporation of the city, town or incorporated village municipality, within the limits of which a Grammar School is or may be situated, shall, at its first session in January next, appoint three fit and proper persons as Trustees of such Grammar School, one of whom, in the order of their appointment, shall annually retire from office (but may be re-appointed) on the thirty-first day of January in each year, and the vacancy occasioned by the retirement of one of such Trustees annually, as also any occasional vacancy in their number, arising from death, resignation, removal from the municipality or otherwise, shall be filled up by such Council, provided that the person appointed to fill such occasional vacancy shall hold office only for the unexpired part of the term for which the person whose place shall have become vacant was appointed to serve.

**Three by city, town or village Council.**

**Filling vacancies.**

**Present Trustees to retire in 1864.**

**New Trustees to be a corporation; their powers.**

**Property held for Grammar School purposes vested in the Trustees.**

**Provision limiting Trustees on joint Boards to six, repealed.**  
**Union of Grammar and Common Schools may be dissolved.**

**Division of property, on such dissolution, how determined.**

**Certain pupils required, in order to obtain allowance from fund.**

6. The present Trustees of Grammar Schools shall (unless re-appointed) retire from office on the thirty-first day of January, one thousand eight hundred and sixty-four, and their successors in office shall be appointed as hereinbefore provided by this Act; and the Trustees thus appointed shall be a corporation, and shall succeed to all the rights, names, powers and obligations as are conferred or imposed upon Trustees of Grammar Schools by chapter sixty-three of the Consolidated Statutes for Upper Canada, and by this Act.

7. All property heretofore given or acquired in any municipality for Grammar School purposes, and vested in any person or persons, or corporation, by any title whatever, or hereafter to be given or acquired, shall vest absolutely in the corporation of Grammar School Trustees holding and having the care of the same; and such Trustees shall have full power to manage and dispose of the same in such manner as they may deem expedient for the interests of their Grammar Schools.

8. So much of the last part of the seventh clause of the twenty-fifth, section of chap. sixty-three of the Consolidated Statutes for Upper Canada, herein before mentioned, as limits the number of Common School Trustees to six in joint Boards of Grammar and Common Schools, is hereby repealed; but the union of the Grammar and Common Schools, or departments thereof, as provided in the said clause of the said Act, may be dissolved at the end of any year by a notice of three months given in writing at a meeting of the joint Board, and signed by a majority of the members of either Board, and published at least three times in one or more local newspapers. On the dissolution of the union between any Grammar and Common School, or department thereof, the school property held or possessed by the joint Board shall be divided or applied to public school purposes, as may be agreed upon by a majority of the members of each Board; or if they cannot agree, then by the Municipal Council of the city, town or incorporated village within the limits of which the Grammar and Common Schools of such Boards of Trustees are situated.

9. No Grammar School shall be allowed to receive anything from the same fund unless it has a daily average attendance (times of epidemic excepted) of at least ten pupils learning the Greek and Latin languages, exclusive of those in such subjects of Agricultural Chemistry and Physical Science as may be prescribed according to law.

10. Each Grammar School, conducted according to law, shall be entitled to receive at the rate of not less than three hundred dollars per annum from said fund. Yearly allowance.
11. All apportionments made to Grammar Schools at the rate of over 5 and above the sum of three hundred dollars per annum shall be made according to the daily average attendance (certified by the Head Master and Trustees) of pupils studying the Latin or Greek language, or such subjects of Agricultural Chemistry and Physical Science as may be prescribed according to law. Apportionments over \$300, how to be made.
12. No additional Grammar School shall be established in any county unless the Grammar School fund of such county shall be sufficient to allow the apportionment of three hundred dollars per annum to be made to such additional school. Condition for additional Grammar Schools.
13. Each County Council shall have discretionary authority to abolish any Grammar School, or to change the site of the same within its jurisdiction (except that situated in the county town,) and transfer it to another place in the county, on condition that the municipality to which such Grammar School is transferred shall pay to that from which it is transferred any sum which the County Council may judge equitable for a building or buildings, which may have been erected for the Grammar School, and which may not be required for other school purposes, less the sum received from the sale of such building. Removal of Grammar Schools. Conditions of such removal.
14. The eighty-third, eighty-fourth, eighty-fifth, eighty-sixth and eighty-seventh sections of the Statute, chapter sixty-four of the Consolidated Statutes for Upper Canada, shall apply to the settlement of all differences between Boards of Trustees and Head Masters and Teachers of Grammar Schools in the same manner as they apply to the settlement of differences between the School Trustees and Teachers of Common Schools: Provided always, that in such cases, the Local Superintendent shall not act as an arbitrator; but in the event of a difference of opinion on the part of the two arbitrators, they shall themselves choose a third arbitrator, and the decision of a majority of the arbitrators thus chosen shall be final. Certain sections of Common School Act to apply to Grammar Schools. Proviso.
15. Whereas it is desirable and important that each Grammar School should, as soon as practicable, be made a school of practical science as well as of classical learning, it shall be lawful for the Trustees of each Grammar School to establish a mastership or lectureship in Elementary and Agricultural Chemistry and in Natural Philosophy, especially Mechanics, as illustrative of the various kinds of machinery required by the manufacturing and other mechanical interests of the country. The course of lectures in Chemistry and Natural Philosophy shall continue not less than four months in each year; and the expense of the apparatus and lectures, including the salary of the master, shall be defrayed equally by the city, town or incorporated village within which the Grammar School is situated, and the county or school circuit for which such Grammar School is established, on an estimate from time to time prepared by the Board of Trustees of such Grammar School, and laid before the Municipal Councils of the county and of the city, town or incorporated village respectively; and it shall be the duty of such Councils to provide the sum or sums at such times and in such manner as may be required by such Board of Trustees. Trustees may establish Masterships of Agricultural Chemistry and Natural Philosophy. Conditions. Expenses, how defrayed.
16. The certificates granted to Masters of Grammar Schools under the authority of the thirteenth section of the Consolidated Grammar School Act shall, upon the recommendation of the committee of examiners, be issued. Certificates to Masters of Grammar Schools, how issued.

ners, be issued under the hand and official seal of the Chief Superintendent of Education, as provided in regard to *Provincial* Common School certificates, and shall be valid in any part of Upper Canada until revoked.

Inconsistent  
enactments  
repealed.

**17.** So much of the Consolidated Grammar School Act of Upper Canada, chapter sixty-three of the Consolidated Statutes for Upper Canada, as is inconsistent with the provisions of this Act, is hereby repealed. 5