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1st Session, 4th Parliament, 16th Victoria, 1852.

B I L L .

**An Act to make certain provisions with
regard to Common Schools in Upper
Canada, for a limited period.**

**Received and read first time, Saturday, 6th
November, 1852.**

Second reading, Monday, 8th Nov., 1852.

(450 Copies.)

Hon. Mr. Atty. Genl. RICHARDS.

S. Derbishire & G. Desbarats, Queen's Printer.

(218)
BILL.

An Act to make certain provisions with regard to Common Schools in Upper Canada for a limited period.

WHEREAS it is expedient to make some further provision for the improvement of Common Schools in Upper Canada, and to modify and extend some of the provisions of the Act thirteenth and fourteenth Victoria, chapter forty-eight, intituled *An Act for the better establishment and maintenance of Common Schools in Upper Canada*; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Board of School Trustees in each City Town and Incorporated Village, shall, in addition to the powers with which they are now legally invested, possess and exercise, as far as they shall judge expedient, in regard to each such City, Town and Incorporated Village, all the powers with which the Trustees of each School Section are or may be invested by law in regard to each such School Section.

Preamble.

13 and 14 Vic.
c. 48, cited.

Powers of
School
Trustees
extended.

II. And be it enacted, That the Trustees of each School Section, shall, as the elected Representatives of such Section, determine the manner in which all the School expenses of such Section shall be provided for, whether by any or all of the three authorized methods of voluntary subscription, rate-bill for each pupil attending the School, or by rate upon property: Provided always, that no rate shall be imposed upon the inhabitants of any School Section according to the whole number of children, or of the number of children of legal school age, residing in such section: Provided, secondly, that the Trustees of each School Section shall see that each School under their charge is, at all times, duly provided with a Register and Visitors' Book, in the form prepared according to law; nor shall any School Section in which such books are not provided and duly kept, or in which a periodical devoted to Education is not taken by the Trustees as required by law, be entitled to receive aid from the Common School Fund: Provided, thirdly, that the Trustees of each School Section shall have authority to take such steps as they may judge expedient to unite their School with any public Grammar School, which shall be situated within, or adjacent to the limits of their School Section: Provided, fourthly, that the Trustees of each School Section shall be personally responsible for the amount of any School moneys which shall be forfeited and lost to such School Section during the period of their continuance in office, in consequence of their neglect of duty; and the amount thus forfeited or lost shall be collected and applied in the manner provided by the ninth section of the said Act, thirteenth and fourteenth Victoria, chapter forty-eight, for the collection and application of the fines imposed by the said section: Provided fifthly, that the Trus-

How Trustees
shall provide
for School
expenses.

Proviso: as to
number of
children.

Proviso: for
Register and
Visitors' book,
and Education
Periodical.

Proviso: Union of
School to
Grammar
School.

Proviso: Trustees
responsible
for moneys
forfeited.

Application
of moneys
forfeited.

Penalty on
Trustees

not forwarding their report.

How applied.

Agreements between Trustees and Teachers not valid in certain cases.

Trustees to assess for School Sites.

Proviso : Meeting to be called.

Persons sending children to other Schools liable for rate in their School Section.

Local Superintendent to continue in office.

Shall not be a Teacher.

Powers and obligations of

tees of each School Section, shall, each personally forfeit the sum of one pound five shillings for each and every week that they shall neglect, after the fifteenth of January in each year, to prepare and forward to their local Superintendent of Schools, their School Report, as required by law, for the year ending the thirty-first 5 December, immediately preceding ; and which sum or sums thus forfeited, shall be sued for by such local Superintendent, and collected and applied in the manner provided by the proviso of this section, immediately preceding : Provided, sixthly, that no agreement 10 between Trustees and a Teacher in any School Section, made between the first of October and the second Wednesday in January, shall be valid or binding on either party after the second Wednesday 15 in January, unless such agreement shall have been signed by the two Trustees of such School Section, whose period of Office shall extend to one year beyond the second Wednesday of January, 15 after the signing of such agreement.

III. And be it enacted, That the Trustees of each School Section shall have the same authority to assess and collect rates for the purpose of purchasing School Sites and the erection of School Houses, with which they are, or may be invested by law to assess 20 and collect for other School purposes : Provided always, that they shall take no steps for procuring a School Site on which to erect a new School House, or changing the site of a School House established, or that may be hereafter established, without calling a Special Meeting of the Freeholders and Householdors of their 25 Section to consider the matter ; and if a majority of such Freeholders and Householdors present at such Meeting, differ from a majority of the Trustees, as to the site of a School-House, the question shall be disposed of in the manner prescribed by the eleventh section of the said Act, thirteenth and fourteenth Victoria, 30 chapter forty-eight.

IV. And be it enacted, That any person residing in one School Section, and sending a child or children to the School of a neighboring School Section, shall be liable for the payment of all rate-bills and rates for the School purposes of the Section in which he resides, 35 the same as if he sent his child or children to the School of such Section ; and such child or children shall not be returned as attending any other than the School of the Section in which the parents or guardians of such child or children reside.

V. And be it enacted, That any person who has been or may 40 be appointed Local Superintendent of Schools shall continue in office, (unless he resigns, or is removed from office for neglect of duty, improper conduct, or incompetency,) until the first day of April of the year following that of his appointment, and during 45 the pleasure of the Council appointing him : Provided always, that no Local Superintendent shall be a Teacher or Trustee of any Common School during the period of his being in office : Provided, secondly, that no Local Superintendent shall be 50 required (unless he shall judge it expedient, and except with a view

to the adjustment of disputes,) to make more than two official visits to each School Section under his charge; one of which visits shall be made some time between the first of April and the first of October, and the other sometime between the first of October and the first of

5 April: Provided, thirdly, that the Local Superintendents of adjoining townships shall have authority to determine the sum or sums which shall be payable from the School apportionment and assessment of each Township in support of Schools of Union School Sections, consisting of portions of such Townships; and they shall

10 also determine the manner in which such sum or sums shall be paid: Provided, fourthly, that in the event of one person being Local Superintendent of both of the Townships concerned, he shall act in behalf of such Townships; and in the event of the Local Superintendents of Townships thus concerned not being able to agree as

15 to the sum or sums to be paid to each such Township, the matter shall be referred to the Chief Superintendent of Schools for final decision: Provided, fifthly, that each Local Superintendent of Schools shall have authority to appoint the time and place of a Special School Section Meeting, at any time and for any lawful

20 purpose, should he deem it expedient to do so, and should the Trustees refuse to call such meeting; Provided, sixthly, that each Local Superintendent of Schools shall have authority within twenty days after any meeting for the election of Common School Trustees within the limits of his charge, to receive and investigate any

25 complaint respecting the mode of conducting such Election, and to confirm it, or set it aside, and appoint the time and place of a new Election, as he shall judge right and proper; Provided, seventhly, that each Local Superintendent shall have authority on due examination, (according to the programme authorized by law for the

30 examination of Teachers,) to give any candidate a certificate of qualification to teach a School within the limits of the charge of such Superintendent until the next ensuing meeting (and no longer) of the County Board of Public Instruction of which such Local Superintendent is a Member; but no such certificate of qualifica-

35 tion shall be given a second time, or shall be valid if given a second time, to the same person in the same County; Provided, eighthly, that in the event of a Local Superintendent of Schools resigning his office, the Warden of the County or Union of Counties within which such Superintendent shall have held office, shall

40 have authority, if he shall deem it expedient, to appoint a fit and proper person to the office thus vacated until the next ensuing meeting of the Council of such County or Union of Counties.

Local Superintendents.

VI. And be it enacted, That in any Village in Upper Canada, which shall become incorporated according to Law, an Election of a

45 Board of School Trustees for such Village shall take place as soon as convenient in the manner provided and authorized for incorporated Villages in the twenty-fifth section of the said Act, thirteenth and fourteenth Victoria, chapter forty-eight; Provided always, that

50 the time of the first Election of such Board of School Trustees, shall be fixed by the Reeve of such Village, or in case of his neglecting to do so for one month, by any two Freeholders in such Village, on

How Elections for School Trustees shall take place.

Proviso.

giving six days' notice in at least three public places in such Village ; Provided also, that all Elections of School Trustees that have taken place in Villages which have been incorporated since one thousand eight hundred and fifty, shall be and are hereby confirmed, and the acts of Boards of School Trustees so elected in such Villages are hereby made as valid as if such Boards had been elected for Villages incorporated before one thousand eight hundred and fifty, and in all cases the Chairman to be elected by the Trustees from their own body, and to have a right to vote at all times, and also, a second or casting vote in cases of equality. 10

Proviso.
Voters objected to shall make a declaration.

Declaration.

False declaration to be a misdemeanor.

VII. And be it enacted, That in case of the right of any person to vote at an Election of a Trustee or Trustees in any City, Town, or incorporated Village, be objected to, the Returning Officer presiding at such Election shall require the person whose right of voting is thus objected to, to make the following declaration: " I do declare and affirm that I have been rated on the assessment-roll of this City (Town or Village, as the case may be) as a Freeholder (or householder, as the case may be) and that I have paid a tax in this ward, (or Village, as the case may be,) within the last twelve months, and that I am legally qualified to vote at this Election." And the person making such declaration shall be permitted to vote ; Provided always, that any person who shall, on the complaint of any person, be convicted of wilfully making a false declaration of his right to vote, shall be deemed guilty of misdemeanor, and punishable by fine and imprisonment in the manner provided for similar cases in the seventh section of the said Act, thirteenth and fourteenth Victoria, chapter forty-eight. 15 25

Provisions 13 and 14 V. c. 48, contrary to this Act, repealed.

VIII. And be it enacted, That such of the provisions of the Act thirteenth and fourteenth Victoria, chapter forty-eight, as are contrary to the provisions of this Act, shall be and are hereby repealed. 30

Act to apply to current year.

IX. And be it enacted, That the provisions of this Act shall apply to all school affairs and to all persons referred to in the said provisions, for the current year.

Duration of Act.

X. And be it enacted, That this Act shall be and continue in force until the first day of April next and not after. 35