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# JOURNAL OF

Province of



# EDUCATION,

Ontario.

VOL. XXIV.

TORONTO, MAY, 1871.

No. 5.

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THE CONSOLIDATED PUBLIC SCHOOL ACT FOR ONTARIO.

With which is incorporated the School Law Amendment Act of 1860, and the School Law Improvement Act of 1871.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :—

*Existing School Organizations continued.*

1. All public school sections or other public school divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to public 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 Ontario, on the *Second Wednesday in January*, in each year, commencing at the hour of *ten* of the clock in the forenoon.

[3½. *The School Law Amendment Act of 1860 further enacts, that—*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 (rural) 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.]

PART I.—TRUSTEES OF RURAL SCHOOL SECTIONS.

*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 County Inspector, or of a teacher, within the section of which he is a trustee.

[6½. *The School Law Amendment Act of 1860 further enacts as follows :—*11. \* \* Nor shall any teacher or County Inspector hold the office of trustee ;

*Six Months' Non-residence vacates Office.*

And a continuous non-residence of *six* months from his school section, by any trustee, shall cause the vacation of his office. *Note.*—This relates to a trustee who has not yet removed his family or domicile from the section, but who is himself absent for six months.

*Proceedings on the formation of a new School.*

7. Whenever a school section is formed in any township, as provided in the *thirty-ninth* section of this Act, the clerk of the 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 Twenty 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 resident or non-resident assessed 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 Meeting.*

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 First School Meeting.*

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

*Trustees must be resident assessed Ratepayers.*

[12]. *The School Law Amendment Act of 1860, further enacts:—*

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.]

*Term of Office of each Trustee.*

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 the County Inspector.*

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 chairman to the County Inspector of schools.

*Penalty on Chairman for Neglect.*

[14]. *The School Law Amendment Act of 1860, further enacts that:* 19. Any chairman who neglects to transmit to the County Inspector 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 ratepayer, to a fine of not more than *five* dollars, to be recovered as provided in the *one hundred and fortieth* section of the Ontario Consolidated Public School Act aforesaid.

*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 resident, or non-resident assessed 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 [and also by the *nineteenth* section of the School Law Amendment Act of 1860, as section 14].

*Trustees' General Report to be Submitted.*

(2.) Shall receive and decide upon the general and financial report of the trustees, as required by the *twenty-first* clause of the *twenty-seventh* section of this Act, and by the *twenty-first* section of the School Law Improvement Act of 1871.

*Annual Election of School Trustees.*

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

(4.) *Repealed, schools made free by Act of 1871.*

*Auditors' Report to be Received.*

[(5.) The *eighth* section of the School Law Amendment Act of 1860, provides that the annual meeting shall receive the report of the auditors of school section accounts of the previous year, and dispose of the same.]

*School Section Auditor to be Appointed.*

[(6.) The same section of the Act of 1860, also provides that the annual meeting shall appoint an auditor of the school accounts of the section for the current year.]

[The *seventeenth* section of the Consolidated School Act has been superseded by the *third* section of the School Law Amendment Act of 1860, as follows:]

*Who are legal Voters at School Meetings.*

[17. The *Seventeenth* section of the Ontario Public School Act, *sixty-fourth* chapter of the Consolidated Statutes for Ontario, shall be amended so as to read as follows: No person shall be entitled to vote in any school section for the election of trustee, or on any school question whatsoever, unless he shall have been assessed, and shall have paid [county, township, or school section] 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 ratepayer, 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 a false Declaration]*

[Whereupon the person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person refuse to make such declaration, his vote shall be rejected; and if any person wilfully make a false declaration of his right to vote, he shall be guilty of a misdemeanor, and upon conviction, upon the complaint of any person, shall be punishable by fine or imprisonment, in the manner provided for in the [following *eighth*, and the *one hundred and fortieth* sections of the] said Ontario Consolidated Public School Act.

18. If any person wilfully makes a false declaration of his right to vote, he shall be guilty of a misdemeanor, and be punishable by fine or imprisonment, at the discretion of the court of Quarter Sessions; or by a penalty of not less than *five* dollars, or more than *ten* dollars, to be sued for and recovered with costs before a Justice of the Peace, by the trustees of the school section, for its use.

*Separate School Supporters not to Vote at Public 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 public 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 assessed 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 notice 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 notice the objects 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. [See the one hundred and fortieth section of this Act.]

*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 assessed 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, or by any two ratepayers, for its use [as authorized by the one hundred and fortieth section of this Act, and by the thirtieth section of the School Law Improvement Act of 1871.]

*Trustees must make a Declaration of Office.*

[23½. The School Law Amendment Act of 1860 further enacts: 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; or if the chairman be elected trustee, before the first secretary of the 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 to make declaration.*

And if any person elected as trustee shall not make the 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 preceding twenty-third section of the said Ontario Consolidated Public School Act.

*Trustees may resign—Absence a forfeiture of Office.*

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

[24½. The School Law Amendment Act of 1860, further enacts: 11. \* \* \* a continuous non-residence [i. e. not removal of domicile], of six months from his school section by any trustee, shall cause the vacation of his office.]

*Mode of proceeding in contested Elections in School Sections.*

25. Each County Inspector of Schools—

(1.) Shall, within twenty days after any meeting for the election of public 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 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.

[(3.) The School Law Amendment Act of 1860 further enacts: 13. It shall be the duty of a County Inspector 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 meeting; 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.]

*Trustees to be a School Corporation—Its powers.*

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 assessed 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 assessed 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.

*Corporate Acts must be performed at lawful Trustee Meetings.*

[26½. The School Law Amendment Act of 1860, further enacts that: 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, or [by any one of the trustees, as provided in the School Law Improvement Act of 1871.] 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.]

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

*Appointment and Duties of Secretary-Treasurer.*

(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. The forty-sixth section of the School Law of 1871, requires trustees to take this security and deposit it for safe keeping with the township council.]

- 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 [school rate] 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.

*Certain Trustee contracts between themselves unlawful.*

[(1½.) Forty-sixth section of the School Law Amendment Act of 1860 further enacts: 6. It shall not be lawful for any public 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.]

*Appointment and Duty of School Collector.*

(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, or 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 have the same powers, and proceed in the same manner in his school section and township, as a township collector, in collecting rates in a township or county, as provided in the Municipal Corporation and Assessment Act.—[School Act of 1871.]

[2½.] *The School Law Amendment Act of 1860 further enacts:* 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 in their respective municipalities; and shall give such security as may be satisfactory to the trustees, which security shall be lodged with the township council, as provided in the School Law of 1871.]

*Trustees to acquire and hold School Property.*

(3.) To take possession and have the custody and safe keeping of all public school property which has been acquired or given for public 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 public school purposes, and to apply the same according to the terms on which the same were acquired or received;

*Trustees may sell School Site or other Property.*

[3½] *The School Law Amendment Act of 1860 further enacts that:* 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 public school purposes, shall vest absolutely in the trustee corporation for this purpose.]

*Building, or otherwise providing School Premises.*

(4) To do whatever they may judge expedient with regard to 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 in the Section.*

(6) To establish, if they deem it expedient, with the consent of the County Inspector 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 public schools generally;

*May unite with High School.*

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

*United Board of Trustees may Sell School Site.*

[7½] *The School Law Amendment Act of 1860 further enacts that:* 10. \* \* It shall be lawful for any united board of high and public school trustees to dispose, by sale or otherwise, of any school site or school property belonging to the united board, or to the high school or public school trustees respectively.]

*Employ Teachers, and enter into Contracts with them.*

(8) To contract with and employ teachers for such school section, and determine the amount of their salaries.

*Agreements between Trustees and Teachers must be in Writing.*

[8½] *The School Law Amendment Act of 1860 further enacts that:* 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.]

*To give orders to qualified Teachers for School Fund.*

(9) To give the teachers employed by them the necessary orders upon the County Inspector for the school fund apportioned and payable to their school section; but they shall not give such order in behalf of any teacher, except for the actual time during which said teacher, while employed, held a legal certificate of qualification.

*Provide for Salaries and other Expenses of the School.*

(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 assessed freeholders or householders of such section \* \* \* 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 additional 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 School Rate 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 collector of the school section, for the collection of the several sums mentioned in such list; and any school-rate [on property] 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 assessors' 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 anyone of the trustees, or their authorized collector, to make a copy of such roll, as far as it relates to their school section;

[*The School Law Improvement Act of 1871 further provides:* And in case of any omission or mistake in such roll, the Township Council shall have authority to correct it.]

*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.

*Sue defaulting Non-residents.*

(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 may 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 the ages of five and twenty-one.*

(16) To permit all residents in such section between the ages o

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 school rates required to be paid on their behalf are fully discharged; but such permission shall not extend to the children of 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) It shall be the duty of the trustees 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, now that provision has been made and carried into effect for the establishment of school libraries.

*Personal Responsibility of Trustees 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 summary of their proceedings and state of the school during the year, together with a full and detailed statement and account of the receipt and expenditure of all school moneys received and expended in behalf of such section, for any purpose whatever, during such year; which report shall be signed by the trustees and by either or both of the school auditors of the section; and, in case of difference of opinion between the school auditors on any matter in the accounts, it shall be referred to and decided by the County Inspector [as provided by the twenty-first section of the School Law Improvement Act of 1871].

*Make Half-Yearly Report to County Inspector.*

(22) To transmit to the County Inspector, 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 Neglecting 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.

(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 transmit annually, on or before the fifteenth day of January, a report to the County Inspector, 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 on 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 public 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 county inspector 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 County Inspector, and collected and applied in the manner provided by the twenty-first section of this Act.

[The twenty-ninth section has been superseded by the eighth section of the School Law Amendment Act of 1860, as follows:]

*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 assessed 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.*

[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 County Inspector, 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 Ontario Consolidated Public 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, signed by the trustees and auditors, shall be presented, and the vacancy or vacancies in the trustee corporation be filled up, as provided by law;

*[Remedy in case the Trustees Fail to Appoint an Auditor.]*

[And if the trustees neglect to appoint an auditor, or appoint one who refuses to act, the County Inspector 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 Ontario Consolidated Public School Act. [See also the one hundred and thirtieth and seven following sections of this Act.]

*New School Site 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 assessed freeholders and householders of their section to consider the matter.

*Differences 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 assessed freeholders and householders at such special meeting, each party shall choose an arbitrator, and the County Inspector, 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.

*Owner of Land must Sell School Site Selected—Exception.*

[30]. *The School Law Improvement Act of 1871 also enacts: 17.* On the selection of land as provided by law, for a school site, for the erection of a school-house and necessary buildings, or for enlarging school premises, if the owner of such land shall refuse to sell the same, or shall demand therefor a price deemed unreasonable by the trustees of any section or board of trustees in cities, towns or incorporated villages, the proprietor of such land, and the trustees, or boards of trustees, shall each forthwith select an arbitrator; and the arbitrators thus chosen and the County Inspector, or any two of them, shall appraise the damages to the owner of such land, and upon the tender of payment of the amount of such damages to the owner by the school trustees, the land shall be taken and used for the purpose aforesaid; provided nothing herein contained, shall authorize the selection in a township of a site within a hundred yards of a garden, orchard, pleasure ground or dwelling house, without the consent of the owner of such site; and provided further, that in cities, towns and incorporated villages, vacant land only shall be taken without the consent of the owner or owners.]

[30]. *The School Amendment Act of 1860 further enacts: 15.* Arbitrators appointed under the authority of the Ontario Consolidated Public School Act, and County Inspectors 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; *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 County Inspectors respectively.]

*Appointment of School Site Arbitrators—Their Powers.*

[30]. *The School Law Improvement Act of 1871 also provides that: 25.* Should the majority of the school trustees, or the majority of a public school meeting, neglect or refuse, in case of a difference in regard to a School site, to appoint an arbitrator, as provided in the thirtieth section of the Consolidated School Act, or should the owner of land selected as a school site, as provided by section seventeen of this Act, refuse to appoint an arbitrator, it shall be competent for the County Inspector, with the arbitrator appointed, to meet and determine the matter, and the County Inspector, in case of such refusal or neglect, shall have a second or casting vote, provided they should not agree.

[26. Should only a majority of the arbitrators appointed to decide any case under the authority of the School Laws of this Province, be present at any lawful meeting, in consequence of the neglect or refusal of their colleagues to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of such adjournment.]

*Trustees personally responsible for Moneys lost.*

31. The trustees of each school section shall be personally re-

sponsible 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* and *twenty-third* sections of this Act. [See also the *twentieth* clause of the *twenty-seventh* section, and the one hundred and thirtieth and seven following sections of this Act.]

## PART II.—DUTIES OF TOWNSHIP COUNCILS.

*All the Sections of a Township may be united, and a Township Board Elected.*

32. In case a majority of the resident assessed freeholders and householders in two-thirds at least of the several school sections, at public meetings in such school sections of the township separately called for that purpose by the trustees of each such section, or the County Inspector, express a desire that local school sections should be abolished, and that 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 may 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 the 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 Public 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.

*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, according to the divisions of the school sections within the limits of which such lands or property may be situate; 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. [The fifth clause of the thirtieth section of the School Law Improvement Act of 1871, authorizes township councils to correct mistakes and supply omissions in the assessors' school roll.]

*Council to impose certain School Assessments as required by 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 ["*shall*" is imperative] 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 assessed freeholders and householders to trustees, 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 repayment.*

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;\*

*Council may establish, and be Trustees of, Model School,*

and for procuring the site, and for the erection and support of a township 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 public 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 public 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.

*Size and formation of Public School Sections in Townships.*

[39]. The School Law Improvement Act of 1871 provides that:—  
15. No School section shall be formed after the year one thousand eight hundred and seventy-one, which shall contain less than fifty resident children, between the ages of five and sixteen years, unless the area of such section shall contain more than four square miles.]

[39]. Appeal from the Township to the County Council:—16. The majority of the trustees, or any five rate-payers of a school section, shall have the right of appeal or complaint to their county council against any by-law or resolution which has been passed, or may be passed, by the township council for the formation or alteration of their school section; and it may and shall be lawful for such county council to appoint a committee of not more than five, or less than three competent persons (two of whom shall be the County Judge and a County Inspector, and the majority of whom shall form a quorum,) to investigate the matter of such appeal or complaint, and confirm or disallow the by-law or resolution complained of; and on the representation and petition of the majority of the trustees, or rate-payers, of two or more school sections in a township, present at special meetings called for that purpose, the county council shall have authority to appoint a committee of not less than five competent persons (two of whom shall be the County Judge and a County Inspector, and a majority of whom shall form a quorum,) to revise and alter the boundaries of the school sections of such township, so far as to settle the matters complained of; Provided always, that no person shall be competent to act on either of the committees mentioned in this clause of this Act, who was a member of the township council that passed the by-law or resolution complained of; And provided also, that the alterations made in the boundaries of any school section by such committee, shall not take effect before the end of the year during which they shall be made, and of which alterations due notice shall be given by the Inspector to the clerk of the township and to the trustees of the school sections concerned.]

[39]. The School Law Amendment Act of 1860 further enacts:—  
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.]

*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

\* One hundred per cent. is added by the Chief Superintendent of Education on all the local appropriations for library and prize books, maps and apparatus. See departmental notices appended,

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 assessed 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 public 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 assessed 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 public 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 public school property [after paying the current year's debts of the old section], 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 public school purposes of such altered or united sections.

[The forty-fifth and forty-sixth sections of this Act have been superseded by the fifth section of the School Law Amendment Act of 1860, as follows: ]

*Formation and alteration of Union School Sections.*

45. [5. The forty-fifth and forty-sixth sections of the said Ontario Consolidated Public School Act, shall be amended so as to read as follows: "Under the conditions prescribed in the *fortieth* section in respect to alterations 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 County Inspector, or inspectors of the townships out of parts of which such sections are proposed to be formed, or in the case of a union section of parts of a township or townships and a town or incorporated village, by the reeve and county inspector of the township; and [by two representatives of] the board of public school trustees of the town or village, at a meeting appointed for that purpose by any two of such reeves, or by the public school board of such town or village, of which meeting the other parties authorized to act with them shall be duly notified.

*Formation and Alteration of Union Sections—Inspector's Duty—Assessment.*

[45]. The School Law Improvement Act of 1871 also provides that:—  
18. On the formation or alteration of a union school section or division, under the authority of the fifth section of the School Law Amendment Act of eighteen hundred and sixty, it shall be the duty of the County Inspector concerned, forthwith to transmit a copy of the resolution, by which the formation or alteration was made, to the clerk of the municipality affected by such resolution; Provided also, that it shall be competent for any County Inspector to call a meeting of the parties authorized to form and alter union school sections, and it shall be lawful for, and be the duty of the reeves of the township, out of which the section is formed, with the County Inspector, to equalize the assessment.



*[Effect of such a Union in Township, Town, or Village.]*

46. [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 purpose of the election of trustees under their control, be deemed one school section, and shall be considered in respect to inspection and taxation for the erection of a school house, as belonging to the township, town, or village in which the [school house] is situated.]

46½. *The School Law Amendment Act of 1860 also enacts:* 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 or distinct section or sections.]

*[The School Law Improvement Act of 1871 further provides that the school boundaries of a village, existing at the time of its incorporation, shall continue in force, notwithstanding its incorporation, until altered under the authority of the school laws.]*

*Union Section may be Dissolved by either Township Council.*

47. Each township council may, under the restrictions imposed by law in regard to the alterations 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 County Inspector.*

48. Each township council shall cause the clerk of the township to furnish the County Inspector of schools with a copy of all the proceedings of the council relating to the formation or alteration of school sections, school assessments, and other educational matters. (See also section 45½ above.)

*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.

*Township Clerk required to prepare School Map of the Township.*

*[The School Law Improvement Act of 1871 also declares that:—* 19. Should the clerk neglect or refuse to prepare and furnish the map of the school divisions of his municipality, as required by the forty-ninth section of the Consolidated School Act, he shall render himself liable to a penalty not exceeding ten dollars, to be recovered before a magistrate, for the school purposes of his municipality, at the instance of any ratepayer thereof.

### PART III.—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 public 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 County Inspectors, 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 County Inspector'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 shall raise by assessment such sums of money as it may judge expedient, for the establishment and maintenance of a county common school library.\*

*(See Section 39½ of this Act.)*

*The Council to appoint County Inspectors.*

The *fifty-third* and *fourth* sections of this Act, are superseded by the following from the School Law Improvement Act of 1871 :—

*School Inspectors in Counties, Cities and Towns—their Qualifications.*

53. [5. In each county or union of counties, there shall be one or more school officers, to be called County Inspectors, who shall have charge of not more than one hundred and twenty, or less than fifty schools each ; Provided always, that it shall not be necessary to appoint more than one such officer in each riding of a county ; And provided further, that in counties containing any municipality wherein the French or German language is the common or prevailing language, an Inspector may have charge of any number of schools not less than forty.

53½. [7. The qualifications of county, city, or town Inspectors shall, from time to time, be prescribed by the Council of Public Instruction, which shall determine the time and manner of examination of candidates for certificates of qualification, and grant certificates of qualification ; and no one not holding such certificate of qualification, shall be eligible to be appointed an Inspector.

53½. [8. Each county council, and each board of public school trustees in a city or town, shall appoint from among those holding the necessary certificate of qualification, one person to be Inspector of public schools in such county, city or town ; and in counties where there are or shall be more than fifty public schools, the county council may appoint two or more persons, (according to the number of schools), holding such certificates, to be Inspectors, and prescribe and number the territorial limits of each ; Provided nevertheless, that any county, city or town Inspector shall be subject to dismissal at pleasure by the council or board appointing him, or by the Lieutenant-Governor in council, (as regards any County Inspector,) for misconduct or inefficiency ; and the vacancy thus caused shall be filled from the list of those legally qualified by the council or board authorized to appoint such Inspector ; Provided likewise, that no Inspector dismissed shall be reappointed, without the concurrence of the party who has dismissed him ; And provided furthermore, that in a county where there are two or more County Inspectors, the council of such county may, from time to time, change or remove such Inspectors from one circuit or riding of the county to another.

54. [9. Each Inspector of schools so appointed, shall have the oversight of all public schools in the townships and villages within the county or union of counties, or part of the county or union of counties for which he shall be appointed, and shall have all the powers in each municipality within his jurisdiction, and be subject to all the obligations conferred or imposed by law, upon "Local Superintendents," and which are conferred or imposed by this Act, according to such instructions as may be given to him, from time to time, by the Chief Superintendent of Education.

54½. [10. The remuneration of each city or town Inspector of schools shall be determined and provided for by the board appointing him ; the remuneration of the County Inspector shall not be less than five dollars per school per annum, to be paid quarterly, by the county council, which shall also have authority to determine

\* The Education Department will grant one hundred per cent. on all remittances sent to it from the county council for the purchase of books not only for a county common school library, but also for a county teachers' association library, or for a county jail library, &c. See departmental notices on this subject at the end,

and provide for the allowance for travelling expenses; Provided also, that it shall be lawful for the Lieutenant-Governor in council to direct the payment, out of the consolidated revenue, of an additional sum not exceeding five dollars per school per annum to each County Inspector.

*Examination of Public School Teachers.*

54½. [11. Each county council, and the board of public school Trustees in each city, shall appoint a county or city board of examiners, (for the examination and licensing of teachers, in accordance with the regulations provided by law,) consisting of the county or city Inspector (as the case may be), and two or more other competent persons, whose qualifications shall, from time to time, be prescribed by the council of Public Instruction; Provided always, that in no such county or city board of Examiners, the number of members shall exceed five; and in all cases, the majority of the members appointed shall constitute a quorum for the transaction of business; and the payment of their expenses shall be provided for as authorized by the sixteenth section of the School Law Amendment Act of 1860.

*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 County Inspector 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 County Inspector 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 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.\*

**PART IV.—CITIES, TOWNS AND INCORPORATED VILLAGES.**

*Powers of Councils in Cities, Towns and Villages.*

60. The municipal council of each city, town, and village in Ontario is hereby invested, within its limits, with the same powers, and shall be subject to the same obligations as the municipal council of each county and township by the thirty-fourth, thirty-fifth, and the fiftieth, fifty-first, fifty-fifth, fifty-sixth, fifty-eighth and fifty-ninth sections of this Act.

\* Printed forms for this abstract, and also for the school accounts of each of the county sub-treasurers of school moneys are furnished by the Education Department, for convenience and uniformity, although it is not required to do so by law. See note\* to the one hundred and twenty-fourth section of this Act.

*Board to appoint School Inspector.*

61. The public school board for every such city and town respectively, shall appoint an inspector of schools for the city and town, [as provided in the School Law Improvement Act of 1871.] See sections 53½, 54½ and 54½.

**ELECTION OF TRUSTEES IN CITIES AND TOWNS DIVIDED INTO WARDS.**

*Public Schools in Cities, Towns and Villages.*

[The School Law Improvement Act of 1871 declares that:— 61½. [32. The public schools in cities, towns and incorporated villages shall be under the management of boards of public school trustees; and each of such boards shall be a corporation under the designation of public school board, and shall succeed to all the property, rights, obligations and powers of boards of common school trustees in such cities, towns and villages; Provided that the common school boards shall continue in office until their successors are elected, as provided by the thirty-third section of this Act.

61½. [33. The members of the public school boards shall be elected and classified in the manner provided by law for the election and classification of common school trustees in cities, towns, and incorporated villages.

*Two Trustees to be annually Elected in each Ward.*

62. For each ward into which any city or town is divided, there shall be two school trustees, each of whom after the first election of trustees, shall continue in office two years, and until his successor has been elected, and one of such trustees shall retire on the second Wednesday in January yearly in rotation.

*First Election of School Trustees in Cities and Towns.*

63. On the incorporation of any city or town, and the division thereof into wards, two fit and proper persons shall, at the first election of school trustees, be elected school trustees of each such ward by a majority of the votes of the assessed freeholders and householders thereof.

*City and Town Trustees' Term of Office.*

And one of such trustees, to be determined by lot at the first meeting of trustees after their election, shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer, and then retire; but each such trustee shall continue in office until his successor has been elected.

64. In every city and town [on the second Wednesday in January] an election shall be held in each ward at the place of the last municipal election, and under the direction of the same returning officer, and conducted in the [same] manner as an ordinary municipal ward election; but in case of the default of such returning officer, then under the direction of such person as the electors present may choose; and at such election one fit and proper person to be a trustee shall be elected by a majority of the votes of the assessed freeholders and householders in and for each such ward respectively, and such trustee shall continue in office for two years, and until his successor has been elected.

*Time and Hours for School Elections in Rural Sections, Towns, &c.*

[64½. The School Law Amendment Act of 1860 fixes the hour for closing the poll as follows: 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 [rural] school sections, the poll shall close on the same day the election is commenced; in cities, towns, and incorporated villages, the same time [i.e., from nine a.m., to five p.m. of the one day] shall be allowed for the election of school trustees which is allowed for the election of municipal councillors in such municipalities.]

**ELECTION OF TRUSTEES IN VILLAGES AND TOWNS NOT DIVIDED INTO WARDS.**

65. In each town, not divided into wards, and in each village, there shall be six school trustees, two of whom, after the first election, shall retire yearly on the second Wednesday in January.

*First Election of School Trustees in a Village or Town.*

66. On the incorporation of any such town or village, the returning officer appointed to hold the first municipal election in such town or village, shall call a meeting for the election of school trustees to take place [on the *second Wednesday in January*], or in case of his neglect for one month, any two freeholders in such town or village, on giving *six days' notice* in at least *three* public places in the town or village, may call a meeting for such purpose, and at such meeting six trustees shall be elected, who shall hold office during the periods hereinafter expressed, and from thence until their successors respectively have been elected.

*Trustees when first elected to be classified.*

67. The trustees of every such town and village shall be divided by lot into *three* classes of *two* individuals each, to be numbered *one, two, three*; the first of which classes shall hold office *one* year, the *second two* years, and the *third three* years, and until their successors respectively be elected.

*Such Trustees to retire yearly by rotation.*

68. The trustees composing one of such classes shall retire yearly in rotation, the order of such rotation of the trustees first elected being determined by lot at the first meeting after their election, and, except the trustees elected at the first election, the trustees so to retire shall be those who have held the office for the then next preceding *three* years, or who have been elected to supply any vacancy in the retiring class.

*Annual Election of two Trustees in Towns and Villages.*

69. A school meeting shall be held annually on the *second Wednesday in January*, in each such town and village, at the place of the then last annual election of councillors, at which meeting the assessed freeholders and householders of the town or village shall elect two persons to be trustees in the place of the *two* retiring from office, which trustees elect shall continue in office *three* years, and until their successors have been elected.

*Challenging Voters at School Elections.*

70. In case an objection be made to the right of any person to vote at an election in any city, town or village, or upon any other subject connected with school purposes therein, the returning officer presiding at the election shall require the person whose right of voting is objected to, to make the following declaration:

"I do declare and affirm that I have been rated on the assessment roll of this city (town or village, *as the case may be*), as a freeholder (or householder, *as the case may be*), and that I have paid a public school tax in this ward, (town or village, *as the case may be*), within the last *twelve* months, and that I am legally qualified to vote at this election."

*Effect of such Declaration—Penalty for false one.*

Whereupon the person making such declaration shall be permitted to vote.

71. If any person wilfully makes a false declaration of his right to vote, he shall be guilty of a misdemeanor, and upon conviction, upon the complaint of any other person, shall be punishable by fine and imprisonment, in the manner provided for in the *eighteenth* section of this Act.

*Contested Elections in Cities, Towns, Villages.*

72. The judge of the county court shall, within *twenty* days after the election of a public school trustee in any city, town, or incorporated village within his county, receive and investigate any complaint respecting the mode of conducting the election, and confirm it or set it aside, and appoint the time and place of holding a new election, as he may judge right.

*Penalty on Returning Officer for wrong doing.*

73. If the returning officer at any election of a public school trustee be convicted before the County Judge, of disregarding the requirements of the law, or acting partially in the execution of his office, he shall be fined a sum of not less than *twenty* dollars, nor more than *one hundred* dollars, at the discretion of such County Judge.

*Costs of Contested Elections.*

74. The expenses of any school election contest shall be paid by the parties concerned in it, as may be decided by the County Judge.

*Terms for which Persons are Elected to fill Vacancies.*

75. Any trustee elected to fill an occasional vacancy in a public school board, shall hold office only for the unexpired term of the person in whose place he is elected to serve.

*Re-election of any Trustee Lawful.*

76. Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for *four* years next after leaving office.

*Trustees to be a Corporation.*

77. The school trustees for each city, town and incorporated village, shall be a corporation, under the name of "The Public School Board of the City [Town or Village] of \_\_\_\_\_, in the County of \_\_\_\_\_," and shall succeed to all the corporate rights and powers, and be subject to all the corporate obligations and liabilities of the preceding trustees.

*The first Meeting of the Public School Board.*

78. The first meeting of the Board may be called by any trustee, to take place in the city, town, or village council-room.

*Duties of the Public School Board.*

79. It shall be the duty of the Public School Board of every city, town, and village respectively, and they are hereby authorized:

*Election of Chairman and his Vote.*

(1.) To elect annually, or oftener, from among their own members, a chairman, who shall have a right to vote at all times; and in case of an equality of votes, the questions shall be held to be decided in the negative.

*Appointment of Secretary, Collector and Treasurer.*

(2.) To appoint a secretary, [and in the case of a city and town board an Inspector] of schools, and, if requisite, one or more collectors of school rates, which collector or collectors may be of their own number, and one of whom may also be secretary-treasurer, who shall be subject to the same duties, obligations, and penalties as secretary-treasurers in school sections.

[See the *One hundred and thirtieth* and *seven* following sections of this Act.]

*Time and Place of Meeting of Board.*

(3.) To appoint the times and places of their meetings and the mode of calling them; and of conducting and recording their proceedings, and of keeping all their school accounts.

*Board to take Possession of all Public School Property.*

(4.) To take possession of all public school property, and to accept and hold as a corporation all property acquired or given for public school purposes, in the city, town, or village, by any title whatsoever.

*To Manage and Dispose of School Property.*

(5.) To manage or dispose of such property, and all moneys or income for public school purposes.

*To apply Proceeds of School Property.*

(6.) To apply the same, or the proceeds, to the objects for which they have been given or acquired.

*To Provide School Premises, Apparatus, Text-Books, and Library.*

(7.) To do whatever they may judge expedient with regard to purchasing or renting school-sites and premises; building, repairing, furnishing, warming, and keeping in order the school houses and appendages, lands, enclosures, and movable property; for procuring suitable apparatus and text-books, and for establishing and maintaining school libraries.

(8.) To determine—

(a) The number, sites, kind and description [i.e. male, female, infant, central, ward, industrial, etc.] of schools to be established and maintained in the city, town, or village. [The School Law Improvement Act of 1871, also declares that—42 *Establishment of industrial schools in cities, &c.*—the Public School Board of each city, town, and village may establish one or more Industrial Schools for otherwise neglected children, and make all needful regulations and employ the means requisite to secure the attendance of such children, and for the support, and management and discipline of such school or schools] also—

(b) The teacher or teachers to be employed; the terms of employing them: the amount of their remuneration, and the duties which they are to perform; also, (in the case of city and town boards)—

(c) The salary of the inspector of schools appointed by them. [The School Law Improvement Act of 1871, provides that:—6. each city or town shall be a county for the purposes of this Act; and the inspector shall be called the City or Town Inspector, and shall possess all the powers of a County Inspector in such city or town, except such as relate to investigating and deciding on school trustee election complaints, which now by law devolve on the County Judge. See also Section 88].

*To unite with High School if expedient.*

(9) To adopt, at their discretion, such measures as they judge expedient, in concurrence with the trustees of the County High School, for uniting one or more of the public schools of the city, town, or village, with such High School.

*To appoint a Committee for each School.*

(10) To appoint annually or oftener, if they judge it expedient, and under such regulations as they think proper, a committee of not more than three persons for the special charge, oversight, and management of each school within the city, town, or village.

*To prepare and lay before Municipal Council estimate for Moneys required.*

(11) To prepare from time to time, and lay before the municipal council of the city, town, or village, an estimate of the sums which they think requisite:

*For Salaries of Teachers—Procuring School Premises.*

- (a) For paying the whole or part of the salaries of teachers;
- (b) For purchasing or renting school premises;

*For Building, Repairing, and keeping in order School-Houses.*

(c) For building, renting, repairing, warming, furnishing, and keeping in order the school-houses and their appendages and grounds;

*For procuring Apparatus, Text-Books, and Libraries, &c.*

(d) For procuring suitable apparatus and text-books for the schools;

(e) For the establishment and maintenance of school libraries; and

(f) For all other necessary expenses of the schools under their charge.

*Council required to provide necessary Funds.*

And the council of the city, town, or village, shall provide such sums in the manner desired by the said public school board.

*Trustees to levy a discretionary rate upon Parents.*

(12) To levy at their discretion upon the parents or guardians of children attending any school under their charge, a sum not exceeding twenty cents per month, per pupil, to defray the cost of text-books, stationery and other contingencies, and to employ the same means for collecting such sum as trustees of public school sections in townships; and all moneys thus collected shall be paid into the hands of the Chamberlain or Treasurer of the city, town, or village, or of the Secretary-Treasurer, for the public school purposes of the same, subject to the order of the public school board.

*Trustees to give orders for sums due to Creditors.*

(13) To give [with the School Inspector] orders to teachers and other school officers and creditors for the sums due to them, on the chamberlain or treasurer, of the city, town, or village, or on their own secretary-treasurer.

*Trustees to give Notice of Annual and Special Meetings.*

(14) To call and give notice of annual and special school meetings of the assessed freeholders and householders of the city, town, or village, or of any ward therein, in the manner and under the regulations prescribed in the twentieth section of this Act, for the appointment of annual and special school meetings in the school sections of townships.

*To see that authorized books are used, and appoint Librarian.*

(15) To see that all the pupils in the schools are duly supplied with a uniform series of authorized text-books, and to appoint a Librarian, and take charge of the school library or libraries when established.

*To see that regulations are observed—to publish Report.*

(16) To see that all the schools under their charge are conducted according to the authorized regulations; and at the close of each year, to prepare and publish, in one or more of the public papers, or otherwise, for the information of the inhabitants of the city, town or village, an annual report of their proceedings, and of the progress and state of the schools under their charge, and of the receipts and expenditure of all school moneys.

*To prepare Annual Report for Chief Superintendent.*

(17) To prepare and transmit annually, before the fifteenth of January, to the Chief Superintendent of Education, in the form by him provided for that purpose, a report signed by a majority of the trustees, containing all the information required in the reports of public school trustees, and any additional items of information which may be required.

*May exercise same powers as Rural Trustees.*

(18) To exercise as far as they judge expedient, in regard to their city, town or village, all the powers vested in the trustees of each school section in regard to such school section.

## PART V.—PUBLIC SCHOOL TEACHERS AND THEIR DUTIES.

80. No [male or female] teacher shall be deemed a qualified teacher who does not at the time of his [or her] 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 [or master of a High or Public School] shall hold the office of a school trustee or school inspector.

*Duties of Public School Teacher.*

82. It shall be the duty of every teacher of a public 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 register 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 a 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

\* School Registers are supplied gratuitously, from the Department, to public school trustees in townships by the county clerks—through the County Inspectors. Applications should, therefore, be made direct to the County Inspectors for them, and not to the Department.

such book to each visitor, and request him to make therein any remarks suggested by his visit.

*To give access to the 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.

[(5<sup>3</sup>) *The School Law Amendment Act of 1860 enacts that:* 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 misdemeanor, 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.]

*To hold Public Quarterly Examinations.*

(6) To have at the end of each quarter a public examination 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 Superintendent and Inspector.*

(7) To furnish to the Chief Superintendent of Education, or to the School Inspector [in the trustees' report or otherwise], when desired, any information which it may be in his power to give respecting anything 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.

*Provision in case of Difference between Teacher and Trustees.*

*The School Law Improvement Act of 1871 supersedes the eighty-fourth, fiftyth, sixth and seventh sections of this Act, as follows:—*

*Arbitration between Trustees and Teachers abolished.*

(27) All matters of difference between trustees and teachers, authorized and required by the eighty-fourth, eighty-fifth, eighty-sixth and eighty-seventh sections of the Consolidated School Act, passed in the twenty-second year of Her Majesty's reign, and chaptered sixty-four; the ninth section of the School Law Amendment Act, passed in the twenty-third year of Her Majesty's reign, and chaptered forty-nine; and the ninth section of the Grammar School Improvement Act of 1865, passed in the twenty-ninth year of Her Majesty's reign, and chaptered twenty-nine, to be settled by arbitration, shall hereafter be brought and decided in the division court by the judge of the county court in each county; and the said clauses of the said Acts are hereby repealed; provided always, that the decision of any county judge in all such cases may be appealed from, as provided in the one hundred and eighth and five following sections or sub-sections of the said Consolidated Common School Act, and the twenty-eighth section of this Act.

## PART VI.—DUTIES OF COUNTY INSPECTORS OF SCHOOLS.

88. [The *Eighty-eighth* section is superseded by the following, from the School Law Improvement Act of 1871:—

*School Inspectors in Counties, Cities and Towns—their Qualifications.*

5. In each county or union of counties, there shall be one or more school officers, to be called County Inspectors, who shall have charge of not more than one hundred and twenty, nor less than fifty schools each; Provided always, that it shall not be necessary to appoint more than one such officer in each riding of a county; And provided further, that in counties containing any municipality wherein the French or German language is the common or prevailing language, an Inspector may have charge of any number of schools not less than forty.

88. a [6. Each city or town shall be a county for the purposes of this Act; and the Inspector shall be called the city or town Inspector, and shall possess all the powers of a County Inspector in such city or town, except such as relate to investigating and deciding on school trustee election complaints, which now by law devolve on the County Judge.

88. b [7. The qualifications of county, city, or town Inspectors shall, from time to time, be prescribed by the Council of Public Instruction, which shall determine the time and manner of examination of candidates for certificates of qualification, and grant certificates of qualification; and no one not holding such certificate of qualification shall be eligible to be appointed an Inspector.

88. c [8. Each county council, and each board of public school trustees in a city or town, shall appoint from among those holding the necessary certificate of qualification, one person to be Inspector of public schools in such county, city, or town; and in counties where there are or shall be, more than fifty public schools, the county council may appoint two or more persons, (according to the number of schools,) holding such certificates, to be Inspectors, and prescribe and number the territorial limits of each; Provided nevertheless, that any county, city, or town Inspector shall be subject to dismissal at pleasure by the council or board appointing him, or by the Lieutenant-Governor in Council, (as regards any County Inspector,) for misconduct or inefficiency; and the vacancy thus caused, shall be filled from the list of those legally qualified by the council or board authorized to appoint such Inspector; Provided likewise, that no Inspector dismissed shall be re-appointed, without the concurrence of the party who has dismissed him; And provided furthermore, that in a county where there are two or more county Inspectors, the council of such county may, from time to time, change or remove such Inspectors from one circuit or riding of the county to another.

88. d [9. Each Inspector of schools so appointed, shall have the oversight of all public schools in the townships and villages within the county or union of counties, or part of the county or union of counties for which he shall be appointed, and shall have all the powers in each municipality within his jurisdiction, and be subject to all the obligations conferred or imposed by law, upon "Local Superintendents," and which are conferred or imposed by this Act, according to such instructions as may be given to him, from time to time, by the Chief Superintendent of Education.

88. e [10. The remuneration of each city or town Inspector of schools shall be determined and provided for by the board appointing him; the remuneration of the County Inspector shall not be less than five dollars per school per annum, to be paid quarterly, by the county council, which shall also have authority to determine and provide for the allowance for travelling expenses; Provided also, that it shall be lawful for the Lieutenant-Governor in Council to direct the payment, out of the Consolidated Revenue, of an additional sum not exceeding five dollars per school per annum to each County Inspector.]

*Warden may supply Vacancies in the Office.*

89. In the event of any County Inspector resigning his office, the Warden of the county within which such Inspector held office, may appoint [from the list of those legally qualified], a fit and proper person to the office vacated, until the next ensuing meeting of the county council.

*School Inspector shall not hold certain Offices.*

90. No Inspector shall be a teacher or trustee of any public, high [or separate] school while he holds the office of Inspector.

*Duties of School Inspectors.*

91. It shall be the duty of each school Inspector, 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 public 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 public school (the mean attendance of pupils for each half year being taken) as compared with the whole average number of pupils attending the public schools of each such township.

*To Apportion, but not pay unless Trustees make Half-yearly Return.*

He shall apportion, but shall not give an order to pay money to any school section whose trustees have neglected to transmit their return of average attendance for the last preceding half-year.

*Give Cheques to none but Qualified Teachers.*

(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, [after deducting two dollars each half-year from the amount payable to each male teacher, as such teacher's subscription to the superannuated teachers fund.]—School Act of 1871, Section 43.

*Conditions of giving Orders 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, [nor unless the school has been conducted according to the official regulations.]—School Act of 1871, Section thirty-seven.

*Make two Visits a Year to each School.*

(3.) To visit each public [and separate] 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 building 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 public schools, and to secure the sound education of the young generally.

*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 Examiners, 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.

*Formation and Alteration of Union Sections—Inspector's Duty—Assessment.*

(7½) [The School Law Amendment Act of 1871 also provides that:—18. On the formation or alteration of a union school section or division, under the authority of the fifth section of the School Law Amendment Act of eighteen hundred and sixty, it shall be the duty of the County Inspector concerned forthwith to transmit a copy of the resolution, by which the formation or alteration was made, to the clerk of the municipality affected by such resolution; Provided also, that it shall be competent for any County Inspector to call a meeting of the parties authorized to form and alter union school sections, and it shall be lawful for, and be the duty of the Reeves of the Township out of which the section is formed, with the County Inspector to equalize the assessment.]

*Aid in forming Union Sections—Decide Disputes.*

(8) To [call and] attend \* \* \* the meetings of Town Reeves provided for in the \* \* \* forty-fifth section of this Act and the eighteenth section of the School Law Amendment Act of 1871; 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 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.

*Special allowance to School Inspectors and Arbitrators.*

[8½. The School Law Amendment Act of 1860 further enacts: 15. Arbitrators appointed under the authority of the School Acts, and school Inspectors 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.

*Parties liable for 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 School Inspectors respectively.]

[8¾. The School Law Amendment Act of 1860 further enacts: 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 School Inspector or other school officer. [In regard to these appeals, see regulations in regard to communications with the Education Department.]

*May Suspend Teacher's Certificate.*

(9) To suspend the [Provincial or County] certificate of qualification of any teacher [of a public or separate school] granted by the Board of Examiners, for any cause which may appear to him to require it, until the next ensuing meeting of the 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.

[9½. The School Law Amendment Act of 1860 further enacts that:—22. A School Inspector shall have the same authority to suspend, for the time being, a Provincial Certificate of a 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.]

*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 [public or separate] school within the limits of the charge of the Inspector until (but no longer than) the next ensuing meeting of the Board of Examiners of which such School Inspector 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.

*Half-yearly Returns to the School Inspector.*

[10¾. The Consolidated Act for Protestant and Coloured Separate Schools also provides that: 12. The trustees of each [Protestant or Coloured] separate school shall, on or before the thirtieth day of June and the thirty-first day of December of each year, transmit to the Inspector of schools a correct return of the names of all Protestant or coloured persons (as the case may be), who have sent children to, or subscribed as aforesaid for the support of such separate school during the then last preceding *sic* months, and the names of the children sent, and the amounts subscribed by them respectively, together with the average attendance of pupils in such separate school during such period.]

*Trustees Annual School Report—Auditors—School Inspector.*

[10¾. The School Law Amendment Act of 1871 provides that:

21—the report of the school trustees required by law to be laid before the annual school meeting, shall include a summary of their proceedings and state of the school during the year, together with a detailed statement of receipts and expenditure, signed by either or both of the school auditors of the section, and in case of difference of opinion between the auditors on any matter in the accounts, it shall be referred to and decided by the County Inspector.]

*School Inspectors to Report to Clerk and Trustees.*

[10]. *The same Act also provides that:* 13. The School Inspector shall, upon the receipt of such return, forthwith make a return to the clerk of the municipality, and to the trustees of the public school section or municipality in which such separate school is established, stating the names of all the persons who being Protestants or coloured persons (as the case may be) contribute or send children to such separate school.]

*Observing Regulations—Giving Information to the 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 public 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 [over to his successor] copies of his official correspondence, and all school papers\* in his custody, to the order of the county council.

*Transmit Annual Report to the 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 diffusion of useful knowledge.

*How Union Sections shall be paid.*

82. The school Inspector of adjoining townships shall determine the sums to be paid from the public school fund of each township in support of the schools of union school sections consisting of

\*This includes the Inspector's copy of the school manual, and of the Chief Superintendent's annual report, and all other school documents and papers which have come into his hands as School Inspector.

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 Inspector of the townships concerned, he shall act in behalf of such townships.

*Warden to decide in case of dispute.*

93. In the event of the School Inspectors 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.

**PART VII.—DUTY OF THE COUNTY BOARDS OF EXAMINERS.**

*County Boards of Examiners constituted.—Examination of Public School Teachers.*

94. [The ninety-fourth, fifth and sixth sections are superseded by the following from the School Law Improvement Act of 1871:—11. Each county council, and the board of public school trustees in each city, shall appoint a county or city board of examiners, (for the examination and licensing of teachers, in accordance with the regulations provided by law,) consisting of the county or city Inspector (as the case may be), and two or more other competent persons, whose qualifications shall, from time to time, be prescribed by the Council of Public Instruction; provided always, that in no such county or city Board of Examiners, the number of members shall exceed five; and in all cases, the majority of the members appointed shall constitute a quorum for the transaction of business; and the payment of their expenses shall be provided for as authorized by the sixteenth section of the School Law Amendment Act of 1860.

94½. 12. It shall be the duty of the Council of Public Instruction, from time to time, by a committee of its appointment, or otherwise to prepare and prescribe a programme and papers for the uniform examination and classification of public school teachers; provided, that first class certificates of qualifications of teachers shall be awarded by the Council of Public Instruction only, and second and third class certificates by county and city boards of examiners only; and provided also, that first and second class certificates, given under the authority of this Act, shall be permanent during the good behaviour of the holders, and valid in all the municipalities of the Province; provided likewise, that all existing certificates of qualification of teachers shall remain in force in their respective counties on the terms and conditions of the Act under which they were granted, and that upon their ceasing to be valid as provided by law, they shall be renewed from time to time under the regulations and programmes prepared under the authority of this Act; provided furthermore, that all Local Superintendents of schools shall continue in office, and discharge their duties as heretofore, until provision shall be made for the appointment of County Inspectors, under the authority of this Act.

*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 Examiners.

*Duties of Boards of Examiners—Remuneration.*

98. It shall be the duty of each board of examiners—and each such board is hereby empowered:

(1) To meet [half-yearly], and to determine the time and place of its own meetings, and the order of its proceedings, and the manner of recording them.

[1]. *The School Law Amendment Act of 1860, further enacts that:* 16. Each county, circuit or city board of examiners 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 expense attending the meeting of such county, circuit or city board, shall include the recompense to its members, the stationery, room, fuel, light, printing of notices, examination papers, and certificates, and such remuneration to the secretary of such board as the board may deem just and expedient.]

*Promote the Establishment of Public School Libraries.*

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

*Select Authorized Text-Books for the use of 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 public schools of the county or circuit, and to ascertain and recommend the best facilities for procuring such books.

*To examine Teachers and give Certificates.*

(4) To examine and give certificates of qualification to teachers of public schools, according to their attainments and abilities, as prescribed in a programme of examination and instructions provided for that purpose.

*Annulling Teachers' Certificates.*

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

*Signature of Certificates.*

99. Every such certificate of qualification shall have the signature of at least one Inspector 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.

## PART VIII.—SCHOOL VISITORS AND THEIR DUTIES.

*Public 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 commission 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.

*Who are Visitors of Roman Catholic Separate Schools.*

[100]. *The Roman Catholic Separate School Act of 1863, declares that :—*23. "All Judges, Members of the Legislature, the heads of the municipal bodies in their respective localities, the Chief Superintendent of Education and the Inspectors of public schools and clergymen of the Roman Catholic Church, shall be visitors of separate schools."

*Their Authority to Visit the Public 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 School 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.\*

\* Too strong a recommendation cannot be given to the establishment of circulating libraries in the various townships and school sections. A township library with auxiliaries in each school section, might, by means of a comparatively small sum, supply popular and useful reading for the young people of a whole township. It is submitted to the serious attention of all school visitors, as well as trustees, and other friends of the diffusion of useful knowledge. See the Departmental notices appended.

## PART IX.—DUTIES OF THE CHIEF SUPERINTENDENT OF EDUCATION.

*A Chief Superintendent to be Appointed.*

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 Ontario, who shall hold the office during pleasure, and shall receive a salary of the same amount as the Superintendent of Education in Quebec.

*His Responsibility to the Government.*

104. The Chief Superintendent shall be responsible to, and subject to the direction of the Governor, communicated through any department of the Provincial Government.

*He is allowed Clerks.*

105. The Chief Superintendent shall be allowed two clerks, who shall receive the same salaries as are attached to similar offices in Quebec and he shall account for the contingent expenses of his offices, as provided in respect to other public offices.

*Duties of the Chief Superintendent.*

106. It shall be the duty of the Chief Superintendent of Education, and he is hereby empowered,—

*Apportioning Legislative Grant.—*

(1.) To apportion annually, on or before the first day of May, all moneys granted or provided by the Legislature for the support of public schools in Ontario, and not otherwise appropriated by law to the several counties, townships, cities, towns, and incorporated villages, according to the ratio of population in each, as compared with the whole population of Ontario ; but when the census or returns upon which such an apportionment is to be made, are so far defective in respect of any county, township, city, town, or village, as to render it impracticable for the Chief Superintendent to ascertain therefrom the share of school moneys which ought to be so apportioned, he shall make the apportionment according to the ratio in which, by the best evidence in his power, the same can be most fairly and equitably made ;

*Notice to the Provincial Treasurer and County Clerks.*

(2.) To certify to the Provincial Treasurer the apportionments made by him, so far as they relate to the several counties, cities, towns, and incorporated villages in Ontario, and to give immediate notice thereof to the clerk of each county, city, town and village interested therein, stating the time when the amount of moneys so apportioned will be payable to the treasurer of the county, city, town, or village ;

*Distribution by School Inspectors.*

(3.) To direct the distribution of the public school fund of any township among the several school sections and parts of sections entitled to share in the same, according to the length of time in each year, during which a school has been kept open by a legally qualified teacher in each of such sections or parts of sections ;

*Apportioning Library Grant.*

(4.) To apportion the moneys provided by the Legislature for the establishment and support of school libraries ; but no aid shall be given towards the establishment, or support of any school library unless an equal amount be contributed and expended from local sources for the same object ;

*Preparing Forms and Regulations.*

(5.) To prepare suitable forms, and to give such instructions as he may judge necessary and proper, for making all reports, and conducting all proceedings under this Act, and to cause the same, with such general regulations as may be approved of by the Council of Public Instruction for the better organization and government of public schools, to be transmitted to the officers required to execute the provisions of this Act ;

*Distributing Act and Forms.*

(6.) To cause to be printed, from time to time, in a convenient



form, so many copies of this Act, with the necessary forms, instructions, and regulations to be observed in executing its provisions, as he may deem sufficient for the information of all officers of public schools, and to cause the same to be distributed for that purpose ;

*Protecting School Moneys—Deciding Complaints.*

(7) To see that all moneys apportioned by him are applied to the objects for which they are granted ; and for that purpose, and when not otherwise provided for by law, to decide upon all matters and complaints submitted to him, which involve the expenditure of any part of the school fund ;

[7 $\frac{1}{2}$ . *The School Law Amendment Act of 1860 further enacts that :* 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 inspector or other school officer.]

*Disagreement between Roman Catholic School Trustees and Officials.*

[7 $\frac{1}{2}$ . *The Roman Catholic Separate School Act of 1863 further enacts that :* 27. In the event of any disagreement between trustees of Roman Catholic Separate Schools and Inspectors of Public Schools, or other municipal authorities, the case in dispute shall be referred to the equitable arbitrament of the Chief Superintendent of Education in Ontario ; subject, nevertheless, to appeal to the Governor in Council, whose award shall be final in all cases.\*

*Application of Balances of the School Fund.*

(8) To direct the application of the balances of the school fund apportioned for any year, which may be forfeited according to the provisions of this Act, towards making up the salaries of teachers in the county to which the same has been apportioned.

\* The following are the Departmental Regulations in regard to these appeal cases, &c. :—

1. *Appeals to the Chief Superintendent of Education.*—All parties concerned in the operations of the school laws, have the right of appeal to the Chief Superintendent of Education, and he is authorized to decide such questions as are not otherwise provided for by law. But for the ends of justice, to prevent delay, and save expense, it will be necessary for any party thus appealing : 1. To furnish the party against whom he may appeal, with a correct copy of his communication to the Chief Superintendent, in order that such party may have an opportunity of transmitting any explanation or answer deemed expedient. 2. To state expressly in the appeal that the opposite party has been thus notified, as it must not be supposed that the Chief Superintendent will decide or form an opinion on any point affecting different parties, without hearing both sides—whatever delay may at any time be occasioned in order to secure such hearing. Application for advice in school matters, should in all cases be first made to the Inspector having jurisdiction in the municipality.

2. *Communications with the Government relating to Schools* should be made through the Education Department, Toronto, as all such communications not so made, are referred to the Chief Superintendent of Education, to be brought before His Excellency through the proper Department, which occasions unnecessary delay and expense.

3. *Communications generally.*—The parties concerned are left to their own discretion as to the form of all communications relating to schools, for which specific instructions are not furnished by the Department ; but they are requested to use large size or foolscap paper. In all communications, however, the number of the School Section, and the name of the Township and Post Office, with the official title of the writer should be given ; and also the number and dates of any previous correspondence on the same subject.

4. *The Journal of Education* having been constituted by His Excellency the Governor in Council, the official medium of communicating all departmental intelligence and information, parties should refer to its pages on matters relating to the apportionment, blank reports, Depository, Normal School, &c.

5. Communications relating to the *Journal of Education*, to the *Educational Depository*, to *Public Libraries*, or to the *Superannuated Teachers' Fund*, *School Accounts*, *Poor Schools*, &c., &c., should be written on separate sheets from letters of appeal or on legal questions, in order that they may be separated and classified.

6. *Postal Regulations in regard to School Returns.*—All official returns which are required by law to be forwarded to the Chief Superintendent, or a school inspector, and which are made upon the printed blank forms furnished by the Education Department, must be pre-paid at the rate of one cent, and be open to inspection, so as to entitle them to pass through the post as printed papers. No letters should be enclosed with such returns. A neglect to observe this regulation has repeatedly subjected this Department to an unnecessary charge on each package, including the post office fine for non-payment.

7. *School Registers supplied through School Inspectors.*—School Registers are supplied gratuitously from the Department to public and separate school trustees in cities, towns, villages, and townships, by the county clerk, through the school inspectors. Application should therefore be made direct to these officers for them, and not to the Department. Those for High Schools are also to be obtained through the county clerk.

*Appointing a Deputy and Special Inspectors.*

(7) To appoint one of his clerks to be his deputy,\* to perform the duties of his office in his absence ; and to appoint one or more persons, as he, from time to time, deems necessary, to inspect any school, or to examine into and report to him upon any school matter in the county where such person or persons reside ; but no allowance or compensation shall be made to such special inspector or inspectors for any services performed by him or them ;

*To have the Supervision of the Normal School.*

(10) To take the general superintendence of the Normal School ; and use his best endeavours to provide for and recommend the use of uniform and approved text-books in the schools generally ;

*Establishing School Libraries.*

(11) To employ all lawful means in his power to procure and promote the establishment of school libraries for general reading, in the several counties, townships, cities, towns, and villages ;

*To provide plans for School Houses, and to disseminate useful information.*

(12) To provide and recommend the adoption of suitable plans of school-houses, with the proper furniture and appendages ; and to collect and diffuse among the people of Ontario useful information on the subject of education generally ;

*To submit Books, Manuscripts, and General Regulations to the Council of Public Instruction.*

(13) To submit to the Council of Public Instruction, all books or manuscripts which, with the view of obtaining the recommendation or sanction of such council for their introduction as text-books or library books, are placed in his hands ; and to prepare and lay before the Council of Public Instruction, for its consideration, such general regulations for the organization and government of public schools, and the management of school libraries, as he may deem necessary and proper ;

*Appoint Conductors of Teachers' Institutes.*

(14) To appoint proper persons to conduct county teachers' institutes, and to furnish such rules and instructions as he may judge advisable in regard to the proceedings of such institutes, and the best means of promoting and elevating the profession of school teaching, and increasing its usefulness ;

*Responsibility for Moneys.*

(15) To be responsible for all moneys paid through him in behalf of the Normal and Model Schools, and to give such security for the same as the Governor may require ;

*Correspondence of the Council of Public Instruction.*

(16) To prepare and transmit all correspondence directed or authorized by the Council of Public Instruction for Ontario ;

*To make Annual Report to the Governor.*

(17.) To make annually to the Governor, on or before the first day of July, a report of the actual state of the Normal, Model, High and Public Schools throughout Ontario, showing the amount of moneys expended in connection with each, and from what sources derived, with such statements and suggestions for improving the Schools and the School laws, and promoting education generally as he may deem useful and expedient ;

*To make Financial Report to Parliament.*

(18.) To lay before the Legislature, at each sitting thereof, a correct and full account of the disposition and expenditure of all moneys which come into his hands as Chief Superintendent ; and annually, on or before the thirtieth of January in each year, to make the report required by the Act for the more efficient auditing of public accounts.

\* *The Provincial Statutes General Interpretation Act declares that \* \* \* 6 Twenty-thirdly.* Words directing or empowering a public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, shall include his successors in such office, and his or their lawful deputy.