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ACTS

FOR THE

PROMOTION OF EDUCATION

IN

LOWER CANADA.

9 Vict., Cap. 27; 12 Vict., Caps. 50 and 200; 14 and 15 Vict., Cap. 97; 16 Vict.
Caps. 74, 208 and 209; 19 and 20 Vict., Caps. 14 and 54.



Toronto:

PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.

1857.

Great Stone
 Canada Stone
 Black Duke
 do
 Sea
 Head
 Other Grass feed
 Church -
 Inger -
 Soldier -
 Canadian -
 do -
 House -
 All in -



ANNO NONO

VICTORIÆ REGINÆ.

CAP. XXVII.

An Act to repeal certain Enactments therein mentioned, and to make better provision for Elementary Instruction in Lower Canada.

[9th June, 1846.]

WHEREAS the establishment of Common Schools for the instruction of youth is of paramount importance, and it is necessary to ensure more ample and less precarious funds, and to make better Legislative provision, and to adopt more effective measures than have been heretofore made or adopted for this purpose in Lower Canada, substituting such measures for those heretofore in force: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That, from and after the passing of this Act, there shall be in each of the Cities of Quebec and Montreal, and in each Municipality, Town or Village in Lower Canada, one or more Common Schools for the elementary instruction of youth, to be managed by School Commissioners in the manner hereinafter provided.

Preamble.

Common Schools to be established in the local divisions of Lower Canada.

II. And be it enacted, That each Municipality existing at the time of the passing of this Act, or which may be legally established hereafter, shall be a Municipality for the purposes of

What shall be a Municipality for the purposes of this Act.

Proviso, as to Villages.

of this Act : Provided nevertheless, that the inhabitants of any Town or Village Municipality, other than the Municipality of the Town of Three-Rivers, shall, for the purposes of this Act, be subject to the jurisdiction of the School Commissioners elected for the Municipality of which the Town or Village makes or did formerly make part, and shall have the right of voting at the election of such School Commissioners.

Failure to elect School Officers in any local division provided for.

III. And be it enacted, That no failure to elect any officer, or to assess or levy any rate, shall be construed to prevent the effect of any of the provisions of this Act, which shall be carried into effect by the Governor in Council, by the means of the Superintendent of Schools hereinafter mentioned, and of School Commissioners, Assessors, Collectors, Teachers and other Functionaries, who may be requisite according to the true intent and meaning of this Act, which Commissioners shall be appointed by the Governor in Council, at the instance of the Superintendent of Schools, and shall have the right of naming the Assessors, Collectors, Directors and other Functionaries, all of whom, in their several capacities, shall each have all the rights, powers and authority, which, under this Act, would have been possessed by the persons who ought to have been elected or to act, under the like names of office or with similar functions, and shall have the same duties and be liable to the same penalties.

Times of the first and other meetings for the election of School Commissioners.

IV. And be it enacted, That from and after the passing of this Act there shall be held each year, on the first Monday in July, a general meeting of all the landholders and householders of each Municipality, which meeting, if it be the first which is to be held in the Municipality for the election of a body of School Commissioners, shall be called by the Senior Justice of the Peace, or, in his default, by any other Resident Justice of the Peace, or, in their default, by any three landholders, by giving eight days previous public notice at the door of the Churches or places of Public Worship, or if there be no Church or place of Public Worship, then by a notice posted at two of the most public places in such Municipality ; and at such meeting the Senior Justice present, or in his default such other person as shall be appointed by the meeting shall preside, and that thereafter, at the general annual meeting for the election of School Commissioners, one of the Senior acting School Commissioners shall preside, provided that he be not a Minister of the Gospel, and if two Commissioners then present are of the same date in office, then the oldest by age shall preside ; if, nevertheless

theless, from some cause or causes, such general meeting shall have been prevented from taking place on the first Monday in July, and the election in consequence could not be proceeded with, such meeting may be held and the election may take place on any of the ensuing Mondays in the same month : Provided, that if any such election shall have been commenced on the first or any subsequent Monday in July, and shall not have been closed on that same day, it may be continued on the morrow, and the day after the morrow, if necessary, but not longer : Provided, that for the present year the elections to take place, in accordance with this Act, may be made at any time before the first of October next : And provided also, that the time of holding these meetings shall be from ten o'clock in the forenoon until five in the afternoon.

Failure of election provided for.

Proviso. Election may be continued two days.

V. And be it enacted, That at such meeting the persons qualified to vote thereat shall elect five School Commissioners, or shall elect the number of Commissioners required to fill the vacancies caused by the retiring of such of the present Commissioners who may go out of office as herein provided for.

Election of School Commissioners.

VI. And be it enacted, That if the choice of the said School Commissioners shall be contested, any three of the electors present may demand a poll, which shall be held in conformity to the regulations established in the Act then in force with regard to the election of Municipal Councillors ; and all contestations with regard to such elections and to the functions and powers assumed by the School Commissioners, or any of them, or their officers, or by any persons claiming to be such Commissioners or officers, may, by any person having authority as Visitor or otherwise over the School in the locality, or by any person assessed for their support, be brought by a petition (*requête libellée*) setting forth the case, of which a copy shall have been served on the parties concerned, before the Court of Queen's Bench for the District, sitting in Superior or Inferior Term, or before the nearest Circuit Court, and shall there be determined in a summary manner on the evidence which shall be adduced.

Poll may be demanded.

How contestations shall be decided.

VII. And be it enacted, That the School Commissioners elected in the general meeting, or appointed by the Governor or Superintendent of Schools, as above mentioned, shall remain in office for three years, except that after the first election or nomination of a Board of Commissioners, two of them (to be determined by lot) shall go out of office at the end of one year, and

Period during which School Commissioners shall serve.

and two more (to be determined in like manner) shall go out at the end of two years, and the remaining one at the end of three years; the Chairman shall be liable, in common with the other School Commissioners, to go out of office if it be thus determined by lot, and such Commissioners going out of office shall be replaced by election in the general meeting, or else appointed by the Governor.

Not to be
Teachers.

VIII. And be it enacted, That no School Commissioner shall be a Teacher of any School in his Municipality.

Present
Commissioners
continued
for a certain
time.

IX. And be it enacted, That the School Commissioners in office at the passing of this Act, shall continue to act as such until they shall be replaced by others under the provisions of this Act, but may, with their own consent, be re-elected under it: Provided nevertheless, that in those Municipalities in which there are at present more than five Commissioners elected, the said Commissioners, being assembled for that purpose in the course of July next, shall decide by lot the Commissioners who are to resign office, besides those designated under a preceding section of this Act, so that the number of the former Commissioners, elected or appointed as above stated, may be then reduced to three.

Proviso.
Where there
are now more
than six.

X. And inasmuch as since the passing of the late Act for providing more effectively for Elementary Instruction, several elections of School Commissioners and Trustees have been made without the observance of all the formalities required by the said Act or not within the time prescribed: Be it enacted, That all proceedings of any such School Commissioners or Trustees, anterior to the passing of this Act, shall be considered as if the said School Commissioners or Trustees had been legally elected, and that they shall be entitled to act as such respectively until they are replaced in the manner provided by this Act; provided that the School Commissioners or Trustees thus elected have not been replaced by others appointed by the Governor or by the Superintendent of Schools: provided, that nothing in this Act contained shall interfere with the rights of any School Commissioners which at the time of the passing of this Act may be in litigation.

Elections under
former Act
confirmed
though in-
formal.

Proviso.

Report of pro-
ceedings at
any meeting.

XI. And be it enacted, That the Chairman of any general meeting shall, within eight days thereafter, report the proceedings thereat to the Superintendent of Schools, and transmit to him a list of the persons elected thereat as Commissioners, under a penalty of twenty-five shillings.

XII.

XII. And be it enacted, That for the Municipalities in which no election of School Commissioners shall have been had within the time hereby prescribed, the Superintendent of Schools shall, *ex officio*, upon an order from the Governor in Council, appoint them, and also a Secretary-Treasurer.

In default of election.

XIII. Provided always, and be it enacted, That within fifteen days after the time when the said election ought to have been had, the School Commissioners for the then last year, three of the School Visitors, the acting Church-Wardens, Elder, Class-Leader or Trustees of the several religious denominations, and the Clergyman or Minister of the most numerous congregation, may meet and submit to the Superintendent of Schools the names of so many persons as School Commissioners as are provided by this Act ; and on the approval of the Superintendent, signified to the Chairman of such meeting, such persons shall become School Commissioners for the purposes of this Act.

Proviso :
Certain Functionaries may recommend persons as Commissioners.

To be approved by the Superintendent.

XIV. And be it enacted, That if one or more vacancies shall happen among the School Commissioners, by reason of the permanent absence from the Parish, death or incapacity from sickness of any Commissioner, he shall be replaced by the electors for the locality, called together for that purpose by the Chairman or Temporary Chairman of the School Commissioners, and at which he himself, or in his absence one of the School Commissioners by him named, shall preside.

Vacancies how filled.

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

Re-election.

XVI. And be it enacted, That the School Commissioners shall meet on the first Monday after their appointment or after notice of their election, for the purpose of choosing a Chairman and a Secretary-Treasurer, which latter shall give sufficient security to the Commissioners, himself for one half and two sureties each for one quarter of the sum arising from the local and general School fund, and placed at their disposal for the support of the Schools of their locality ; and in case of the absence, whether permanent or temporary, of the said Chairman, the assembled School Commissioners shall name one of themselves as Chairman for the time being, who shall then be vested with the same powers and privileges as the ordinary Chairman.

Chairman and Secretary-Treasurer.

Temporary Chairman.

Decisions.

XVII. And be it enacted, That at the meetings of the School Commissioners all questions shall be decided by the majority of votes ; and that when the votes upon any question proposed are found to be equal on both sides, without the vote of the Chairman, then and in such case only the Chairman shall be entitled to give his vote, as a casting vote, but in no other case shall the Chairman be entitled to vote.

Chairman.

School Dis-
tricts.

XVIII. And be it enacted, That the Commissioners shall divide the Municipality into School Districts in all places where this shall not have been already done, and shall designate them by the numbers one, two, &c., and the limits assigned by them to each District shall be entered in the Registers of their proceedings ; they may also at their discretion alter the limits of Districts already existing, and erect new ones from time to time, so as to suit the wants of the population and local circumstances.

Alteration of
limits.Requisite
number of
children.

XIX. And be it enacted, That no School District shall contain less than twenty children between the ages of five and sixteen years ; except that the Commissioners may allow one School District in each Municipality to contain less than the aforesaid number of children.

A School to be
in such Dis-
trict.

XX. And be it enacted, That the School Commissioners shall take care that there be a School in each School District, and may, when they shall deem it expedient, unite two or more Districts, and again separate them, and shall give notice to the Superintendent of Schools of their having done so.

United Dis-
tricts.

Duties.

XXI. And be it enacted, That it shall be the duty of the School Commissioners in each Municipality :

As to present
School proper-
ty.

Firstly. To take possession of lands and School Houses which may have been acquired, given to, or erected by the School Trustees or Commissioners, and to which the Province may have contributed in virtue of any former Act, or by the Royal Institution (which Institution is hereby authorized to surrender the same), under any Act for the encouragement or promotion of Education, and in case of opposition, to give notice thereof to the Superintendent of Schools, who shall advise them as to the means of removing or overcoming such opposition.

School proper-
ty.

Secondly. To acquire and hold for the Corporation, by any title whatsoever, all real or personal property, moneys or income for

for the purposes of Education, until the power hereby given shall be taken away or modified by Law, and to apply the same according to the instructions of the donors.

Thirdly. To do whatever it may be expedient to do with regard to building, repairing, keeping in order or renewing all School Houses, lands, fences and moveable property which shall be held by them, or to hire temporarily or accept the gratuitous use of Houses and other buildings for the purpose of keeping Schools therein : Provided that no rate shall be levied for the building of a Superior or Model School to exceed the sum of one hundred and fifty pounds, nor for a Common School to exceed the sum of seventy-five pounds ; and all accounts relative to the objects aforesaid shall be transmitted annually to the Superintendent of Schools.

Keeping such property in order.

Provide.

Accounts.

Fourthly. To appoint and engage from time to time School-masters and School-mistresses duly qualified to teach in the Schools under their control, and to remove them on account of incapacity, neglecting faithfully to perform their duties, insubordination, misconduct or immorality, after mature deliberation at a meeting of Commissioners called for this purpose.

Engaging Teachers.

Fifthly. To regulate the course of study to be followed in each School, to provide that no other books be used in the Schools under their jurisdiction but those approved and recommended by the Board of Examiners hereinafter established, and to establish general rules for the management of the Schools, and to communicate them in writing to the respective Teachers ; to fix the time of the annual public examination, and to attend at the same ; Provided that the *Curé*, Priest, or officiating Minister, shall have the exclusive right of selecting the books having reference to religion or morals, for the use of the Schools for children of his own religious faith.

Regulating the courses of instruction.

Sixthly. To hear and decide every dispute which may arise relating to the public Schools in their Municipality, between the parents or children and the Teachers, and others of like nature.

Deciding disputes.

Seventhly. To name two or more from among themselves to visit each public School in the Municipality, at least once in six months, and report to the Corporation of which they are members, the state of the School, and whether the rules and regulations of the Commissioners are strictly observed, also the progress of the scholars, the character and capacity of the Teachers,

Visiting the Schools and reporting.

Teachers, and every other matter relating to the management of the Schools.

Management, discipline, &c. Eighthly. To comply as regards the accounts and register to be kept by the Secretary-Treasurer, with all instructions, whether special or general, which may from time to time be given them by the Superintendent of Schools, to whom they shall report their proceedings yearly, before the first day of July.

To keep Registers and Accounts. Ninthly. To keep and cause to be kept registers of their proceedings, signed for each sitting by the Chairman and Secretary; and also correct accounts of their receipts and expenditure, with reference to the Schools in each District under their control, mentioning specially what relates to each School, and such accounts shall be open to all persons, contributors to the support of the Schools, at all reasonable hours.

To levy by assessment a sum equal to that allowed out of the Common School Fund. Tenthly. To cause to be levied by assessment and rate, in the manner hereinafter provided by this Act, in each Municipality, a sum equal to that allowed out of the Common School Fund for each Municipality, and to report their proceedings in this respect to the Superintendent; and to enable the School Commissioners to receive from the Superintendent of Education, their share of the Common School Fund, they shall furnish him with a declaration from the Secretary-Treasurer, that he has actually and *bonâ fide* received, or that he has placed in the hands of the School Commissioners for the purposes of this Act, a sum equal to the said share accruing to such Commissioners.

Superior or Model Schools. Eleventhly. Out of the moneys arising from the School Fund, or from assessments imposed to raise a like sum in the Municipalities, or from any other source, not specially appropriated by disposition of the donors or vendors or otherwise, they may, if they think proper, allow a sum not exceeding twenty pounds yearly for the support of any Superior School or Model School, at the most thickly settled place in the Municipality, over and above the share which would otherwise come to such School, and the remainder or whole of the said moneys, if there is no Model School, shall be distributed in equal shares among the School Districts, the Model School being counted alone as one.

Fixing rates to be paid by parents for their children. Twelfthly. They shall fix the Fees per month to be paid during the eight School months for each child of age to attend School, by each father or mother of a family, tutor or curator
to

to the Secretary-Treasurer above and over the rate levied, and for the use of the School District (*arrondissement*) paying the same ; such fees not to exceed in any case two shillings per month, and to be diminished at the discretion of the Commissioners, according to the means of the parents, age of the children, and course of instruction, but not to be less than three pence per month ; the Commissioners nevertheless may ask higher monthly fees, in Model Schools, and for the whole time the same may be in active operation.

Thirteenthly. They may wholly or in part exempt indigent persons, lunatics or idiots from paying such fees, and shall fix the times of payment. Indigent persons.

Fourteenthly. They shall cause any party neglecting or refusing to pay his portion of any School-rate, to be prosecuted before any Justice of the Peace in the Municipality, or if there be no Justice of the Peace in the Municipality, then before the Commissioners' Court for the trial of Small Causes nearest to the place of their sittings and having jurisdiction in the Municipality ; and all Justices of the Peace or Commissioners' Courts are hereby authorized and required to hear and adjudge upon such prosecution in a summary manner, and to cause the sum for which judgment shall have been given to be levied by the seizure and sale of the goods and chattels of the defendant, under a Warrant to be granted by such Justice of the Peace or Commissioner of Small Causes. To direct prosecutions.

Fifteenthly. They may associate with themselves, permanently, or for a time only, Managers to aid them in matters connected with the administration of the School Houses, the erection and repair, warming and cleaning thereof, and the keeping in good order the property, moveable and immovable, belonging to the Schools, and other like matters. Managers.

XXII. And be it enacted, That if in any School District there shall be no School in operation, the School Commissioners shall deposit the money to which such District would be entitled in some Savings or Chartered Bank at interest, where, with the consent of the inhabitants of such District, they shall allow it to accumulate during a term which shall not exceed four years, to be thereafter by them used either in the purchase of ground for or in building a School House, or towards other Educational purposes in or for such School District. Deposit of moneys. Application of the same.

School Commissioners to be a Corporation.

XXIII. And be it enacted, That the School Commissioners in each Municipality shall be a Corporation under the name of *The School Commissioners for the Municipality of* _____, *in the County of* _____; shall have perpetual succession

Their powers.

and a common seal, if they think proper to have one; may sue and be sued, and shall, generally, have the same powers which any other body politic or corporate has, or ought to have with regard to the purposes for which it is instituted; but they shall not at any time hold real property to the value of more than five hundred pounds yearly in the Cities and Municipalities of Quebec and Montreal, or of three hundred pounds yearly value in any other Municipalities: Provided, nevertheless,

Limitation.

that the Chairman of the School Commissioners shall not engage in any suit at Law, as plaintiff, without a special authorization from the Commissioners, duly entered in the Register after deliberation, and that all and every action may be brought either by the said President or by the Secretary-Treasurer in the name of the Corporation, at the discretion of the Board.

Proviso.

Proviso: As to alienation of School property.

XXIV. And be it enacted, That no such Corporation shall alienate any portion of the property held by it without the express authority of the Superintendent of Schools; and no such Corporation shall cease by reason of the want of School Commissioners in any Municipality at any time, but in such case the powers of the Corporation, as regards the possession of any property real or personal, shall become vested in the Superintendent of Schools, and in his default in the Governor of the Province in trust, until it shall be otherwise provided by law; and all Lands, School Houses or other property, real or personal, belonging to Common Schools in any part of the Province, formerly Lower Canada, under any law or by any title whatsoever, is hereby vested in the Corporation of the School Commissioners respectively, of the Municipality in which such property may be situate.

Corporation may be in abeyance.

School property vested in the Corporation.

Fabrique Schools.

XXV. And be it enacted, That the *Fabrique* of any Parish, and the School Commissioners thereof, may, by mutual agreement in due form made, unite for one or more years the *Fabrique* Schools in operation, with any of the Schools to be kept under this Act; and any *Fabrique* contributing not less than twelve pounds ten shillings by the year, towards the support of any School under the management of School Commissioners, shall thereby acquire a right to the *Curé* and Churchwarden in office to be Commissioners, if they were not so before;

before ; but no *Fabrique* shall so unite its School to those managed by Commissioners of another faith, except under an express and formal agreement with the School Commissioners or Trustees of such other faith. Proviso.

XXVI. And be it enacted, That when in any Municipality, the regulations and arrangements made by the School Commissioners for the conduct of any School, shall not be agreeable to any number whatever of the inhabitants professing a religious faith different from that of the majority of the inhabitants of such Municipality, the inhabitants so dissentient may collectively signify such dissent in writing to the Chairman of the said Commissioners, and give in the names of three Trustees, chosen by them for the purposes of this Act ; and such Trustees shall have the same powers and be subject to the same duties as School Commissioners, but for the management of those Schools only which shall be under their control ; and such dissentient inhabitants may, by the intervention of such Trustees, establish in the manner provided with regard to other Schools, one or more Schools, which shall be subject to the same provisions, duties and supervision, and they shall be entitled to receive from the Superintendent or from the School Commissioners, such sum out of the general or local School Fund as shall be proportionate to the dissentient population they represent : Provided always, that whenever the majority of the children attending any School now in operation, and the School House, shall belong to or be occupied by such dissentients, the said School House shall continue to be occupied by them so long as the number of children taught in such School shall amount to the number required by this Act to form a School District, and the entire amount of moneys raised by assessment on such dissentients shall be paid to the Trustees of such School, together with a due proportion of the building fund. Dissentients.
Trustees.
May establish one or more Schools.
Proviso.

XXVII. And be it enacted, That to entitle any School to its allowance out of the general or Local School Fund, it shall be requisite and sufficient that such School has been under the management of School Commissioners or Trustees appointed in the manner provided by the next preceding section ; that it has been in actual operation during at least eight calendar months ; that it has been attended by at least fifteen children (periods of epidemic or contagious diseases excepted) ; that the returns have been certified to the School Commissioners or Trustees by the Master, Mistress or Teacher, and at least two of the Commissioners or Trustees ; that a public examination On what condition a School shall be entitled to an allowance out of the School Fund.

of

of the Schools has taken place ; that a report signed by the majority of the School Commissioners or Trustees, and by the Master has been transmitted to the Superintendent of Schools, according to the form prescribed by him for that purpose, every six months, that is to say, before the first day of July, and the first day of January, in each year ; and finally, that a sum equal to the allowance made by the Legislature for the Municipality, has been raised as hereinbefore provided.

Penalty on persons using false certificates, &c.

XXVIII. And be it enacted, That if any School Commissioner or Trustee or other person, shall make any false certificate or return, by means of which he may have fraudulently obtained or sought fraudulently to obtain money from the public School Fund, such Commissioner, Trustee or other person shall not only restore the money so obtained, but shall also incur a penalty not exceeding ten pounds, currency, nor less than two pounds ten shillings, which shall go to the local School fund, and which shall be recoverable at the suit of any person having an interest in the right administration of the Common Schools, on the oath of one credible witness, and before any Justice of the Peace ; and if such penalty be not paid within ten days after judgment, it shall be levied, with the costs of suit and of sale, by seizure and sale of the goods and chattels of the defendant under the warrant of such Justice of the Peace, and in default of sufficient goods and chattels, the defendant may be committed to the common gaol, and detained therein one day for each three shillings of the amount of the fine and costs, or of the balance which may be due.

How levied.

Trustees for dissentient Schools.

XXIX. And be it enacted, That the Trustees of dissentient minorities shall also be elected for three years, except that at the end of each of the two first years one of the Trustees shall retire and be replaced or re-elected by such dissentients ; children from other School Districts, of the same faith as the dissentients for whom the School was established, may attend the same whenever such dissentients shall not be sufficiently numerous in any District to support a School alone : Provided that the individuals of the dissentient minority shall not be elected nor serve as School Commissioners, nor vote at the election of the School Commissioners ; and that in like manner the individuals of the majority shall not be elected nor serve as School Trustees, nor vote at their election.

Proviso.

Girls' School.

XXX. And be it enacted, That the School Commissioners may, if they deem it expedient, establish in the Municipality a Girls' School distinct from that for Boys, and such Girls' School

School shall be deemed to form a School District ; if any religious community shall have already established a Girls' School for elementary education, such community may place its School, from year to year, or as may be agreed upon, under the management of the Commissioners, and it shall then be considered as entitled to all the advantages hereby granted to Common Schools.

XXXI. And be it enacted, That the Secretary-Treasurer shall receive a sum not exceeding two and a half per cent. on all moneys by him received, but this allowance shall cover all his contingent expenses, except the purchase of the book used as a Register, the price of which shall be paid out of the moneys in his hands.

Allowance to the Secretary-Treasurer.

XXXII. And be it enacted, That the Schools established under this Act or any other Act, in each Municipality, whether in town or country, shall be visited at least once in every year by one of the Visitors hereinafter mentioned, and oftener, if they deem it requisite ; they shall be entitled to have communication of the regulations and other documents relative to each School, and of all other information concerning it.

Common Schools to be visited.

XXXIII. And be it enacted, That the Visitors for each Municipality shall be :

Visitors.

First. The Resident Clergymen, of whatever denomination.

Secondly. The Judges of the Court of Queen's Bench, and of the Circuit Courts.

Thirdly. The Members of the Legislature.

Fourthly. The Justices of the Peace.

Fifthly. The Mayor or the Warden of the Municipality.

Sixthly. The Colonels, Lieutenant Colonels and Majors, and the Senior Captain of Militia resident in the locality.

The Superintendent of Schools shall be *ex officio* Visitor General of all Public Schools, and as such may take cognizance of contestations arising between the School Commissioners and School Masters, and give a final decision ; and no Priest, Minister or Ecclesiastic shall be entitled to visit any School belonging to any inhabitants not of his own persuasion, except with the consent of the Commissioners or Trustees of such School.

Ecclesiastics of one persuasion not to visit Schools of another.

XXXIV.

Superintendent of Schools for Lower Canada to be appointed.

XXXIV. And be it enacted, That the Governor may, from time to time, appoint by Letters Patent, under the Great Seal of the Province, a fit and proper person to be Superintendent of Schools for Lower Canada, and to hold his office during pleasure; the said Superintendent shall receive five hundred pounds, currency, salary, per annum, and shall be allowed one hundred and seventy-five pounds per annum for a Secretary, and sixty pounds for a Clerk, and the contingent expenses of his office to be by him accounted for according to the terms of this Act; and the said Superintendent shall give security to Her Majesty, Her Heirs or Successors, to the satisfaction of the Governor in Council, to the amount of two thousand pounds, currency.

His duties.

XXXV. And be it enacted, That it shall be the duty of the Superintendent of Schools :

Distribution of moneys.

First. To receive from the Receiver General all sums of money appropriated for the purposes of this Act, and to distribute the same among the School Commissioners of the respective Municipalities, according to law, and in proportion to the population of the same, as ascertained by the then last Census.

Preparing Forms.

Secondly. To prepare and cause to be printed and distributed all necessary Forms.

To prepare recommendations, &c.

Thirdly. To prepare and cause to be printed recommendations and advice on the management of Schools, as well for the School Commissioners as for the Secretary-Treasurer, Trustees, School-masters and School-mistresses.

To keep Books.

Fourthly. To keep correct books and distinct Schedules of all the matters subjected to his superintendence and control, so that all requisite information may be clearly and promptly obtained by the Government, the Legislature, or the School Visitors.

To examine Accounts.

Fifthly. To examine and control the accounts of all parties, corporations or associations accountable for any public moneys appropriated and distributed under the authority of this Act, and to report whether the said moneys are *bonâ fide* applied for the purposes for which they were granted.

Annual Report.

Sixthly. To lay annually before the three branches of the Legislature, a detailed report of the actual state of education in Lower Canada, tables of Schools, number of children attending them, and other like matters.

XXXIV.

XXXVI. And be it enacted, That the assessment mentioned in this Act, shall be laid equally accordingly to valuation, upon all rateable real property in the Municipality, and shall be payable by and recoverable from the owner, occupant or possessor of the property liable to be rated, and shall, if not paid, be a special charge bearing *hypothèque* and not requiring registration to preserve it on all immoveable property ; any law or usage to the contrary notwithstanding.

The rate to be laid equally on all property.

To bear *hypothèque* if not paid.

XXXVII. And be it enacted, That the School Commissioners shall cause the assessment required for raising the sum equal to that which they shall receive or ought to receive from the Common School Fund, to be equally rated upon all the immoveable property situate within the extent of their jurisdiction, in proportion to the value of such property, and that they shall, at the same time and in the same manner, cause an additional sum not exceeding fifteen per cent. upon the former, to be raised for the purpose of making good any deficiency which may arise in the collection of the assessment, and to cover the expenses of collection : Provided that unconceded lands in Seignories shall be free from assessment under this Act, but that all Seigniors shall pay, on account of their lucrative rights, one-fortieth part of the sum assessed in the Municipality or Municipalities, or portions of Municipalities of which they are Seigniors, in proportion to their Seigniorship in the same : Provided also, that all buildings set apart for purposes of education, or of religious worship, Parsonage Houses, and all charitable Institutions or Hospitals incorporated by Act of Parliament, and the ground or land on which such buildings are or shall be erected, and also all burial grounds, shall be exempt from all rates imposed for the purposes of this Act.

Immoveable property to be equally rated.

Seignories.

Proviso as to certain public buildings, &c.

XXXVIII. And be it enacted, That in all places where a valuation of property shall have been made by order of the Municipal authorities, under the Act of the last Session, intitled, *An Act for repealing certain Ordinances therein mentioned, and to make better disposition for the establishment of the Local Municipal Authorities in Lower Canada*, or under the authority of any other subsequent Act, such valuation shall serve as the basis of the rates which shall be made under the authority of this Act, a copy of which valuation the Secretary-Treasurer of the Municipal Council shall, on demand, furnish to the Corporation of School Commissioners ; but if no such valuation shall have been made as above mentioned, the School Commissioners are hereby authorized to cause the same to be made

Basis of valuation.

Penalty on Commissioners failing to make such valuation.

made by three fit and proper persons ; and if the said Commissioners refuse or neglect to cause such valuation to be made within the two months following the receipt of this Act, (of which they are required to acknowledge the receipt, as soon as received, to the Superintendent of Schools,) such Commissioners shall be liable to a fine of not less than two pounds, ten shillings, or more than five pounds, currency, (to be recovered in the same manner and form, and before the same tribunals, as provided by this Act for the recovery of School-rates and monthly dues,) and the Governor shall name fit and proper persons to make the proper valuation with as little delay as possible, which said valuation, made either by order of the Commissioners or by order of the Governor, shall be certified by the persons having made the same, before a Justice of the Peace, which said Justice of the Peace shall transmit, within eight days, a copy of the certificate to the School Commissioners for the Municipality, and to the Provincial Secretary.

School-rates.

XXXIX. And be it enacted, That each School-rate shall be fixed and laid between the first day of May and the first day of July, and shall be paid in each year at any time on demand, provided public notice be given at least thirty days before enforcing payment of the same ; and the Commissioners and Secretary-Treasurer may, in their discretion, receive the amount of such rates and of the monthly payments for the children, in produce at prices to be fixed by them ; and notice given in the manner hereinbefore prescribed with regard to the holding of general meetings, that the roll of the rates so fixed lies for inspection in the hands of the Secretary-Treasurer, shall be sufficient publication and notification thereof ; and it shall lie in his hands for inspection at least thirty days after notice, during which time it may be amended by the Municipal Authority, after which it shall be in full force, and shall be conclusive evidence as to the rate of School-rates payable into the office of the Secretary-Treasurer by any party or on any property subject thereto : Provided that any School-rate which may have been imposed in the course of the present scholastic year, agreeably to the true sense and meaning of this Act, shall be held legal and valid for the purposes of this Act, at whatever time it may have been imposed : Provided also, that for the scholastic year which will commence on the first day of July next, the rates may be imposed at any time during the months of July, August, September and October of the present year, if they have not been imposed by the present Commissioners : Provided always, that the present School Commissioners

Receipts in Produce.

Notice for inspection.

Provisos as to rates for the present year.

Rates always to be imposed for the then next year.

sioners may, between the passing of this Act and the first day of October of the present year, validly impose the rates as well for the present year as for the next, and also for any future year, and it shall always be the duty of such Commissioners to impose the rates for the then next year.

XL. And be it enacted, That in each of the Cities of Quebec and Montreal the provisions of this Act, with regard to the establishment of Common Schools in each Municipality, shall have effect and be applied according to the true intent and meaning of this Act, except in so far as it may be otherwise herein provided or enacted; and all persons appointed or called upon to carry this Act into effect in the said Cities, shall have the same powers as the corresponding functionaries in the Municipalities by whatever name they may be designated, and shall be subject to the same obligations and penalties.

Provisions as to the Cities of Quebec and Montreal.

Powers of School Officers in the said Cities.

XLI. And be it enacted, That for all purposes relative to the distribution and apportionment of School moneys, and for all other purposes of this Act where it shall not be repugnant to the other provisions thereof, each of the Cities of Quebec and Montreal shall be considered as one Municipality; and it shall not be necessary to divide them into School Districts, but each School established by the said Commissioners or put under their control by virtue and in accordance with this Act, shall be considered as a District and may be attended by children from any part of the City.

Each to be deemed one Municipality.

Division into Districts not necessary.

XLII. And be it enacted, That in Quebec and Montreal the Corporation shall appoint twelve School Commissioners (if they have not already been named under the authority of the Act passed in the last Session of the Provincial Parliament concerning Elementary Education), six of whom shall be Roman Catholics and six Protestants; and such Commissioners shall form two separate and distinct Corporations, the one for the Roman Catholics and the other for the Protestants; and one half of each of the said Corporations shall be renewed annually by the said Corporation: Provided, that in case the Corporation of the City of Quebec or that of Montreal, shall refuse or neglect to nominate such Commissioners or to renew them at the time prescribed, that is to say, in the month of July in each year, the Superintendent of Schools shall appoint them *ex officio*, with the approval of the Governor in Council.

Appointment of Commissioners therein.

Proviso: Superintendent to appoint Commissioners if the Corporation do not.

XLIII. And be it enacted, That in the said Cities no rate shall be levied for the Schools, but the Treasurer of each City shall

School Funds.

shall pay out of the funds thereof to the said Boards of Commissioners, and in proportion to the population of the religious persuasion represented by them, a sum equal to that coming to such City out of the Common School Fund, to be employed by them for the purposes of this Act; and if such payment be refused, the School Commissioners or their Secretary may apply by petition to the Court of Queen's Bench sitting in Superior Term, who, upon proof of the service of such Petition upon the Treasurer, shall take cognizance of the matter and shall determine the same in a summary manner, and may, if right shall require it, compel payment by all legal means and process.

Payment, how enforced if refused.

Proportion of public monies to be allowed for each City.

XLIV. And whereas the Cities of Quebec and Montreal possess Educational Institutions, which do not and cannot exist in the Country parts: Be it enacted, That the said City of Montreal shall be entitled to receive out of the Common School Fund only one fourth, and the City of Quebec two thirds of the sums they would have been respectively entitled to according to their population.

City School Commissioners.

XLV. And be it enacted, That the School Commissioners for Quebec and Montreal shall, in their intercourse with the Superintendent of Education, be guided by the same rules and regulations as other School Commissioners.

Deposit of School monies belonging to any locality and not immediately required.

XLVI. And be it enacted, That any sum of money whatever arising from the general or local School Fund, from whatever source derived, which shall not have been employed or paid by the School Commissioners, Trustees or Secretary-Treasurer during the year in which it shall have been received, shall be by them or any one of them deposited or placed out at interest, to be employed in forming and creating revenue for the Corporation: Provided nevertheless, that this provision shall not be construed to extend to the deposit directed by this Act to be made of the share belonging to any School District, in which there shall not then be any School in operation.

Proviso.

Mode of paying public monies out of the Common School Fund.

XLVII. And be it enacted, That the sums annually paid out of the Common School Fund, shall be paid by the Receiver General, on the Warrant of the Governor, to the Superintendent of Schools, from time to time, as they can be apportioned and distributed by that Officer, and the Superintendent shall pay their respective shares to the several School Commissioners in two semi-annual payments, and the School Commissioners shall have power to direct the payment out of the general or local

local School Fund in their hands, of such contingent expenses as may not have been specially provided for by this Act ; and the due application of all public moneys shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct ; and accounts of the yearly expenditure thereof shall be laid before the Legislature at the then next Session thereof.

Accounts to Her Majesty ;

And to the Legislature.

XLVIII. And whereas it is expedient to indemnify all officers and persons who, before the passing of this Act, have, under orders of the Governor in Council, acted in the apportionment, distribution and application of moneys out of the Common School Fund, in any manner which, though consistent with the spirit and intention of the laws then in force, may not have been strictly in accordance with the letter thereof : Be it enacted, That all officers or persons in any manner concerned in the making of any Order in Council made before the passing of this Act concerning the distribution, apportionment, payment or application of any such moneys as aforesaid, or in distributing, apportioning, paying or applying such moneys under the said Orders in Council or any of them, shall be and are hereby indemnified and held harmless for all acts so done or advised by them ; any thing in any Act or Law to the contrary notwithstanding ; and the distribution, apportionment, payment and application so made as aforesaid, shall be held to have been legally and validly made and performed : Provided always, that all such officers and persons entrusted with the distribution and application of any such moneys in the various Districts, Counties and other subdivisions of the Province, shall duly account for the same.

Indemnity for payments made out of the Common School Fund before the passing of this Act.

Provision for accounting.

XLIX. And be it enacted, That the balance remaining unexpended or unclaimed out of the proportion of the Common School Fund belonging to Lower Canada, shall be appropriated by the Superintendent of Schools under the authority of the Governor in Council, in aiding to finish School Houses actually commenced, or to build new ones, or to make extensive repairs to old ones, in such manner as he shall deem most conducive to the advancement of Elementary Education.

Balance how to be applied.

L. And be it enacted, That there shall be in each of the Cities of Québec and Montreal, a Board of Examiners composed of fourteen persons chosen in as fair and equitable a manner as possible from among the different religious denominations, the members of which Board shall be appointed by

Boards of Examiners appointed in Québec and Montreal.

the Governor in Council, through the Superintendent of Schools, and of whom one half shall consist of Roman Catholics, and one half of Protestants, and who shall compose a Board of Examiners, to examine Teachers and to deliver or refuse to each, as the case may require, a license or certificate of qualification, after due examination; and the said Board shall be divided into two divisions, one of which shall be composed of seven Roman Catholics, and the other of seven Protestants, each of which division shall separately perform the duties hereinafter imposed upon them, that is to say:

How composed. Firstly. To meet at the Court House in either City, as the case may be, at ten o'clock, A. M., on the twentieth day after their nomination, (and this enactment shall be for each member of the said Board, a sufficient notification to that effect), to choose a President, Vice-President and Secretary: Provided nevertheless, that if the said twentieth day after their nomination be a Sunday or holiday, (*fête d'obligation*,) they shall meet on the day following, not being a Sunday or holiday.

Their duties. Secondly. To meet once in three months (on the application of one or more Teachers made in writing to the Secretary of the Board at least fifteen days beforehand,) that is to say, on the first Tuesday in March, June, September and December, after sufficient public notice to that effect, and whenever there shall be any application.

To meet at a certain time and place. Thirdly. To admit to examination those candidates only who shall be each provided with a certificate of good moral character signed by the *Curé* or Minister of his own faith, and by at least three School Commissioners or Trustees of the locality in which he shall have resided for the last six months, and also with a certificate of his age, which must be at least eighteen years.

Subsequent meeting on application of Teachers. Fourthly. To return to the bearer the said certificate, after having entered an exact copy thereof on their minute of proceedings, if the candidate shall have passed a satisfactory examination.

Whom only they shall examine. Fifthly. To deliver a certificate or *diploma* of qualification as a Teacher to each candidate found qualified, signed by the President or Vice-President and the Secretary, bearing the seal of office, dated, and distinctly specifying the particular kind of instruction to which the candidate intends devoting himself; whether he can teach English and French, and if not, which

To return the certificate.

To deliver certificates of qualification to Candidates found qualified.

which of these two languages ; as also his age, his latest residence, and the religious denomination to which he professes to belong ; mentioning also that the certificates of age and good moral character required by this Act have been produced to the Board ; mentioning also the names of the persons signing the said certificates, and that a copy thereof has been taken ; and the said Secretary or his deputies may demand from each candidate obtaining a certificate or *diploma* of qualification, for fees and office charges, the sum of five shillings, currency, and no more.

Fees.

Sixthly. To keep a correct list of candidates admitted to the right of teaching.

To keep Lists.

Seventhly. To give notice to the Superintendent of Schools of the admission of each candidate to the right of teaching, within fifteen days after such admission.

To notify Superintendent.

Eighthly. To divide the Teachers into three classes, namely : those of the Schools purely elementary ; those of Model Schools, and those of the education establishments called Academies.

To divide Teachers into classes.

Ninthly. To enter the names of each Teacher admitted, as well as the class to which he belongs.

To enter names of Teachers.

Tenthly. To require, in the course of the examination, proof of the following qualifications, namely : For the Teachers of Elementary Schools, such acquirements as will enable them to teach with success, Reading, Writing, the Elements of Grammar and of Geography, and Arithmetic as far as the Rule of Three, inclusively ; For the Teachers of Model Schools, in addition to the foregoing, the acquirements requisite to enable them to teach Grammar, the Analysis of the parts of speech, Arithmetic in all its branches, Book-keeping, Geography, the use of the Globes, Linear Drawing, the elements of Mensuration, and Composition ; For the Teachers of Academies, besides the qualifications required for the abovementioned two classes of Teachers, all the branches of a classical education, inasmuch as they are destined to prepare their scholars for the same : Provided always, that until the first day of July of the year one thousand eight hundred and fifty-six, Teachers may, if they prefer it, undergo an examination before the School Commissioners of the respective localities where they are to teach ; but that after the first Monday in July, one thousand eight hundred and fifty-six, all Teachers acting as such under this Act,

Qualifications required of Teachers.

Provido as to Teachers examined before 1st July, 1856.

- Act, or under any special Act passed for the encouragement of Education, shall be required to undergo an examination before one of the said Boards of Examiners, and to be each provided with a certificate of qualification as above mentioned; and that after the said day, the School Commissioners, and all persons entrusted with the management of Schools, shall be required to employ as Teachers such persons only as shall be so provided with a certificate of qualification given by one of the Boards of Examiners as above mentioned, on pain of losing their share of the grants made for the encouragement of education: Provided nevertheless, that every Priest, Minister, Ecclesiastic, or person forming part of a religious community instituted for educational purposes, and every person of the female sex, shall be in every case exempt from undergoing an examination before any of the said Boards; and provided also, that neither the possession of a certificate of examination before one of the said Boards, nor any exemption from examination, shall oblige the School Commissioners or Trustees to accept a Teacher who does not suit them.
- Priests, members of Religious Communities and females need not be examined.**
- Proviso.**
- Registers to be kept.** Eleventhly. To keep or cause to be kept a Register of their proceedings, signed (for each meeting) by the President or Vice-President and the Secretary, whose duty it shall be to keep the Register and to make the list of Teachers admitted to teach, the entry in the Register of their certificate of age, morality, character and qualification, the entry of all the proceedings of the Board in the minutes of their deliberations, and also to prepare, fill up and address the certificates of qualification, and to do all other writing requisite.
- Duties of the Secretary.**
- To have a seal.** Twelfthly. To have a particular seal, and to make use of that furnished them by the Superintendent of Schools, as well as the forms of certificates of qualification; and every person entitled to act as School Visitor shall have the right of being present at examinations made by any of the Boards of Examiners, and of interrogating the Teachers who shall offer themselves for examination, and also of giving his opinion.
- Rights of Visitors at examinations.**
- Qualification of School Commissioners.** LI. And be it enacted, That no person shall be capable of being elected or appointed a School Commissioner, or named an Assessor under this Act, unless he shall be seized or possessed, to his own use, of real or personal estate, or both within this Province, of the value of two hundred and fifty pounds, currency, after payment or deduction of his just debts.

LII. And be it enacted, That every person duly called upon to accept any office or perform any functions under this Act, who shall refuse to accept or neglect to perform the same, or shall in any way wilfully contravene the provisions of this Act, shall thereby for each such offence, whether of omission or commission, incur a penalty of not less than one pound five shillings, nor more than two pounds ten shillings, according to the gravity of the offence, in the discretion of the Court or authority having cognizance thereof; and any Justice of the Peace residing within the locality or county, or the nearest Court of Commissioners for the Trial of Small Causes shall have jurisdiction with regard to such offence, and may, after judgment, cause the penalty to be levied under Warrant, by the seizure and sale of the goods and chattels of the offender; and the amount of all penalties so levied shall be paid into the hands of the Secretary-Treasurer of the Corporation of the School Commissioners of the locality in which the offence shall have been committed, and shall make part of the Local School Fund; and all persons entrusted in any manner with carrying this Act into effect, or qualified to vote at the election of School Commissioners or Trustees, shall be competent to prosecute for the recovery of such penalties.

Penalty on persons refusing to accept office.

How such penalty may be enforced.

Application of penalties.

Who may prosecute.

LIII. And be it enacted, That the *quorum* of any Corporation, Board, or Body constituted by this Act, shall be the absolute majority of all the Members thereof; and any majority of the Members present at any meeting regularly held, at which there shall be a *quorum*, may validly exercise all the powers of the Corporation.

Quorum.

Powers of majority.

LIV. And be it enacted, That nothing herein contained shall affect the rights of Her Majesty, Her Heirs or Successors, or of any Body Politic or Corporate, or of any person whomsoever, except in so far as may be herein specially provided and enacted.

Saving of rights not specially affected, &c.

LV. And be it enacted, That the words "Lower Canada," wheresoever they occur in this Act, shall mean all that part of this Province which formerly constituted the Province of Lower Canada; the word "Governor" shall mean the Governor, Lieutenant-Governor, or person administering the Government of this Province, and the words "Governor in Council" shall mean the Governor, Lieutenant-Governor, or person administering the Government of this Province, acting by and with the advice and consent of the Executive Council thereof; the word "Assessment" shall mean the determining of the total sum to

Interpretation clause.

Lower Canada.

Governor.

Governor in Council.

Assessment.

Rate. be raised by a rate ; the word " Rate " shall mean the proportionate sum to be paid by each party under any assessment ; and all words importing the singular number or the masculine gender only, shall include several persons, matters and things of one kind, as well as one person, matter or thing, and persons of either sex, unless there be something in the subject or context inconsistent with or repugnant to such construction, and generally all words, expressions and provisions herein occurring, shall receive such large, beneficial and liberal construction as will best ensure the attainment of the objects of this Act, and the enforcement of its several enactments according to their true intent, meaning and spirit.

Present School officers. LVI. And be it enacted, That all School Commissioners, and other persons having any authority or power whatsoever over or with regard to Common Schools, by virtue of the enactments hereby repealed, shall continue in office, and shall and may act according to law and the true intent and meaning of this Act, until they shall be replaced, as if they had been elected, appointed or authorized under and by virtue of this Act itself.

Act of Canada 4 & 5 Vic. cap. 18, repealed in part as to Lower Canada. LVII. And be it enacted, That the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to repeal certain Acts therein mentioned, and to make further provision for the establishment and maintenance of Common Schools throughout the Province*, shall remain repealed so far as relates to Lower Canada, in and with regard to which it shall have no force or effect, save and except always the first, second and third sections of the said Act, and so much of the twenty-first section as provides for the due accounting for the application of the moneys appropriated by the second and third sections aforesaid, and shall not revive even if this Act shall cease to be in force ; and that the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to make better provision for Elementary Instruction in Lower Canada*, (in so far as may be consistent with the next preceding section of this Act,) shall be repealed from and after the time when this Act shall come into force.

Act of Canada 8 Vic. cap. 41, repealed.

Distribution of printed copies of Act. LVIII. And be it enacted, That it shall be the duty of the Provincial Secretary forthwith after the passing of this Act, to cause to be printed and distributed in the several Municipalities and localities of Lower Canada a sufficient number of copies of the same, without waiting for the usual and ordinary printing and distribution of other Acts of this Session.



ANNO DUODECIMO

VICTORIÆ REGINÆ.

C A P. L.

An Act to amend the School Law of Lower Canada.

[30th May, 1849.]

WHEREAS it is necessary to amend a certain Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to repeal certain enactments therein mentioned, and to make better provision for Elementary Instruction in Lower Canada:* Preamble. Act 9 Vic. c. 27 cited.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall be lawful for the Governor in Council, from time to time, to alter the limits of existing School Municipalities, to sub-divide the same, or to establish new ones for School purposes, of all which public notice shall be given by the Superintendent of Schools for Lower Canada, in such manner as the Governor shall direct.

Governor in Council may alter School Municipalities, and make new ones, &c.

II. And be it enacted, That from and after the first day of July next, the monthly School fees, in each School Municipality, shall not be demandable except for each child of from seven to fourteen years of age capable of attending School: Provided always, that children of from five to sixteen years of age residing in any School District, shall have a right to attend the School thereof, upon payment of the said monthly fees. For what children School fees must be paid. Proviso.

III. And be it enacted, That the thirteenth paragraph of the twenty-first Section of the said above cited Act, shall be and the Paragraph 13, of section 21 repealed, and the

certain children exempted from School fees.

the same is hereby repealed; and that hereafter the School Commissioners shall not exact the monthly School fees from indigent persons, nor from any other persons for or on account of children who are mentally deranged, blind, deaf and dumb, or incapable of attending School by reason of some grave and protracted illness, nor for or on account of children absent from the School Municipality for their education, or attending a College or other Educational Institution, either incorporated or receiving a special allowance out of public funds other than those under the control of the School Commissioners.

The amount required to be levied by assessment may be paid as a voluntary contribution.

IV. And be it enacted, That when in any School Municipality the valuation of property shall have been duly made, and the repartition or assessment for Schools, founded upon the said valuation, shall have been established before the first of July in any year, for the then following scholastic year, it shall be lawful for the persons who shall be so assessed, or for any other of the inhabitants of such School Municipality or School District, in the said month of July in such year, to pay, as a voluntary contribution, into the hands of the Secretary-Treasurer, the sum of money required for the scholastic year then commenced, to equal the amount of public moneys granted to such Municipality out of the School fund, for the said scholastic year; the payment of which said voluntary contribution shall be attested under oath before a Justice of the Peace, by the Secretary-Treasurer and by the President, or some other of the School Commissioners, of the said Municipality, and such oath or attestation shall be transmitted to the Superintendent of Schools, before the tenth day of September: Provided always, that the said Secretary-Treasurer shall not receive the amount of the said voluntary contribution by portions or otherwise than in one and the same payment; and the Secretary-Treasurer shall hold the said amount in lieu of the fund which would have been raised by assessment for the said scholastic year so commenced, and the said repartition or assessment shall thereupon be and remain inoperative for that year in such Municipality or School District; Provided always, that the monthly School fees and any assessment imposed for the erection of School Houses, shall be levied by the Municipality or School District when they shall not have been voluntarily paid.

Payment to be sworn to.

Proviso: contribution not to be paid by portions: it shall be dealt with as if raised by assessment.

Proviso as to School fees.

Indigent Municipalities may be exempted in whole or in part from assessments.

V. And be it enacted, That whenever the School Commissioners of indigent Municipalities shall, in good faith, have carried into execution the provisions of the law, and the amount of the assessment actually levied, shall notwithstanding fall short of the amount required by law, the Superintendent of Schools

Schools shall have power, upon a representation to that effect, and upon a proof of the facts to his satisfaction, to exempt such municipalities or any of them, from the payment of the whole or of part of the assessment for the current year, and in that case he shall be authorized to grant them the amount to which they would otherwise be respectively entitled out of the Common School Fund ; Provided always, that no such indulgence shall be so granted, unless the representation aforesaid be supported in writing by three of the School Visitors of the Municipality in question, (other than the School Commissioners) or of the neighbouring Municipalities, who shall certify that they have a personal knowledge of the facts alleged, that the School Laws have been *bonâ fide* enforced in such Municipality, that they have themselves visited the Schools therein, and were satisfied therewith.

Proviso : conditions of such exemption.

VI. And be it enacted, That the Clergymen of all religious denominations in each School Municipality shall be eligible to be such Commissioners without any property qualification ; any Law or Statute to the contrary notwithstanding.

Clergymen eligible to be Commissioners.

VII. And be it enacted, That notwithstanding the provisions contained in the sixteenth section of the said Act above cited, every Secretary-Treasurer now in Office, or who may hereafter be chosen or appointed, shall be held after the first day of July next, before continuing or entering upon his duties as such Secretary-Treasurer, to give security to the said School Commissioners, either by a Notarial Instrument (*Acte notarié*) the minute of which shall remain with the notary receiving it, or by a bond (*Acte sous seing privé*) signed and acknowledged before a Justice of the Peace ; the said security to be given by at least two solvent sureties jointly and severally (*solidairement*) to the satisfaction of the President of the School Commissioners, and for the total amount of the moneys for which the said Secretary-Treasurer may at any time be responsible arising as well from the Local School Fund, or any particular contributions and donations paid into his hands for the support of Schools, as from the Common School Fund, which security shall be renewed whenever its renewal shall be required by the School Commissioners ; Provided always, that whenever the said security shall be as aforesaid entered into by Bond (*Acte sous seing privé*) the original thereof shall within one month after its execution be deposited in the hands of the County Registrar who shall keep the same in his custody and deliver copies thereof, which, being certified by him to be true, shall

Secretary Treasurers to give security ; how and to what extent.

Proviso : Bond to be deposited with the County Registrar, if sous seing privé.

be considered to all intents and purposes as authentic, and for every such copy the said Registrar shall be entitled to demand and receive six pence currency for every hundred words therein; Provided also, that the School Commissioners shall at all times have power to remove the Secretary-Treasurer, and to appoint another in his place; Provided always, that no School Master shall be elected or serve as a Secretary-Treasurer nor be appointed a Justice of the Peace.

Fée to Registrar.

Proviso.

Proviso.

As to Officers appointed by Commissioners who are replaced.

Proviso.

Governor may remove Commissioners appointed by him.

VIII. And be it enacted, That whenever School Commissioners shall be appointed by the Governor in Council in all or any of the cases provided by the third Section or by any other Section of the Act hereinbefore cited, the School Commissioners antecedently in office, shall, from the date of such appointment, cease to possess any power or to act as such, as also all Assessors, Collectors, and other Officers appointed by or acting under them; Provided always, that it shall be lawful for the Governor in Council, at all times, and so often as he may deem it necessary so to do, to annul the appointment of Commissioners so by him made and that of the other Officers acting under them, and to name and appoint other Commissioners in their stead, who shall in that case proceed to the nomination of the said Officers, to perform the other duties pertaining to their office, and during their incumbency in the said office, to do, in pursuance of the said above cited Act or of this Act, all those things which their predecessors may have neglected or refused to do.

Persons voting must have paid all contributions.

IX. And be it enacted, That no person shall be entitled to vote at elections of School Commissioners in any School Municipality, unless he shall have previously paid up all contributions then due and payable by him for School purposes in such Municipality; and any person so voting in contravention to this enactment, shall incur a penalty not exceeding two pounds ten shillings, currency.

Certain vacancies may be filled by the Governor.

X. And be it enacted, That whenever on the occurrence of a vacancy in the Office of School Commissioner, in the case provided for by the fourteenth Section of the said above recited Act, the election of another person to the said Office shall not have taken place within one month after the occurrence of such vacancy or incapacity, it shall be lawful for the Governor in Council to fill up such vacancy: Provided always, that in all cases of incapacity arising from sickness, no such election or appointment to fill the said Office shall take place, unless the said incapacity shall have been established by the certificate of a Physician deposited with the Secretary-Treasurer; and the vacancy

Proviso as to vacancies by sickness.

vacancy arising from such incapacity shall date from the day of the deposit of such certificate.

XI. And be it enacted, That whenever a site for a School House shall be selected by the School Commissioners, or in the case of an alteration in the limits of School Districts, or of the creation of new ones in any School Municipality, an appeal shall at all times lie to the Superintendent of Schools: Provided always, that no such appeal shall be brought without the approbation in writing of three School Visitors other than the School Commissioners of the said Municipality.

Appeal given to the Superintendent in certain cases.

Proviso: it must be approved by three Visitors.

XII. And be it enacted, That in the event of any difficulties arising between the School Commissioners and the Secretary-Treasurer of any School Municipality, or in the event of an application in writing to the same effect being addressed to the Superintendent of Schools by at least five of the assessed contributors to the Local School Fund of such Municipality, on the subject of the accounts, or of the rendering of the accounts of the said Secretary-Treasurer for the year ending on the first of July then preceding, the Superintendent of Schools shall have power at all times to cause the said accounts, together with the vouchers in support of the same, or copies thereof, to be laid before him, and shall upon the whole matter render a full and explanatory judgment, which shall be entered in a Register to be by him kept for that purpose, which judgment shall have the force of a decision of Arbitrators (*sentence arbitrale*) as to all parties concerned, and of such judgment copies may be given by him which being by him certified as true, shall be taken and deemed to be authentic.

Difficulties between the Commissioners and their Secretary-Treasurer to be settled by the Superintendent.

Force and effect of his decision.

XIII. And be it enacted, That every document, or copy of a document, signed or certified by the Superintendent of Schools, shall be *prima facie* evidence of the truth of what is therein stated.

Effect of documents signed by the Superintendent.

XIV. And be it enacted, That so much of the Eleventh Paragraph of the Twenty-first Section of the said above cited Act, as provides that after the deductions therein mentioned the School moneys in any School Municipality shall be distributed in equal shares among the School Districts of such Municipality, shall be and the same is hereby repealed from and after the first day of July next, and that from and after the last mentioned day, the amount of the School moneys, after deducting the sum of twenty pounds currency, for the support of a Model-

Part of paragraph 11 of section 21 repealed.

How school monies shall be divided after 1st July, 1849.

Model-School, if any such School there be, shall be divided amongst the several School Districts in such Municipality in proportion to the number of children between seven and fourteen years of age residing therein and capable of attending School ; the Girls School established in virtue of the Thirtieth Section of the said above cited Act, being counted as one School District, and the Model-School as another School District, without prejudice nevertheless to the previous grant of twenty pounds as above mentioned ; and the proportion of the moneys to be allotted to the said Girls School and to the said Model-School respectively, shall be determined by the number of children of the age prescribed for attending School, residing in the School District in which such Model-School or Girls School is established.

Proportion for
Girls school or
model school.

Provisions
where a school
house ought
to be built or
repaired by
any School
District
specially.

XV. And be it enacted, That whenever it shall be necessary to purchase or to build a School House, in any School District of any School Municipality, and it shall appear to the School Commissioners, from their knowledge of the circumstances of the case, that it would be just that such School House should be purchased or built by the inhabitants of the said School District specially, and not by the Municipality generally ; and also in all cases, whenever, under like circumstances, it may be necessary to repair and keep in order any School House in any particular School District, it shall be lawful for the said School Commissioners to levy, at the time and in the manner prescribed by the said above cited Act for levying assessments for the building of School Houses in general, a special assessment in each such School District, for the purchase or building, and for the repairing and keeping in order of the School House of such School District, and in such case such School District shall for that year be exempt from any assessment for the purchase or building of School Houses, except it be for a Model-School : Provided always, that in every case of Special assessment, as hereinabove mentioned, in any School District, or of a general assessment in the whole of the Municipality, for the purchase or building of School Houses, other than a Model-School, after such special assessment shall have taken place, it shall be lawful for any of the parties, so assessed in every School District so separately assessed, to appeal to the Superintendent of Schools, who may set aside such assessment, or relieve therefrom the School Districts or any one of them so appealing or confirm the same, as may to him appear most equitable under the circumstances.

Proviso : ap-
peal given to
the Superin-
tendent as to
such special
assessment.

XVI. And be it declared and enacted, That the School Commissioners of any School Municipality, may institute suits or prosecutions in the manner provided for in the fourteenth paragraph of the said twenty-first section of the said above cited Act, as well for the assessments for Schools or School Houses as for the said monthly School Fees, and for all arrears of the said assessments or monthly fees due by virtue of the said Act above cited or which may hereafter become due at any time by virtue of the said Act, or of this Act and that all such suits or prosecutions may be instituted either before two Justices of the Peace in the County, or before a Circuit Court, but not before any other tribunal, without prejudice nevertheless to any suits or prosecutions now pending: Provided always, that in all such suits or prosecutions, judgment may be rendered with costs; and provided also, that no judgment rendered upon such suits or prosecutions shall be liable to be appealed from, nor shall any such suit or prosecution be removed by Writ of *Certiorari*.

Commissioners may sue for fees or assessments, and before what Tribunals.

Proviso as to costs.

Proviso: no appeal or *certiorari*.

XVII. And be it enacted, That whenever an assessment maintained by the School Commissioners in any School Municipality shall have been annulled or set aside, it shall be the duty of the said Commissioners forthwith, and in a summary manner, to cause a new assessment to be made, which new assessment shall be made and take effect in such Municipality for the whole time, as well passed as to come, for which the assessment so annulled or set aside would have been in operation and in force if it had been valid; Provided always, that such annulling, avoidance or setting aside of the said assessment as aforesaid, shall not have the effect of invalidating any payments made under the authority of the assessment so annulled or set aside, which payment shall go towards the discharge of the new assessment for the period for which they shall have been made, the assessment so annulled or set aside being hereby declared invalid for the future only, and not with regard to such payments, nor with regard to any judgments already rendered to enforce such payments.

Provision where any assessment shall be annulled.

Proviso as to suits commenced or payments made before the annulling thereof.

XVIII. And be it enacted, That any thing in the twenty-sixth section of the said above cited Act or in any other part of the said Act contained to the contrary notwithstanding, whenever the Trustees of Dissident Schools shall have been chosen and shall have established one or more Dissident Schools in any School Municipality, and the said Trustees shall not be satisfied with the arrangements antecedently made by the School

Trustees of Dissident Schools may acquire the right of themselves collecting their share of the assessments.

School Commissioners of the said Municipality relative to the recovery and the distribution of the assessment, they may, by a written declaration to that effect addressed to the President of the School Commissioners at least one month before the first day of January or July in any year, acquire the right of receiving themselves, for the following and all future years during which they shall continue to be such Trustees of Dissident Schools according to law, the assessment levied on the inhabitants so dissentient, who shall have signified their dissent in writing conformably to the said above cited Act, or who shall hereafter signify the same at the times and in the manner hereinbefore provided, and the said Trustees shall in such case, be entitled to obtain a copy of the assessment in force, of the lists of children capable of attending School, and of other documents in the hands of the School Commissioners or of the Secretary-Treasurer, and connected with the future government of Dissident Schools; the said Trustees may and shall also receive the amount of the monthly fees payable in respect of the children of such dissentient parents or masters, and may institute all suits or prosecutions, and do all other things necessary for the recovery of the said assessments and monthly fees; and they, the said Trustees, shall be a Corporation for the purposes of their own Dissident Schools and School Districts, and shall be entitled to receive from the Superintendent, shares of the General School Fund, bearing the same proportion to the whole sums allotted from time to time to such Municipality as the number of children attending such Dissident Schools bears to the entire number of children attending School in such Municipality at the same time, and a similar share of the building fund; and the said Trustees shall have the right to constitute their own School Districts independently of the School Districts established by the Commissioners aforesaid, and shall have the same rights and shall be subject to the same duties and penalties as the said School Commissioners, in respect of the collection and application of the moneys by them received, of the rendering and examination of their accounts, and of all other matters whatever in reference thereto, and may be removed and others appointed by the Governor in Council, or by the Superintendent of Schools in all those cases in which School Commissioners are liable to be so dealt with; Provided always, that if after such declaration of separate management, there should be no subsisting assessment, or if the assessment should not appear to them a proper one, the said Trustees may in the months of July and August in each year, proceed to make such assessment for the future, conformably to the said Act, upon the inhabitants

And obtain
copies of cer-
tain papers.

And receive
the School
fees, &c.

Their general
rights and
duties.

They may
make an as-
sessment if
there be none,
&c.

so dissentient as aforesaid; and provided also, that the said Trustees shall be, and they are hereby held to furnish to the Superintendent a written statement, under the oath of at least two of them, of the number of children attending such Dissentient School at least one month previous to the said first days of January and July, to enable the said Superintendent to make the proper apportionment of the said general and building funds.

XIX. And be it enacted, That notwithstanding the provisions contained in the twenty-seventh section of the said above cited Act, the School allowance may be granted in every School Municipality in respect of every School in the School District whereof the number of children of the age required for attending such School shall amount to at least fifteen, although it shall not have been actually attended by that number throughout the scholastic year, whenever the School Commissioners shall have endeavoured in good faith to carry out the law; so also the School Commissioners who shall have *bonâ fide* engaged a Master or a Mistress for any School District, may pay to the said Master or Mistress the remuneration agreed upon, although the number of children who shall have regularly attended the School should not have been sufficient according to the provisions of the said twenty-seventh section.

School allowance may be paid in certain cases, *non-obstante* section 27 of 9 V. c.

And the Teacher may be paid.

XX. And be it enacted, That the Superintendent of Schools shall have power to refuse the School allowance, for any year, to any Municipality the School Commissioners of which shall not have rendered sufficient accounts accompanied by vouchers, of the application of the School moneys for the years preceding or for any one of them, whatever be the source whence those moneys were derived.

Superintendent may refuse allowance to any Municipality if proper accounts have not been theretofore rendered.

XXI. And be it enacted, That the monthly fees hereinafore mentioned payable on account of children attending a Model-School, or a separate Girls School, or a School kept by some religious community forming a School District according to the provisions of the said above cited Act or of this Act, shall form a part of the School Fund, but such monthly fees, to the amount established for the other children in the Municipality, shall be payable directly to the Teacher, and be for his or her use, unless different monthly fees shall have been agreed upon.

The fees in certain Schools not to form part of the School Fund.

XXII. And be it enacted, That the Secretary-Treasurer may, at the discretion of the School Commissioners, receive a remuneration of four per cent. instead of two and a half per cent., in

Secretary-Treasurer's allowance may be increased.

the manner and for the purposes mentioned in the thirty-first section of the said above cited Act.

A Deputy may be appointed to act for the Superintendent in certain cases.

XXIII. And be it enacted, That in any case in which difficulties of a grave nature on the subject of Schools shall have occurred in any School Municipality, and whenever in consequence thereof it shall become necessary that the Superintendent of Schools should repair to the spot, to correct the evil, or to obtain information, and he shall be unable so to repair to the spot, by reason of the other duties of his office, or of sickness, or some other cause, it shall be lawful for the Governor to appoint whenever need shall be, upon a representation in that behalf from the Superintendent of Schools, a proper person in the stead of the said Superintendent of Schools, to act in relation to such difficulties, and with all the powers of the said Superintendent, unless those powers be otherwise defined and limited in the order containing the nomination of such Deputy.

Powers of such Deputy.

When there is no valuation of property or the Commissioners cannot obtain it, they may cause a valuation to be made.

XXIV. And be it enacted, That if there should be no existing property-valuation either for the County or for the particular Municipality in question, upon which a repartition or assessment for Schools can be based, or if the persons in whose hands such valuation shall be deposited should refuse, or neglect, after having been thereunto required by ten days' notice in writing, to deliver to the School Commissioners of a School Municipality entitled thereto, or to their Secretary-Treasurer, the original of the said valuation, or a certified copy thereof, (which copy being so certified to be true, by the person so having the custody of the original, shall be *prima facie* evidence of the truth of what is therein stated), the said School Commissioners shall have the power, at all times after such refusal or neglect, to cause such property-valuation to be made by three Assessors to be appointed and authorized by them for that purpose; and if the said Commissioners neglect to give, within one month after their election or appointment, the notice hereinabove required, to obtain either the original or a copy of the said valuation, or if they should neglect to cause the said valuation to be made in their School Municipality within three months next after their said election or appointment, in the cases hereinabove in this section mentioned, each of the said Commissioners shall be liable to a penalty of Two pounds Ten shillings currency, for having neglected to give the said notice, and to a further penalty of Five shillings currency, for each and every day that the said Commissioners shall have been in default in causing the said valuation to be made, as required in the case herein-

Penalty on Commissioners neglecting their duty in this behalf.

before

before mentioned: Provided always, that when a valuation applicable to the levying of the said repartition or assessment for Schools shall be in existence, and the persons who shall be in possession thereof, shall refuse or neglect to hand over and deliver as aforesaid, either the said original or the said copy so certified within ten days after being thereunto required by notice as aforesaid, every such person shall, for such refusal or neglect, incur a penalty of Five pounds currency; and for every such copy so duly certified and delivered, such person shall be entitled to receive from the said School Commissioners the sum of Two pounds currency, and no more; Provided also, that whenever the valuation to be copied shall comprise a larger territorial extent, a copy of so much thereof as relates to such School Municipality shall be deemed sufficient.

Proviso:
Penalty for refusing a copy of any existing valuation.

Fee for such copy.

Proviso.

XXV. And be it enacted, That the persons authorized to make the property-valuation, upon the basis of which the repartition or assessment for Schools in any School Municipality may be established, shall at all times, hereafter, have the right to enter in and upon any property, whether in the possession of the proprietor or of any other occupant, to inspect the said property, and to require from such proprietor or occupant any and every information calculated to aid in the making and completing of the said valuation; and in case of any obstruction or refusal to allow the said persons or any of them to effect such valuation, in manner aforesaid, or to give them such information as aforesaid, every person so refusing or obstructing them shall incur a penalty of One pound currency.

Power of the persons employed to make such valuation.

Penalty for obstructing them, &c.

XXVI. And be it enacted, That when a property-valuation, upon the basis of which the repartition or assessment for Schools may be established as aforesaid in any School Municipality, shall hereafter be made, it shall be amended by that authority only, by which it shall have been ordered to be made; and the repartition or assessment, based on such valuation, shall not be amended, except by the School Commissioners only; and the same may be amended by the said School Commissioners in the manner and at the time prescribed by the said above cited Act, or at any other time during their incumbency in the said office.

By what authority only any valuation or assessment may be amended.

And within what time.

XXVII. And be it enacted, That the balance remaining unexpended or unclaimed out of the portion of the Common School Fund belonging to Lower Canada shall be appropriated by the Superintendent of Schools, under the authority of the Governor in Council, in aiding to finish School Houses actually commenced,

Balance of School Fund coming to L. C. how to be appropriated.

commenced, or to build new ones, or to make extensive repairs to old ones, in such manner as he shall deem most conducive to the advancement of Elementary Education.

Section 51 of
9 V. c. 27
repealed.

XXVIII. And be it enacted, That the fifty-first section of the said above cited Act shall be, and the same is hereby repealed, and that from and after the passing of this Act, any person who shall act as Assessor, to make a property-valuation upon the basis of which the repartition or assessment for Schools may be established, as aforesaid, without being a proprietor of real or personal property in the Municipality in which he shall so act, to the amount of One Hundred pounds currency, shall incur a penalty of Two pounds Ten shillings currency, unless such Assessor be otherwise exempt by law from possessing such qualification.

Qualification
of Valuers
and penalty
for acting
without it.

Teachers to
undergo ex-
amination un-
der sec. 50 of
9 V. c. 27,
in 1852.

XXIX. And be it enacted, That any thing contained in the tenth paragraph of the fiftieth section of the said above cited Act, to the contrary notwithstanding, the School Teachers bound by the provisions thereof, to undergo an examination before the Board of Examiners, and to be provided with a certificate of qualification on or before the first day of July, one thousand eight hundred and fifty-six, shall be bound to comply with the same formalities and obligations immediately after the first day of July, one thousand eight hundred and fifty-two.

Salary of
Secretary and
Clerk to
Superin-
tendent.

XXX. And be it enacted, That reckoning from the first day of July last, the sum to be allowed to the Superintendent of Schools for a Secretary, shall be Two hundred and twenty-five pounds currency, and for a Clerk One hundred and seventy-five pounds currency per annum, in lieu of the allowances for the like purposes in the above cited Act mentioned.

Fines and
penalties how
recoverable.

XXXI. And be it enacted, That all fines and penalties imposed by this Act, and by the said above cited Act, shall be prosecuted and recovered with costs before a Justice of the Peace in the County, or before a Circuit Court, and not before any other Tribunal, without prejudice nevertheless to any suits or prosecutions now pending, and that the amount of the same shall form part of the local School Fund as provided for in the said above cited Act, in the School Municipality where the said fines and penalties shall have been incurred.

Act to apply
only to L. C.

XXXII. And be it enacted, That this Act shall apply only to Lower Canada.

C A P . C C .

An Act to raise an Income of One Hundred Thousand Pounds out of the Public Lands of Canada, for Common School Education.

30th May, 1849.—Presented for Her Majesty's Assent, and Reserved for the signification of Her Majesty's pleasure thereon.

9th March, 1850.—Sanctioned by Her Majesty in Council.

27th May, 1850.—Her Majesty's Assent communicated by Message from HIS EXCELLENCY THE GOVERNOR GENERAL to the Honorable the Legislative Council and Legislative Assembly, in Session.

WHEREAS it is desirable that an annual sum of one hundred thousand pounds should be raised from the Public Lands of this Province, for the maintenance and support of Common Schools therein, and that so much of the first moneys to be raised by the sale of such Lands as shall be sufficient to create a Capital which shall produce the said annual sum of one hundred thousand pounds at the rate of six per cent per annum, should be set apart for that purpose : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all moneys that shall arise from the Sale of any of the Public Lands of the Province, shall be set apart for the purpose of creating a Capital which shall be sufficient to produce a clear sum of one hundred thousand pounds per annum, which said Capital, and the Income to be derived therefrom, shall form a Public Fund to be called the Common School Fund.

Preamble.

All moneys arising from the Sale of any Public Lands appropriated to form a School Fund, until they amount to a certain sum.

How such moneys shall be invested.

Stock of Public Companies.

Provincial Debentures.

II. And be it enacted, That the Capital of the said Fund shall from time to time be invested in the Debentures of any Public Company or Companies in the Province, which may have been incorporated by an Act of the Legislature, for the construction of Works of a public nature, and which said Company or Companies shall have subscribed their whole Capital Stock, paid up one half of such Stock and completed one half of such Work or Works, or in the Public Debentures of this Province, for the purpose of creating such Annual Income ;
which

To what purposes only such moneys shall be applied.

which said Fund and the Income thereof shall not be alienated for any other purpose whatever, but shall be and remain a perpetual Fund for the support of Common Schools, and the establishment of Township and Parish Libraries.

One Million of Acres to be set apart, for the purposes of forming the said Fund.

III. And be it enacted, That the Commissioner of Crown Lands under the direction of the Governor in Council, shall set apart and appropriate one million of Acres of such Public Lands, in such part or parts of the Province as he may deem expedient, and dispose thereof on such terms and conditions as may by the Governor in Council be approved, and the money arising from the sale thereof shall be invested and applied towards creating the said Common School Fund: Provided always, that before any appropriation of the moneys arising from the sale of such Lands shall be made, all charges thereon for the management or sale thereof, together with all Indian annuities charged upon and payable thereout, shall be first paid and satisfied.

Proviso: certain charges to be first paid.

Present Annual Grant for Schools to cease when the said Fund shall produce £50,000 a year.

Proviso. in the mean time the income of the said Fund to be applied towards paying the said Annual Grant.

Proviso: if the said Fund produce less than £50,000 in any year, the deficiency shall be made up, *pro tempore*.

IV. And be it enacted, That so soon as a net Annual Income of fifty thousand pounds shall be realized from the said School Fund, the Public grant of money paid out of the Provincial Revenue for Common Schools, shall for ever cease to be made a charge on such revenue: Provided always nevertheless, that in the mean time the interest arising from the said School Fund so to be created as aforesaid, shall be annually paid over to the Receiver General, and applied towards the payment of the yearly grant of fifty thousand pounds now appropriated for the support of the Common Schools: Provided further, that after the said annual sum of fifty thousand pounds shall have been taken off the Consolidated Revenue, if the income arising from the said School Fund shall from any cause whatever fall short of the annual sum of fifty thousand pounds, then it shall and may be lawful for the Receiver General of the Province, to pay out of the said Consolidated Revenue, such sum or sums of money as may from time to time be required to make up such deficiency, the same to be repaid so soon as the said Income of the said School Fund shall exceed the said sum of fifty thousand pounds.



ANNO QUARTO-DECIMO ET QUINTO-DECIMO

VICTORIÆ REGINÆ.

CAP. XCVII.

An Act to provide for the establishment of a Normal School, and further to promote Education in Lower Canada.

[30th August, 1851.]

WHEREAS the number of Common Schools in Lower Preamble.

Canada hath of late years greatly increased, and the want of able Masters and Teachers for the same is deeply felt, and it has become necessary, in order that the liberal encouragement granted by the Legislature for public instruction may not be unavailing, to establish a Normal School in Lower Canada, for the purpose of training Masters and Teachers; And whereas it is expedient to make provision for the closer inspection and supervision of the Common Schools of Lower Canada, and to amend an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the School Law of Lower Canada*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor of this Province to adopt all needful measures for the establishment of a Normal School in Lower Canada, containing one or more Model Schools, for the instruction and training of Teachers of Common Schools in the Science of Education and Art of Teaching,—to cause to be made from time to time Rules and Regulations necessary for the management of such Normal

12 Vic. c. 50.

Governor to take measures for establishing a Normal School in L. C.

Normal School, and for prescribing the terms and conditions on which Students shall be received and instructed therein,—to select the location of such School,—and to erect or procure and furnish the buildings requisite for the same,—and to determine the number and remuneration of the Teachers, and of all others who may be employed therein.

Provision for
payment of sa-
laries, &c.

II. That there shall be allowed annually, out of the unexpended or unclaimed balance of the Common School Fund, and in case there be no such balance, or that it proved insufficient, out of the Jesuits' Estates Fund, wholly or in part, a sum not exceeding Fifteen Hundred Pounds, for the payment of the salaries of Officers and the contingent expenses of the said Normal School; and a further sum not exceeding two hundred pounds, to facilitate the attendance of Teachers in training at such Normal School, under such Regulations as shall be from time to time made by Order of and approved by the Governor in Council.

Inspectors of
Common
Schools to be
appointed.

Their duties
and powers.

III. That it shall be lawful for the Governor to appoint, from time to time, and for such period as he shall deem necessary, in each of the Districts of Lower Canada, one or more competent persons as Inspectors of Common Schools therein, whose duty shall be to visit each School Municipality in the District or section of a District for which he shall be appointed,—to examine the Schools, School Teachers and School Houses therein,—to inspect the Accounts of the Secretary Treasurer and the Register of the School Commissioners of every such Municipality,—and generally to ascertain whether the provisions of the existing School Laws are there carried out and obeyed; and every such Inspector shall, with reference to such visits and examinations, have all the powers and authority of the Superintendent of Schools, unless those powers be otherwise defined, restricted or limited in and by the Instrument appointing him.

Inspectors of
Common
Schools to
make reports
quarterly :
What such re-
ports shall
shew.

IV. That every such Inspector shall act under instructions conveyed to him by the Superintendent of Schools, to whom he shall, at least once in every three months, make a Report of all his proceedings, setting forth in a clear manner, the state of Education in each Municipality visited by him,—the number of Schools in operation therein,—the competency of the Teachers employed in such Schools,—the condition of the School Houses in cases where they are public property,—the state of the School Commissioners' Register and Secretary Treasurer's Accounts,—and the causes, if any, so far as they can

be ascertained, which impede the full execution and operation of the School Laws in such Municipality; and shall include in such Report, or shall furnish at any other time when required by the Superintendent of Schools, all such other information as may, by the Superintendent, be deemed necessary.

V. That the Secretary Treasurer of each such Municipality, and every Teacher of a Common School therein, shall, on being thereunto requested by any such Inspector, exhibit to him all and every the documents in his charge, belonging to or in any way relating to his office of Secretary Treasurer or Teacher, and for every refusal or neglect so to do, shall be liable to and incur a fine or penalty of Two Pounds currency, recoverable in the manner prescribed in and by the Act hereinbefore first cited for the recovery of fines thereby imposed.

Penalty on Secretary-Treasurers and Teachers refusing information to Inspectors.

VI. That every Inspector appointed under the authority of this Act shall be *ex officio* a Justice of the Peace of the District for which he shall be appointed; and the provisions of the Act passed in the sixth year of Her Majesty's Reign, intituled, *An Act for the qualification of Justices of the Peace*, shall not extend to any such Inspector.

Inspectors to be Justices of the Peace, and exempt from 6 V. c. 3.

VII. That each of the said Inspectors shall be paid such sum as shall appear to the Governor adequate remuneration for the duties performed by such Inspector, provided such remuneration in no case exceed the rate of Three Hundred Pounds per annum; and the sums necessary for such payment shall be taken from the same fund or funds, and in the same manner, as prescribed in the second section of this Act.

Remuneration of Inspectors.

VIII. That an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to repeal certain parts of an Act therein mentioned, and to make better provision for the support of Common Schools in the Cities of Quebec and Montreal*, be and the same is hereby repealed; Provided always, that the forty-third section of the Lower Canada School Act, thereby repealed, shall continue to be so repealed.

Act 12 Vict. c. 113, repealed.

Proviso.

IX. That in the Cities of Quebec and Montreal no Rate shall be imposed or levied for the purposes of Common Schools, but that the City Treasurer of each of the said Cities, shall, out of the moneys in his hands forming part of the funds of the Corporation of such City, from whatever source such moneys are derived, (all Laws or Rules or By-laws of the Council of such Corporation to the contrary notwithstanding,) pay to the respective Boards of School Commissioners of such City, and in proportion

No School rate to be imposed in Quebec or Montreal, but sum required to be paid out of any moneys of the Corporation to the Boards of School Commissioners.

Mode of compelling payment.

proportion to the population of the religious persuasion represented by such Boards respectively, a sum equal in amount to that apportioned to such City out of the Common School Fund, to be employed by and for the purposes of the Common Schools, under the direction of such Boards of School Commissioners respectively; and if such Treasurer refuse to make such payment, the Board of Commissioners, or their Secretary, may recover the amount by action in the Superior Court, who shall order such Treasurer to pay the amount awarded by their judgment, principal, interest and costs, out of the moneys he may then have in, or that may thereafter come into his hands as such Treasurer; and shall compel him, by all legal means, even by *contrainte par corps*, to satisfy such judgment.

Annual statements to be laid by Secretary Treasurer before School Commissioners.

X. That the Secretary Treasurer of each School Municipality, shall, annually, in the first week of the month of July, prepare and submit to the School Commissioners thereof a detailed Statement of the Receipts and Expenditure of such Municipality for the year expired on the thirtieth day of June immediately preceding; and such detailed Statement, after being approved by the said School Commissioners, shall be by them submitted to a public meeting of the Rate Payers of such Municipality, to be convened sometime in the month of July, by the Secretary Treasurer, in the manner prescribed for convening meetings for the election of School Commissioners; and a fair copy of such detailed Statement, certified and signed by the Secretary Treasurer, shall be by him affixed at the door of the Church, or principal place of worship in such Municipality, before the hour of nine of the clock in the forenoon of the Sunday next after such meeting; and such Secretary Treasurer shall, on the payment to him of the sum of Five Shillings, currency, furnish to any Rate Payer a copy of such Statement.

Statements to be publicly exposed.

Copies of this Act to be distributed.

XI. That the Provincial Secretary shall, immediately after the passing of this Act, cause copies thereof to be printed and distributed in the several School Municipalities throughout Lower Canada.

Extent of Act.

XII. That this Act shall apply to Lower Canada only.



ANNO SEXTO-DECIMO

VICTORIÆ REGINÆ.

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CAP. LXXIV.

An Act to appropriate certain unexpended balances of the School Fund for Lower Canada, and certain other sums out of the Jesuits' Estates Fund, for Educational purposes in Lower Canada.

[Assented to 17th March, 1853.]

**W**HEREAS it is expedient to appropriate for Educational Preamble.  
purposes, in Lower Canada, the several sums hereinafter

mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted and declared by the authority of the same, That out of the unexpended or unappropriated balance of the Common School Fund for Lower Canada, for the year one thousand eight hundred and fifty-one, there shall be appropriated and paid, in such sums and manner as the Governor in Council may direct, a sum not exceeding Three Thousand Pounds currency, as an aid for the building or finishing of School Houses in Lower Canada, under the direction of School Commissioners, or for making considerable repairs thereto.

£300 as an aid towards building or finishing School Houses in L. C.

II. And be it enacted, That out of the said balance there shall be appropriated and paid in like manner a sum not exceeding Five Hundred Pounds currency, as an aid towards the formation of Parish and Township Libraries, in localities in Lower Canada where adequate contributions may have been made for the same object.

£500 as an aid towards Parish and Township Libraries in L. C.

III.

£5,000 as an aid towards appropriations to be made for Education in L. C.

III. And be it enacted, That a sum not exceeding Five Thousand Pounds currency shall be taken and paid out of the said balance, as an aid towards any appropriations which may be made by Parliament during the present session for the support of Education in Lower Canada.

Recital.

IV. And whereas it is expedient to define by law what amount shall be paid out of the Jesuits' Estates Fund, for the years one thousand eight hundred and fifty-two, and one thousand eight hundred and fifty-three, towards providing for the remuneration of the School Inspectors and for the establishment and maintenance of a Normal School in Lower Canada, under the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to provide for the establishment of a Normal School, and further to promote Education in Lower Canada*: Be it therefore enacted, That out of the said Fund, there shall be appropriated and paid for the above purposes, a sum not exceeding Two Thousand Pounds currency for each of the said years, the balance necessary for such services during the said years being taken out of the unexpended or unclaimed balance of the Common School Fund, as provided by the Act last above cited.

14 & 15 V. c. 97.

Appropriation towards the expenses of the Normal School for L. C.

V. And be it enacted, That out of the said Jesuits' Estates Fund, there shall and may be paid, as an investment at the rate of five per cent. interest per annum, payable half yearly, to be reckoned from the first day of January now last past, a sum not exceeding Four Thousand Five Hundred Pounds currency, for the purchase of a site and buildings for a Normal School at Montreal, and a further sum not exceeding Five Hundred Pounds currency, for the necessary repairs thereto; the interest as aforesaid to be paid into the said Fund, out of the said unexpended or unclaimed balance of the Common School Fund for Lower Canada, as the first charge thereon, and out of any moneys which may be hereafter otherwise appropriated by law towards the said Normal School.

£5,000 as an investment at interest for site, buildings and repairs of the said Normal School.

Due application to be accounted for.

VI. And be it enacted, That the due application of the moneys hereby appropriated shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors, shall be pleased to direct.

## C A P. C C V I I I .

## An Act to amend the School Laws of Lower Canada.

[Assented to 14th June, 1853.]

**W**HEREAS it is expedient to amend the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the School Law of Lower Canada*, so as to provide more effectually for removing the difficulties which sometimes arise with respect to the election of School Commissioners in Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, any School Commissioner whose election shall have been obtained by fraud or stratagem, or by the votes of persons not qualified as electors, contrary to the intention of the Act cited in the Preamble of this Act and of the Act thereby amended passed in the ninth year of Her Majesty's Reign and chaptered twenty-seven, or any person usurping the functions of School Commissioners, or illegally holding that office, is and shall be liable to be summarily prosecuted at the instance of any party interested or of several collectively interested, before one or more Judges of the Circuit Court, or one of the Judges of the Superior Court for Lower Canada in the Circuit or District respectively in which such election, usurpation, or illegal detention of office, shall or may have taken place, for the purpose of declaring such election or such detention of office illegal, and such seat vacant.

Preamble.

12 V. c. 50.

Mode of proceeding against any person illegally holding the office of School Commissioner, for the purpose of declaring such detention illegal.

II. For all the purposes of the next preceding Section of this Act, the procedure to be adopted shall be that prescribed by the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to define the mode of proceeding before the Courts of Justice in Lower Canada in matters relating to the protection and regulation of corporate rights and to Writs of Prerogative, and for other purposes therein mentioned.*

Proceedings to be regulated by 12 V. c. 41.

III. In case the office shall be declared vacant, or a legal election shall not have been had, thereby preventing the operation of the School Laws, it shall be lawful for the Superintendent

How the vacancy, if declared, shall be filled up.

tendent

tendent of Education for Lower Canada to appoint School Commissioners to fill the vacant office, or to replace those who shall have been illegally elected.

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C A P. C C I X .

An Act to establish a Board of Examiners of School Teachers in certain Districts in Lower Canada.

[Assented to 14th June, 1853.]

Preamble.

**W**HEREAS all the School Teachers in Lower Canada are now required to submit to an examination before a Board of Examiners; And whereas only two Boards have been established for the examination of such School Teachers, which hold their meetings in the Cities of Quebec and Montreal, and in consideration of the great distance which the School Teachers of other Districts have to travel in order to attend the meetings of the said Boards at Quebec and Montreal, and the difficulty of communication with these Cities, it is expedient to establish other Boards of Examiners as hereinafter provided: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, That from and after the first day of July next, there shall be established in the Districts of Kamouraska, Gaspé, St. Francis, Three-Rivers and Ottawa, Boards of Examiners for the examination of School Teachers.

Boards of Examiners established in certain Districts.

How such Boards shall be composed.

II. And be it enacted, That the said Boards of Examiners shall be composed of seven persons, respectively, who shall be appointed by the Governor on the recommendation of the Superintendent of Public Education, and shall constitute Boards of Examiners, by the name of "The Board of Examiners of (*adding the name of the District.*)"

Meeting of the said Boards.

III And be it enacted, That the said Boards shall hold their meetings in any of the following Districts at the places hereinafter



after provided, namely: in the District of Kamouraska, in the Parish of St. Louis de Kamouraska, at the Court House, for the said District; in the District of Gaspé, at Percé; in the district of Three-Rivers, at the Town of Three-Rivers, in the Court House; in the Ottawa District, at Aylmer, in the Court House at Aylmer: Provided always, that in the District of St. Francis, there shall be two Boards of Examiners, one for the County of Sherbrooke, to be called "The Sherbrooke Board of Examiners," who shall hold their meetings at the Town of Sherbrooke, and the other for the County of Stanstead, to be called "The Stanstead Board of Examiners," who shall hold their meetings in the Township of Stanstead, the said two Counties remaining as they were before the passing of the Act to increase the representation; and the said Boards of Examiners shall be governed by the provisions of the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to repeal certain enactments therein mentioned, and to make better provision for Elementary Instruction in Lower Canada.*

Proviso: two Boards in the District of St. Francis.

Boards to be governed by 9 V. c. 27.

IV. And be it enacted, That the said Boards shall, under the provisions made in the Act last above cited and other Acts defining the duties and powers of such Boards of Examiners, have power to grant or refuse Certificates or Diplomas to such School Teachers of the Districts aforesaid, as shall present themselves for examination before the said Boards.

Boards may refuse Certificates.



ANNO DECIMO-NONO ET VICESIMO  
VICTORIÆ REGINÆ.

CAP. XIV.

An Act to amend the Common School Laws, and further to promote Elementary Education in Lower Canada.

[Assented to 16th May, 1856.]

Preamble.

**W**HEREAS it is expedient further to amend the Common School Laws of Lower Canada, and to make further provision for the promotion of Elementary Education therein: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

School Commissioners or Trustees may cause additional sums to be raised.

And a further sum for unforeseen expenses.

Corporations of Quebec and Montreal may pay additional sums for Common School purposes.

I. It shall be lawful for the School Commissioners or Trustees of Dissident Schools, to cause to be levied by assessment and rate, in the manner now by law provided, such additional sum as they may think proper beyond that which they may now cause to be levied under the tenth sub-section of the twenty-first Section of the Lower Canada School Act of 1846, provided such additional sum do not exceed that which they may now cause to be levied; and they may also raise an additional sum, not exceeding thirty per cent. upon the total sum so raised as aforesaid, for the purpose of making good any deficiency which may arise in the collection of the assessment and any unforeseen or contingent expenditure; any thing in the thirty-seventh section of the said Act limiting such additional sum to fifteen per cent. to the contrary notwithstanding: And further, it shall be lawful for the Corporations of the Cities of Quebec and Montreal to pay out of their funds an additional sum equal to that which they are authorized to pay under the forty-third section of the Lower Canada School Act of 1846, to the Boards of School Commissioners appointed by them, and also an additional sum of thirty per cent. to make good any unforeseen or contingent expenditure.

II. The School Commissioners and the Trustees of Dissentient Schools, shall cause to be made by their Secretary-Treasurers, between the first day of September and the first day of October, of every year, a census of the children in each School Municipality, distinguishing those who are from five to sixteen years of age, those from seven to fourteen years, and those actually attending school; and shall transmit such census to the Superintendent of Schools within ten days after its completion.

School Commissioners to take census of children yearly.

III. The School Commissioners and the said Trustees, in the semi-annual accounts and reports which they are bound to transmit to the Superintendent of Schools, shall state the amount of monthly fees fixed for each child, and the amount of such fees actually collected, either directly by them or by the teacher, under the twenty-first Section of the Lower Canada School Law Amendment Act of 1849; and if the School Commissioners or Trustees fail to fix the amount of monthly fees to be paid for each child, or to cause the same to be collected, it shall be lawful for the Superintendent of Schools with the approval of the Governor in Council, to refuse the School allowance for the year, to the School Municipality represented by such Commissioners or Trustees in default.

To state in their report the amount of monthly fees.

Penalty for refusing to fix or collect such fees.

IV. From and after the first day of July 1856, it shall be lawful for the Superintendent of Schools, with the approval of the Governor in Council, out of the School moneys to which any Municipality may be entitled, to retain the sum of twenty pounds towards the support of a Model School in such Municipality, as intended to be established under the fourteenth section of the said Act of 1849.

Appropriation towards expense of Model Schools.

V. After the first day of July 1856, the Trustees of Dissentient Schools shall alone have the right of fixing and collecting the assessments to be levied on the inhabitants so dissentient; and thereafter such Trustees shall be exempt from attesting upon oath the statement required of them by the eighteenth section of the said Act of 1849.

Trustees of Dissentient Schools to assess, &c., alone for such Schools.

VI. After the first of July 1857, any female not being a Member of any religious community, who shall desire to become a Teacher in a Common School, shall undergo the required examination before the Board of Examiners; Provided always, that any female Teacher desiring to obtain a certificate or diploma of qualification before the first of July, 1857, may undergo the required examination before that time.

Female Teachers not belonging to religious communities to be examined.

Appropriation  
out of Legis-  
lative grant.

Poor School  
Municipali-  
ties.

Journal of In-  
struction.

Worn out  
Teachers.

Proviso : as to  
such Teach-  
ers.

Further Pro-  
viso as to the  
same.

Remuneration  
of Secretary-  
Treasurers in-  
creased.

Limitation of  
such increase.

Additional  
Boards of  
Examiners to  
be established.

VII. Out of the Legislative School grant, permanent and additional, for Common School purposes in Lower Canada, the following sums may be set apart and expended yearly by the Superintendent of Schools with the approval of the Governor in Council, for the following purposes, that is to say : 1st.—A sum not exceeding one thousand pounds, for special aids to Common Schools in poor School Municipalities ; 2nd.—A sum not exceeding four hundred and fifty pounds, to encourage the publication and circulation of a Journal of Public Instruction ; and 3rdly, A sum not exceeding five hundred pounds, towards forming a fund for the support of superannuated or worn out Common School Teachers in Lower Canada, under such regulations as may be adopted from time to time by the Superintendent of Schools, or by the Council of Public Instruction of Lower Canada as soon as such Council shall be established therein, and approved by the Governor in Council : Provided always, that no such Teacher shall be entitled to share in the said Fund who shall not contribute to such Fund at the rate of one pound per annum at the least, for the period of his teaching School or receiving aid from such Fund, and who shall not furnish satisfactory proof of his inability from age or loss of health in teaching, to pursue that profession any longer : Provided also, that no such allowance to any Teacher shall exceed the rate of one pound ten shillings per annum for each year during which such Teacher shall have taught a Common School in Lower Canada.

VIII. The remuneration of Secretary-Treasurers may, in the discretion of the School Commissioners or Trustees, be increased to an amount not exceeding seven per cent. on the moneys received by them as such, instead of four per cent. as provided by the twenty-second section of the said Act of 1849 ; but such remuneration shall include every service which the Commissioners shall require from time to time from the Secretary-Treasurer and shall cover all contingent expenses whatever, except such as may be specially authorized by rules and regulations to be made by the Superintendent of Schools from time to time, and shall not exceed thirty pounds in one year in any case.

IX. In addition to the Boards of Examiners constituted under the said Act of 1846, and the Lower Canada School Law Amendment Act of 1853, there shall be others established for such Counties, and to hold their meetings at such places, as may be fixed and determined by the Superintendent of Schools with the approval of the Governor in Council, such Boards to consist

consist of not less than five nor more than seven members, to be governed by the provisions of the said Act of 1846, to be established for such portions or sub-divisions of districts or territorial divisions where Boards are already authorized to be established under the said Act of 1846 and the said Act of 1853, and in mixed religious communities, one to be composed of Roman Catholics and another of Protestant members.

How to be composed, &c.

X. It shall be lawful for the Superintendent of Schools to cause special assessments to be levied in any School Municipality, for the payment of lawful debts admitted by such Municipality or adjudged by a Court of Justice to be due by such Municipality, and which debts such Municipality could not otherwise pay: and whenever such debts shall have been contracted by a Municipality subsequently divided into several Municipalities, or the limits of which may have been subsequently altered, the said Superintendent shall apportion the payment of such debt or debts equitably among the several Municipalities liable for the same.

Special assessments for paying debts of School Municipalities

XI. Notwithstanding any thing to the contrary in the forty-seventh Section of the said Act of 1846, the sums constituting the Lower Canada Common School Fund may be paid to the Superintendent of Schools in two semi-annual payments, under two accountable Warrants to the Receiver General to be issued by the Governor for that purpose; and the Superintendent shall deposit the said sums in such Bank as the Governor in Council shall direct and apportion the same according to law among the Municipalities, and pay to the School Commissioners and Trustees of Dissident Schools the respective shares belonging to the Municipalities they represent, by Checks drawn upon such Bank and made payable to their order, and shall account according to law for such moneys.

Deposit and payment of Legislative Appropriation for Common Schools.

XII. The Superintendent, with the approval of the Governor in Council, may refuse to pay the whole or any part of the share in the said fund, of any School Municipality where his lawful instructions or those of the Council of Public Instruction shall have been disobeyed, or where unqualified teachers shall have been employed by the Commissioners or Trustees, or where a qualified teacher shall have been dismissed by the School Commissioners or Trustees, before the time of his engagement and for no valid or just cause, and may pay out of the said share of such Municipality such indemnity as shall appear to him justly due to any teacher so unjustly dismissed.

Superintendent may refuse to pay to School Municipalities not complying with the law in certain cases.

How he may deal with the share of Legislative grant belonging to School Municipalities paying too little to the Common Fund.

XIII. The Superintendent of Schools shall also have power, with the approval of the Governor in Council, to authorize the School Commissioners or Trustees in any Municipality, to apply the share coming for any one year to any School District the inhabitants of which shall have contributed nothing or too little during the same year to the common fund of such Municipality for school purposes, in such manner as the said Superintendent shall direct for the advancement of education in such Municipality, instead of depositing the said share in a Bank as now provided by law: and the amounts already placed in any Bank for any School District in like cases, shall be liable to be dealt with in like manner, and the shares coming to any such School District which may have been in like cases applied by the School Commissioners or Trustees in any Municipality, with the consent of the said Superintendent, are hereby declared to have been legally and properly dealt with; any law, usage or custom to the contrary notwithstanding.

Superintendent may allow School Municipalities which have arisen since 1850, their fair share of the grant.

XIV. And whereas in some Counties School Municipalities have sprung up which did not exist at the time of the taking of the now last census, and it would be unjust to withhold from them their fair share of the Legislative grant, therefore it shall be lawful for the Superintendent of Schools, with the approval of the Governor in Council, to allow to any such School Municipality its fair share of the amount of the said Legislative grant coming to the County, in proportion to the actual population of such School Municipality at the time, according to the best evidence he shall be able to procure, whenever he shall be of opinion that the said census would not be a fair basis of apportionment.

Penalties on persons retaining books, &c., from School Commissioners.

XV. Whenever any School Commissioner, Trustee, or Secretary-Treasurer, after his dismissal, resignation or ceasing to hold office, shall detain any book, paper or thing belonging to the School Commissioners or Trustees of any Municipality, he shall thereby incur a penalty of not less than five dollars nor more than five pounds for each day during which he shall retain possession of any such book, paper or thing after having received a notice from the Superintendent of Schools requiring him to deposit the same in the hands of some person mentioned in such notice; and the said penalty shall be recoverable with costs before any Court of competent civil jurisdiction, in the name of the Superintendent of Schools, and the same when levied shall be paid into the hands of the said Superintendent, and shall form part of the unexpended balance of the Common School grant, and be dealt with accordingly.

How recoverable and applied.

XVI.

XVI. And inasmuch as it will be conducive to the furtherance of Education in Lower Canada to establish therein a Council of Public Instruction,—the Governor shall have authority to appoint not more than fifteen and not less than eleven persons (of whom the Superintendent of Schools for Lower Canada shall be one) to be a Council of Public Instruction for Lower Canada, and such persons shall hold their office during pleasure, and shall be subject to all lawful orders and directions in the exercise of their duties, which shall from time to time be issued by the Governor in Council.

Council for Public Instruction for Lower Canada.

XVII. The Superintendent of Schools shall provide a place for the meetings of the Council of Public Instruction, shall call the first meeting thereof, and may call a special meeting at any time by giving due notice to the other Members; the expenses attending the proceedings of the said Council shall be defrayed and accounted for by the Superintendent of Schools as part of the contingent expenses of the Education Office; a Recording Clerk to the said Council shall be appointed by the Governor in Council, and such Clerk shall enter all its proceedings in a book to be kept for that purpose, and shall, as may be directed, procure the requisite maps, books and stationery, and shall keep all the accounts of the said Council.

Place of meeting and expenses.

Recording Clerk: his duties.

XVIII. Five members of the said Council at any lawful meeting thereof, shall form a quorum for the transaction of business; and it shall be the duty of the said Council,—

Quorum. Duties of Council.

1. To appoint one of its members to be Chairman thereof, and with the approval of the Governor in Council to establish the time of its meetings and its mode of proceeding; the Chairman shall have a second or casting vote in case of an equality of votes on any question.

Appointment of Chairman.

2. To make from time to time, with the approval of the Governor in Council, such rules and regulations as at the time of the establishment of the Council the Superintendent of Schools shall have the power to cause to be made with the approval of the Governor in Council, for the management of the Normal School or Normal Schools which may be established, and for prescribing the terms and conditions on which students shall be received and instructed therein, the course of instruction to be gone through, and the mode and manner in which Registers and Books shall be kept, Certificates of Study shall be granted to Students, and the reports of the Principal of any such Normal School shall be made to the Superintendent of Schools.

Making Rules and Regulations for Normal Schools.

And for Common Schools.

3. To make from time to time, with the approval of the Governor in Council, such regulations as the Council shall deem expedient for the organization, government and discipline of Common Schools, and the classification of Schools and Teachers.

Selecting or publishing books, maps, &c.

4. To select or cause to be published, with such approval as aforesaid, books, maps and globes, to be used to the exclusion of others, in the Academies, Model and Elementary Schools under the control of the Commissioners or Trustees, due regard being had in such selection to Schools wherein tuition is given in French and to those wherein tuition is given in English; but this power shall not extend to the selection of books having reference to religion or morals, which selection shall be made as provided by the fifth sub-section of the twenty-first section of the said Act of 1846, so much of which sub-section as may be inconsistent with the provision herein made, is hereby repealed.

Exception as regards religion, &c.

Rules for Examiners.

5. To make from time to time with such approval as aforesaid, rules and regulations for the guidance of the Boards of Examiners.

Keeping classified list of Teachers, holding certificates.

6. To cause to be inserted by the Recording Clerk, in a book to be kept for that purpose, in such manner and form as the Council may direct, the names and classes of all Teachers who have received or shall hereafter receive certificates or diplomas of qualification from the Boards of Examiners already established or to be hereafter established, also the names of all Teachers, who after having gone through the regular course of instruction in any Normal School to be hereafter established, shall have received certificates or diplomas of qualification from the Superintendent of Schools; And to ensure compliance with the immediate foregoing provision, it shall be the duty of the Superintendent of Schools—Firstly, To report to or cause to be laid before the Council, if it be in his power, the names and classes of all Teachers admitted by the different Boards of Examiners since their establishment; Secondly, The names and classes of all Teachers hereafter to be admitted by the different Boards of Examiners; Thirdly, The names of all Teachers who may hereafter receive from him certificates or diplomas of qualification after going through the proper course of instruction in any Normal School.

Superintendent to report certain particulars to Council.

Council may revoke certificates of

XIX. It shall be lawful for the Council of Public Instruction to revoke any certificate or diploma of qualification granted or to



to be granted by any Board of Examiners, to any Teacher, or any certificate or diploma of qualification to be granted hereafter by the Superintendent of Schools to any student in any Normal School which may be established, for any want of good conduct as Teacher, of good morals, or of temperate habits, in the holder thereof; such revocation not to take place, however, unless a charge in writing be made by some complainant, or upon the report of any School Inspector, submitted by the Superintendent of Schools to the said Council, nor unless such charge be fully proved: such charge shall be addressed to the Recording Clerk, who shall lay it before the Council at its then next meeting; and if the Council be of opinion that the charge is of such a nature as not to require any investigation, it shall be dismissed *in limine*; but if it be of opinion that the charge is of so grave a nature and character as to require investigation, it shall be the duty of the Recording Clerk to cause the Teacher complained of to be served by any Bailiff of the Superior Court for Lower Canada, with a copy of the charge, accompanied by a notice on behalf of the Council, summoning him to be and appear, either in person or by proxy, before the Council on such day and hour as the Council shall determine, to answer the charge made against him. If the Teacher denies the charge, the Council shall forthwith, or on a subsequent day, proceed to receive the evidence, oral or in writing, which each party shall have to offer, and the Recording Clerk is hereby authorized to administer the oath to any witness who may be produced; and it shall be his duty to take and keep of record the notes of the evidence taken.

Teachers in certain cases.

How charges against Teachers shall be made and tried.

If the Teacher denies the charge.

It shall be lawful for the said Council to appoint one or two Commissioners to receive the evidence, when the parties shall reside at a great distance, or when the Council may see that by so doing a saving of unnecessary expense will be effected.

Commissioners may be appointed.

The instrument appointing such Commissioner or Commissioners shall be issued on behalf and in the name of "the Council of Public Instruction," and under the signature of the Recording Clerk.

In what manner.

Upon the receipt of such instrument, the Commissioner or Commissioners shall notify to the parties the time at which they will have to produce their witnesses; the Commissioner or Commissioners shall swear the witnesses, and are hereby authorized to that effect, and the evidence shall be taken by such Commissioner or Commissioners and afterwards transmitted by him or them to the Recording Clerk, who shall lay it before the Council.

Proceedings before Commissioners.

If

If the Teacher  
make default.

If the Teacher do not appear, and neglect to answer the charge, the Council shall proceed by default against him, and shall receive and take the evidence, or cause it to be received and taken, in the manner above provided.

Proceedings if  
the charge be  
proved, &c.

If the charge be not proved, the Council shall dismiss it, and if it be proved, the Council shall order as a penalty that the certificate or diploma of qualification of such Teacher be revoked, and that his name be struck from the book containing the names of the qualified Teachers.

Short Title of  
Act.

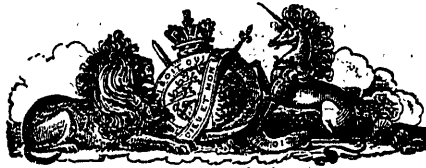
XX. This Act shall be called and known as "The Lower Canada School Law Amendment Act of 1856."

Interpretation  
clause.

XXI. In construing this Act, the words "Teacher" and "Student" shall apply to Female as well as Male Teachers and Students; and any power given to or any obligation imposed upon School Commissioners, shall apply to Trustees of the Dissident Schools in reference to the schools and school districts under their control: the expression "Common School" shall apply to Dissident School, and the words "Municipality" or "School Municipalities" shall apply to Dissident Schools or School Districts under the control of Trustees as well as to Municipalities and Schools under the control of Commissioners;—the Act passed in the ninth year of Her Majesty's Reign, and chaptered twenty-seven, shall be understood to be intended by the expression, "the Lower Canada School Act of 1846," or "the said Act of 1846,"—the Act passed in the twelfth year of Her Majesty's Reign, and chaptered fifty, shall be understood to be intended by the expression, "the Lower Canada School Law Amendment Act of 1849," or "the said Act of 1849,"—and the Act passed in the sixteenth year of Her Majesty's Reign, and chaptered two hundred and eight, shall be understood to be intended by the expression, "the Lower Canada School Law Amendment Act of 1853," or "the said Act of 1853."

Repeal of in-  
consistent pro-  
visions.

XXII. So much of the said Acts of 1846, of 1849, and of 1853, or of any of them, as may be inconsistent with this Act, is hereby repealed.



ANNO DECIMO-NONO

VICTORIÆ REGINÆ.

CAP. LIV.

An Act to make better provision for promotion of superior Education and the establishment and support of Normal Schools in Lower Canada and for other purposes.

[Assented to 19th June, 1856.]

**W**HEREAS it is expedient to establish a permanent Fund Preamble.  
for the promotion of superior Education and the support of Normal Schools in Lower Canada, and to make other provision for the same purpose : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. The Estates and Property of the late Order of Jesuits, whether in possession or reversion, including all sums funded or invested, or to be funded or invested, as forming part thereof, and the principal of all moneys which have arisen or shall arise from the sale or commutation of any part of the said Estates or Property, are hereby appropriated to the purposes of this Act, and shall form a Fund to be called the "Lower Canada Superior Education Investment Fund," and shall be under the control and management of the Governor in Council, for the purposes of this Act ; and the said Fund shall be understood to be intended by the words "the said Investment Fund," whenever they occur in this Act. Jesuits' estates appropriated as an investment Fund for Superior Education in L. C.

II. The revenues and interest arising from the said Investment Fund, that is to say :—The revenues and interest hereafter to arise from the real property forming part of the Jesuits' Estates, or from moneys funded or invested as belonging to the said Estates, or from any property, real or personal, reversible to the said Estates as part of them,—the revenue and interest of investments made or to be made, and of debentures held or to be held, Revenues and interest to form an Income Fund for the said purposes.

held, on account of the said Estates,—the income and interest to arise from investments to be made out of the moneys received or to be received from commutations effected or to be effected in the Seigniories forming part of the said Estates, or out of the moneys to be received from the collection of any arrears of revenues, interest, and of debts now due, being part of the said Estates, and out of all moneys which, in lieu of any Seigniorial right to be abolished or commuted, will, as part of the said Estates, become due and payable under the Seigniorial Act of 1854, and the Seigniorial Amendment Act of 1855, or under any other Provincial Act enacted or to be enacted, in relation to the abolition or commutation of feudal rights and duties in Lower Canada,—the revenue and interest to arise from investments to be made out of the moneys to be received from the sale of any portion of the said Estates, or from the sale or redemption of any *rente foncière* or *rente constituée*, being part of the said Estates,—shall, with the unexpended and unclaimed yearly balances of the Common School Fund for Lower Canada, and the sum hereinafter directed to be paid yearly out of the Consolidated Revenue Fund of this Province, and with any sum to be taken for the purpose in any year out of the Common School Fund of Lower Canada, form a Fund, to be called the “Lower Canada Superior Education Income Fund;” and the said Fund shall be understood to be intended by the words “the said Income Fund,” whenever they occur in this Act.

Unexpended balance, of Common School Fund for L. C. to form part of Income Fund.

Property belonging to Jesuits' estates may be sold when the sale will increase the said Income Fund.

III. Whenever it shall appear to the Governor in Council that the said Income Fund may be increased by the sale and by the investment of the proceeds of the sale of any portion of the said Estates, or of any *rente foncière* or *rente constituée* then forming part of them, it shall be lawful for the Governor in Council to order such sale to be made, and to direct that the moneys realized by it be invested in provincial debentures or other securities, the annual interest or income whereof shall form part of the said Income Fund.

Yearly appropriation towards Income Fund.

IV. There shall be annually placed to the credit of the said Income Fund, the sum of five thousand pounds currency, out of the Consolidated Revenue Fund of this Province, which sum shall form part of the said Income Fund, and be appropriated accordingly; and if in any year the said Income Fund shall fall short of the sum of twenty-two thousand pounds, then such sum as may be necessary to make it equal to twenty-two thousand pounds, shall be taken from the Common School Fund of Lower Canada, and added to the said Income Fund for that year, as part thereof.

Income Fund to be made up to £22,000 per annum.

V. The said Income Fund, or such part thereof as the Governor in Council shall from time to time direct, shall be annually apportioned by the Superintendent of Schools for Lower Canada, in such manner, and to and amongst such Universities, Colleges, Seminaries, Academies, High or Superior Schools, Model Schools and Educational Institutions, other than the ordinary Elementary Schools, and in such sums or proportions to each of them, as the Governor in Council shall approve ; and the grants or amounts so apportioned shall be paid by the Receiver General, on the warrant of the Governor, to the said Superintendent, who shall pay the same to the respective Educational Institutions entitled to them.

Apportionment of Income Fund among Superior Educational Institutions, by the Superintendent of Schools.

VI. If in any one year the whole of said Income Fund be not apportioned, the balance not distributed shall remain for further distribution as is before provided, or shall, if the Governor shall so direct, be invested, and the income or the interest of the investment shall be added to the said Income Fund, and the principal shall form part of the said Investment Fund.

Balance of Income (if any), how to be applied.

VII. Grants to be made under this Act out of the said Income Fund shall be for the year only, and not permanent ; and the Governor in Council may attach to such grants any conditions which may be deemed advantageous for the furtherance of Superior Education.

Grants from Income Fund to be yearly, and may be conditional.

VIII. No grant shall be made to any Educational Institution not actually in operation, nor to any Institution owning real estate, whose liabilities shall exceed two thirds of the value of such real estate.

Certain Institutions to have no claim.

IX. Any Educational Institution desirous of obtaining a grant under this Act, shall make application to that effect to the said Superintendent of Schools, before or during the month of July in every year : and the Superintendent shall not recommend any grant to any Educational Institution whose application shall not be accompanied by a Report, shewing, with reference to such Institution :

Application for aid out of Income Fund how made. Report to accompany application ; what it must contain.

1. The composition of the governing body ;
2. The number and names of the Professors, Teachers or Lecturers ;
3. The number of persons taught, distinguishing those under sixteen years and those above sixteen ;
4. The general course of instruction, and the books used ;

5. The annual cost of maintaining the Institution, and the sources from which the means are derived ;
6. The value of the real estate of the Institution, if it holds any ;
7. A statement of its liabilities ;
8. The number of persons taught gratuitously, or taught and boarded gratuitously ;
9. The number of books, globes and maps possessed by the Institution, and the value of any museum and philosophical apparatus belonging to it.

Yearly aid out of Income Fund to parish and township Libraries.

X. It shall be lawful for the Governor in Council, to direct that out of the said Income Fund, a sum not exceeding five hundred pounds currency, be yearly or during any number of years set apart and appropriated as an aid towards the formation of Parish and Township Libraries, in localities in Lower Canada where adequate contributions may have been made by the School Municipalities or otherwise for the same purpose ; such aid to be given in money or in books as the Governor in Council shall direct and upon such conditions as he shall think proper ; and such Libraries shall be under such management, inspection and regulations as the Superintendent of Schools shall from time to time determine with the approval of the Governor in Council.

Management of Libraries.

Recital

XI. And inasmuch as it is necessary to make further provision for the establishment and maintenance of one or more Normal Schools in Lower Canada : Be it enacted, That it shall be lawful for the Governor in Council to adopt all needful measures for the establishment in Lower Canada of one or more Normal Schools, containing one or more Model Schools, for the instruction and training of Teachers of Common Schools in the science of Education and art of Teaching,—to select the location of such School or Schools, and to erect or procure and furnish the buildings requisite for the same ; and the said Normal Schools shall be under the control of the Superintendent of Schools for Lower Canada, who, for their establishment and maintenance, shall from time to time make such arrangements as the Governor in Council shall direct ; and shall, subject to the approval of the Governor in Council, cause to be made from time to time such rules and regulations as may be required for the management of such Normal Schools, and for prescribing the terms and conditions on which Students shall be received and instructed therein, the course of instruction to be gone through

Governor in Council to establish one or more Normal Schools in L. C.

Superintendent of Schools to have the control and to make regulations, with approval of Governor in Council.

through and the manner and form in which the Registers and books shall be kept, and certificates of attendance granted to Students; and shall likewise, subject to such approval, determine who shall be the Teachers and the persons to be employed therein, and the number and remuneration of such Teachers and persons to be so employed; and Reports shall be made from time to time by the Principals of such Normal Schools to the Superintendent of Schools, containing such particulars as he shall direct, whenever need shall be or he shall require such Reports.

And appoint Teachers, &c.

Reports to be made to him.

XII. On the presentation by any Student to the Superintendent of Schools, of a certificate under the hand and seal of the Principal of any such Normal School, that such Student has gone through a regular course of study therein, the said Superintendent may grant to such Student a certificate or diploma of qualification which shall be valid until revoked for some breach of good conduct or of good morals by such Student, and by virtue whereof, while it remain valid, such Student shall be eligible to be employed as Teacher in any Academy, Model School or Elementary School under the control of School Commissioners or Trustees of dissentient Schools.

Students in Normal Schools may obtain certificates as Teachers.

XIII. A sum not exceeding one thousand five hundred pounds shall be allowed yearly out of the Common School Fund for Lower Canada to defray the Salaries of officers and other contingent expenses of such Normal School or Normal Schools; and a sum not exceeding one thousand pounds shall be allowed yearly out of the said Income Fund, as an aid to facilitate the attendance of teachers in training at the Normal School or Normal Schools.

Yearly allowance for expenses of Normal Schools.

And in aid of Teachers in training.

XIV. In case the two sums mentioned in the preceding section be found insufficient, it shall be lawful for the Governor in Council to order that out of the said Income Fund a certain sum be yearly set apart and appropriated for the support and maintenance of the said Normal School or Normal Schools, which sum so set apart and appropriated yearly, shall not exceed in any one year the sum of two thousand five hundred pounds.

Further allowance if the last mentioned is insufficient.

XV. And inasmuch as it is necessary to provide for the purchase of such site or sites, and for erecting or procuring and furnishing of such buildings, as may be requisite for the said Normal School or Normal Schools, it shall be lawful for the Governor

Recital.

Governor

Normal School Building Fund constituted.

Proceeds of Sale of present buildings to form part of such Fund.

Application of any excess of such Fund.

Preceding sections to apply only to L. C.

Proviso : Income Fund chargeable with Inspectors' salaries.

Recital.

£5,000 appropriated yearly for Superior Education in U. C.

To be distributed by Parliament.

Governor in Council to order that out of the said Income Fund the sum of two thousand pounds be for such purposes yearly set apart and appropriated to form a fund to be called "The Lower Canada Normal School Building Fund," and any sum so yearly set apart and appropriated shall be invested or placed at interest as the Governor in Council shall direct; and the income and interest shall, like the principal, form part of the said Fund: the moneys and interest which may be realized by the sale which the Governor in Council may direct to be made of any site and the buildings thereon already acquired for Normal School purposes in Lower Canada, and not deemed convenient for such purposes, shall form part of the last mentioned Fund, and shall be invested or placed at interest in the like manner as any other sum forming part thereof.

XVI. Any excess or amount of the Lower Canada Normal School Building Fund which shall not be actually required for the purposes for which the fund is constituted, shall, in the discretion of the Governor in Council and as he may direct, either revert to and form part of the said Lower Canada Superior Education Income Fund, or be invested as part of the said Lower Canada Superior Education Investment Fund, in which last case the income and interest arising from such investment shall form part of the said Income Fund.

XVII. The foregoing sections shall apply only to Lower Canada; and so much of the Act 14 & 15 Victoria, chaptered 97, intituled, *An Act to provide for the establishment of a Normal School, and further to promote Education in Lower Canada*, as provides for the establishment of a Normal School in Lower Canada, and as may be inconsistent with any of the provisions contained in the foregoing sections, is hereby repealed; Provided nevertheless, that the said Income Fund shall be and remain chargeable with the payment of the Salaries of the Inspectors of Common Schools, under said last mentioned Act.

XVIII. And inasmuch as it is necessary to grant Provincial aid to certain Educational Institutions in Upper Canada, to the like amount to which it is hereby granted to similar Institutions in Lower Canada out of the general Funds of the Province: Be it enacted, That the sum of five thousand pounds currency, shall be yearly appropriated out of the Consolidated Revenue Fund of this Province, for the encouragement of superior Education in Upper Canada, and be distributed among the several collegiate Educational Institutions in Upper Canada, or such



of them as the Legislature shall designate by an annual vote of the Provincial Parliament.

XIX. The Superintendent of Schools for Lower Canada, shall in his yearly Report to the Legislature, state what he may have done under this Act during the period to which such Report may relate. Report of things done under this Act.

XX. The due application of all moneys expended under the authority of this Act shall be accounted to Her Majesty in the manner and form provided by the Interpretation Act, and an account thereof shall be laid before each of the Houses of the Provincial Legislature, within the first fifteen days after the opening of the then next Session thereof. Accounting clause.

XXI The words "Teacher" and "Student," in the foregoing provisions, shall include persons of either sex. Interpretation.

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