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PROVISIONS OF THE SCHOOL ACT

RELATIVE TO

THE DUTIES OF TRUSTEES AND TEACHERS

OF

Common Schools,

WITH

FORMS AND GENERAL REGULATIONS

PREPARED ACCORDING TO LAW,

BY THE SUPERINTENDENT OF SCHOOLS FOR UPPER CANADA.

PRINTED BY ORDER OF THE GOVERNOR-GENERAL IN COUNCIL.



TORONTO:

PRINTED BY JOSEPH H. LAWRENCE,

1848.

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LIST OF SCHOOL BOOKS,

“Published under the direction of the Commissioners of National Education in Ireland”—prepared by practical and experienced Masters—and recommended by the Board of Education for Upper Canada, to be used in Canadian Schools; together with the *maximum retail prices* at which those Books are to be sold by parties importing or re-printing them. (The Board of Education has also recommended *Lennie's English Grammar*, and sanctioned the use of *Kirkham's Grammar* and *Morse's Geography*.)

	CURRENCY.		CURRENCY.
First Book of Lessons	0s 2d	Introduction to Geography and	
Second ditto	0 8	History, by ditto	1s 0d
Third ditto	1 4	First Arithmetic	0 8
Fourth ditto	1 8	Key to ditto	0 8
Fifth ditto (Boys') ..	2 0	Arithmetic in Theory and Practice	2 8
Reading Book for Girls' School ..	2 0	Book-keeping	1 0
Introduction to the Art of Reading	1 4	Key to ditto	1 0
Spelling Book Superseded	1 0	Elements of Geometry	0 8
English Grammar	0 8	Mensuration	1 4
Key to ditto	0 4	Appendix to ditto	1 0
Epitome of Geographical Know-		Sacred Poetry	0 8
ledge,	3 4	Set Tablet Lessons, Arithmetic .	2 4
Compendium of ditto	1 0	Ditto Spelling and Reading	1 4
Geography Generalized, by Pro-		Ditto Copy Lines	2 0
fessor SULLIVAN	3 0		

**THE SECTIONS OF THE SCHOOL ACT (9th Vic., Ch. xx.) RELATIVE
TO THE DUTIES OF TRUSTEES AND TEACHERS OF
COMMON SCHOOLS IN UPPER CANADA.**

XVII. And be it enacted, That whenever any School section shall be formed in any Township, it shall be the duty of the municipal authority to designate some person or persons in such section, to whom the District Superintendent shall communicate the description and number of such section, and which person or persons shall, within twenty days thereafter, 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 such school section, at least six days before the time of holding such meeting.

District Superintendent may, on some person being designated by the Municipal authority, cause such person to give notice of first School section meeting.

XVIII. And be it enacted, That after such first School section meeting there shall be a like meeting held in such School section on the second Tuesday of January in each year, at the hour of twelve of the clock at noon, at such place as shall be specified by a majority of the School Trustees in such section, who shall cause notices of such Annual Meeting to be posted in at least three public places in such School section, at least six days before the time of holding such meeting.

Another such meeting to be held in January in every year— and notice thereof to be given.

XIX. And be it enacted, That at every such first School section meeting, and at every such Annual School section meeting, the Senior Justice of the Peace present, or in default of any Justice of the Peace being present, such other person as shall be appointed by a majority of the landholders and householders of such School section who shall be present at such meeting, shall preside over the proceedings of such meeting, and shall, immediately after such meeting, communicate to the District Superintendent the name or names and address of the person or persons chosen Trustee or Trustees, and the number of their School section.

Who shall preside at every School section meeting.

XX. And be it enacted, That should no such first or Annual School section meeting be held in consequence of the notice hereinbefore required not having been given, the person or persons whose duty it was to give such notice shall individually forfeit a sum not exceeding two pounds, which shall be recoverable for the School purposes of such section, by prosecution before any Justice of the Peace, who is hereby authorized, on the complaint on oath of any two inhabitants of such section, to hear and determine the same, and to convict the party, and to issue a warrant to levy the penalty by such sale and distress of the offender's goods:—And in such default of holding such meeting, any three resident freeholders shall have authority, within twenty days after the time at which such meeting should have been held, to call such meeting by giving six days' notice, to be posted in at least three public places in such School section.

Penalty against persons who shall not have given notice of first or Annual School section meeting —£2.

Trustees to be elected at first School section meeting.

XXI. And be it enacted, That at the first School section meeting which shall be held in a newly formed section, the landholders and householders thereat shall elect three Trustees, who shall continue in office until the next ensuing Annual School meeting of such section.

And at first and subsequent Annual school meeting.

XXII. And be it enacted, That at the first Annual School meeting held in any School section after the passing of this Act, the persons qualified to vote thereat shall elect, by a majority of votes, three Trustees, who shall be numbered one, two, three, (the order to be determined by lot;) the first of whom shall continue in office one year, the second two years, the third three years; at the end of which periods they shall respectively be replaced by others; and that at each succeeding Annual School meeting of such section, the persons present qualified to vote shall elect one Trustee, who shall continue in office three years, and until a successor is elected; provided that any Trustee, if willing, may be re-elected.

Penalty on any person refusing to serve as Trustee—not exceeding £5.

Vacancies—how filled.

XXIII. And be it enacted, That if any person chosen as a Trustee shall refuse to serve, he shall forfeit a sum not exceeding five pounds, which sum shall be collected and applied in the same manner as other fines imposed by this Act; and if one or more vacancies shall occur among the Trustees, by reason of refusal to serve, permanent absence from the School section, death, or incapacity from sickness, such vacancy or vacancies shall be filled up by the electors of such School section at a meeting to be called for that purpose by the surviving Trustee or Trustees; and in case of there being no surviving Trustee, the District Council of the District shall fill up the vacancies, and the person or persons who shall be appointed to fill up a vacancy or vacancies shall continue in office during the period for which the person or persons whom he or they shall succeed would have been required to serve.

No Trustee to be re-elected without his consent for four years.

Trustees to be a Corporation.

"The School Trustees of Section number ----- in the Township, (Town, or City,) of ----- in the -----

Common Seal.

Corporate powers.

Corporation not to cease in certain cases.

XXIV. And be it enacted, That no School Trustee shall be re-elected except by his own consent during the four years next after his going out of office.

XXV. And be it enacted, That the School Trustees in each School section, shall be a Corporation, under the name of "District,"—and shall have perpetual succession, and a Common Seal, and may sue and be sued, and shall generally have the same powers which any other body politic or corporate has with regard to the purposes for which it is constituted; but they shall not at any time hold real property.

XXVI. And be it enacted, That no such Corporation shall cease by reason of the want of School Trustees, but in such case the powers of the Corporation as regards the possession of any personal property shall become vested in the District Superintendent, in trust, until it shall be otherwise provided by law, and the School House, lands, or other real property, belonging to the Common School or Common Schools, in any section under any law or by any title whatsoever, is hereby vested in the District Council for the several Common Schools and in trust for such Schools respectively.

Duties of Trustees.

XXVII. And be it enacted, That it shall be the duty of the Trustees of each School section:—

First, To appoint one of themselves Secretary-Treasurer, whose shall keep a Minute of their proceedings in a book kept for that purpose,—shall receive the moneys collected by rate bill or subscription from the inhabitants of the School section,—and shall be responsible for such moneys to his colleagues, and shall pay them to the Teacher, after defraying the expense of collection, in such manner as may be directed by the majority of the Trustees.

To appoint a Secretary-Treasurer:

His duties.

Secondly, To appoint a Collector, if they shall think it expedient, to collect the sums which they have imposed upon the inhabitants of their School section, or which the said inhabitants may have subscribed, and to pay such Collector not to exceed at the rate of five per cent. for his trouble in collecting; and every Collector shall give such security as may be satisfactory to the Trustees, and shall have the same power in collecting the School rate, or subscription, and proceed in the same manner and be subject to the same liabilities in the discharge of his duty as is or may be by law provided in respect of Collectors of the District rates and assessments.

And a Collector:

His duties.

Thirdly, To take possession of all Common School property which may have been acquired or given for Common School purposes in such section, and to acquire and hold for the Corporation by any title whatsoever, all personal property, moneys, or income for Common School purposes, until the power hereby given shall be taken away or modified by law, and to apply the same according to the terms of acquiring or receiving them.

To take and hold property for Common School purposes.

Fourthly, To do whatever may be expedient with regard to building, repairing, renting, renewing, warming, or keeping in order the School House and its appendages, lands, fences, and moveable property which shall be held by them: Provided that no rate shall be levied for the building of a School House in any School section otherwise than under a By-Law of the District Council, but such By-Law may be made by the District Council at any meeting thereof, and the rate may be forthwith placed on the Collector's Rolls by the Clerk of the Peace and collected by the Collector; any thing in any Act passed during the present Session, or any previous time, and limiting the period at which By-Laws, imposing taxes, are to be passed in any year, to the contrary notwithstanding.*

To build, repair, &c., School Houses, &c.

Proviso.

Fifthly, To cause in their discretion to be levied by rate bill, in the manner hereinafter provided by this Act, or by voluntary subscriptions, any additional sum that may be necessary to pay the salary of the Teacher and the incidental expenses of the School, such as repairing, furnishing, and keeping the School House in order, and in case there be no School House, providing a suitable place for the School, providing fuel in a state fit for use in the School House selected, and all things necessary

To levy by rate-bill a certain additional sum.

* A District Council has authority also to provide for the entire support of any Common School within its jurisdiction by assessment, according to the following (viii.) Section of the 10th and 11th Vic., chap. 19:—

“And be it enacted, That it may and shall be lawful for the Council of any City, and the Board of Police of any Incorporated Town, and the Municipal Council of any District in Upper Canada, to impose, from time to time, such assessment upon the inhabitants, of all or any School Districts, Sections or Divisions within their respective jurisdictions, over and above the assessment which they are now authorized by law to impose, as such Council, Board of Police or Municipal Council, shall judge expedient, for the purchasing or procuring school sites, the erecting, repairing, renting, or furnishing of School houses, the payment of teachers, and for Common School purposes generally: any thing contained in any law or statute to the contrary notwithstanding.”

Declaration re-
quired before
they shall receive
School moneys.

for the comfort of the pupils; and before such Trustees, or any one on their behalf, shall be entitled to receive from the District Superintendent their share of the Common School Fund, they shall furnish him with a Declaration from the Secretary-Treasurer, that he has actually, and *bond fide* received and has in his possession for the payment of the Teacher, or has paid such Teacher a sum sufficient with such allowance from the Common School fund for the purposes aforesaid.

To fix Rate-bill
per quarter, &c.

Sixthly, To prepare and determine a rate bill quarterly, containing the name of every person liable to pay for the instruction of children sent by him to such Schools, and the amount for which he is liable, and by themselves, or any one of them, or by their Collector, to collect from every person named in such rate bill the amount therein charged against him, and in case they employ a Collector, five *per centum* on such amount for the cost of collection, and to pay the amount so collected to the Teacher or Teachers entitled to receive the same: Provided that every person sending a child or children to any Common School shall be rated for a period of not less than two-thirds of the current quarter.

To exempt indigent persons
from payment
of Rate bill.

Seventhly, To exempt wholly or in part from the payment of the rate bill such indigent persons within their School section as they shall think proper; and in default of payment by any person rated, to levy the amount by distress and sale of goods and chattels of the person or persons making default; and in case such person or persons reside without the School

To levy by distress
and sale of
goods, &c.

section, and have no goods or chattels within it at the time of making such collection, to sue and recover by their name of office, the amount from such person or persons; and for the collection of such rate, the Collector appointed by the Trustees shall have, within their School section, the same powers as the Collector of any District rates.

To ascertain
number of children
in School
section.

Eighthly, To ascertain the number of children residing in their School section over the age of five and under sixteen years, and to allow them, without exception, to attend the Common School, so long as their conduct shall be agreeable to the rules of such School.

To engage
Teachers.

Ninthly, To appoint and engage, from time to time, a Teacher duly qualified to teach in the School under their control, according to the provisions of this Act; and to give such Teacher the necessary orders upon the District Superintendent for the portion of the School Fund, to which their School section may be entitled.

To select books.

Tenthly, To select from a list of books, made out by the Board of Education, under the sanction of the Governor in Council, as hereinbefore provided, the books which shall be used in the School.

To make a report
to District Super-
intendent.

Eleventhly, To see that the School is conducted according to the regulations herein provided for; and to prepare and transmit annually on or before the second Tuesday of January, a Report to the District Superintendent, which Report shall be signed by a majority of the Trustees, and made according to a form which shall be provided by the Superintendent of Schools, and shall specify:

What such Re-
port shall show.

1st, The whole time the School has been kept by a qualified Teacher or Teachers in their section during the year ending the thirty-first day of the previous December, the day before that on which the Report shall be dated, except when the year commences on a Sunday, in which case the Report shall be dated on the second day of January in the year in which it shall be transmitted.

2ndly, The amount of moneys received from the District Superintendent, and the amount of moneys received from other sources, distinguishing the same ; and the manner in which all such moneys have been expended.

3rdly, The number of children taught in the section School during the year, and the number of children residing in the section, over the age of five years and under the age of sixteen.

4thly, The branches taught in the School ; the number of pupils in each and the text books used.

XXVIII. And be it enacted, That it shall be the duty of every Teacher of a Common School:

First, 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.

Secondly, To keep the daily, weekly, and quarterly registers of the School, and to maintain proper order and discipline therein, according to the regulations and forms which shall be prepared by the Superintendent of Schools.

Thirdly, To have, at the end of each quarter, a public examination of his School, of which he shall give notice, through the children, to their parents, and shall also give due notice to the Trustees and any School Visitors who may reside in or adjacent to such School Section.

Fourthly, To act as the Secretary of the Trustees, if they shall require it, in preparing their Annual Report : Provided always, that he is a Teacher in such School at the time of preparing such Report as is required by this Act : Provided likewise, that the District Superintendent shall have authority to withhold from any School section the remainder of the share of the Common School Fund which has been apportioned to such section, and which shall be in his hands on the first day of December of each year, until he receives from the Trustees of such Section their Annual Report, required by law for such year.

Accounts.

Number of children taught.

What is taught in the School.

Duty of Teachers of Common Schools.

To teach.

To his engagement

To keep Registers.

To hold Examinations.

To act as Secretary to the School Trustees.

Proviso.

Proviso.

FORMS FOR TRUSTEES, AND FOR THE CALLING OF SCHOOL SECTION MEETINGS, &c.

IN CONFORMITY WITH THE COMMON SCHOOL ACT, 9^o VIC., CAP. XX, SECTIONS 18-27.

SECTION 1. *Form of Notice of a first School Section Meeting.*

SCHOOL NOTICE.

The undersigned has the honour to inform the Landholders and Household-ers concerned, that the Municipal Council of this District has formed a part of this Township into a School Section, to be designated School Section, No. —, and to be limited and known as follows :—[*Here insert the description of the Section.*]

The undersigned having been authorised and required by the Municipal Council to appoint the time and place of holding the *first* meeting, for the election of Trustees for the School Section above described, hereby notifies the Landholders and Household-ers of said School Section, that a Public Meeting will be held at — on — day, the — of —, at the hour of 12 o'clock, noon, for the purpose of electing three fit and proper persons as School Trustees of the said Section, as required by the School Act, 9^o Vic., cap. xx, sec. 19.

Given under my hand, this — day of —, 18—.

[Name.]

REMARKS. Should the person authorised and appointed by the Municipal Council to call the first School Section Meeting refuse or neglect to do so, he subjects himself to a penalty of Two Pounds, recoverable for the purposes of such School Section; and, then, any three resident Freeholders are authorised, within twenty days, on giving six days' notice, to call a meeting for the election of Trustees. The form of their notice—to be posted in, at least, three public places in the School Section concerned, and, at least, six days before the time of holding such meeting—should be as follows:—

SCHOOL NOTICE.

In conformity with the 20th section of the Common School Act, 9^o Vic., cap. xx, the undersigned, resident Freeholders of School Section, No. —, in the Township of —, hereby give notice to the Landholders and Household-ers of said School Section, that a Public Meeting will be held at —, on — day, the — of —, at the hour of 12 o'clock, noon, for the purpose of electing School Trustees for the said Section.

Dated this — day of — 18—.

A. B.,
C. D.,
E. F., } Resident
Freeholders.

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**SECTION 2.** *Form of Notice to be given by the Chairman of a School Section Meeting to the District Superintendent of Common Schools, of the election of one or more persons as Trustee or Trustees.*

—, —, 18—.

SIR,—In conformity with the Common School Act, 9<sup>o</sup> Vic., cap. xx, sect. 19, I have the honor to inform you, that, at a meeting of the Landholders and Household-ers of School Section, No. —, in the Township of —, held according to law, on the — day of —, [here insert the name or names and address of the person or persons elected] — chosen School Trustee of said Section.

I have the honor to be, SIR,

Your obedient Servant,

The Superintendent of Common Schools  
in the — District.

D. E.,  
Chairman.

~~~~~

SECTION 3. *Form of a Notice of an ordinary Annual School Section Meeting, pursuant to the 22nd section of the School Act.*

SCHOOL NOTICE.

The undersigned Trustees of School Section, No. —, in the Township of —, hereby give notice to the Landholders and Household-ers of said School Section, that a Public Meeting will be held at —, on the second Tuesday in January, 18—, at the hour of Twelve of the clock, noon, for the purpose of electing a fit and proper person as a School Trustee for said Section.

Dated this — day of —, 18—.

A. B.,
C. D.,
E. F., } Trustees of
School Section,
No. —.

REMARKS. The above notice should be signed by a majority of the existing or surviving Trustees, and posted in, at least, three public places of the School Section, at least six days before the holding of the meeting. The manner of proceeding at the Annual Meeting is prescribed in the 19th and 21st sections of the Act.

Should the Trustees neglect to give the prescribed notice of the Annual Section Meeting, they forfeit, each, the sum of Two Pounds, recoverable for the purposes of the School Section, and then any three resident Freeholders of the School Section are authorised, within twenty days, on giving six days' notice, to call such meeting. Their form of notice should be as follows:

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**Sec. 4.** *Form of Notice of a School Section Meeting to be given by 3 Resident Freeholders.*

SCHOOL NOTICE.

The Trustees of School Section, No. —, in the Township of —, having neglected to give notice of the Annual School Section Meeting, as

prescribed by the 18th section of the Common School Act, the undersigned Freeholders, in conformity with the 20th section of the said Act, hereby give notice to the Landholders and Householdors of the said School Section, that a Public Meeting will be held at \_\_\_\_\_, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, for the purpose of electing a fit and proper person as Trustee, as directed by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

A. B., } Resident Freeholders,  
C. D., } School Section,  
E. F., } No. —.

REMARK. The mode of proceeding, at a School Meeting thus called, is prescribed in the 19th and 31st sections of the Act.

SECTION 5. *Form of Notice of a School Meeting, to fill up a vacancy created by the death, permanent absence, incapacity from sickness, or refusal to serve, on the part of a Trustee.*

#### SCHOOL NOTICE.

Notice is hereby given to the Landholders and Householdors of School Section, No. —, in the Township of \_\_\_\_\_, that a Public Meeting will be held at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, at the hour of Twelve of the clock, noon, for the purpose of electing a fit and proper person as School Trustee, in the place of \_\_\_\_\_, [deceased, removed, incapacitated from sickness, absent, or who has refused to serve, as the case may be.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18—

A. B., } Surviving Trustees, or Trustee,  
C. D., } (as the case may be)

REMARK. A Trustee who refuses to serve, forfeits a sum not exceeding Five Pounds, recoverable for the purposes of the School Section; but a Trustee cannot be re-elected without his own consent. The mode of proceeding at a meeting thus called, is prescribed in the 19th and 31st sections of the Act.

#### SECTION 6. *Form of Agreement between Trustees and Teacher.*

WE, the undersigned, Trustees of School Section, No. —, in the Township of \_\_\_\_\_, in the \_\_\_\_\_ District, in virtue of the authority vested in us by the School Act, 9<sup>o</sup> Vic., cap. xx, sec. 27, have chosen [here insert the Teacher's name] who holds a certificate of qualification, to be a Teacher in said School Section; and WE do hereby contract with and employ him, at the rate of [here insert the name in words, in currency,] per annum, from and after the day hereof; and WE further bind and oblige ourselves, and our successors in office, faithfully to employ the powers with which we are legally invested by the said section of said Act, to collect and pay the said Teacher, during the continuance of this agreement, the sum for which we hereby become bound—the said sum to be paid to the said Teacher in quarterly instalments; —and the said Teacher hereby contracts and binds himself to teach and conduct the School, in said School Section, according to the regulations provided for by the said School Act. This agreement to continue [here insert the period of agreement] from the date hereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

(Witness)

O. K.

A. B., } Trustees.  
C. D., }  
E. F., }  
G. H., } Teacher.

REMARKS. This agreement should be signed by, at least, two of the Trustees, and the Teacher, and should be entered in the Trustees' book, and a copy of it given to the Teacher. The Trustees being a Corporation, their agreement with their Teacher is binding on their Successors in office; and should they not fulfil their agreement, they are personally liable, unless, in case of action, they can prove that they have faithfully employed all their legal powers to collect the sum for which they may have bound themselves. And, on the other hand, the Teacher is equally bound to faithfulness in the performance of his duties according to law.

**SECTION 7. Form of Warrant for the Collection of School Fees.**

We, the undersigned, Trustees of School Section, No —, in the Township of — in the — District, by virtue of the authority vested in us by the Act, 9<sup>o</sup> Vic., cap. xx, sec. 27, hereby authorise and require you [here insert the name and residence of the person appointed to collect the Rate Bill,] after ten days from the date thereof, to collect from the several individuals in the annexed Rate Bill, for the quarter therein mentioned, the sum of money opposite their respective names, and to pay, within thirty days from the date thereof, the amount so collected, after retaining your own fees, to the Secretary-Treasurer, whose discharge shall be your acquittance for the sum so paid. And in default of payment on demand by any person so rated, you are hereby authorised and required to levy the amount by distress and sale of goods and chattels of the person or persons making default.

Given under our hands this —  
day of —, 18—.

A. B., }  
C. D., } Trustees.  
E. F., }

*Form of Rate Bill, as authorised by the second, fifth, and sixth clauses of the 27th section of the Act—to be annexed to the foregoing Warrant.*

**RATE BILL** of Persons liable for School Fees, in School Section, No. —, in the Township of —, for the Quarter commencing the — day of — and ending the — day of —, 18—.

| NAMES<br>of<br>PARENTS<br>or<br>GUARDIANS. | Number of<br>Children<br>attending School. | Amount of<br>Rate Bill<br>per quarter<br>for<br>Tuition. |    |    | Amount<br>Rate Bill<br>per quarter<br>for Fuel,<br>Rent, &c. |  |    | Amount of<br>Collector's<br>Fees;<br>five per<br>cent. |    |    | Total<br>amount of<br>Rate Bill<br>for the<br>Quarter. |    |    |
|--------------------------------------------|--------------------------------------------|----------------------------------------------------------|----|----|--------------------------------------------------------------|--|----|--------------------------------------------------------|----|----|--------------------------------------------------------|----|----|
|                                            |                                            | £.                                                       | s. | D. | £.                                                           |  | D. | £.                                                     | s. | D. | £.                                                     | s. | D. |
|                                            |                                            |                                                          |    |    |                                                              |  |    |                                                        |    |    |                                                        |    |    |

Given under our hands, this —  
day of —, 18—.

A. B., }  
C. C., } Trustees.  
E. F., }

**SECTION 8. Form of Receipt to be given by the Collector, on receiving the amount named in the Rate Bill.**

RECEIVED from [here insert the person's name,] the sum of [here write the sum in words,] being the amount of his [or her] Rate Bill, for the Quarter ending on the — day of — 18—.

Dated this — day of —, 18—.

A. B., Collector.

**EXPLANATORY REMARKS on the Imposition and Collection of Rate Bills, &c.—**

1. The Collector should take a Receipt from the Secretary-Treasurer, for all moneys paid him. The Secretary-Treasurer should also take a Receipt from the Teacher for all moneys paid him. The taking and giving receipts for money paid and received will prevent errors and misunderstandings.

2. The Trustees can raise the School fees by voluntary subscriptions, if they please. They can also appoint the School Teacher to act as Collector, if he chooses to accept of the appointment, and give the required security. The Trustees can also impose any Rate Bill, which they may think necessary for renting, and repairing and furnishing a School-house. The Trustees can also petition their District Council to assess the inhabitants of their Section for the whole amount of their Teacher's salary.

3. As the School Accounts of each year must be kept separate by the Superintendents of Schools, so must the Rate Bills. They should therefore be dated on the first day of January, April, July, and October, when these months do not begin on the Sabbath, in which case the Rate Bill and Warrants should be dated on the second of the above-mentioned months. The Rate Bills and the Warrants can be made out for one or more Quarters of a year, at the same time, as the Trustees may think most convenient.

4. Those Parents and Guardians who pay the Rate Bills to the Secretary-Treasurer, or Collector, *within ten days* from the date of such Rate Bill, and without being called upon for it, will be exempt from paying the Collector's Fees.

5. The Collector, by virtue of the Warrant from the Trustees, can enforce payment of the Rate Bill by distress and the sale of goods, from any person who resides, or has goods and chattles within the limits of the School Section. For the mode of proceeding in case of persons rated, who may not at the time of collecting the Rate Bill reside or have goods and chattels within the limits of the School Section, see *seventh* division of the 27th Section of the Act.

6. The Trustees should make the apportionment for Fuel *in money*, as one item in the Rate Bill, and then exercise their own discretion as to whether the item for fuel should be paid in money or wood—fixing the price per cord, to be allowed for the wood, describing the kind of wood, and the manner in which it should be prepared for the School. In case any person should fail to pay the amount of his wood-bill, in the manner and at the time prescribed by the Trustees, the payment should, of course, be enforced in the same manner as that of the School Teacher's wages, and the amount, thus collected, paid for the purchase of wood.

SECTION 9. *Form of Trustees' Order upon the District Superintendent.*

To the Superintendent of Common Schools for the — District.

PAY to [*here insert the Teacher's name*] or Order, out of the School Fund apportioned to School Section, No.—, in the [*Township, Town, or City*] the sum of [*here write the sum in words*—the proportion now due of said Teacher's salary for the year, to be raised by Rate Bill, having been duly collected and being at his disposal, according to the fifth clause of the 27th section of the Common School Act.

Dated this — day of —, 18—.

A. B., }  
C. D., } Trustees.  
E. F., }

EXPLANATORY REMARKS.—1. No part of the School Fund is allowed to be paid for any other purpose than the payment of the Teacher's salary; and the District Superintendent is not authorised to pay the School Fund moiety of a Teacher's salary *to any other* than the Teacher interested, or to some person authorised by the Teacher to receive and grant a receipt for it.

2. As the Legislative Grant is intended, not to supersede, but to *assist* and encourage local effort, it should be advanced on the order of Trustees, in harmony with the principle of its original appropriation. If, therefore, the Trustees desire to obtain from the District Superintendent one-half of the sum apportioned out of the Legislative Grant to their School Section, they must see, at the same time, that there is collected for the School Teacher one-half of the amount which they have agreed to raise by Rate Bill, whether that amount be small or large; and so in regard to any other portion of the Legislative Grant for the current year. The object of this regulation is to prevent local abuses upon the bounty of the Legislature, to secure to Teachers the punctual payment of their quarterly Rate Bills, as well as the Legislative Grant, while it will always be found better for Parents and Guardians to pay the small amounts of the quarterly Rate Bills than to suffer it to accumulate to the end of the year, to the great inconvenience of the Teacher, and sometimes to his absolute loss. The most convenient way of paying the *quarterly* Rate Bill is, for each Parent or Guardian to send the amount for which he is rated by one of his children to the School Master, requiring his receipt for the amount. This will save such Parent or Guardian the trouble and expense of the Collector's fees, and secure punctual and timely payment to the Teacher.

SECTION 10. *Form of Deed for the Site of a Common School House, Teacher's Residence, &c.*

This Indenture, made the — of —, in the year of our Lord one thousand eight hundred and —, in pursuance of the Act to facilitate the conveyance of Real Property, **Between** — of the Township [*Town, or City*] of — in the District and Province of Canada — of the one part, and the District Council of the — District, in the Province aforesaid, of the other part —,

**Witnesseth**, that in consideration of —, of lawful money of Canada, now paid by the District Council of the — District aforesaid, to the said —, grants unto the District Council of the — District

aforesaid, their Successors and Assigns, FOR EVER, ALL ———, In trust for the use of a Common School, in and for Section number ———, in the Township [*Town or City*] of ——— in the ——— District, aforesaid, ———

THE said ——— **Covenants** with the District Council of the ——— District aforesaid, THAT he hath the right to convey the said Lands to the District Council of the ——— District, aforesaid. **And**, that the District Council of the ——— District, aforesaid, shall have quiet possession of the said Lands : FREE FROM INCUMBRANCES. **And**, the said ——— covenants with the District of the ——— District aforesaid, that he will execute such further assurances of the said Lands as may be requisite.

**In witness whereof**, the said parties hereto have hereunto set their hands and seals.

Signed, Sealed, and Delivered, in the presence of

A. B. [*seal.*]

C. D. [*seal.*]

E. F., }  
G. H., } Witnesses.

**REMARK.** If the Grantor is a married man, his wife's name must be inserted in the Deed, and this clause added after the word "requisite:" And the said ———, wife of the said ———, hereby bars her dower in the said Lands.

## FORMS FOR TEACHERS OF COMMON SCHOOLS.

[For Common School Teacher's School Register, see accompanying Form.]

### SECTION 1. *Form of a Teacher's Receipt.*

#### 1. Form of a Receipt to Parents or Guardians on the payment of their Rate Bill.

RECEIVED from [*here write the name of the pupil or person paying*] the sum of [*here write the sum in words*] currency, in payment of the Rate Bill due from [*here write the name of the person in whose behalf payment is made*] to School Section No. —, in the [*Township, Town, or City*] of ———, for the quarter ending the — day of —, 18—.

Dated this — day of —, 18—.

A. B., *Teacher.*

**REMARK.** When the payment of the Rate Bill is made by the Parent or Guardian concerned, the receipt should state it accordingly.

The payment of the Rate Bill to the Teacher, within the time which may be prescribed by the Trustees, will exempt the person thus paying it from the payment of the Collector's fees. The Teacher should, of course, apprise the Collector of all payments made to him, so that the Collector may not be at the trouble of calling upon such persons; and should the Teacher not inform the Collector of such payments within the time prescribed by the Trustees, he should be liable to pay the Collector the usual Fees for the unnecessary trouble imposed upon him by such Teacher's neglect.

#### 2. Form of a Receipt to Trustees.

RECEIVED from the Trustees of School Section No. —, in the [*Township, Town, or City*] of ———, the sum of [*here write the sum in words*] currency, in payment of my salary in part [*or in full*] for the [*First, Second, &c.*] quarter, ending the — day of —, 18—.

A. B., *Teacher.*

#### 3. Form of a Receipt to the District Superintendent.

RECEIVED from [*here insert the name of the Superintendent,*] Superintendent of Common Schools for the ——— District, the sum of [*here write the sum in words,*] currency, in payment of an order on him by the Trustees of

School Section, No. —, in the [*Township, Town, or City*] of —, in my favour, dated the — day of —, 18—, and paid this — day of —, 18—.

A. B., *Teacher.*

REMARK. Or, on receiving the full amount of the order, it may be most convenient for the Teacher to write the following acknowledgment on the back of it:

“RECEIVED the within in full, this — day of —, 18—.”

A. B., *Teacher.*

SEC. 2. *Form of Teacher's Circular Notice of the Quarterly Examination of his School.*  
—, —, 18—.

SIR,—In conformity with the Common School Act, 9<sup>o</sup> Vic., cap. xx, section 27, the Quarterly Examination of the School in Section No.—, will be held on — day, the — of —, when the pupils of the School will be publicly examined in the several subjects which they have been taught during the quarter now closing. The Exercises will commence at 9 o'clock, A.M., and you are respectfully requested to attend them.

I am, Sir, your obedient Servant,

To C. D., *School Trustee, or Visitor.*

A. B., *Teacher.*

REMARKS. A copy of the above Notice ought to be sent to each of the Trustees, and to as many Visitors of the School Section as possible. Clergymen are School Visitors of any Township in the which they have a pastoral charge; all Justices of the Peace are School Visitors of the Township in which they reside; and all District Councillors are School Visitors of the Township which they represent. The Teacher should address a circular notice to those of them who reside within two or three miles of his School; he is, also, required to give notice, through his pupils, to their Parents and Guardians and to the neighbourhood, of the Examination.

## GENERAL REGULATIONS AND INSTRUCTIONS.

### SECTION 1. *Holidays and Vacations.*

1. Every alternate Saturday shall be a Holiday in each School.
2. There shall be a Vacation of eight days at Christmas, and another at Easter, in each year.
3. There shall be a Vacation of two weeks during some part of the Quarter ending on the 30th of September, at such time as the District Superintendent may direct; or, if he shall not direct any particular time, it may be at such time as shall be preferred by the Trustees and Teacher.
4. Each District Superintendent shall have authority, when he may think proper, in visiting the Schools, to give the children a Holiday for general good conduct and general attendance at School.
5. All agreements between Trustees and Teachers shall be subject to the foregoing regulations; and Teachers shall not be deprived of any part of their salaries on account of allowed Vacations and Holidays.

### SECTION 2. *Duties of Trustees.*

1. The Law invests Trustees with most important functions and duties. They alone have authority to employ Teachers: they alone provide and furnish the School House and premises; they select the books from the list provided for them; they are indeed the patrons of the School. Their duties are, therefore, of the greatest importance, and should be well understood.
2. The Trustees employ the Teacher—agree with him as to the hours of daily teaching, the period during which he teaches, and the amount of remuneration; but the *mode of teaching* is with the Teacher. On the expiration of the term of agreement, Trustees can dismiss a Teacher if they are not pleased with him; but, subordinate to the general rules and regulations provided by law, the Teacher has a right to exercise his own judgment in teaching the School, and the District Superintendent and Visitors alone have a right to advise him on this subject. The Teacher is not a mere machine, and no Trustee or Parent should attempt to reduce him to that position. His character and his interest alike prompt him to make his instructions as efficient and popular as possible. To interfere with him, and deprive him of his discretion as a Teacher, and then, as is often the case, to dismiss him for inefficiency, is to inflict on him a double wrong, and a double injury, and frequently injures the pupils themselves, and all parties

concerned. While a person is employed as a Teacher, it is essential, both to his character and success, that he, and not others, should be the Teacher of the School. It is, nevertheless, the duty of the Trustees to see that the School is conducted according to the regulations provided by law.

3. It is, therefore, important that Trustees should select a competent Teacher. *The best Teacher is always the cheapest.* He teaches most, and inculcates the best habits of learning and mental development, in a given time; and time and proper habits are worth more than money, both to pupils and their parents. Trustees who pay a teacher fairly and punctually, and treat him properly, will seldom want a good Teacher. To employ an incompetent person, because he offers his incompetent services for a small sum—though at a higher rate than a competent person—is to waste money, and mock and injure the youth of the neighbourhood. The *National Board of Education in Ireland* remark:—

“A Teacher should be a person of Christian sentiment, of calm temper, and discretion; he should be imbued with the spirit of peace, of obedience to the law, and of loyalty to his Sovereign; he should not only possess the art of communicating knowledge, but be capable of moulding the mind of youth, and of giving to the power, which education confers, a useful direction. These are the qualities for which Patrons of Schools, when making a choice of a Teacher, should anxiously look.”

4. Trustees will, also, find it the best economy to have a comfortable School House, kept comfortable and properly furnished. It is as difficult for pupils to learn, as it is for the Master to teach, in an unfurnished and comfortless School House.

5. In the selection of Books to be used in the School, the Trustees should see that but *one* series of Reading Books, *one* Arithmetic, or one for the beginners and another for the more advanced pupils, *one* Geography, &c., should be used in any *one* School, in order that the Scholars may be classified in the several branches which they are studying. Heterogeneous School Books (however good each may be in itself, like each of several odd coach wheels, render classification impossible, increase the labours and waste the time of the Teacher, and retard the progress of the pupils. Both the Teacher and Pupils labour at, perhaps, not less than a hundred per cent. disadvantage, when they are compelled to use books which are as various as the scholar's names. The series of Readers and other School Books published by the National Board of Education in Ireland, and recommended by the Canadian Board, are doubtless the best, and will be the cheapest series of Canadian School Books sold in Canada, as may be seen by referring to the list of prices on page 2 of these Forms and Regulations, &c.

6. For further duties of Trustees, see the *Remarks* in the several sections on pages 7-11 of these Forms and Regulations. The Trustees should, also, see that their School is furnished with a *Visitors' Book*, in which the remarks of Visitors may be entered.

### SECTION 3. *Duties of Teachers of Common Schools.*

The 28th section of the Common School Act prescribes the general duties of Teachers, and the discipline to be maintained by them, according to the regulations and forms which shall be prepared by the Superintendent of Schools.

The following practical directions and rules for Teachers are substantially adopted from those of the National Board of Education in Ireland:—

1. To receive courteously the Visitors appointed by Law, and to afford them every facility for inspecting the Books used, and examining into the state of Schools as prescribed by law; to have the Visitors' Book open, that the Visitors may, if they choose, enter remarks in it. Such remarks as may be made, the Teacher is by no means to alter or erase, but to lay them before the District Superintendent, who is authorised to transmit copies of such of them as he may deem of sufficient importance to the Chief Superintendent of Schools.

2. To keep the Register and Class-Rolls accurately and neatly, according to the prescribed forms

3. To classify the children according to the National Books, where they are used; to study those books themselves; and to teach according to the approved method recommended in their prefaces.

4. To observe themselves, and to impress on the minds of the pupils, the great rule of regularity and order—A TIME AND A PLACE FOR EVERY THING, AND EVERY THING IN ITS PROPER TIME AND PLACE.

5. To promote, both by precept and example, CLEANLINESS, NEATNESS, and DECENCY. To effect this, the Teacher should set an example of cleanliness and neatness in their own persons, and in the state and general appearance of their Schools. They should, also, satisfy themselves, by personal inspection every morning, that the children have had their hands and faces washed, their hair combed, and clothes cleaned, and, when necessary, mended. The School apartments, too, should be swept and dusted every evening; and whitewashed, at least, once a-year.

6. To pay the strictest attention to the morals and general conduct of their pupils, and to omit no opportunity of inculcating the principles of TRUTH and HONESTY; the duties of respect to superiors, and obedience to all persons placed in authority over them.

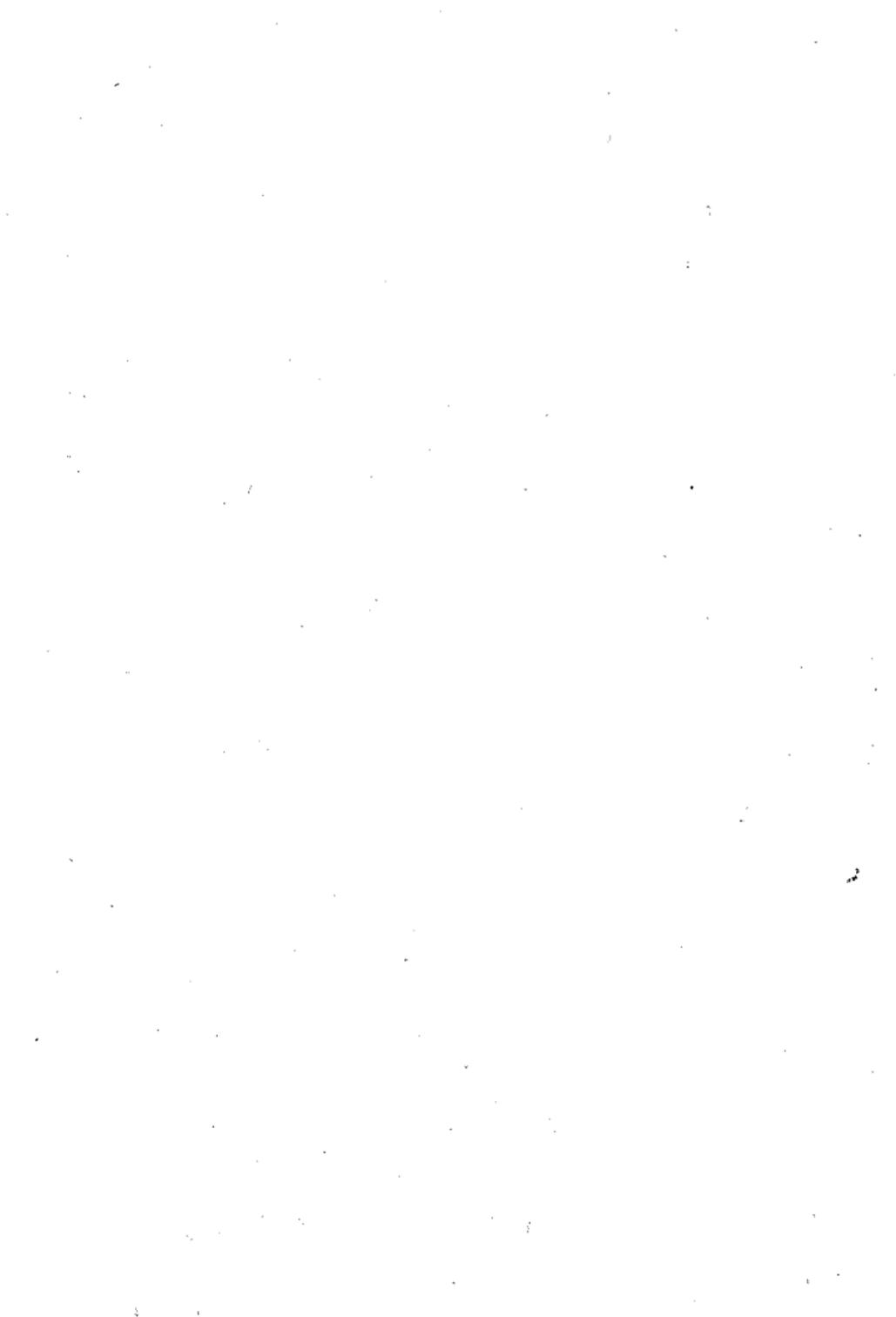
7. To evince a regard for the improvement and general welfare of their Pupils, to treat them with kindness combined with firmness; and to aim at governing them by their affections and reason, rather than by harshness and severity.

8. To cultivate kindly and affectionate feelings among their Pupils; to discountenance quarrelling, cruelty to animals, and every approach to vice.

N.B.—The classification of the children (referred to in the third rule) applies to all schools, whatever books may be used. But the National Readers, as well as other Books of the National Board in Ireland, afford peculiar facilities for doing so, as the Readers are numbered 1, 2, 3, 4, and 5, and are formed upon the progressive principle—that is, each lesson made







a little more difficult than the preceding one, (the one rising above another, like the steps of a stairs). It will be necessary to divide each class into divisions to correspond with the progress and proficiency of the children. For instance, the first division of the first class book will be learning the *Alphabet*; the second *Monosyllables*; and so on." The *Intellectual System of Education* is the method inculcated in the Prefaces of those excellent Books, while the Books themselves are so much superior to the common class of books, and contain so much information on subjects seldom brought within the reach of the mass of the people, that they form a sort of library themselves, and require careful and diligent study, on the part of the best Teachers, in order to teach them *intellectually* to others.

#### SECTION 4. Duties of School Visitors.

1. All Clergymen recognized by law, all Magistrates, and District Councillors are School Visitors, and their duties are clearly pointed out in the 15th and 16th sections of the Common School Act.

2. It is, however, recommended to Visitors, in no instance to speak disparagingly of the instructions or management of the Teacher in the presence of the Pupils; but if they think any advice necessary, to give it privately; and to report to the District Superintendent anything which they shall think important to the interests of any School visited by them. The Law recommends the Visitors "*especially to attend the Quarterly Examinations of Schools.*"

3. The District Superintendents are School Visitors, by virtue of their office, and their comprehensive duties, as such, are stated with sufficient minuteness in the 4th division of the 13th section of the School Act. While each District Superintendent makes the careful inquiries and examinations required by law, and gives privately to the Teacher and Trustees such advice as he may deem expedient, and such counsel and encouragement to the Pupils, as circumstances may suggest, he will, as the Irish National Board direct each local Superintendent, "exhibit a courteous and conciliatory conduct towards all persons with whom he is to communicate, and pursue such a line of conduct as will tend to uphold the just influence and authority, both of Managers and Teachers."

4. Too strong a recommendation cannot be given to the establishment of Circulating Libraries in the various Districts, and Townships, and School Sections. A District Association, with an auxiliary in each Township, and a Branch in each School Section, might, by means of a comparatively small sum, supply popular and useful reading for the young people of a whole District. It is submitted to the serious attention of all School Visitors, as well as Trustees, and other friends of the diffusion of useful knowledge.

N. B.—There is nothing in the law against Visitors being elected Trustees; and the same person may often serve most usefully both as a Trustee and a Visitor—filling the latter office *ex-officio*, and the former by the choice of his neighbours.

#### SECTION 5. Appeals to the Chief Superintendent.

1. All parties concerned in the operation of the Common School Act have the right of appeal to the Superintendent of Schools; and he is authorised to decide on such questions as interested parties may think proper to refer to him. But for the ends of justice—to prevent delay, and to save expense, it will be necessary for any party thus appealing to the Superintendent: 1. To furnish the party against whom they may appeal, with a correct copy of their communication to the Superintendent, in order that the opposite party may have an opportunity of transmitting, also, any explanation or answer that such party may judge expedient. 2. To state expressly, in the appeal to the Superintendent, that the opposite party has thus been notified of it. It must not be supposed that the 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 a hearing.

2. The foregoing directions do not, of course, refer to communications asking for advice on doubtful points, or prudential measures of a local or general character.

#### SEC. 6. Constitution and Government of Schools in respect to Religious Instruction.

1. As Christianity is the basis of our whole system of Elementary Education, that principle should pervade it throughout. Where it cannot be carried out in mixed Schools to the satisfaction of both Roman Catholics and Protestants, the Law provides for the establishment of separate Schools. And the Common School Act, securing individual liberty, as well as recognizing Christianity, provides, "That in any Model or Common School established under this Act, no child shall be required to read or study in or from any religious book, or to join in any exercise of devotion or religion, which shall be objected to by his or her parents or guardians." With this limitation, the peculiar religious exercises of each School must be a matter of understanding between the Teacher and his employers. This must be the case in regard both to separate and mixed Schools.

2. In Schools which are composed both of Roman Catholic and Protestant Children, the Commissioners of National Education in Ireland have made the following regulations, which are worthy of imitation wherever desired and practicable in Canada:—

"One day in each week, or a part of a day. (Independently of Sunday,) is to be set apart for the religious instruction of the children, on which day such pastors or other persons as are approved of

by the parents and guardians of the children, shall have access to them for that purpose." "The Managers of Schools are also expected to afford convenient opportunity and facility for the same purpose on other days of the week. But where any course of religious instruction is pursued in a School during school hours, to which the parents of any of the children attending it object, the Managers are to make an arrangement for having it given to those who are to receive it at a stated time or times, and in a separate place; so that no children, whose parents or guardians object to their being so, shall be present at it."

The Commissioners of National Education in Ireland also observe in their Second Report, that—

"In the National Schools the importance of religion is constantly impressed upon the minds of the children, through the works calculated to promote good principles and fill the heart with love for religion, but which are so compiled as not to clash with the doctrines of any particular class of Christians. The children are thus prepared for those more strict religious exercises, which it is the peculiar province of the ministers of religion to superintend or direct, and for which stated times are set apart in each School, so that each class of Christians may thus receive, separately, such religious instruction, and from such persons as their parents or pastors may approve or appoint."

The Commissioners further explain the right of local Trustees or Patrons on this point :

"The Patrons of the several Schools have a right of appointing such religious instruction as they may think proper to be given therein; provided that each School shall be open to all religious communions; that due regard be had to parental right and authority; that accordingly, no child be compelled to receive or be present at any religious instruction to which his or her parents or guardians may object; and that the time for giving it be fixed that no child shall, in effect be excluded directly or indirectly from the other advantages which the School affords. Subject to this, religious instruction may be given either during the fixed school-hours or otherwise."

3. The foregoing quotations [which might be greatly extended] from the Irish Commissioners' Reports are made, because their system may be considered as the basis of the Canadian System—their books having been adopted and their methods of instruction having been introduced into the Provincial Normal School. That system is Christian, but not sectarian; secures individual right and denominational privileges, and is founded upon revealed truth. The General Lesson, hung up in every school of the Irish National Board, and carefully inculcated upon the Pupils, is recommended for universal adoption in Upper Canada, and is as follows:—

### GENERAL LESSON.

"CHRISTIANS should endeavour, as the Apostle Paul commands them, 'to live peaceably with all men,' (*Romans*, c. 12, v. 18), even with those of a different religious persuasion.

"OUR SAVIOUR, CHRIST, commanded His Disciples to 'Love one another.' He taught them to love even their enemies, to bless those that cursed them, and pray for those who persecuted them. He himself prayed for His murderers.

"Many men hold erroneous doctrines; but we ought not to hate or persecute them. We ought to seek for the truth and hold fast what we are convinced is the truth: but not to treat harshly those who are in error. JESUS CHRIST did not intend His Religion to be forced on men by violent means. He would not allow His Disciples to fight for Him.

"If any persons treat us unkindly, we must not do the same to them; for CHRIST and His Apostles have taught us not to return evil for evil. If we would obey CHRIST, we must do to others, not as they do to us, but as we would wish them to do to us.

"Quarrelling with our neighbours and abusing them, is not the way to convince them that we are in the right, and they in the wrong. It is more likely to convince them that we have not a Christian spirit.

"We ought to show ourselves followers of CHRIST, who, 'when He was reviled, reviled not again,' (*1 Peter*, c. 2, v. 23,) by behaving gently and kindly to every one."

4. For a more detailed exposition of this important subject, all parties concerned are referred to the '*Report on a System of Public Elementary Instruction for Upper Canada.*'"

