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AN ACT TO AMEND THE UPPER CANADA COMMON SCHOOL ACT. 23 VICT., CAP. 49.*

[Assented to 19th May, 1860, and in force from that date.]

Whereas it is expedient to amend the Law respecting Common Schools in Upper Canada: Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Penalty on Teacher refusing to deliver up School Register, &c.

1. Any Teacher wilfully refusing, on the demand of the majority of the Trustees of the School Corporation employing him, to deliver up any School Register or School House key or other School property in his possession, shall be deemed guilty of a misdemeanour and shall not be deemed a qualified Teacher until restitution be made, and shall also forfeit any claim which he may have against the said Trustees.

Remainder of School section may be attached to incorporated Village.

2. On the incorporation of a part of any School section within the limits of a Village, the Municipal Council of the Township, within the limits of which such School section is in whole or in part situated, shall have authority forthwith to attach the part or parts of such School Section, not included within the limits of the Village Corporation, to an adjacent School section or School sections, or form them into a separate and distinct section or sections.

Who are legal voters at School meetings.

3. The seventeenth section of the Upper Canada Common School Act, chapter sixty-four of the Consolidated Statutes for Upper Canada, shall be amended so as to read as follows:—No person shall be entitled to vote in any School section for the

* The general School Law, in its newly consolidated form, has also been inserted in this Number of the Journal, and will be found on page 83.

election of Trustee or on any School question whatsoever, unless he shall have been assessed and shall have paid School rates as a freeholder or householder in such section: and in case an objection be made to the right of any person to vote in a School section, the chairman or presiding officer at the meeting shall, at the request of any rate payer, require the person whose right of voting is objected to, to make the following declaration:

Form of Declaration required from School Electors.

"I do declare and affirm that I have been rated on the assessment roll of this School section as a freeholder (or householder, as the case may be) and that I have paid a public School tax due by me in this School section imposed within the last twelve months, and that I am legally qualified to vote at this meeting."

Penalty for making false declaration.

Whereupon the person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person refuses to make such declaration his vote shall be rejected; And if any person wilfully makes a false declaration of his right to vote, he shall be guilty of a misdemeanour, and upon conviction, upon the complaint of any person, shall be punishable by fine or imprisonment in the manner provided for in the said Upper Canada Common School Act.

Time and hours for School Elections in rural sections, towns, &c.

4. The poll at every election of a School Trustee or Trustees shall not close before eleven of the clock in the forenoon, and shall not be kept open later than four of the clock in the afternoon; In School sections the poll shall close on the same day the election is commenced; in cities, towns and incorporated villages the same time shall be allowed for the election of School Trustees which is allowed for the election of Municipal Councillors in such municipalities.

Formation of Union School Sections in townships, towns, &c.

5. The forty-fifth and forty-sixth sections of the said Upper Canada Common School Act, shall be amended so as to read as follows: "Under the conditions prescribed in the fortieth section in respect to alteration of other School Sections, union School sections, consisting of parts of two or more townships or parts of a township and any town or incorporated village, may be formed and altered by the Reeves and Local Superintendent or Superintendents of the townships out of parts of which such sections are proposed to be formed,—or in a case of a union section of parts of a township or townships and a town or incorporated

village, by the Reeve and Local Superintendent of the township, and the Board of Common School Trustees of the town or village, at a meeting appointed for that purpose by any two of such Reeves, or by the Board of Common School Trustees of such town or village, of which meeting the other parties authorized to act with them shall be duly notified ;

Effect of such Union in Township, Town or Village.

And each union School section, composed of portions of adjoining townships or portions of a township or townships and a town or incorporated village, shall, for the purposes of the election of Trustees under their control be deemed one School section, and shall be considered in respect to superintendence and taxation for the erection of a School house, as belonging to the township, town or village in which the same is situated."

Certain Trustee Contracts unlawful.

6. It shall not be lawful for any Common School Trustee to enter into a contract with the Corporation of which he is a member or have any pecuniary claim on such Corporation, except for a School site, or as Collector of School rates, and then only when he shall be appointed and the warrant to him signed by the other two members of the Corporation, with the seal of the same.

Proceedings of School Corporation not valid unless adopted at regular Trustee-meetings.

7. No Act or proceeding of a School Corporation shall be deemed valid or binding on any party which is not adopted at a regular or special meeting, of which notice shall be given by the Secretary to all the Trustees by notifying them personally or by sending a written notice to their residences, and the proceedings of such Trustee meetings shall be entered in a book of the Corporation kept for that purpose, and signed by the senior or presiding Trustee; *Provided* always, that a majority of the Trustees, at a meeting thus called, shall have full authority to perform any lawful business.

Annual appointment of Auditors of School Section Accounts.

8. In order that there may be accuracy and satisfaction in regard to the School accounts of School sections, the majority of the freeholders and householders present at the annual School meeting shall appoint a fit and proper person to be Auditor of the School accounts of the section for the then current year, and the Trustees shall before the first day of December in each year, appoint another Auditor; and the Auditor thus chosen or either of them shall forthwith appoint a time before the day of the next ensuing annual School meeting for examining the accounts of the School section;

Trustees to submit their School Accounts to the Auditors.

And it shall be the duty of the Trustees or their Secretary-treasurer in their behalf to lay all their accounts before the Auditors or either of them together with the agreements, vouchers, &c., in their possession, and to afford to the Auditors or either of them all the information in their power as to their receipts and expenditures of School moneys in behalf of their School Section;

Powers and duties of School Section Auditors, &c.

And it shall be the duty of the Auditors to examine into and decide upon the accuracy of the accounts of such section and whether the Trustees have truly accounted for and expended for School purposes the moneys received by them, and to submit the said accounts with a full report thereon at the next annual School meeting; and if the Auditors or either of them object to the lawfulness of any expenditures made by the Trustees, they shall submit the matters in difference to such meeting, which may either determine the same or submit them to the Chief Superintendent of Education, whose decision shall be final, and the Auditors shall remain in office until their audit is completed; The Auditors or either of them shall have the same authority to call for persons and papers and require evidence on oath and to enforce their decisions as have Arbitrators appointed under the authority of the eighty-fourth, eighty-fifth and eighty-sixth sections of the said Upper Canada Common School Act; and it shall be their duty or that of either of them to report the result of their

examination of the accounts of the year to the annual School meeting next after their appointment, when the Annual Report of the Trustees shall be presented, and the vacancy or vacancies in the Trustee Corporation be filled up, as provided by the law;

Remedy in case the Trustees fail to call the meeting for Auditors.

And if the Trustees omit to call such public meeting by notice issued not later than the twenty-second day of December, the same may be called by any two qualified Electors, and if the Trustees neglect to appoint an Auditor or appoint one who refuses to act, the Local Superintendent shall appoint one for them;

Penalty on Trustees refusing information, &c., to Auditors.

And if the Trustees, or their Secretary in their behalf, refuse to furnish the Auditors or either of them with the papers or information in their power and which may be required of them relative to their School accounts, the party refusing shall be guilty of a misdemeanor, and upon prosecution by either of the Auditors or any rate-payer, be punished by fine or imprisonment as provided by the one hundred and fortieth section of the said Upper Canada Common School Act;

Accounts of 1860 to be audited in this manner.

Provided that the Auditors, appointed for the year one thousand eight hundred and sixty-one, shall also audit the accounts for the year one thousand eight hundred and sixty.

Penalty on Trustees refusing to comply with award of Arbitrators.

9. If the Trustees wilfully refuse or neglect for one month after publication of award, to comply with or give effect to an award of Arbitrators appointed as provided by the eighty-fourth section of the said Upper Canada Common School Act, the Trustees so refusing or neglecting shall be held to be personally responsible for the amount of such award, which may be enforced against them individually by warrant of such Arbitrators within one month after publication of their award; and no want of form shall invalidate the award or proceedings of Arbitrators under the School Acts.

School Trustees may dispose of School sites not required.

10. It shall be lawful for any School Trustee Corporation to dispose by sale or otherwise of any School site or School property not required by them in consequence of a change of School site, and to convey the same under their corporate seal and to apply the proceeds thereof for their lawful School purposes; And all sites and other property given or acquired, or which may be given or acquired for Common School purposes, shall vest absolutely in the Trustee Corporation for this purpose; and in like manner, and for like purpose.

United Board of Grammar and Common School Trustees to have the same power to sell school property.

It shall be lawful for any United Board of Grammar and Common School Trustees to dispose by sale or otherwise of any School site or School property, belonging to the United Board, or to the Grammar School or Common School Trustees respectively.

Who shall be disqualified to act as School Trustee.—Absence.

11. No person shall be eligible to be elected or to serve as School Trustee who is not a resident assessed freeholder or householder in the School section for which he is elected;—nor shall any Teacher, or Local Superintendent, hold the office of Trustee; and a continuous non-residence of six months from his School section by any Trustee shall cause the vacation of his office.

Agreement with Teachers must be in writing and under seal.

12. All agreements between Trustees and Teachers to be valid and binding shall be in writing, signed by the parties thereto, and sealed with the corporate seal, and may lawfully include any stipulation to provide the Teacher with board and lodging.

Local Superintendent to decide complaints about School Elections.

13. It shall be the duty of a Local Superintendent of Schools to receive, investigate and decide upon any complaints which may be made in regard to the election of School Trustees or in regard to any proceedings at School meetings; *Provided* always,

that no complaint, in regard to any election or proceeding at a school meeting, shall be entertained unless made in writing within twenty days after the holding of such election or meeting.

Chief Superintendent to decide all complaints, appeals and other questions not otherwise provided for.

14. The Chief Superintendent shall have authority to decide upon all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any Local Superintendent or other School officer.

Special allowance to Local Superintendents and Arbitrators.

15. Arbitrators appointed under the authority of the School Acts and Local Superintendents engaged in investigating and deciding upon School complaints and disputes, shall be entitled to the same remuneration *per diem* for the time thus employed as are members of the Municipal Council of their County for their attendance at Council meetings;

Proviso: who shall pay Arbitrators' Expenses.

Provided always, that the parties concerned in such disputes shall pay all the expenses incurred in them, according to the award or decision of the Arbitrators and Local Superintendents respectively.

Meetings of and allowance to Members of County Board of Public Instruction,—provision for Expenses.

16. Each County or Circuit Board of Public Instruction shall meet half yearly, and each of its members shall be entitled to the same recompense for his time and expenses as are members of the County Corporation for their attendance at County Council meetings; and the incidental expenses, attending the meeting of such County or Circuit Board, shall include the recompense to its members, the stationery, room, fuel, light, printing of notice, examination papers and certificates, and such remuneration to the Secretary of such Board as the Board may deem just and expedient.

Every Saturday to be a holiday.

17. Every Saturday shall be a holiday in all the Public Schools.

School Trustees must make declaration of office, or be fined.

18. Every person elected as Trustee, and who is eligible and liable to serve as such, shall make the following declaration of office before the Chairman of the School meeting:

"I will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee to which I have been elected."

Fine for default, or in case of neglect.

And if any person elected as Trustee shall not make such a declaration within two weeks after notice of his election, his neglect to do so shall be sufficient evidence of his refusing to serve and of his liability to pay the fine as provided for in the twenty-third section of the said Upper Canada Common School Act.

Fine on Chairman of School meeting for not transmitting proceedings to Local Superintendent.

19. Any Chairman who neglects to transmit to the Local Superintendent, a copy of the proceedings of an annual or other School section meeting over which he may preside, within ten days after the holding of such meeting, shall be liable, on the complaint of any rate-payer, to a fine of not more than five dollars, to be recovered as provided in the one hundred and fortieth section of the Upper Canada Common School Act aforesaid.

Trustees not liable for acting under a Municipal By-law, &c.

20. Trustees shall not be liable to any prosecution or the payment of any damages for acting under any By-law of a Municipal Council before it has been quashed.

Powers and liabilities of Collectors of School rates.

21. Collectors of School rates shall have the same powers, and be under the same liability and obligations in their respective School municipalities, as Township Collectors have and

are liable to in their respective municipalities, and shall give such security as may be satisfactory to the Trustees.

Local Superintendent may suspend a Teacher's Provincial Certificate.

22. A Local Superintendent shall have the same authority to suspend for the time being a Provincial Certificate of Teacher's qualifications, and report the same forthwith to the Chief Superintendent, as he has to suspend a County Certificate, notifying in writing to the Teacher, whose certificate is suspended, the reasons of it; and the Chief Superintendent shall finally decide upon the case.

Chief Superintendent may refer certain questions to Superior Courts.

23. It shall be competent for the Chief Superintendent of Education, should he deem it expedient, to submit a case on any question arising under the Grammar or Common School Acts, to any Judge of either of the Superior Courts for his opinion and decision, or, with the consent of such Judge, to either of the Superior Courts for their opinion and decision.

Enactments inconsistent with this Act repealed.

24. So much of the said Upper Canada Common School Act as is inconsistent with the provisions of this Act, is hereby repealed;

Section 95 of the Consolidated School Act, amended.

And in the second line of the ninety-fifth section of the said Upper Canada Common School Act, the phrase "The County Council shall divide" shall read, "The County Council shall have authority to divide," &c.

THE CONSOLIDATED COMMON SCHOOL ACT FOR UPPER CANADA.—22 Vic. cap. 64.

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

EXISTING ORGANIZATION CONTINUED.

1. All common school sections or other common school divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to common schools, and existing when this Act comes into force, shall continue subject to the provisions of this Act.

2. The term for which each school trustee who holds office at the time this Act takes effect, shall continue as if such term had commenced by virtue of an election under this Act; and on the second Wednesday in January next after this Act takes effect, the trustee or trustees whose term of office then expires, shall retire from office, but may, with his or their own consent, be re-elected under the provisions of this Act.

Annual Election on the Second Wednesday in January.

3. The annual meetings for the election of school trustees, as hereinafter provided, shall be held in all the cities, towns, townships, and villages of Upper Canada, on the *second Wednesday in January*, in each year, commencing at the hour of ten of the clock in the forenoon.*

Trustees' term of office.

4. For each township school section there shall be three trustees, each of whom, after the first election of trustees, shall hold office for *three years*, and until his successor has been elected.

5. Any trustee elected to fill an occasional vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

Trustees not to hold certain offices.

6. And no trustee of a school section shall hold the office of local superintendent or of a teacher, within the section of which he is a trustee.†

Proceedings on the formation of a new section.

7. Whenever a school section is formed in any township, as provided in the *thirty-ninth* section of this Act, the Clerk of the

* See Section 4 of the New School Act.

† See Section 11 of the New School Act.

Township shall give notice to the person appointed, to call the *first* school meeting for the election of trustees, of the description and number of such school section.

A meeting in new section to be called within 20 days.

8. The person so appointed shall, within *twenty* days after receiving such notice, prepare a notice in writing, describing such section, and appointing a time and place for the *first* school section meeting, and shall cause copies of such notice to be posted in at least *three* public places in the school section, at least *six* days before the time of holding the meeting.

Chairman and Secretary to be appointed at meeting.

9. The freeholders and householders of such school section then present, shall elect one of their own number to preside over the proceedings of such meeting, and shall also appoint a secretary, who shall record all the proceedings of the meeting.

Duties of chairman—his casting vote.

10. The chairman of such meeting shall decide all questions of order, subject to an appeal to the meeting, and in case of an equality of votes, shall give the casting vote, but he shall have no vote except as chairman.

Mode of recording votes at school meetings.

11. The chairman shall take the votes in the manner desired by a majority of the electors present, but he shall at the request of any *two* electors, grant a poll for recording the names of the voters by the secretary.

Three trustees to be elected at a first school meeting.

12. At such first school section meeting, the electors present shall by a majority of votes elect from the freeholders or householders in such section, three trustees.

First trustees' term of office.

13. The trustees so elected shall respectively continue in office, as follows :

(1.) The *first* person elected shall continue in office for *two* years, to be reckoned from the annual school meeting next after his election, and thence until his successor has been elected ;

(2.) The *second* person elected shall continue in office *one* year, to be reckoned from the same period, and until his successor has been elected :

(3.) The *third* or last person elected shall continue in office until the next ensuing annual school meeting in such section and until his successor has been elected.

Copy of proceedings to be sent to Superintendent.

14. A correct copy of the proceedings of such first and of every annual and of every special school section meeting, signed by the chairman and secretary, shall be forthwith transmitted by the secretary to the local superintendent of schools.*

A school trustee to be annually elected in each section.

15. A trustee shall be elected to office at each ensuing annual school meeting, in place of the one whose term of office is about to expire : and the same individual, if willing, may be re-elected ; but no school trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

Mode of proceeding at annual meeting.

16. At every annual school section meeting in any township, as authorized and required to be held by the *third* section of this act, the freeholders and householders of such section present at such meeting, or a majority of them—

Appointment of chairman and secretary.

(1.) Shall elect a chairman and secretary, who shall perform the duties required of the chairman and secretary, by the *tenth* and *eleventh* sections of this Act. ;

Trustees' financial report to be submitted.

(2.) Shall receive and decide upon the report of the trustees, as required by the twenty-first clause of the *twenty-seventh* section of this Act.†

* See section 19 of the new School Act.

† See section 8 of the new School Act.

Election of School Trustees.

(3.) Shall elect a trustee or trustees, to fill up the vacancy or vacancies in the trustee corporation ;* and

To decide on manner of supporting the school.

(4.) Shall decide upon the manner in which the salaries of the teacher or teachers, and all other expenses connected with the operation of the school or schools, shall be provided for.

[Sections 17 and 18 have been superseded by Section 3 of the new Act.]

Separate school supporters not to vote at Common School meetings.

19. No person subscribing towards the support of a separate school established under the act respecting separate schools and belonging to the religious persuasion thereof, and sending a child or children thereto, shall be allowed to vote at the election of any trustee for a common school in the city, town, village, or township in which such separate school is established.

Place of annual school meeting to be appointed by the trustees.

20. The trustees of each school section shall appoint the place of each annual school meeting of the freeholders and householders of the section, or of a special meeting for the filling up of any vacancy in the trustee corporation occasioned by death, removal,† or other cause, or of a special meeting for the selection of a new school site ; and shall cause notices of the time and place to be posted in *three* or more public places of such section, at least *six* days before the time of holding such meeting, and shall specify in such notices the object of such meeting. They may also call and give like notices of any special meeting, for any other school purpose, which they think proper : and each such meeting shall be organized, and its proceedings recorded, in the same manner as in the case of a first school meeting.

Penalty on Trustees for not calling certain school meetings.

21. In case any annual or other school section meeting has not been held for want of the proper notice, each trustee or other person whose duty it was to give such notice, shall forfeit the sum of *five* dollars, to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the section for the use thereof.

Meetings to be called in default of first or annual meetings.

22. In case, from the want of proper notice, any first or annual school section meeting, required to be held for the election of trustees was not held at the proper period, any *two* freeholders or householders in such section may, within twenty days after the time at which such meeting should have been held, call a meeting, by giving *six* days' notice, to be posted in at least *three* public places in such school section ; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Penalty for refusing to serve as trustee

23. If any person chosen as trustee refuses to serve, he shall forfeit the sum of *five* dollars ; and every person so chosen who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of *twenty* dollars, to be sued for and recovered before a Justice of the Peace, by the trustees of the school section for its use.‡

Trustee may resign.

24. Any person chosen as trustee may resign with the consent, expressed in writing, of his colleagues in office and of the local superintendent.

Mode of proceeding in contested elections in school sections.

25. Each Local Superintendent of Schools—

(1.) Shall, within *twenty* days after any meeting for the election of common school section trustees within the limits of his charge, receive and investigate any complaint respecting the mode of conducting the election,§ and according to the best of

* See Section 11 of the new School Act.

† See Section 11 of the new School Act.

‡ See Section 18 of the new School Act.

§ See Section 13 of the new School Act.

his judgment confirm it or set it aside, and appoint the time and place for a new election, and may—

(2.) In his discretion, at any time for any lawful purpose, appoint the time and place for a special school section meeting.

Trustees to be a School Corporation.

26. The trustees in each school section shall be a corporation, under the name of "The Trustees of School Section No. —, in the Township of —, in the County of —." And no such corporation shall cease by reason of the want of trustees; but in case of such want, any two freeholders or householders of the section may, by giving six days' notice, to be posted in at least three public places in the section, call a meeting of the freeholders or householders, who shall proceed to elect three trustees, in the manner prescribed in the ninth, tenth, eleventh, twelfth, and thirteenth sections of this Act, and the trustees thus elected shall hold and retire from office in the manner prescribed for trustees.

Appointment and duties of Secretary-Treasurer.

27. It shall be the duty of the trustees of each school section, and they are hereby empowered:

1. To appoint one of themselves, or some other person, to be secretary-treasurer to the corporation, who shall give such security as may be required by a majority of the trustees;*

a. For the correct and safe keeping and forthcoming (when called for) of the papers and moneys belonging to the corporation;

b. And for the correct keeping of a record of all their proceedings, in a book procured for that purpose;†

c. And for the receiving and accounting for all school moneys collected by rate-bill, subscription, or otherwise, from the inhabitants of such school section;

d. And for the disbursing of such moneys in the manner directed by the majority of the trustees;

Appointment and duty of school Collectors.

(2.) To appoint if they think it expedient, one of themselves or some other person a collector‡ (who may also be secretary-treasurer), to collect the rates imposed by them upon the inhabitants of their school section, or the sums which the said inhabitants have subscribed; and may pay such collector, at the rate of not less than five nor more than ten per cent. on the moneys collected by him; and every such collector shall give security satisfactory to the trustees,§ and shall have the same powers by virtue of a warrant, signed by a majority of the trustees, in collecting the school-rate or subscription, and shall proceed in the same manner as ordinary collectors of county and township rates and assessments;

Trustees to acquire and hold school property.

(3.) To take possession and have the custody and safe keeping of all common school property which has been acquired or given for common school purposes in such section, and to acquire and hold as a Corporation, by any title whatsoever, any land, movable property, moneys or income for common school purposes, and to apply the same according to the terms on which the same were acquired or received;||

Building or otherwise providing school premises.

(4.) To do whatever they may judge expedient with regard to the building, repairing, renting, warming, furnishing and keeping in order the section school house, and its furniture and appendages, and the school lands and enclosures held by them; and for procuring apparatus and text books for their school;

(5.) And when there is no suitable school house belonging to such section, or when a second school house is required, then to rent, repair, furnish, warm and keep in order a house, and its appendages, to be used as a school house;

May establish a second or female school.

(6.) To establish, if they deem it expedient, with the consent of the local superintendent of schools, both a female and male school in the section, each of which schools shall be subject to the same regulations and obligations as common schools generally;

May unite with grammar school.

(7.) To take such steps as they may judge expedient to unite their school with any public grammar school, which may be within or adjacent to the limits of their section;¶

Employ teachers. Certain agreements therewith invalid.

(8.) To contract with and employ teachers for such school section, and determine the amount of their salaries, but no agreement between trustees and a teacher in any school section, made between the first of October in any year and the second Wednesday in January then next, shall be valid or binding on either party after the last mentioned day, unless such agreement has been signed by the two trustees of such school section whose period of office extends to one year beyond such second Wednesday;†

Give orders to qualified teachers for school fund.

9. To give the teachers employed by them the necessary orders upon the local superintendent for the school fund apportioned and payable to their school section, but they shall not give such order in behalf of any teacher who does not, at the time of giving such order, hold a legal certificate of qualification;

Provide for salaries and expenses as authorized by school electors.

(10.) To provide for the salaries of teachers and all other expenses of the school, in such manner as may be desired by a majority of the freeholders and householders of such section, at the annual school meeting, or at a special meeting called for that purpose, and to employ all lawful means to collect the sums required for such salaries and other expenses;

Deficiencies to be made up by rate on property.

And should the sums thus provided be insufficient to defray all the expenses of such school, the trustees may assess and cause to be collected an additional rate, in order to pay the balance of the teacher's salary and other expenses of such school;

Make out rate-bill and collector's warrant.

(11.) To make out a list of the names of all persons rated by them for the school purposes of such section, and the amount payable by each, and to annex to such list a warrant directed to the school collector of the section, for the collection of the several sums mentioned in such list; and any school-rate imposed by trustees, according to this Act, may be made payable monthly, quarterly, half-yearly or yearly, as they may think expedient;

Apply to municipality or may levy rate themselves.

(12.) To apply to the township council at or before its meeting in August, or to employ their own lawful authority, as they may judge expedient, for the levying and collecting by rate, according to the valuation of taxable property as expressed in the assessor's or collector's roll, all sums for the support of their school, for the purchase of school sites and the erection of school houses, and for any other school purpose authorized by this Act to be collected from the freeholders and householders of such section;

Township roll to be furnished to the Trustees.

and the township clerk or other officer having possession of such roll is hereby required to allow any one of the trustees or their authorized collector, to make a copy of such roll, as far as it relates to their school section;

Trustees may Exempt indigent persons.

(13.) In their discretion to exempt from the payment of school-rates, wholly or in part, any indigent persons, and to charge the amount of such exemption upon the other ratable inhabitants of the school section, but the same shall not be deducted from the salary of a teacher;

* See Section 187 of this Act.

† See Section 7 of the new School Act.

‡ See section 6 of the new School Act.

§ See section 21 of the new School Act.

|| See section 10 of the new School Act.

* See section 10 of the new School Act.

† See section 12 of the new School Act.

Sue non-residents defaulting.

(14.) To sue for and recover by their name of office, the amounts of school-rates or subscriptions due from persons residing without the limits of their school section, who make default in payment.

Make return of uncollected rates to Township Clerk.

(15.) To make a return to the Clerk of the Municipality of the amount of any rate imposed by them for school purposes whenever so imposed, and also, before the end of the then current year, to make a return of the rates on the property of non-residents of their section, (as provided in the *one hundred and twenty-seventh* section of this Act) and which they have been unable to collect.

Admit to school, residents between ages of 5 and 21.

(16.) To permit all residents in such section between the ages of five and twenty-one years, to attend the school, so long as they conduct themselves in conformity with the rules of such school, and the fees or rates required to be paid on their behalf are fully discharged, but such permission shall not extend to the children for persons in whose behalf a separate school has been established, according to the Act respecting the establishment of separate schools.

Visit Schools—and for what.

(17.) To visit from time to time, each school under their charge and see that it is conducted according to the authorized regulations, and that each such school is, at all times, duly provided with a Register and Visitors' Book, in the form prepared according to law.

Proper text-books to be used in Schools.

(18.) To see that no unauthorized books are used in the school, and that the pupils are duly supplied with a uniform series of authorized text books, sanctioned and recommended by the Council of Public Instruction, and to procure annually, for the benefit of their school section, some periodical devoted to education.

Establish School Section Library.

(19.) To appoint a Librarian, and to take such steps authorized by law as they may judge expedient, for the establishment, safe-keeping, and proper management of a school library in their section, whenever provision has been made and carried into effect for the establishment of school libraries.

Personal responsibility in case of neglect to exercise corporate powers.

(20.) To exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them; and in case they or any of them wilfully neglect or refuse to exercise such powers, the trustee or trustees so neglecting or refusing shall be personally responsible for the fulfilment of such contract or agreement.

Prepare and read report at annual meeting.

(21.) To cause to be prepared and read at the annual meeting of their section, their annual school report for the year then terminating, which report shall include, among other things, a full and detailed account of the receipt and expenditure of all school money received and expended in behalf of such section, for any purpose whatever, during such year, and in case of dispute the matter shall be referred to arbitration in the manner provided in the *twenty-ninth* section of this Act.

Make half-yearly report to Local Superintendent.

(22.) To transmit to the local superintendent, on or before the *thirtieth day of June*, and the *thirty-first day of December* in each year, a correct return of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding.

Penalty for neglect to do so.

And in case such trustees neglect to transmit a verified statement of such average attendance, then such school section shall not be entitled to the apportionment from the school fund for the said six months.

Make yearly report to Local Superintendent.

(23.) To ascertain the number of children between the ages of five and sixteen years residing in their section on the *thirty-first day of December* in each year; and to prepare and submit annually, on or before the *fifteenth day of January*, a report to the local superintendent, signed by a majority of the trustees, and made according to a form provided by the Chief Superintendent of Education, and shall specify therein:

(1.) The whole time the school in their section was kept by a qualified teacher during the year ending the thirty-first day of the previous *December*.

(2.) The amount of moneys received for the school fund, from local rates or contributions, and from other sources, distinguishing the same; and the manner in which all such moneys were expended.

(3.) The whole number of children residing in the school section, over the age of *five* years, and under the age of *sixteen*; the number of children and young persons taught in the school in winter and summer, distinguishing the sexes, and those who were over and under *sixteen* years of age; and the average attendance of pupils in both winter and summer; but the trustees of the common school sections within the limits of which one or more separate school sections are established as hereinafter provided, shall not in their return of children of school age residing in their school sections, include the children attending such separate school or schools.

(4.) The branches of education taught in the school; the numbers of pupils in each branch; the text-books used; the numbers of public school examinations, visits and lectures and by whom made or delivered, and such other information respecting the school premises and library as may be required.

Penalty for delaying Yearly Report.

28. In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their Local Superintendent by the thirty-first day of January in each year, each of them shall, for each week after such thirty-first day of January, and until such report has been prepared and presented, forfeit the sum of *five dollars*, to be sued for by such Local Superintendent, and collected and applied in the manner provided by the *twenty-first* section of this Act.

[Section 29 superseded by section 8 of the new School Act.]

New School Sites to be authorized by Special Meeting.

30. No steps shall be taken by the trustees of any school section for procuring a school site* on which to erect a new school house, or for changing the site of an established school house, without calling a special meeting of the freeholders and householders of their section to consider the matter.

Difference between trustees and people to be referred to arbitration.

And in case of a difference as to the site of a school house between the majority of the trustees and a majority of the freeholders and householders at such special meeting, each party shall choose an arbitrator, and the local superintendent, or in case of his inability to attend, any person appointed by him to act on his behalf, shall be a third arbitrator, and such *three* arbitrators, or a majority of them, shall finally decide the matter.†

Trustees personally responsible for moneys lost.

31. The trustees of each school section shall be personally responsible for the amount of any school moneys forfeited by or lost to such school section in consequence of their neglect of duty during their continuance in office; and the amount thus forfeited or lost shall be collected and applied in the manner provided by the *twenty-first* section of this Act.

All the Sections of a Township may be united and a Township Board elected.

32. In case a majority of the resident freeholders and householders of each section at a public meeting for that purpose separately called by the trustees of each such section, express a desire that local school sections should be abolished, and that

* See Section 6 of the new School Act.

† See Section 15 of the new School Act.

all their schools should be conducted under one system and one management, like the schools in cities and towns, the Municipal Council of such township shall comply with the request so expressed, by passing a by-law to give effect thereto; in which event all the common schools of such township shall be managed by one board of five trustees, one of which trustees shall be chosen in and for each ward, if the township be divided into wards, and if not so divided, then the whole number of such trustees shall be chosen in and for the whole township, and the election of such trustees shall be held at the time and in manner prescribed in the *third, seventh, eighth and twenty-second* sections of this Act; and such trustees shall be a corporation under the name of "*The Board of School Trustees of the township of _____, in the County of _____*", and shall be invested with the same powers and be subject to the same obligations as trustees in cities and towns, by the *seventy-ninth* section of this Act.

DUTIES OF TOWNSHIP COUNCILS.

Assessors to value lands situated in each Section.

33. Whenever the lands or property of any individual or company are situated within the limits of two or more school sections, each Assessor appointed by any municipality, shall assess and return on his roll, separately, the parts of such lands or property within the limits of which sections, according to the divisions of the school, such lands or property may be situated; but every undivided occupied lot or part of a lot, shall only be liable to be assessed for school purposes in the school section where the occupant resides.

Council to impose certain School assessments at the request of the Board of Trustees.

34. For the purchase of a school site, the erection, repair, rent and furniture of a school house, the purchase of apparatus and text-books for the school, books for the library, and salary of the teacher, each township council shall levy, by assessment upon the taxable property in any school section, such sum as may be required by the trustees of such school section in accordance with the desire of the majority of the freeholders and householders expressed at a public meeting called for that purpose, as authorized by the tenth clause of the *twenty-seventh* section of this Act.

Council may authorize trustees to borrow money for special purposes. —And provide for re-payment.

35. Each township council may grant to the trustees of any school section, on their application, authority to borrow any sums of money necessary for the purposes above mentioned, in respect to school sites, school houses and their appendages, or for the purchase or erection of a teacher's residence, and in that event, shall cause to be levied in each year upon the taxable property in the section, a sufficient sum for the payment of the interest on the sum so borrowed, and a sum sufficient to pay off the principal within ten years.

Council not to levy more than one rate except in certain cases.

36. No township council shall levy and collect in any school section during any one year, more than one school section rate, except for the purchase of a school site or the erection of a school house; and no such council shall give effect to any application of trustees for the levying or collecting of rates for school purposes, unless the trustees of the school section make the application to such council at or before its meeting in *August* of the year in which such application is made.

Council may establish Libraries.

37. Each township council may levy such sums as it judges expedient for purchasing books for a township library, under such regulations as may be provided in that behalf, and for procuring the site and for the erection and support of a township model school:

Council to be trustees of model school.

And in such event the members of such township council shall be the trustees of such model school, and shall possess the powers of common school trustees in respect to all matters affecting such model school.

Common schools may be united with township model school.

38. The trustees of any one or more common schools may at their discretion, and with the consent of such council, merge their schools into such model school; and tuition to student teachers in such model school shall be free.

Council to form new school sections.

39. Each township council shall form portions of the township where no schools have been established, into school sections; and shall appoint a person in each new school section to call the first school section meeting; and shall cause such person to be notified in the manner prescribed in the *seventh* section of this Act*.

Alteration of existing sections; notice to be given.

40. In case it clearly appears that all parties to be affected by a proposed alteration in the boundaries of a school section have been duly notified of the intended step or application, the township council may alter such boundaries;

Alteration to take effect 25th December.

But no such alteration in the boundaries of a school section shall take effect before the *twenty-fifth* day of *December* next after the alteration has been made.

Union of existing sections; meetings to be called.

41. In case at a public meeting of each of two or more sections called by the trustees for that purpose, a majority of the freeholders and householders of each of the sections to be affected, request to be united, then the council shall unite such school sections into one.

First election in such united sections.

42. The first election in such united section shall be appointed and held in the same manner as is provided for in the *seventh* to the *twelfth* sections of this Act, in respect to a new school section.

Share of school fund not affected.

43. The several parts of any altered or united school sections shall have respectively the same right to a share of the common school fund for the year of the alteration or union, as if they had not been altered or united.

Disposal of school property when not wanted.

44. In case a school site, or school house, or other school property be no longer required in consequence of the alteration or the union of school sections, the same shall be disposed of by sale or otherwise, in such manner as a majority of the freeholders and householders in the altered or united school sections decide at a public meeting called for that purpose.

Separated part to share in proceeds.

And the inhabitants transferred from one school section to another, shall be entitled, for the common school purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school house or other common school property, as the assessed value of their property bears to that of the other inhabitants of the school section from which they have been so separated; and the residue of such proceeds shall be applied to the erection of a new school house, or to other common school purposes of such altered or united sections.

[Sections 45 and 46 have been superseded by the 5th section of the new School Act.]

Union Section may be dissolved by either Township Council.

47. Each township council may, under the restrictions imposed by law in regard to the alteration of school sections, separate such part of any union school section as is situated within the limits of its jurisdiction, from the union of sections, and may form the part so separated into a distinct school section, or attach it to one or more existing school sections or parts of sections within its jurisdiction, as such council judge expedient.

Township Clerk to furnish information to Local Superintendent.

48. Each township council shall cause the clerk of the township to furnish the local superintendent of schools with a

* See section 20 of the new School Act.

copy of all the proceedings of the council relating to the formation or alteration of school sections, all school assessments, and other educational matters.

Township Clerk to prepare Maps of School Sections.

49. The township clerk shall prepare in duplicate, a map of the township, shewing the divisions of the township into school sections and parts of union school sections, and shall furnish one copy of such map to the county clerk, for the use of the county council, and he shall retain the other in the township clerk's office, for the use of the township corporation.

DUTIES OF COUNTY MUNICIPAL COUNCILS.

To raise equivalent to Legislative School Grant.

50. Each county council shall cause to be levied yearly upon the several townships of the county, such sums of money, for the payment of the salaries of legally qualified common school Teachers, as at least equal (clear of all charges of collection) the amount of school money apportioned by the Chief Superintendent of Education to the several townships thereof for the year, and notified by him to such council through the county clerk;

Such equivalent may be increased for poor schools, &c.

And the sums so levied may be increased at the discretion of the council, either in aid of the county school fund, or on the recommendation of one or more local superintendents, to give special or additional aid to new or needy school sections.

Such county-rate to be collected by 14th December.

51. The sum annually required to be levied in each county, for the salaries of legally qualified teachers, shall be collected and paid into the hands of the county treasurer, on or before the *Fourteenth day of December* in each year;

Teachers not to be refused payment.

But notwithstanding the non-payment of any part thereof to such treasurer in due time, no teacher shall be refused the payment of the sum to which he may be entitled from such year's county school fund, but the county treasurer shall pay the local superintendent's lawful order in behalf of such teacher, in anticipation of the payment of the county school assessment; and the county council shall make the necessary provision to enable the county treasurer to pay the amount of such order.

Council may establish County Library.

52. Each county council shall raise by assessment such sums of money as it may judge expedient, for the establishment and maintenance of a county common school library.

County to appoint Local Superintendents.

53. Each county council shall appoint annually a local superintendent of schools for the whole county, or for any one or more townships in the county, as it may judge expedient; and shall fix (within the limits prescribed by the *eighty-eighth* section of this Act) and provide for the salary of such local superintendent.*

54. No local superintendent shall have the oversight of more than one hundred schools.

Clerk to report appointments and proceedings to Chief Superintendent.

55. The county clerk shall forthwith notify the Chief Superintendent of Education of the appointment and address of each such local superintendent, and of the county treasurer; and shall likewise furnish him with a copy of all proceedings of the council relating to school assessments and other educational matters.

To obtain security from all persons entrusted with school moneys.

56. Each county council shall see that sufficient security is given by all officers of the council to whom school moneys are to be entrusted, and shall also see that no deduction is

made from the school fund by the county treasurer or sub-treasurer for the receipt and payment of school moneys.

School Sub-treasurers for townships may be appointed.

57. If deemed expedient, the county council shall appoint one or more sub-treasurers of school moneys for one or more townships of the county; in which event each such sub-treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys and the payment of lawful orders for such moneys given by any local superintendent within the parts of the county for which he is appointed sub-treasurer, as are imposed by this Act upon each county treasurer in respect to the paying and accounting for school moneys.*

Auditors of School Moneys to be appointed.

58. Each county council shall annually, or oftener, appoint auditors, who shall audit the accounts of the county treasurer and other officers to whom school moneys have been entrusted, and who shall report to such council.

Clerk to transmit audited accounts to the Chief Superintendent.

59. The county clerk shall transmit to the Chief Superintendent of Education, on or before the first day of March in each year, a certified copy of the abstract of the report of the auditors, and shall also give any explanation relating thereto, as far as he is able, which may be required by the Chief Superintendent.

[NOTE.—Sections 60 to 79 inclusive, refer to cities, towns, and incorporated villages, for which a separate manual has been prepared and sent out to each Board of Trustees, &c.]

COMMON SCHOOL TEACHERS AND THEIR DUTIES.

80. No [male or female] teacher shall be deemed a qualified teacher who does not at the time of engaging with the trustees, and applying for payment from the school fund, hold a certificate of qualification, as in this Act provided.

Teacher not to hold certain offices.

81. No teacher shall hold the office of school trustee or of local superintendent.†

Duties of Common School Teachers.

82. It shall be the duty of every teacher of a common school:—

To teach according to law and regulations.

(1) To teach diligently and faithfully all the branches required to be taught in the school according to the terms of his engagement with the trustees, and according to the provisions of this Act.

To keep the Register of the School.

(2) To keep the daily, weekly, and monthly or quarterly registers of the school.‡

To maintain proper order and discipline.

(3) To maintain proper order and discipline in his school according to the authorized forms and regulations.

To keep Visitors' Book.

(4) To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school, and to present such book to each visitor, and request him to make therein any remarks suggested by his visit.

To give access to Register and Visitors' Book.

(5) At all times, when desired by them, to give the trustees and visitors access to the registers and visitors' book appertaining to the school, and upon his leaving the school to deliver up the same to the order of the trustees.§

To hold Public Quarterly Examinations.

(6) To have at the end of each quarter a public examination

* See Section 137 of this Act.

† See section 11 of the new School Act.

‡ See section 138 of this Act.

§ See section 1 of the new School Act.

* See Section 89 of this Act

of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in or adjacent to such school section, and through the pupils to their parents and guardians.

To furnish information to the Chief or Local Superintendent.

(7) To furnish to the chief or local superintendent of schools when desired, any information which it may be in his power to give respecting any thing connected with the operations of his school, or in anywise affecting its interests or character.

Protection of Teachers in regard to Salary.

83. Any teacher shall be entitled to be paid at the same rate mentioned in his agreement with the trustees, even after the expiration of the period of his agreement, until the trustees pay him the whole of his salary, as teacher of the school, according to their engagement with him.

Arbitration in case of difference between teacher and trustees.

84. In case of any difference between trustees and a teacher, in regard to his salary, the sum due to him, or any other matter in dispute between them, the same shall be submitted to arbitration, in which case :

(1) Each party shall choose an arbitrator.*

(2) In case either party in the first instance neglects or refuses to appoint an arbitrator on his behalf, the party requiring the arbitration may, by a notice in writing to be served upon the party so neglecting or refusing, require the last mentioned party within three days, inclusive of the day of the service of such notice, to appoint an arbitrator on his behalf, and such notice shall name the arbitrator of the party requiring the arbitration; and in case the party served with such notice does not within the three days mentioned therein, name and appoint an arbitrator, then the party requiring the arbitration may appoint the second arbitrator.

Local Superintendent to be an Arbitrator.

And (3.) The local superintendent, or in case of his inability to attend, any person appointed by him to act on his behalf, shall be a third arbitrator, and such three arbitrators, or a majority of them, shall finally decide the matter.†

Powers of Arbitrators to examine.

85. The arbitrators may require the attendance of all or any of the parties interested in the reference, and of their witnesses, with all such books, papers, and writings, as such arbitrators may direct them or either of them to produce, and the arbitrators may administer oaths to such parties and witnesses.

Warrant of Arbitrators—Equivalent to execution of a Division Court.

86. The said arbitrators, or any two of them, may issue their warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid, and the person named in such warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same has issued, as any bailiff of a Division Court has in enforcing a judgment and execution issued out of such court.

No such dispute to be brought into any Court.

87. No action shall be brought in any Court of Law or Equity, to enforce any claim or demand between trustees and teachers which can be referred to arbitration as aforesaid.

DUTIES OF LOCAL SUPERINTENDENTS OF SCHOOLS.

Term of office of Local Superintendent—Salary.

88. Each local superintendent shall, unless he resigns or is removed from office for neglect of duty, improper conduct, or incompetency, continue in office, until the first day of April of the year following that of his appointment, and he shall be entitled annually, to not less than four dollars per school placed under his charge, together with any additional remuneration or

allowance which the council appointing him may grant, and the county treasurer shall pay him the same by quarterly instalments.*

Warden may supply vacancies in the office.

89. In the event of any local superintendent resigning his office, the Warden of the county within which such Superintendent held office, may appoint a fit and proper person to the office vacated, until the next ensuing meeting of the county council.

Local Superintendent not to hold certain offices.

90. No local superintendent shall be a teacher or trustee of any common school while he holds the office of superintendent.†

Duties of Local Superintendents.

91. It shall be the duty of each local superintendent, and he is hereby empowered—

To apportion school fund according to average attendance.

(1.) Unless otherwise instructed by the Chief Superintendent of Education—to apportion among the several school sections their respective portions of the common school fund money apportioned to the townships within the limits of his charge, as soon as notified by the county clerk of the amount so apportioned to such townships, and such apportionment among the said school sections shall be according to the rates of the average attendance of pupils at each common school, (the mean attendance of pupils for each half year being taken) as compared with the whole average number of pupils attending the common schools of each such township.

Not to apportion unless trustees make average return.

But he shall apportion no money to any school section whose trustees have neglected to transmit their return of average attendance for the last preceding half year.

Give orders to qualified teachers—and to no others.

(2.) To give to any qualified teacher, (but to no other,) on the order of the trustees of any school section, a cheque upon the county treasurer or sub-treasurer, for any sum of money apportioned and due to such section.

Conditions of giving order to teachers.

But except in the case of a new school section, he shall not give a cheque upon such order, unless a satisfactory annual school report for the year ending the last day of December preceding has been received from the trustees; nor unless it appears by such report, that a school has been kept by a qualified teacher in such section, for at least six months during the year ending at the date of such report.

Make two visits a year to each school.

(3.) To visit each common school within his jurisdiction, twice in each year, unless oftener required by the county council or the Board which appointed him, or for the adjustment of disputes; and one of such half yearly visits shall be made between the first of April and the first of October, and the other between the first of October and the first of April.

Examine the state of the school.

(4.) To examine at each half yearly visit the state and condition of the school, as respects the progress of the pupils in learning,—the order and discipline observed,—the system of instruction pursued,—the mode of keeping the school registers,—the average attendance of pupils,—the character and condition of the buildings and premises,—and to give such advice as he may judge proper.

Deliver annual lecture in each section.

(5.) To deliver in each of his school sections, at least once a year, a public lecture on some subject connected with the objects, principles and means of practical education; and to do all in his power to persuade and animate parents, guardians, trustees and teachers, to improve the character and efficiency of the common schools, and to secure the sound education of the young generally.

* See section 15 of the new School Act.

† See section 9 of the new School Act.

* See section 58 of this Act.

† See section 11 of the new School Act.

See to observance of lawful regulations.

(6.) To see that all the schools are managed and conducted according to law,—to prevent the use of unauthorized, and to recommend the use of authorized books in each school,—and to acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantage of using them.

Attend certain meetings.

(7.) To attend the meetings of the Board of Public Instruction, and to meet and confer with the Chief Superintendent of Education at such time and place as he may appoint when making official visits to the county.

Attend arbitrations ; to decide disputes.

(8.) To attend the arbitrations,* and the meetings of Town-Reeves provided for in the *twenty-seventh, twenty-ninth and forty-fifth* sections of this Act,—to decide upon any questions submitted to him, which arise between interested parties under the operation of this or of any former Act, or if he deems it advisable, to refer any such question to the Chief Superintendent of Education.

Any person may appeal to the Chief Superintendent.

And any aggrieved or dissatisfied party in any case not otherwise provided for, shall have the right of appeal to the Chief Superintendent of Education.†

May suspend teacher's certificate.

(9.) To suspend the certificate of qualification of any teacher, granted by the Board of Public Instruction, for any cause which may appear to him to require it, until the next ensuing meeting of the County Board, of which meeting due notice shall be given to the teacher suspended, and such Board shall dispose of the case as a majority of the members present think proper; and the cancelling or suspension of a teacher's certificate of qualification shall release his school trustees from any obligation to continue him in their employment.‡

May give temporary certificates to teachers.

(10.) To give any candidate, on due examination, according to the programme authorized for the examination of teachers, a certificate of qualification to teach a school within the limits of the charge of the superintendent until (but no longer than) the next ensuing meeting of the Board of Public Instruction of which such local superintendent is a member; but no such certificate shall be given a second time, or be valid if given a second time, to the same person in the same county.

Observing regulations—giving information to Chief Superintendent and County Auditors.

(11.) To act in accordance with the regulations and instructions provided for his guidance, to give any information in his power (when desired) to the Chief Superintendent of Education respecting any common school matter within his jurisdiction; to furnish the county auditors, when required, with the trustees' orders as the authority for his cheques upon the county or sub-treasurer for school moneys.

Hand over papers on retiring from office.

And on retiring from office, to deliver copies of his official correspondence, and all school papers in his custody, to the order of the county council.

Transmit Annual report to Chief Superintendent.

(12.) To prepare and transmit to the Chief Superintendent of Education, on or before the *first day of March*, an annual report, in the form provided by the said Chief Superintendent, and which shall state—

(a.) The whole number of schools and school sections, or parts of sections in each township within his jurisdiction;

(b.) The number of pupils taught in each school over the age of five and under the age of sixteen; the number between the ages of sixteen and twenty-one years; the whole number of

children residing in each section, or part of a section, over the age of five and under the age of sixteen years;

(c.) The length of time a school has been kept by a qualified teacher in each of such sections or parts of sections; the branches taught; the number of pupils in each branch, the books used; and the average attendance of pupils, both male and female, in each half year;

(d.) The amount of moneys received and collected in each section or part of a section—distinguishing the amount apportioned by the Chief Superintendent of Education, the amount received from county assessment, the amount raised by trustees, and the amount from any other and what sources; also how such moneys have been expended, or whether any part remains unexpended, and from what causes; and the annual salary of teachers, male and female, with and without board;

(e.) The number of school visits made by himself and others during the year; the number of school lectures delivered; the whole number of school houses, their sizes, description, furniture and appendages, the number rented, the number erected during the year, of what description, and by what means;

(f.) The number of qualified teachers; their standing, sex, and religious persuasion; the number, so far as he can ascertain, of private schools; the number of pupils, and subjects taught therein; the number of libraries, their extent, and how established and supported; also, any other information which he may possess respecting the educational state, wants and advantages in each township of his charge, and any suggestions which he thinks proper to make with a view to the improvement of schools and the diffusion of useful knowledge.

How union sections shall be paid.

92. The local superintendents of adjoining townships, shall determine the sums to be paid from the common school fund of each township in support of the schools of union school sections consisting of portions of such townships; and shall also determine the manner in which such sums shall be paid: but in the event of one person being local superintendent of the townships concerned, he shall act in behalf of such townships.*

Warden to decide in case of a dispute.

93. In the event of the local superintendents of townships thus concerned not being able to agree as to the sum to be paid to each such township, the matter shall be referred to the Warden of the county for final decision.

DUTIES OF THE COUNTY BOARDS OF PUBLIC INSTRUCTION.

County Boards of Public Instruction constituted.

94. Where there is only one county grammar school in a county, the board of trustees for such school and the local superintendent or superintendents of school in the county, shall constitute a Board of Public Instruction for the county.

Circuit Board may be constituted.

95. Where there is more than one grammar school in a county, the county council shall divide the county into as many circuits as there are county grammar schools, and for each such circuit the trustees of the county grammar school therein, and the local superintendent or superintendents of schools therein, shall be a Board of Public Instruction for the circuit.

Three members to form a Quorum of Board.

96. At any lawful meeting of the Board of Public Instruction, three members, including a local superintendent of schools, shall constitute a *quorum*, for examining and giving certificates of qualification to common school teachers, and five members shall constitute a *quorum* for the transaction of any other business.

County Council to defray expenses.

97. The County Council shall provide for the incidental expenses connected with the meeting and proceedings of each Board of Public Instruction.

Duties of Board.

98. It shall be the duty of each County and Circuit Board of Public Instruction—and each such Board is hereby empowered:

* See section 15 of the new School Act.

† See section 14 of the new School Act.

‡ See section 22 of the new School Act.

* See section 5 of the new School Act.

† See Section 24 of the new School Act.

(1.) To meet not less than *four* times a year,* and to determine the time and places of its own meetings, and the order of its proceedings, and the manner of recording them.

To promote the establishment of Libraries, &c.

(2.) To adopt all lawful means in their power, as they may judge expedient, to advance the interests and usefulness of common schools, to promote the establishment of school libraries, and to diffuse useful knowledge in the county or circuit.

Select text-books for the Schools.

(3.) To select (if deemed expedient) from a list of text-books recommended or authorized by the Council of Public Instruction, such books as they may think best adapted for use in the common schools of the county or circuit, and to ascertain and recommend the best facilities for procuring such books.

Examine and give Certificates to Teachers.

(4.) To examine and give certificates of qualification to teachers of common schools, arranging such teachers into three classes, according to their attainments and abilities, as prescribed in a programme of examination and instructions provided for that purpose, and any such certificate may be general, as regards the county, or limited as to time or place, at the pleasure of the majority of the members of the Board of Public Instruction present at such examination.

Annulling Certificates.

(5.) To annul any such certificate as the Board may judge expedient.

Conditions of Certificate.

99. Every such certificate of qualification shall have the signature of at least one local superintendent of schools;

Teachers to be moral, and to be subjects of Her Majesty.

But no such certificate shall be given to any person as a teacher, who does not furnish satisfactory proof of good moral character, or who, at the time of applying for such certificate, is not a natural born or naturalized subject of Her Majesty, or who does not produce a certificate of having taken the oath of allegiance to Her Majesty, before a Justice of the Peace for the county in which such person resides.

SCHOOL VISITORS AND THEIR DUTIES.

School Visitors defined.

100. All Clergymen recognized by law, of whatever denomination, all Judges, Members of the Legislature, Magistrates, Members of County Councils, and Aldermen, shall be School Visitors in the townships, cities, towns, and villages where they respectively reside; but persons holding the Commissions of the Peace for the county only, shall not be School Visitors within towns and cities; and each Clergyman shall be a School Visitor only in the township, town, or city where he has pastoral charge.

Their authority to visit schools.

101. Each of the School Visitors may visit the Public School in the township, city, town, or village; and may attend the quarterly examination of schools, and, at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the Teacher and pupils, and any others present, as he thinks advisable, in accordance with the regulations and instructions provided in regard to School Visitors.

General Meeting of Visitors.

102. A general meeting of the Visitors may be held at any time or place appointed by any two Visitors, on sufficient notice being given to the other Visitors in the township, city, town, or village; and the Visitors, thus assembled, may devise such means as they deem expedient for the efficient visitation of the schools, and for promoting the establishment of Libraries and the diffusion of useful knowledge.

DUTIES OF THE CHIEF SUPERINTENDENT OF EDUCATION.

103. The Governor may, from time to time, by Letters Patent under the Great Seal of the Province, appoint a fit and proper

person to be Chief Superintendent of Education for Upper Canada, who shall hold office during pleasure, and shall receive a salary of the same amount as the Superintendent of Education in Lower Canada.

[NOTE.—Sections 104 to 106 inclusive, apply only to the Departmental duties of the Chief Superintendent of Education.]

Provincial Certificates to be given to Normal School Students.

107. The Chief Superintendent of Education, on the recommendation of the teachers in the Normal School, may give to any teacher of common schools a certificate of qualification which shall be valid in any part of Upper Canada until revoked; but no such certificate shall be given to any person who has not been a student in the Normal School.*

Uniformity of decisions in Division Courts.

108. It being highly desirable that uniformity of decision should exist in cases within the cognizance of the Division Courts and tried in such courts, in which the superintendents, trustees, teachers, and others acting under the provisions of this Act are parties, the judge of any Division Court wherein any such action may be tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Chief Superintendent of Education to appeal the case, and after notice of appeal has been served as hereinafter provided, no further proceedings shall be had in such case until the matter of the appeal has been decided by a Superior Court.

Chief Superintendent may appeal from such Court to Superior Courts of Law.

109. The Chief Superintendent may, within one month after the rendering of judgment in any such case, appeal from the decisions of the Division Court Judge to either of the Superior Courts of Law at Toronto, by serving notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal shall be entitled "The Chief Superintendent of Education for Upper Canada, Appellant, in the matter between (A. B. and C. D.)"

Judge to send papers to Superior Court.

110. The judge whose decision is appealed from shall thereupon certify under his hand, to the Superior Court appealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto.

Superior Court to give such order as Law and Equity require.

111. The matter shall be set down for argument at the next term of such Superior Court, and such Court shall give such order or direction to the Court below, touching the judgment to be given in the matter, as law and equity require, and shall also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the Court below.

Proceedings in Division Court thereon.

112. Upon receipt of such order, direction and certificate, the judge of the Division Court shall forthwith proceed in accordance therewith.

Costs of appeal.

113. All costs awarded against an appellant, and all costs incurred by him, shall be paid by the Chief Superintendent, and charged as contingent expenses of his office.†

DUTIES OF THE COUNCIL OF PUBLIC INSTRUCTION.

Council of Public Instruction to be appointed.

114. The Governor may appoint a Council of Public Instruction for Upper Canada, to consist of not more than *nine* persons (of whom the Chief Superintendent of Education shall be one), to hold office respectively during pleasure, and such council shall, in the exercise of its duties, be subject to all lawful orders and directions from time to time issued by the Governor.

[NOTE.—Sections 115 to 118 inclusive are not inserted.]

* See section 22 of the new School Act.

† See section 28 of the new School Act.

* See section 16 of the new School Act.

Duties of Council.

119. It shall be the duty of such Council and they are hereby empowered—

* * * * *

To make regulations for common school teachers and libraries.

(4.) To make such regulations from time to time, as it deems expedient, for the organization, government and discipline of common schools, for the classification of schools and teachers, and for school libraries throughout Upper Canada.

To recommend text and library books.

(5.) To examine, and at its discretion, recommend or disapprove of text-books for the use of schools, or books for school libraries.

To make regulations for granting pensions to Superannuated Teachers.

(6.) To prescribe such regulations, with the approbation of the Governor in Council as it, from time to time, deems expedient, for granting pensions to superannuated or worn out teachers of common schools; but no annual allowance to any superannuated or worn out teacher shall exceed the rate of six dollars for each year that such teacher has taught a common school in Upper Canada; and no teacher shall be entitled to share in the said fund unless he has contributed to such fund the sum of four dollars or more per annum, for the period of his teaching school, or of his receiving aid from such fund, nor unless he furnishes satisfactory proof to the Council of Public Instruction, of inability, from age or loss of health in teaching, to pursue that profession any longer.

(NOTE.—The remainder of this section to section 122 inclusive, not inserted.)

Special provisions.—Grant payable on 1st July in each year.—Common school fund defined.

123. The sum of money apportioned annually by the Chief Superintendent of Education to each county, township, city, town or village, in aid of common schools therein respectively, shall be payable on or before the first day of July, in each year, to the treasurer of each county, city, town and village, in such way as the Governor in Council from time to time directs, and such sum, together with at least an equal sum raised annually by local assessment, shall constitute and be called the common school fund of such county, township, city, town or village; and no part of the salaries of the chief or local superintendents, nor of any other persons except teachers employed, or of any expenses incurred in the execution of this act, shall be paid out of the said common school fund, but such fund shall wholly and without diminution, be expended in the payment of teachers' salaries as herein provided.

Conditions of receiving share of grant.

124. No county, city, town or village shall be entitled to a share of the Legislative School Grant without raising by assessment a sum at least equal (clear of all charges for collection) to the share of the said school grant apportioned to it; and should the municipal corporation of any county, city, town or village, raise in any one year a less sum than that apportioned to it out of the Legislative School Grant, the Chief Superintendent of Education shall deduct a sum equal to the deficiency, from the apportionment to such county, city, town or village in the following year.

How schools may be supported.

125. All the school expenses of each section shall be provided for by any or all of the three following methods:

1. Voluntary subscription;
2. Rate-bill for each pupil attending the school: or
3. Rate upon property;

But no rate-bill shall be imposed exceeding twenty-five cents per month for each pupil attending the school.

In case a resident in one section sends his children to another section.

126. Any person residing in one school section, and sending a child or children to the school of a neighbouring school section, shall nevertheless be liable for the payment of all rates assessed for the school purposes of the section in which

he resides, 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;

Exception as to separate schools.

But this clause shall not apply to persons sending children to or supporting separate schools, or prevent any person, who may be taxed for common school purposes on property situate in a different school section from that in which he resides, from sending his children to the school of the section in which such property may be situate, on as favourable terms as if he resided in such section.

Rates on lands of absentees to be returned to Clerk of Municipality.

127. If the collector appointed by the trustees of any school section, be unable to collect that portion of any school rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain,* the trustees shall make a return to the clerk of the municipality, before the end of the then current year, of all such parcels of land and the uncollected rates thereon, and the clerk shall make a return to the county treasurer of all such lands and the arrears of school rates thereon, and such arrears shall be collected and accounted for by such treasurer in the same manner as the arrears of other taxes; and the township, village, town or city in which such school section is situate, shall make up the deficiency arising from uncollected rates on lands liable to assessment, out of the general funds of the municipality.

Foreign books not to be used without leave of the Council of Public Instruction.

128. No person shall use any foreign books in the English branches of education, in any Model or Common School, without the express permission of the Council of Public Instruction; and no portion of the Legislative School Grant shall be applied in aid of any Common School in which any book is used that has been disapproved of by the Council of Public Instruction, and public notice given of such disapproval.

Pupils not to be required to observe religious exercises objected to by parents.

129. No person shall require any pupil in any such school to read or study in or from any religious book, or to join in any exercise of devotion or religion objected to by his or her parents or guardians; but within this limitation, pupils shall be allowed to receive such religious instruction as their parents and guardians desire, according to any general regulations provided for the government of Common Schools.

VARIOUS PENAL CLAUSES.

Penalty on Secretary-Treasurer for refusing to account.

130. If any secretary-treasurer appointed by the school trustees of any school section or any person having been such secretary-treasurer, has in his possession any books, papers, chattels, or moneys, which came into his possession, as such secretary-treasurer, and wrongfully withholds or refuses to deliver up, or to account for and pay over the same or any part thereof to the person, and in the manner directed by a majority of the school trustees for the school section then in office, such withholding or refusal shall be a misdemeanor.

Mode of proceeding in the case.

131. Upon application to the Judge of the County Court, by a majority of such trustees, supported by their affidavit made before some justice of the peace, of such wrongful withholding or refusal, such judge shall make an order that such secretary-treasurer or person having been such, do appear before him at a time and place to be appointed in the order.

132. Any bailiff of a division court, upon being required by such judge, shall serve such order personally on the party complained against, or leave the same with a grown-up person at his residence.

133. At the time and place so appointed, the judge, being satisfied that such service has been made, shall, in a summary manner, and whether the party complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded, such judge shall order the party complained of to deliver up, account for and pay over the books, papers, chattels or moneys as aforesaid by a certain day to be named by the judge in the order, together with such reasonable costs incurred in making the application, as the judge may tax.

134. In the event of a non-compliance with the terms specified in such order or any or either of them, the judge shall order the said party to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until such judge be satisfied that such party has delivered up, accounted for or paid over the books, papers, chattels or moneys in question, in the manner directed by the majority of the trustees as aforesaid.

135. Upon proof of his having so done, such judge shall make an order for his discharge, and he shall be discharged accordingly.

136. No such proceeding shall impair or affect any other remedy which the said trustees may have against such secretary-treasurer, or person having been such, or his sureties.

Certain parties personally responsible in case of lost school fund.

137. If any part of the Common School Fund be embezzled or lost, through the dishonesty or faithlessness of any party to whom it has been entrusted, and proper security against such loss has not been taken, the person whose duty it was to have exacted such security shall be *personally responsible* for the sums so embezzled or lost, and the same may be recovered from him by the party entitled to receive the same, by action at law in any Court having jurisdiction to the amount, or by information at the suit of the Crown.

Penalty for false reports and registers.

138. If any Trustee of a Common School knowingly signs a false report, or if any Teacher of a Common School keeps a false School register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such Common School, such Trustee or Teacher shall, for each offence, forfeit to the Common School Fund of the Township, the sum of *twenty* dollars, for which any person whatever may prosecute him before a Justice of the Peace, and for which he may be convicted on the oath of one credible witness other than the prosecutor: and if upon conviction the penalty is not forthwith paid, the same shall, under the warrant of such Justice, be levied with costs by distress and sale of the goods and chattels of the offender; and such penalty, when so paid or collected, shall by such Justice be paid over to the Common School Fund; or the said offender may be prosecuted and punished for the misdemeanor.

Penalty for disturbing a school or school meeting.

139. Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or any school established and conducted under its authority, or wilfully interrupts or disquiets any Grammar, Common, or other Public School, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of such school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for Common School purposes to the School Section, City, Town, or Village within which the offence was committed, such sum not exceeding *twenty* dollars, together with the costs of the conviction, as the said Justice may think fit; or the offender may be indicted and punished for any of the offences hereinbefore mentioned as a misdemeanor.

How penalties shall be recoverable.

140. Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceeding,

may be sued for, recovered, and enforced, with costs, by and before any Justice of the Peace having jurisdiction within the School Section, City, Town, or Village in which such fine or penalty has been incurred; and if any such fine or penalty and costs be not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied, and collected, with costs, by distress and sale of the goods and chattels of the offender, and shall be by such Justice paid over to the School Treasurer of the School Section, City, Town, or Village, or other party entitled thereto; and in default of such distress, such Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same, be sooner paid.

Interpretation clause.

141. The word "teacher" shall include female as well as male teachers; the word, "county" shall include unions of counties, and the word "townships" shall include unions of townships made for municipal purposes.

SHORT TITLE TO SCHOOL ACTS.

142. In citing or otherwise referring to this act, it shall be sufficient to designate it as "the Upper Canada Common School Act," and in citing or otherwise referring to this act, or any other act or acts relative to common schools, which may, at the time of such citation or reference, be in force in Upper Canada, it shall be sufficient to use the expression "the Common School Acts of Upper Canada."

III. Papers on Practical Education.

1. EDUCATION — THE FIRST STEP IN GOOD FARMING.

The first step to make farming a paying business, is a good agricultural education. No man can expect to succeed in the cultivation of the soil, who does not have a good understanding of the various operations of the farm. A farmer, in order to succeed well in the cultivation of his soil, must have some knowledge of soils, of their characteristics, and what system of management will improve them, and what will impoverish them. The operations of a farm are so manifold, that a farmer, if he expects to succeed in his business, must have a good smattering of agricultural chemistry, a good knowledge of mechanics and of the principles of draught, as well as the laws of force and motion.

2. BENEFIT OF SCHOOLMASTERS' ASSOCIATIONS.

We have always regarded with favour the spread of the Associations composed of Masters and Mistresses living within convenient limits. There is no class of the community to whom the sacred proverb so well applies—"as iron sharpeneth iron, so does the countenance of man his friend." A teacher is apt to lose his freshness, and settle on his lees, to the great injury of his work, and his own comfort and self-respect. From this state of mental and moral stagnation, the annual or quarterly meeting of those engaged in the same work, capable of sympathising with each other's difficulties, and recording their own experiences, has a direct tendency to stimulate, to encourage, and to direct. Many a fainting brother or sister has taken heart, and many on the wrong track have returned home to follow the right one. An Inspector's visit may do much to correct mistakes, and to estimate as well as to compare results, and we far from undervalue their usefulness. They cannot, however, bring with them the great instrument of sympathy, and the improvement that may be expected to follow their annual visits extends chiefly to the more mechanical and technical parts of School-work, and do not touch the School-life, or affect its moral tone. A very perfunctory Teacher may perhaps produce results that pass muster with the Inspector, but to prevent him from becoming lifeless, and his work from becoming unreal, he needs to be quickened by just those processes that are found in really well conducted Schoolmasters' Associations.

The great object of these Associations is not so much to discuss the instruments of instruction, and the outside machinery of the art, but to enter into the science of education, and to drink more and more deeply into its spirit. If a teacher has lost his courage, and begins to look upon himself as a mere drudge, but returns from the meeting of his brethren with the old feeling revived, that he is a trainer and a sponsor of his children, and can enter his school

conscious that he bears a love to them, and a desire to elevate them as living, redeemed children, that Association has done its work. To be a Christian teacher is not so much to teach the Church Catechism, or that of the Assembly, but to exhibit Christ's spirit of love and sympathy. We have been led into this train of thought by reading an excellent address delivered to the students of the Salliey Training College, by the Hon. and Rev. W. H. Lyttelton, and we cannot forbear concluding them by quoting an extract from one of the notes appended: "These remarks should be borne in mind by Schoolmasters' Associations, in the selection of topics for discussion, or on which they procure papers to be read at their meetings. Papers of which the object is to help members to understand the characters of children better, and the best and most Christian means of guiding and training them, are evidently of higher value than any which merely throw light upon any of the sciences which the schoolmaster has to teach. Moral Philosophy, the application of the Bible to the peculiar moral and spiritual needs of children, Bible Biographies, and their lessons for Christians: and whatever helps and inclines men to study human character in all its varieties, and the methods of the Divine dealings with men, as our models in our own dealings with pupils; all these furnish a countless variety of subjects for papers."—*English Papers for the Schoolmaster.*

IV. Biographical Sketches.

No. 11. THE HON. JOHN WILSON OF SALTFLEET.

Another of our old pioneers of Upper Canada has left the scene of his labours. The Hon. John Wilson died at his residence at Saltfleet, in the Niagara District, on Tuesday last, at the ripe age of 85. Mr. Wilson was born in the Province of New Jersey (then a portion of the British dominions) in 1776, and remained there until 1790, when he settled in this country at Niagara. He soon after settled on his present estate at Saltfleet, on the shores of Lake Ontario, where he married a Miss Bowlsby, of Long Island, and reared a large family of children. Mr. Wilson became in 1808, a member of the Legislature, in the 5th Parliament of Upper Canada, being elected on the opposition interest, with whom he acted for some years, but subsequently joined the Conservative party. As a legislator, he was an useful member of the House, and especially distinguished himself by his exertions in the establishment of the Common School system, with which he was so closely identified that his portrait in the Legislative Assembly amongst the ex-Speakers of Canada, represents him with a bill, inscribed "Common Schools", in his hands. In 1825 he was elected Speaker of the House, and filled the office with great ability. Although generally Conservative in his principles, he was a warm advocate of Free Trade, sustaining that, and every species of improvement with zeal and ability. Of Church property he strongly resisted anything that savoured, in his estimation, of spoliation. Throughout, he seems to have steered his course with independence; neither a slave of the populace nor of the Government. In 1822, when an attempt was made to re-unite Upper and Lower Canada, he offered to it his most strenuous resistance, on the ground of the difference in laws, language, institutions, and religion, that existed between the two populations; and the failure of the scheme at that time was, in a great measure attributable to his exertions. His opinions on that subject remained unchanged, and in 1839, when he was called to the Legislative Council, he took his seat there mainly to defeat the measure for that purpose. As an active magistrate, and useful and exemplary member of society in all its relations, Mr. Wilson was widely and generally respected; and he has died at a ripe age, universally regretted as one of the oldest and most valuable of the Pioneers of the West.—*Montreal Transcript.*

No. 12. PETER SCHOFIELD, ESQ., M.D.

Dr. Schofield was born in the State of Connecticut, on the 16th July, 1786, and died in Brockville on the 21st inst. Had he lived till the 16th July next he would have completed his 74th year. An age rather beyond the space allotted to man by Scripture. Dr. Schofield's life has been long, active, and honourable. At about fifteen years of age, in 1800, he came to Canada, where he remained a short time, when he left for the States, to enter upon his Medical studies. In 1809 he became a member of the Medical and Surgical Society of the College of Physicians of the State of New York. In 1812 he was appointed surgeon's mate to the 2nd Regiment of Artillery of the same State. About the same time he joined the Masonic body, and rose rapidly to eminence. Toward this fraternity the doctor always cherished the warmest feeling of respect, as was evinced by his request that his brethren should bury his body with masonic ceremonies.

Dr. Schofield returned to Canada in 1816, when, at the personal request of Governor Gore, the doctor took the oath of allegiance to the Sovereign of Great Britain and Ireland. Ever desirous of doing good, and early convinced of the misery and crime caused by drunkenness, Dr. Schofield worked energetically in the cause of temperance, and in the year 1828 he had the honor of establishing the first temperance society in Upper Canada, and in the year following he passed the Medical Board of Upper Canada at York, now Toronto. In 1840 he was ordained an Elder of the Baptist church, of which church he had been a member from 1828.—*Brockville Recorder.*

No. 13. THE HON. JUDGE CHABOT.

Mr. Justice Chabot, of the Superior Court of Lower Canada, died as already announced, at two o'clock on the morning of the 31st ult. Born at St. Charles, Bellechasse, in 1807, he was 53 years of age at the time of his death. In common with a large number of our public men of Lower Canada, he was educated at the Seminary of Quebec; and afterwards studied law under the Hon. Judge Elzear Bedard. He made his *debut* as advocate of the bar of Quebec in 1834 or 1835, and soon rose to a high rank in his profession. In 1843 he was elected to represent Quebec in Parliament, by acclamation; and in 1846 he had the good fortune to be re-elected without opposition. Towards the close of 1849, nearly two years after the formation of the LaFontaine-Baldwin Cabinet, M. Chabot was appointed Chief Commissioner of Public Works, when he was again elected for the City of Quebec. Before the Government left Toronto, he ceased to hold his office in the Public Works Department. At the general election of 1851, he was elected for his native county, Bellechasse; and on the 23rd September, 1852, he was re-appointed Chief Commissioner of Public Works, in the Hincks-Rolph Administration. On the 4th of the next month he was re-elected for Bellechasse, which he continued to represent till the 23rd June, 1854. It was under his Administration that the fine piers in the Lower St. Lawrence were constructed. From the 20th Nov., 1852, to the 17th Dec., 1854, M. Chabot was one of the directors of the Eastern section of the Grand Trunk. At the general election of 1854, after the Hincks-Rolph Government had been defeated on a motion of the late Mr. Hartman in reference to their Clergy Reserves policy, M. Chabot was re-elected for Bellechasse, August 10. But he did not sit for that county. Resigning his seat for Bellechasse on the 14th October, 1854, he was again elected for Quebec; and held his seat till the 19th Sept., 1856. In Dec., 1854 he was appointed Government director of the Grand Trunk Railroad; and about the same time was appointed one of the Seigniorial Tenure Commissioners, under the law of 1854, providing for the abolition of the feudal system of land holding. It was on the 26th September, 1856, that M. Chabot was appointed judge of the Superior Court of Lower Canada. At first he resided at Montreal, but latterly at Quebec, where he died.—*Leader.*

V. Educational Intelligence.

—NOTICE TO GRAMMAR SCHOOL MASTERS.—The vacations in the Model Grammar School have been altered, so as to allow an opportunity to Grammar School Masters of visiting the school during their own vacations. The sessions will, in future, extend from the Monday after Easter until the fourth Friday in July; and from the Monday following the end of a seven weeks' vacation from that day until the 22nd of December. On the 7th of January the school again resumes.

—UNIVERSITY OF TORONTO.—The annual Convocation of the University of Toronto, for the conferring of degrees, and the distribution of prizes and scholarships among the students of the University College, took place on the 8th inst. The Convocation having been opened in due form, the Chancellor proceeded with the conferring of degrees in the order in which they are mentioned below.

1. Admission to Degrees, LL.B.—Spencer, T. H.; Livingston, J.; Foster, W. A.; Hancock, J. W.; Wood, S. G.; Bowlby, J. W.; Blain, D.; Hodgins, J. G.; Papp, G. S.; Cochrane, S.; Cronyn, V.; Curran, J. J.; Wickson, Rev. A. M. A.; Benson, R. L.; Ham, J. V. LL.D.—McMichael, D. B.C.L.; Wickson, A. M., Rev. M. B.—Bascom, J.; Playter, E.; Tisdell, D. B.; Morton, E. D.; Ogden, W. W.; Martyn, W. H. M.D.—Cronyn, J. M. B.; Phillips, T. G., M. B. B.A.—Fraser, J. T.; Boyd, J. A.; Wadsworth, J. J.; Ogden, I. O.; Sinclair, W.; White, J.; Sampson, D. A.; Rock, W.; Scott, W. H.; Green, G.; Ross, D. W.; Cameron, H., B. A.; *ad eundem.* M. A.—McMichael, D., B. A.; Kennedy, G. S., B. A.; Kerr, W. H. C., B. A.; Fitch, B. F., B. A.; Holcolm, J. W., B. A.; Waters, D. B. A.; Cameron, H. B. A.

II. Admission to Standing and Matriculation.—3rd. Year.—Halton, J. C.; Hunter, J. H., Queen's College, Belfast; Lazier, S. P. Victoria College

2nd. Year.—Withrow, W. H. Victoria College; Squier, W. Victoria College; Wilson, A. H. Victoria College. 1st Year.—Gordon, J., Queen's College, Galway.

Medals, Scholarships, and Prizes. Faculty of Law.—Adam Crooks, M.A., B.C.L., presented Messrs. J. H. Spencer and J. Livingstone with a silver medal each, for their proficiency in this department. Faculty of Medicine, M. Barrett, M.D. presented for medals:—Messrs. Bascom, J. (gold medal); Playter, E.; Tisdell, F. B.; Morton, E. D.; Ogden, W. W.; Martin, De W. H. (Silver.) Faculty of Arts.—Greek and Latin—Fraser, J. T.; gold medal; Modern Languages—Boyd, J. A.; gold medal; Natural Sciences—Wadsworth, J. J. gold medal; Metaphysics, Ethics, and Civil Polity—Ogden, W. W.; gold medal; Natural Sciences—Sinclair, W., silver medal; Oriental Languages—White, J., prize. Scholarships. Faculty of Law.—2nd. Year, Hamilton, J. C. Faculty of Medicine. Matriculation. Kilpatrick, G.; 1st year, Thom, C.; 1st year, McCool, D. B.; 1st year, Tisdell, J. C.; 2nd year, Bolster, J.; 3rd year, Elliot, J.; 3rd year, Hudson, A. Faculty of Arts. Greek and Latin.—1st year, Kilpatrick, G.; 1st year, Harbottle, R.; 2nd year, Crawford, W. G.; 2nd year, Woods, S.; 3rd year, Reeve, W. A.; 3rd year, Ross, J. B.; 4th year, Fraser, J. T. Mathematics.—1st year, Wright, T. W.; 1st year, Lafferty, A. M.; 2nd year, Loudon, J.; 2nd year, Fisher, J.; 2nd year, McLennan, J. A.; 3rd year, Thom, J. H.; 3rd year, Ormiston, D. Modern Languages.—1st year, McWilliams, W. G.; 2nd year, Gibson, J. M.; 4th year, Boyd, J. A. Natural Sciences.—1st year, McMurrich, W. B.; 2nd year, Roger, W. M.; 3rd year, Grant, A.; 4th year, Sinclair, W. Ethics, Met. and Civil Polity.—2nd year, Buchan, J. M.; 3rd year, Grant, G.; 4th year, Ogden, J. O. General Proficiency.—1st year, Hamilton, W. W. Oriental Languages.—3rd year, Grant, G.

The Prizes having been delivered,

The Chancellor then rose and said,—On behalf of the Convocation now assembled, and whose proceedings have just closed, he begged to thank them for being present and witnessing the distribution of prizes, because he took the assemblage present as an evidence of the continued interest taken in the University. He found that in the faculty of the law last year the number leaving the University was 18, the whole number of matriculants 75. This year the number leaving was thirty-one; whole number of matriculants, 68. He found that in 1859 the number of matriculants was 35, in 1860, 45. In Medicine the number in 1859 was 8; 1860, 8. In law the number in 1859 was 29; 1860, 15. The numbers in law arose from the circumstance of the standard in that faculty being greatly increased, previous to the commencement of the academic year. The cause of that might be attributed to the change in the Statute. The attention of the Legislature had been called to the subject, and they have now passed an act, that all young men studying for the law must first obtain a degree from the Law Society before they can become solicitors or attorneys. Again thanking them for their attendance, the Chancellor declared the Convocation dismissed.

Three cheers were given for the Queen, and the proceedings terminated.—*Colonist*.

—UNIVERSITY OF VICTORIA COLLEGE.—The Session 1859-60 of the above University was brought to a close on the 27th inst. The session had in all respects been a pleasant and harmonious one, and the number of the graduates elect not only larger than of any preceding year, but larger than had been sent forth by any other Canadian College in any single year of its existence. The shadow of this bright picture was the absence of the learned and much esteemed President of the Institution from his usual place, in consequence of the fracture of his leg, which took place about a month ago.

The Professors and Undergraduates of the University proceeded from the College to the Church in regular order, headed by the venerable Dr. Rolph, Dean of the Medical Faculty, and Professor Kingstou, M.A. The proceedings being opened with the usual devotional exercises, Professor Kingstou as chairman briefly referred to the absence of the President and its cause, then glanced at the harmony and successful labors of the session just closed, and finally spoke with natural gratification and becoming pride of the progress made by Victoria College, which on that day sent forth fourteen young graduates in Arts, to enter upon the great duties of life, a larger number than any other Canadian College had ever sent out in one year.

After the delivery of the usual Essays by the Candidate-bachelors, the graduates in medicine were most ably addressed by the Hon. John Rolph, LL.D., Dean of the Medical Faculty, Toronto. The Rev. Dr. Ryerson was then introduced to the audience by the Chairman and most

enthusiastically received. He addressed the students generally in his usual felicitous manner, encouraging them by many illustrious examples to be diligent and persevering.

The Faculty and Undergraduates then returned to the College in the same order as before with the same harmonious accompaniment. The various Degrees were then conferred by the President in his private room as follows:

B. A.—William Beattie, Stephen F. Lazier, John W. Beynon, G. M. Meacham, David W. Dumble, Mark Scanlon, Wm. C. Henderson, Henry Tew, Andrew G. Hill, George Washington, Thomas Holden, William A. Whitney, W. H. Law, Nicholas R. Willoughby, Edward Robinson (T. C. D.)

M. D.—Daniel W. Carroll, Edward W. McGuire, John Clements, M. B. McCausland, Robert A. Corbett, William H. Miller, Noble B. Dean, James Newcombe, Donald Gillespie, George A. Norris, John Harvey, Charles Ouellet, Elbridge A. Herriman, John Philp, William A. Howell, Bennett Richards, Richard Lund, James Sutton, Eithem Wood.

M. A.—Rev. Albert Carman, B.A., Principal, Belleville Seminary.

The following honorary Degrees were also passed by the Senate:

M. D.—Mr. Wm. Beamish, of Waterloo, C. W., licentiate of the Medical Board of Upper Canada. M. A.—Rev. E. B. Harper, Secretary of the Wesleyan Conference, Canada. D. D.—Rev. George Osborn, one of the General Secretaries of the Wesleyan Missionary Society, London, England; and Rev. Enoch Wood, Superintendent of Wesleyan Missions, Toronto.

This closed what we may call the official public business of the day and of the Session; but we were detained a few minutes longer by another interesting ceremonial—the presentation to the President of a truly splendid and beautiful silver tea service, consisting, as usual, of a salver or tray, kettle, coffee-pot, tea-pot, cream-ewer and sugar-bowl, executed in the best style of English art, the gift being a recent importation from England, by J. G. Joseph & Co., jewellers, Toronto, and is valued, we believe, at \$200. The tray is oval in form and of very tasteful design and workmanship, as indeed, are all the other portions of this very beautiful memorial of the affectionate regard cherished by the students of Victoria College to their distinguished President. The salver and kettle bear the following inscription:

“Presented to Rev. S. S. NELLES, A.M., President of the University of Victoria College, as a token of high esteem, by the students of the session, 1859-60.”

Each of the other pieces bears the simple inscription—“President NELLES.”

A highly appropriate address was read by Mr. William Beatty, one of the new graduates, who had been previously chosen by his fellow-students to act as their spokesman on the occasion.—*Cobourg Star*.

—THE U. C. MODEL SCHOOLS.—The Annual Public Examination of the Model Schools took place on the 22nd instant, and was attended by a large number of interested visitors. It is now upwards of twelve years since the establishment of this institution in connection with the Normal School, and each successive year has seen it grow in public favor. If there were any among the numerous assemblage of spectators yesterday present also at the first examinations of the School, they must have been forcibly struck with the great improvement that has taken place, in both the attendance and proficiency of the pupils, and in the facilities offered for their tuition. When first opened, the class-rooms were in an old building attached to Government House, successively used as a stable, a theatre, a school room, and again as a stable. At that time, the accommodation being of course limited, only boys received education in the School. Now, the buildings are extensive as well as handsome, and girls share equally with boys in the instruction imparted within their walls. All important branches of knowledge are taught by competent teachers, and in a manner that cannot fail to be of lasting benefit to the pupils. The number of children present yesterday exceeded 150 of each sex, who are divided into three divisions, over each of which an efficient teacher presides. In the boys' department Mr. Carlyle has charge of the first, or senior, division; Mr. Dieher of the second, and Mr. Campbell of the third. The first division in the girls' department is instructed by Mrs. Clark; the second by Miss Shenich, and the third by Miss Clark. The musical instructor in the schools is Mr. Sefton, under whose attentive training the children have made much progress. The cultivation of the physical powers of the youth has not been neglected; and perhaps the most favorite branch of instruction among them is that superintended by Capt. Goodwin, who teaches the boys gymnastic exercises of every kind, and the girls the healthy and graceful calisthenic art. The principal branches in which the pupils were examined during the day were Reading and Spelling, Grammar, Geography, Arith-

metic, Physiology, Algebra and Geometry, History and Domestic Economy, with the Theory of Music. The pupils answered readily the questions put them by their tutors, and evidently had carefully studied in order to pass a good examination. The stimulus to study held out in the shape of handsome prizes of books had created a healthy excitement, and each laudably emulated the other, and all showed proficiency of a marked character. In the senior division of the girls' department, three or four of the scholars were remarkably well advanced in the geometric science, demonstrating abstruse propositions in the fifth and sixth books with an ease and familiarity that would be envied by any boy of twenty. The age of these girls did not exceed fifteen years; so it may be imagined how excellent had been their instruction. In other branches of learning, too, the pupils generally were well "posted up." The number of visitors was largely increased in the afternoon, blocking up the passages and class-rooms in such a manner as to leave little space for the scholars, and every one, as we have remarked, manifested a warm interest in the proceedings. At four o'clock the girls were exercised in calisthenics by Capt. Goodwin, and shortly afterwards the boys exhibited their gymnastic feats in the spacious play-ground attached to the institution. Some of the latter were remarkably agile and daring in their performances, and their exploits created considerable applause.

About half-past four o'clock the visitors and pupils assembled in the theatre of the Normal School, where prizes were distributed to the most deserving scholars by the Rev. Dr. Ryerson, Chief Superintendent of Education, as follows:—

BOYS' DEPARTMENT, FIRST DIVISION.—Best scholar in the school—John B. McCarty, who is awarded a scholarship in the Model Grammar School. (The other prizes were too numerous to insert in the *Journal*.)

After the distribution of the prizes, the piece, "Hurrah! Hurrah for Canada!" was well sung by Henry Jones, prize-boy for singing, all the pupils joining in the chorus, and Mr. Sefton accompanying on a melodeon, "Rule Britannia," and "Night's Shades have passed," a nice composition, in which boys and girls sang alternately, followed—both being executed in very good style. An agreeable episode then transpired. Several of the girls of the senior division, forming a committee of the whole school, stepped forward for the purpose of presenting their teacher, Mrs. Clark, with a handsome gold watch. A very complimentary and affectionate address was read by Miss Clarice Hamilton, who enunciated the words in a clear, sweet voice, that was heard in every portion of the spacious apartment. The valuable present was handed to Mrs. Clark by Miss Menet, of the second division; and a handsome bouquet was offered by an equally handsome little girl, named Rose Delaporte, of the third division. Mrs. Clark made a feeling and appropriate reply; and in thanking the scholars for their elegant gift, took occasion to make a few advisory remarks to those of the elder pupils whose studies in the school had that day ended. The presentation, which was a very pleasing affair, was rapturously applauded by the spectators, who filled the gallery of the theatre.

The Rev. Dr. Ryerson then advanced, and said the exercises of the present session had now been brought to a close, or shortly would be, by the pupils singing the National Anthem. In terminating these exercises, he had great pleasure in saying, that never since the commencement of the Normal and Model Schools had the same order and efficiency prevailed in every branch of education as at the present time. At no period in the whole course of his experience had he been more struck with surprise, or felt greater admiration, than at the examinations he had the opportunity of witnessing that day—at the thoroughness, clearness, and simplicity exhibited by the pupils in every branch of knowledge, and the care and attention evinced by the teachers in properly training the children. It was the province of the Model Schools not only to teach the pupils, but to show to the students of the Normal School and the country generally, how children ought to be taught. It was with this view that the selection of teachers for the Model Schools had been made; it was with this view that the buildings in which the children were educated, had been erected; and it was with the same view that all the operations of the institution were conducted. It was important that those who were trained in the Normal School—and trained, he would say, on principles justly considered the most advanced—should have a practical illustration of the best method of teaching. Such an illustration was to be found in the method pursued in the Model Schools, in which those students spent several months during the time they attended the Normal School. This was the purpose for which the Model Schools had been instituted; and at no period of their existence, it gave him pleasure to add, did they appear to answer better

that object than at the present moment. He then paid a high compliment to Mr. Sefton for the great advancement displayed by the children in the department of vocal music, an improvement due altogether to that gentleman's care and ability to instruct. There was another branch to which he would also allude, and in which not a little difficulty and embarrassment had heretofore been experienced. It was that of drawing. Under the able tuition of M. Emile Coulon, however, the pupils now exhibited a highly gratifying improvement, as was proved by the excellent specimens of their taste displayed in the different class-rooms. With regard to the other branches of education, he need make no lengthened observations. Every one acquainted with the schools knew that, from the commencement, nothing that should have been done had been omitted by Mrs. Clark and those who were associated with her. (Loud applause.) He would likewise notice the last branch, though by no means the least important one, in which the pupils were exercised, and over which his friend, Capt. Goodwin, so well known in Toronto, had ably presided. (Cheers from the boys.) He (Dr. Ryerson) knew that every boy's face would brighten, and every boy's eye pleasantly twinkle, at the sound of the name of Capt. Goodwin. (Renewed cheers.) He had no doubt that the physical training of both the boys and the girls would exert no small influence over their health, their activity, and their energy, in future life. He (Dr. Ryerson) went on to remark, that in the Model School they had a practical development of the best theory laid down for the education of youth. They presented to the land of their birth or of their adoption an exemplification of a mode of instruction which had commanded, so far as he knew, the unqualified and highest admiration of visitors from the other side of the Atlantic, from several States of the neighbouring Union, and from all parts of our own country. And he hoped that in the progress of society of this country and the advancement of its people, they would witness that energy of mind, that honesty of purpose, and that faith in the fostering care of Providence which a school of this character so fully developed. (Applause.) He (Dr. Ryerson) then expressed his thanks to the teachers for the pleasure the examinations had afforded him, and said that doubtless the work in which they were engaged would exert an influence that would be felt throughout the length and breadth of our beloved land. (Applause.) He concluded by announcing that the children would sing, with united voice, "God save the Queen," and adverted in graceful terms to the forthcoming visit of the Prince of Wales, son of that noble woman, and more than Queen, who swayed the sceptre of government over us, and on whose dominions the sun never set. The rev. superintendent sat down amidst loud applause.

The children then sang the National Anthem, and the proceedings terminated with the benediction, about a quarter-past six o'clock. The Rev. Dr. Ryerson announced, at the close, that the vacation would extend until the first Monday in August next.—*Leader*.

— **VISIT OF THE YORK AND PEARL COUNTY COUNCIL TO THE EDUCATIONAL DEPARTMENT.**—On the occasion of the recent visit of the Warden and members of the Metropolitan County Council to the Educational Department for Upper Canada, the Council passed the following resolution. It is gratifying to witness this practical interest in the operations of the "People's Department," of the Government on the part of the local municipal authorities.

"Resolved—That the members of the Council having visited the Normal and Model Schools, desire to express the satisfaction which they feel with the general appearance and internal arrangements of those institutions.

"That they were much pleased with the specimens exhibited of Canadian Manufacture, in the articles of maps and school apparatus, showing that they can now be produced in our own country, not only of equal finish and durability, but at prices much lower than for those imported from Europe or the United States.

"That they desire further to express their sense of the courtesy extended to them, on the occasion of their visit, by the Deputy Superintendent of Education." A true copy.

June 8th, 1860.

(Signed,) J. ELLIOT, Co. Clerk.

TERMS: For a single copy of the *Journal of Education*, \$1 per annum: back vols., neatly stitched, supplied on the same terms. All subscriptions to commence with the January Number, and payment in advance must in all cases accompany the order. Single numbers, 12½ cents each.

✉ All communications to be addressed to Mr. J. GEORGE HODGINS, Education Office, Toronto.