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No. 117.

2nd Session, 5th Parliament, 19 Victoria, 1866.

BILL.

An Act to amend the Lower Canada School
Acts.

Received and read, first time, Friday, 28th
March, 1866.

Second reading, Friday, 4th April, 1866.

MR. SOMERVILLE.

TORONTO:
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YONGE STREET.

An Act to amend the Lower Canada School Acts.

WHEREAS it is expedient to abolish the offices of School Commissioner and Inspector of Common Schools, in Lower Canada, and further to amend the School Laws of that portion of the Province; Therefore Her Majesty, &c., enacts as follows :

Preamble-

5 1. The Act passed in the sixteenth year of Her Majesty's Reign, and intitled, "*An Act to amend the School Laws of Lower Canada,*" and so much of the Act passed in the ninth year of Her Majesty's Reign, and intitled, "*An Act to repeal certain enactments therein mentioned, and to*" "*make better provision for elementary instruction in Lower Canada,*" and of 10 the Act passed in the twelfth year of Her Majesty's Reign, and intitled, "*An Act to amend the School Law of Lower Canada,*" as provides for the election or appointment of School Commissioners, or as vests any powers in them or assigns any duties to them, shall be and is hereby repealed, and the office of School Commissioner is abolished.

Office of School Commissioner abolished, and parts of 16 V., c. 208, 9 V., c. 27, 12 V., c. 50, repealed.

15 II. All the powers vested by the said Acts or any of them in School Commissioners, for laying out the School Municipality into School Districts, and for levying or causing to be levied by assessment and rate, any sums of money for School purposes, and for receiving and applying the same and the shares of the Common School Fund coming to any School 20 Municipality, shall be and are hereby transferred to and vested in the Local Council of the Municipality in which such School District is situate, and may be exercised by them, as fully and affectually to all intents and purposes as if such powers had been by the said Acts or either of them, vested in such Council in lieu of such School Commissioners, subject 25 always to the penalties and liabilities imposed on School Commissioners for neglect of any duty assigned to them or any contravention of the law.

Certain powers of School Commissioners transferred to Local Councils.

30 III. All the powers and duties vested in or assigned to School Commissioners by the said Acts or either of them, except such as are hereinbefore vested in and assigned to the Local Council of the Municipality, shall be and are hereby assigned to and vested in the Trustees of the several Common Schools respectively, with respect to which they would without this Act have been exercised by School Commissioners, subject always to the penalties and liabilities imposed on School Commissioners for neglect of any duty assigned to them or any contravention of the law,

Other powers transferred to School Trustees.

35 IV. The twenty-sixth section of the said cited Act, passed in the ninth year of Her Majesty's Reign, chapter 27, and so much of the said Act or any other Act as authorizes the establishment of dissentient Schools shall be and is hereby repealed, but such repeal shall not affect the existence of any such dissentient Schools as may be now established and shall 40 be in operation at the time of the passing of this Act; but the same shall remain in operation, and the Trustees thereof shall continue to exercise the

Sec. 26 of 9 V., c. 27, repealed, and so much of any Act as authorizes dissentient Schools.

- Proviso. powers that are now vested in them ; and in any School district, a minority of the inhabitants thereof, being of a different origin and speaking a different language from the majority thereof, may and shall have the power to establish a separate School in the manner prescribed in the said repealed section. 5
- School fees not payable for children not attending. V. Notwithstanding any thing in the said Acts or any of them, no School fees shall be payable for any child which does not attend the School in respect of which such fees are payable, or for any time during which such child shall not attend the School.
- Provision preventing appeals repealed. VI. So much of the sixteenth section of the said Act, passed in the twelfth year of Her Majesty's Reign, as provides that no judgment rendered upon the suits and prosecutions therein referred to, shall be liable to be appealed from, and that no such suit or prosecution shall be removed by writ of certiorari, shall be and is hereby repealed. 10
- Meeting for the election of School Trustees in each School District. VII. After the passing of this Act, there shall be held on the first in each year, a general meeting of all the landholders and householders in each School district, for the election of School Trustees, such meeting to be called by some Justice of the Peace, resident in the same or some adjoining School district, or in his default by any other Justice of the County, or in their default, by any three landholders, by giving eight days previous public notice at the door of the Church or place of public worship therein, or if there be none, then by a notice posted at two of the most public places in the School District; and at such meeting, the Justice calling the same, or in his default such persons as those attending the meeting shall appoint, shall preside; and at such meeting the said landholders and householders shall elect three persons, being themselves electors, to be Trustees of such School District. 15 20 25
- Term of office. To be a Corporation. Powers. VIII. The School Trustees so elected shall hold their offices until others are in like manner elected in their stead: and they and their successors, by the name of "The Trustees of the School No. , of the School Municipality of , " shall be a Corporation, with power to acquire and hold such real property as may be required for the use of their School, and other the usual powers of Corporations, together with those transferred to them hereby from the School Commissioners, and all other powers requisite for the efficient management of the School and School property. 30 35
- Failure of election provided against. IX. If the election of Trustees in any School District shall, from any cause, fail to be held in any year on the day hereby appointed, it may be held on any day thereafter; being called and notice thereof given in the manner hereinbefore provided. 40
- Clerk. X. The said Trustees may appoint one of themselves as Clerk.
- School Trustees to make a yearly estimate of expenses. And Local Council to levy the sum required. XI. On the first day of May in each year, the Trustees of each School District shall make an estimate of the sum (not exceeding in any year the sum of , required for defraying all expenses of or relative to their School for the then current year, specifying the several items of expenditure; and shall deliver such estimate to the Local Council of the Municipality in which the School District lies, who shall impose and levy and collect by an equal rate on all rateable property in such School District, according to the then last Assessment Roll, a sum equal to that so estimated 45

by the Trustees (after deducting the amount of the Government allowance) together with _____ per cent. thereon for the expenses of collection and losses, and shall pay over to the School Trustees the sum so raised, to be applied by such Trustees to the purposes mentioned in their said
5 estimate.

XII. The amount received from Government for each School Municipality shall be distributed and paid by the Council receiving the same, among the several School Districts therein, in proportion to the number of children between the ages of six and fourteen in each, as nearly as they
10 can ascertain such number; and it shall be the duty of the School Trustees to ascertain the number of such children in their School District, before they shall make their said estimate of expenses for any year; and the number so ascertained shall be stated in writing at the foot of their estimate, such statement being sworn or affirmed by one or more of the Trustees
15 before some Justice of the Peace, to have been ascertained as aforesaid and to be correct to the best of his or their knowledge and belief: and the Trustees shall with their estimate deliver in a statement of the average number of children attending such School during the then last year.

XIII. The foregoing provisions of this Act shall not apply to any City or
20 incorporated Town or Village.

XIV. The third, fourth, fifth, sixth, seventh and eighth Sections of the Act passed in the Session held in the 14th and 15th years of Her Majesty's
Reign, and intituled, "*An Act to provide for the establishment of a Normal School, and further to promote Education in Lower Canada,*" are hereby
25 repealed, and the office of Inspector of Common Schools in Lower Canada is abolished.

XV. The foregoing provisions of this Act shall come into force on the
, and not before.

Principle on which Government allowance shall be distributed among the several School Districts.

Act not to apply to Towns, &c.

Office of Inspector abolished.

Commencement of Act.