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No.

1st. Session, 2nd Parliament, 8 Victoria, 1845.

BILL.

An Act to make better provision for
Elementary Instruction in Lower Ca-
nada.

Printed by order of the Legislative Assembly.

HON. MR. PAPINEAU.

134

Jurispr. Can. N° 19

1845

BILL.

An Act to make better provision for Elementary Instruction in Lower Canada.

WHEREAS the establishment and support of Common Schools, for the instruction of youth, is of paramount importance; and it is necessary to ensure more ample funds and to make better legislative provision than has been heretofore made for this purpose in Lower Canada; Be it therefore enacted, &c.

Preamble.

That from and after the passing of this Act, there shall be in each of the Cities of Quebec and Montreal, and in each Parish, Township, Town or Village in Lower Canada, Common Schools for the elementary instruction of youth, to be managed by School Commissioners, in the manner hereinafter provided.

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

II. And be it enacted, That each Parish, Township or place, which immediately before the passing of this Act, was entitled to elect a District Councillor or Councillors, shall be held to be a Parish or Township for the purposes of this Act, until other territorial subdivisions of the Province for School purposes shall be made according to law; and that each new Parish, Township, or Village, hereafter recognised or entitled to be recognised separately as such, shall be deemed to be a new Parish, Township or Village for the purposes of this Act.

What shall be deemed a Parish, Township or Village.

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 then 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

Case of the failure to elect School officers in any local division provided for.

A⁹¹



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who may be requisite according to the true intent and meaning of this Act, who shall be appointed by the Governor, at the instance of the Superintendent of Schools, and shall 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 forthwith after the passing of this Act, a general meeting of all the Landholders in the Parish or Township shall be called by the Senior Justice of the Peace, or in his default by the Senior Churchwarden, or in his default by any three land-holders, by public notice at the door of the Church or place 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 the Township or Parish; and at such meeting the Senior Justice present, or in his default the acting Churchwarden, or in their default such other person as shall be appointed by the meeting, shall preside; and that there after the general annual meeting for the election of School Commissioners shall be held on the first Monday in May in each year.

Election of School Commissioners.

Proviso.

Proviso.

V. And be it enacted, That at such meeting the persons qualified to vote thereat, shall elect as many School Commissioners as there shall be School Districts in the Township or Parish; Provided there be no less than six Commissioners elected; Provided also, that in Parishes or Townships where no School Districts have been established, there shall be elected six School Commissioners.

Term for which the Commissioners shall hold office.

VI. And be it enacted, That such School Commissioners shall remain in office for three years, except that in the first instance one third (to be determined by lot) shall go out of office at the end of one year, and another third (to be determined in like manner) at the end of two years, and the other third at

the end of three years, and shall be replaced by others to be elected at the annual general meeting.

5 VII. And be it enacted, That if the number of School Commissioners shall not be divisible by three without a remainder, such remainder shall be added to the number to go out of office at the end of the third year.

When the number shall not be divisible by three without a remainder.

10 VIII. And be it enacted, That no School Commissioner shall be a Teacher, or nearly related or allied to the Teacher of any School in his District.

Commissioners and Teachers not to be related.

15 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.

Present School Commissioners continued for a certain time.

20 X. 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 School Commissioners.

Report of proceedings at any meeting.

25 XI. And be it enacted, That for the Parishes and Townships in which no election of School Commissioners shall have been had at the time hereby prescribed, the Superintendent of Schools shall *ex officio* appoint them, and also a Clerk and Treasurer.

Superintendent to appoint Commissioners in default of Election.

35 XII. 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, the School Visitors, the acting Church Wardens or Trustees, 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
40 School Commissioners, as there shall be School Districts in the place; and on the approval of the Superintendent signified to the Chairman of such meeting, such persons

Proviso. Certain functionaries may recommend persons as Commissioners.

To be approved by the Superintendent.

shall become School Commissioners for the purposes of this Act.

- Vacancies among Commissioners how filled. XIII. And be it enacted, That if one or more vacancies shall happen among the School Commissioners, by reason of the permanent absence from the Township or Parish, death or incapacity from sickness of any Commissioner, he shall be replaced by the electors for the locality at a meeting to be called for that purpose by the Chairman of the Commissioners. 5
- Re-election. XIV. 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. 15
- Meetings of School Commissioners. XV. 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, who shall give sufficient security, himself for one half and two sureties each for one quarter of the sum deemed right and sufficient by the Commissioners; Provided, that when the Priest or Minister of any Christian congregation shall have been elected or appointed a Commissioner, he shall be *ex officio* chairman of the Commissioners; and if more than one such Priest or Minister be elected the senior in age shall be the Chairman. 20
- Chairman and Secretary-Treasurer. 25
- Proviso. 30
- Decisions to be by majority. XVI. And be it enacted, That at the meetings of the School Commissioners all questions shall be decided by the majority of votes; and in case of equal division, the Chairman shall have a double or casting vote. 35
- Casting vote. 35
- Parish, &c. to be divided into School Districts. XVII. And be it enacted, That the Commissioners shall divide the Parish or Township into School Districts in all places where this shall not have been already done, and shall designate them by the numbers 1, 2, &c. and the limits assigned by them to each District shall be entered in the register of their proceedings; and the limits of the Districts may be altered at the commencement 40
- Alteration of limits.

of each second year, so as to suit the population and local circumstances, and at the discretion of the Commissioners duly assembled.

5 XVIII. And be it enacted, That no School District shall contain less than twenty children between the ages of five and sixteen years. Requisite number of children.

10 XIX. 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 so done A School to be in each District. United Districts.

XX. And be it enacted, That it shall be the duty of the School Commissioners in each Parish or Township,— Duties of School Commissioners.

1stly, To take possession of all lands and School houses which may have been acquired, given to or erected by the School Trustees or Commissioners, or by the Royal Institution, under any Act for the encouragement of education,—and in case of opposition, to give notice thereof to the Superintendent of schools, who will advise them as to the means of removing or overcoming such opposition. As to present School property.

2ndly. To acquire and hold for the corporation, by any title whatsoever, all real or personal property, monies or income, 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. Acquisition of School property.

3rdly. To do whatsoever 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 building for the purpose of keeping Schools therein :—and all Keeping such property in order. Accounts.

accounts relative to the objects aforesaid shall be transmitted annually to the Superintendent of Schools.

Engaging
Teachers.

4thly. To appoint and engage from time to time School Masters and School Mistresses duly qualified to teach in the Common Schools, and to remove them for just cause: Provided, that after the first day of January 1848, no person shall be retained as a School Master or School Mistress, who shall not produce his or her certificate of having undergone an examination before one of the Boards of Examiners hereinafter constituted, and also a sufficient certificate of his or her moral conduct, signed at the place where such person shall have resided during the six next preceding months, by the Rector of such place or the Minister of the most numerous congregation, and by at least three respectable persons therein; unless such Master be a Priest, Minister or Ecclesiastic of some Religious Denomination, or a member of some religious body devoting themselves to teaching:—Provided, that the possession of a certificate shall not give the Teacher a right to an engagement from the Commissioners if he does not suit them.

Proviso—as
to qualification
of Teachers after
1st Jany.
1848.

Exception as
to Ecclesiastics.

Proviso.

To comply
with instructions
as to
management,
discipline, &c.

5thly. To comply, as regards the management and internal discipline of Schools, and the accounts and Registers to be kept by the Secretary-Treasurer, with the 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 doings yearly, before the first day of January,—following as far as possible, in making such report, the instructions of the Superintendent.

To keep registers
and accounts.

6thly. 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 paying towards the Schools, at seasonable hours.

7thly. With regard to the distribution of the monies arising from the School-Fund, or from assessments imposed to raise a like sum in the Parishes and Townships, or from any other source, they shall conform to the instructions of the Superintendent, who may recommend (and such recommendation shall bind the Commissioners) that a sum not exceeding be given for the support of any Superior School, or Model School, at the most thickly settled place in the Parish or Township, over and above the share which would otherwise come to such School.

Distribution of school monies.

Superior or model schools.

8thly. They shall fix the rate per month to be paid for each child attending any Common School under their control, such rate not being less than and not exceeding per month, according to the means of the parents.

Fixing rates to be paid by parents for their children.

9thly. They may wholly or in part exempt indigent persons from paying such rates, and shall fix the times of payment as well for such indigent persons as for others.

Exempting indigent persons.

XXI. 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 otherwise be entitled in some Savings 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 such School District.

Deposit of monies not required in any District.

Application of the same.

XXII. And be it enacted, That the School Commissioners shall upon the order of the Superintendent of schools, raise by assessment and rate upon all the inhabitants of the Parish or Township, a sum equal to that which shall be granted for it out of the Com-

Raising money by assessment and rate.

mon School-Fund, which sum shall be over and above the produce of any school-tax hereinafter imposed, and shall be apportioned or rated, and may be recovered in like manner as any sum to be raised and apportioned for the building or repairing of a Church or Parsonage House; but equally on all property liable to assessment, as hereinafter provided;—They shall divide the whole sum raised by such rates or by school-taxes, 10 among all the School Districts in proportion to their respective population, and the portion coming to each School District shall be paid to the School Master or Mistress, or deposited as aforesaid, after deduction made 15 of incidental expenses.

Division of monies to be so raised.

School Commissioners to be a Corporation:

Their Corporate powers.

Limitation as to real property.

XXIII. And be it enacted, That the School Commissioners in each Parish or Township shall be a Corporation, and shall have perpetual succession and a common Seal, if they think proper to have one, and may sue and be sued,—and shall generally, have the same power which any other body politic or corporate has with regard to the purposes for which it is constituted; but they shall not at any time hold real property to the value of more than five hundred pounds yearly, in the Parishes of Quebec or Montreal, or of one hundred and fifty pounds for any other Parish or any Township.

Proviso: as to alienation of School property.

Corporation may be in abeyance.

School property vested in the Corporation.

XXIV. And be it enacted, That no such Corporation shall alienate any portion of the property held by it without the express authorization of the Superintendent of Schools; 35 and no such Corporation shall cease by reason of the want of School Commissioners in any Parish or Township 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 Governor of this Province in trust, until it shall be otherwise provided by law:—and all lands, School-houses or other property, real or personal, belonging to the Common Schools in 45 any Parish or Township, under any law or by any title whatsoever, is hereby vested in the

Corporation of the School Commissioners for the same, in trust.

XXV. And be it enacted, That the *Fa-* Conditions
brique of any Parish and the School Com- on which a
 5 missioners thereof, may by mutual agree- *Fabrique* may
 ment in due form made, unite for one or unite its
 more years the *Fabrique* Schools in opera- schools to
 tion, with the Schools to be kept under this those under the
 Act; and any *Fabrique* contributing not less Commission-
 10 than ers.
 for the year,
 towards the support of any School under
 the management of School Commissioners,
 shall thereby acquire a right to the Rector
 and Church-warden in office to be Com-
 15 missioners in so far as regards such School,
 if they are not so before: but no *Fabrique*
 shall so unite its Schools to those managed
 by Commissioners of another faith, except
 under an express and formal agreement with
 20 the School Commissioners of such other faith.

Proviso.

XXVI. And be it enacted, That when in Provision in
 any Parish or Township the regulations and the case where
 arrangements made by the School Commis- a minority of
 sioners for the conduct of any School, shall the inhabit-
 25 not be agreeable to any number whatever of ants professing
 the inhabitants professing a religious faith a different
 different from that of the majority of the faith from the
 inhabitants of such Parish or Township, the majority may
 inhabitants so dissentient may collectively wish to have a
 30 signify such dissent in writing to the separate
 Chairman of the Commissioners and to the school or se-
 Superintendent of Schools, and give in the parate schools.
 names of one or more (but not more than
 three) Trustees, chosen by them for the
 purposes of this Act;—and such Trustees
 35 shall have the same powers and be subject
 to the same duties as School Commis-
 sioners; and such dissentient inhabitants may,
 by the intervention of such Trustees, estab-
 lish in the manner provided by this Act with
 10 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 Super-
 intendent and from the School Commis-
 45 sioners, such sum out of the general or local

School Fund as shall be proportionate to the population they represent.

On what conditions a school shall be entitled to an allowance out of the school fund.

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 open during nine 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 by the Master and at least two of the Commissioners or Trustees, if there be two, and if not, then by the Trustee;—and that a sum equal to the allowance made by the Legislature for such Parish or Township, has been raised as provided in the twenty-second section. 5 10 15 20

Trustees of dissentient schools.

XXVIII. 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. 25 30

Children may attend from other districts.

A separate girl's school may be established at the most thickly settled place.

XXIX. And be it enacted, That the School Commissioners may, if they deem it expedient, establish at the most thickly settled place in the Parish or Township, a Girls' School distinct from that for Boys:—If any religious community shall have already established a Girls' School, such community may place its School under the management of the Commissioners, and it shall then be considered as entitled to all the advantages hereby granted to Common Schools. 35 40

Allowance to the Secretary-Treasurer.

XXX. And be it enacted, That the Secretary-Treasurer shall receive *per* 45

cent. on all monies 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 monies in his hands.

XXXI. And be it enacted, That the Schools established under this Act in each County, as well as those in the Cities of Quebec and Montreal, shall be visited at least once in every year by some of the Visitors hereinafter mentioned, and oftener if they deem it requisite; and such Visitors shall give notice of their visit to the School Commissioners, and shall be entitled to communication of the regulations and other documents relative to each School, and of all other information concerning it.

The common schools to be visited.

XXXII. And be it enacted, That the Visitors for each Parish, Township, or City, shall be—1stly, the resident Clergymen of whatever denomination; 2dly, the Judges; 3dly, the Members of the Legislature; 4thly, the Justices of the Peace; 5thly, the Mayor or the Warden of the Municipality; 6thly, the Colonels, Lieutenant-Colonels, and Majors and the Senior Captain of Militia resident in the locality:—and the Superintendent of Schools shall be *ex-officio* Visitor-General.

Who shall be visitors.

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.

Visitors who shall intend to visit generally all the Schools in a Parish, Township, or Town, shall give eight days previous notice to the School Commissioners, stating the day and hour on and at which they intend to visit such School.

Notice to be given of general visits.

XXXIII. And be it enacted, That there shall be in each of the Cities of Quebec and Montreal, and of the Towns of Three Rivers and Sherbrooke, respectively, a Board of Examiners, composed of persons taken as fairly as possible from the several religious

Boards of Examiners appointed, to sit in each of the cities and towns: Their duties.

persuasions, and to be appointed by the Governor for the purpose, who shall examine School Masters and Mistresses and grant or refuse them, as the case may require, certificates of ability and fitness. 5

Boards to be guided by instructions of the Superintendent, who shall be a member of each Board.

The said Boards shall be guided in their examination of applicants by the instructions of the Superintendent of Schools so far as regards the acquirements they must possess, and the form of the certificate to be given to them. The Superintendent shall be *ex-officio* a Member of all the Boards of Examiners. 10

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:— 15

Salary.

Clerk.

the said Superintendent shall receive *per annum*, and shall be allowed a clerk and 20 the contingent expences of his office.

Duties of the Superintendent.

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

Distribution of monies.

1st. To receive from the Receiver-General all sums of money appropriated for the purposes of this Act, and to distribute the same among the Schools according to law, and in proportion to the population of the several Parishes and Townships as ascertained by the then last census; 25 30

Preparing forms.

2ndly. To prepare and cause to be printed and distributed all necessary forms;

And Instructions and Regulations.

3rdly. To prepare and cause to be printed, instructions and regulations, as well for the School Commissioners as for the Secretary, Treasurers, Trustees, School Masters, and Mistresses and Boards of Examiners, which, before they are distributed to the parties whom they may concern, shall be submitted to the Governor in Council, and by him approved; 35 40

To cause the requisite sums

4thly. To cause to be levied, by assessment and rate in each Parish or Town-

ship, a sum equal to that allowed out of the Common School Fund for such Parish or Township; for which purpose he may command the services of the School Commissioners, or in their default, those of any other person or persons resident in the locality, whom he shall deem it expedient to employ;

5thly. 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;

6thly. To cause any party neglecting or refusing to pay his portion of any school rate, or school-tax to be prosecuted before any Justice of the Peace having jurisdiction in the locality,—(and any such Justice is hereby authorized and required to hear and adjudge upon such prosecution in a summary manner, and to cause the sum for which judgment shall be 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,)—a letter from the Superintendent addressed to any person resident in the locality in which the prosecution is to be brought, and instructing him to bring the same, being a sufficient warrant to any such Justice to act judicially in the case.

7thly. To examine and control the accounts of all parties accountable for any public monies appropriated and distributed under the authority of this Act, or of any other Provincial Act, for purposes of Education, unless such Act shall contain a special exemption from the obligation to account to the Superintendent for the application of any sum of money so appropriated or distributed;

8thly. To lay annually before 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;

To superintend all educational Institutions receiving public monies.

9thly. He shall have the superintendence and control of every Educational Institution receiving any grant of the public monies, and shall see that such monies are appropriated to the purposes for which they shall have been granted; 5

General powers.

10thly. And generally he shall have all such powers as without being specially detailed in this Act, shall be adjudged useful and necessary to the due working thereof, as well as of all other Acts now in force which have the encouragement of education directly or indirectly for their object. 10

The Rate mentioned in 22d Sect. to be laid equally on all property.

XXXVI. And be it enacted, That to supply the deficiency in the Common School Fund, the rate mentioned in the twenty-second section of this Act, shall be laid equally upon all the immoveable property in the Parish or Township, and upon all 15

Exception.

goods and chattels, (except household utensils and furniture in use,) according to the value of such property, moveable or immoveable, respectively, and shall be payable by 20

From whom recoverable.

and recoverable from the owner, occupant, or possessor of the moveable or immoveable property liable to be rated, and shall, if not 25

To bear hypothec if not paid.

paid, be a special charge, bearing *hypothèque*, and not requiring registration to preserve it, on all immoveable property liable to be rated.

School taxes to be paid by certain persons.

2ndly. There shall be paid yearly to the Secretary-Treasurer of each Parish and Township, as part of the local funds for Education, and over and above all monies raised by assessment and rate, the following sums as school taxes, by the parties hereinafter mentioned, residing in such Parish or Township: By each Advocate or Notary having practised for two years or more, according to the extent of his practice, and at the discretion of the School Commissioners; by each Clerk of a Circuit Court or Commissioners' Court; by each Physician, Surgeon, or Druggist duly licensed, having practised for two years or more, 45
; by each Seigneur holding

immediately from the Crown, whether he has
 or has not commuted the tenure of his seign-
 iory, ; by each Wholesale
 Trader, ; by each Retail
 5 Trader, ; by each Baker,
 Butcher, Soap Maker, Tallow Chandler, or
 Potash or Pearlash maker, ;

3rdly. By each keeper of a house or place
 of public entertainment, , according
 10 to the extent of his business, and at the dis-
 cretion of the School Commissioners ;

4thly. By each Master Carpenter or Join-
 er, Cartwright, Blacksmith or Saddler,
 ;

15 5thly. By the owner of each Saw-mill,
 with a single saw,
 and for each additional saw, whether circu-
 lar or vertical, ;

6thly. By the owner of each Grist-mill
 20 having only one run of stones, , and
 for each additional pair.

XXXVII. And to encourage education by the good example of the contribution of Public Officers to the Common School Fund, be
 25 it enacted, That the Receiver General shall
 deduct from the salary of each public func-
 tionary in Lower Canada receiving an annual
 salary of one hundred pounds and not ex-
 ceeding three hundred and fifty pounds,
 30 on each one hundred
 pounds ; on salaries over three hundred and
 fifty pounds and less than one thousand
 pounds, on each hundred
 pounds ; and on each salary of one thousand
 35 pounds or upwards, on
 each one hundred pounds ; and the sums so
 deducted shall be paid over by the Receiver
 General to the Superintendent of Schools, at
 the same time with the portion of the Com-
 40 mon School Monies coming to Lower Ca-
 nada.

Deduction
 from salaries
 of Public offi-
 cers, to be
 made for in-
 creasing the
 School Fund.

XXXVIII. And be it enacted, That upon a representation made by the School Com-
 assessment

may be laid when necessary.

missioners or Trustees to the Superintendent of Schools, that it is necessary to impose an additional assessment in their Parish or Township, and specifying upon what property such additional assessment ought to be laid; the Superintendent may make an order accordingly, and such additional assessment shall thereupon be apportioned or rated and levied in the manner prescribed by the thirty-sixth section of this Act. 5 10

When the School rates and School taxes shall be assessed and paid, or sued for.

XXXIX. And be it enacted, That each Rate and School tax imposed by or under the authority of this Act shall be fixed and laid between the _____ day of _____, and the _____ day of _____, 15 and paid between the first day of August and the first day of November, in each year; and every prosecution for non-payment shall be commenced as early as possible after the first day of November; and the Commission- 20 ers and Secretary-Treasurer may, in their discretion, receive the amount of such Rates in produce, at prices to be fixed by them; and notice given in the manner hereinbefore prescribed with regard to Parish or Town- 25 ship meetings, that the Roll of such Rates and Taxes 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 30 during _____ days at least after notice, during which time it may be amended by the School Commissioners, after which it shall be in full force, and shall be conclusive evidence as to the rate or taxes payable by any 35 party or on any property.

Receipts in Produce.

Notice of completion of Assessment and Tax Roll.

Inspection and correction.

Provisions as to the Cities of Quebec and Montreal.

Powers of School officers in the said Cities.

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 Parish 40 or Township or School District, 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; and all persons appointed or called upon to 45 carry this Act into effect in the said Cities shall have the same powers as the corres-

ponding functionaries in the Parishes and Townships by whatever name they may be designated, and shall be subject to the same obligations and penalties.

- 5 XLI. And be it enacted, That for all purposes relative to the distribution and appor-
 10 tionment of School monies, and for all other purposes of this Act where it shall not be repugnant to the other provisions thereof,
 the Cities of Quebec and Montreal shall be respectively considered as one Parish; it shall not be necessary to divide them into School Districts, but each School shall be considered as a District the School whereof
 15 may be attended by children from any part of the City.
- Each of the said Cities to be deemed one Parish for the purposes of this Act.
- They need not be divided into School Districts.

- XLII. And be it enacted, That in Quebec and in Montreal, the Governor in Council shall appoint twelve School Commissioners,
 20 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 others for the Proestants; and one half of
 25 each of the said Corporations shall be renewed annually by the Governor in Council.
- Governor in Council to appoint Commissioners in the said Cities.
- Renewal.

- XLIII. And be it enacted, That in the said Cities, no school rate or tax shall be levied; but the Treasurer of each City shall pay out
 30 of the funds thereof to the Boards of Commissioners and in equal proportion, a sum equal to that coming to such City out of the Common School Fund, to be employed by such Commissioners for the purposes of this
 35 Act.
- How the School Funds shall be raised in the said Cities.

- XLIV. And as the Cities of Quebec and Montreal possess Educational Institutions which do not and cannot exist in the country
 40 parts, 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 sum they would have been respectively entitled to according to their population.
- Proportion of public monies to be allowed for each City.

City School
Commission-
ers to obey in-
structions of
Superinten-
dent.

XLV. And be it enacted, That the School Commissioners for Quebec and Montreal shall be bound (as others are) to obey the instructions and orders of the Superintendent of Schools.

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Deposit of
School monies
belonging to
any locality
and not im-
mediately re-
quired.

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 shall be deposited by the School Commissioners, Trustees, or Secretary-Treasurer, at interest, to be drawn out as need may be, by the Corporation by whom it may have been deposited.

10.

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

XLVII. And be it enacted, That the sums annually payable 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, who shall have power to direct the payment as well out of the local fund as out of the public monies coming to any school, of such contingent expenses as may not have been otherwise specially provided for by this Act; And the due application of all public monies shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners 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 thereof shall be laid before the Legislature at the then next Session thereof.

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Accounts to
Her Majesty.

And to the
Legislature.

Indemnity
for payments
made out of
the Common
School Fund
before the
day of

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 monies 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 therefore enacted, that all officers or persons in any manner concerning the making of any order in Coun-

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- cil made before the day of
 now last, concerning
 the distribution, apportionment, payment or
 application of any such monies as aforesaid,
 5 or in distributing, apportioning, paying or
 applying such monies under the said orders
 or any of them, shall be and are hereby in-
 demnified and held harmless for all acts so
 done or advised by them, anything in any Act
 10 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 Proviso, for
 accounting.
 15 officers and persons, and all persons entrusted
 with the distribution and application of
 any such monies in the various Districts,
 Counties and other subdivisions of the Pro-
 vince, shall duly account for the same.
- 20 XLIX. And be it enacted, That every Penalty on
 persons ap-
 pointed to of-
 fice under this
 Act, who shall
 refuse to ac-
 cept, &c.
 person duly called upon to accept any of-
 fice or perform any functions under this Act,
 who shall refuse to accept or neglect to per-
 form the same, or shall in any way contra-
 25 vene the provisions of this Act, shall there-
 by for each such offence whether of omis-
 sion or commission incur a penalty of not
 less than
 nor more than
 30 according to the gravity of the offence, at
 the discretion of the Court or authority hav-
 ing cognizance thereof; And any Justice of
 the Peace residing within the locality shall How such
 penalty may be
 enforced.
 have jurisdiction with regard to any such
 35 offence and may after judgement cause the
 penalty to be levied under his 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 Application
 of penalties.
 40 Secretary-Treasurer of the Parish, Township,
 or City 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, Who may
 prosecute.
 45 or having paid the amount of all rates due by
 them, shall be competent to prosecute for the
 recovery of such penalties.

- Quorum of Commissioners fixed.* L. And be it enacted, That the *Quorum* of any Corporation 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. 5
- Powers of majority.*
- Saving of Rights not specially affected, &c.* LI. 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. 10
- Interpretation Clause.* LII. 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 the 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 be raised by a Rate; the word "Rate" shall mean the proportionate sum to be paid by each party, under any assessment; and the word "Tax" shall mean a definite sum to be paid by some certain classes of persons, without regard to the value of their property, or on some certain property without regard to its value; 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 females as well as males, 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 15 20 25 30 35 40 45
- Lower Canada.*
- Governor.*
- Governor in Council.*
- Assessment.*
- Rate.*
- Tax.*
- Singular number or masculine gender.*
- General Rule.*

objects of this Act and the enforcement of its several enactments, according to their true intent, meaning, and spirit.

LIII. And be it enacted, That this Act shall have force and effect from and after the day of the passing thereof. Commencement of this Act.

LIV. And be it enacted, That the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, Act of Canada 4 & 5 Vict. Cap. 18, repealed in part as to Lower Canada.

10 "*An Act to repeal certain Acts therein mentioned, and to make further provision for*

15 "*the establishment and maintenance of Common Schools throughout the Province,*"— shall, from and after the passing of this Act,

20 be 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 monies appropriated by the second and third sections aforesaid.