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N^o. 220.

1st Session, 4th Parliament, 16 Victoria, 1853.

BILL.

**An Act to amend the Law relating to
Grammar Schools in Upper Canada.**

**Received and Read a first time, 8th November,
1852.**

Second reading, Tuesday, 15th Feby., 1853.

Hon. Mr. RICHARDS.

QUEBEC:

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(230)

BILL.

**An Act to amend the Law relating to Grammar Schools
in Upper Canada.**

WHEREAS it is expedient to make further provision for the better establishment and maintenance of Grammar Schools in the several Counties and Cities in Upper Canada ; Be it therefore enacted, &c.,

Preamble.

That all moneys arising from the sale of lands set apart, or which may hereafter be set apart for the encouragement of Grammar Schools in Upper Canada, and which shall not have been specially granted to, or vested in or for the benefit of any particular College, Grammar School, or other Seminary or place of Education, or otherwise departed with by the Crown, and all annual grants which have been or may hereafter be made by Parliament, or which may be or become otherwise available from any other sources for that purpose, shall form a fund to be called "*The Upper Canada Grammar School Fund,*" and shall be invested in Government or other securities by the direction of the Governor in Council ; and the annual income thereof, after the deduction therefrom of one hundred pounds yearly for a senior Grammar School for each County or Union of Counties or City in Upper Canada, and certain other sums of money otherwise specially appropriated by this Act, shall be, with the said sum of one hundred pounds for each such senior Grammar School as aforesaid, annually apportioned to the several Cities, Counties and Unions of Counties in Upper Canada, by the Chief Superintendent of Schools, according to the ratio of population in each City, County and Union of Counties as compared with the population of Upper Canada ; or if he shall think it expedient in case of a defective census, he shall, with the approbation of the Governor in Council, apportion such moneys, according to the best evidence which he can obtain of the relative proportions of such population, having respect to an equitable apportionment thereof according to the said ratio of population : Provided always, that when the senior County Grammar School of any County or Union of Counties is situate within the limits of any City, the said sum of one hundred pounds a year shall not be reserved for such City, so long as such senior County Grammar Schools shall be situate within the limits of such City.

Grammar School Fund how to be constituted.

In what securities it shall be invested.

Annual income to be apportioned annually among the Counties and Cities in U. C.

proviso: when the Senior Grammar School is in a City.

Municipal Councils may levy assessments for supporting Grammar Schools, and their appendages.

II. And be it enacted, That it may and shall be lawful for the Municipal Council of each County, City, Township, Town or incorporated Village from time to time, to levy and collect by assessment such sum or sums as it shall judge expedient to purchase the site or sites of, to rent, build, repair, furnish, warm and keep in order a Grammar School House or Grammar School Houses, and its or their appendages, grounds and enclosures, for procuring apparatus and text-books, for providing the salary of the Teacher or Teachers, and all other necessary expenses of such County Grammar School or Schools.

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Notice to be given touching the apportionment aforesaid.

III. And be it enacted, That the Chief Superintendent of Schools for Upper Canada shall, on or before the first day of May in each year, notify each City and County Council, through the Clerk of the Council, of the annual apportionment of Grammar School moneys to such County or City, and shall give notice of the same to the Inspector General; and such moneys shall be payable to the Treasurer or Chamberlain of each County and City entitled to receive it, one half on or before the first day of July, and the other half on or before the thirty-first day of December in each year, in such manner as may be determined by the Governor: Provided always, that the sum or sums raised by local assessment or subscriptions for the support of Grammar Schools shall be payable each year on or before the twenty-fourth day of December.

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Apportionment to be payable half yearly.

Proviso.

Apportionment to be expended solely in paying Teachers.

IV. And be it enacted, That the sum or sums of money annually apportioned to each City and County, as provided in the first section of this Act, shall be expended in the payment of the salaries of Teachers, and for no other purpose.

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Certain subjects to be taught in each Grammar School.

V. And be it enacted, That in each County Grammar School provision shall be made for giving instruction, by a Teacher or Teachers of competent ability and good morals, in all the higher branches of a practical English and Commercial Education and also in the Latin and Greek Languages and Mathematics, so far as to prepare students for the University, according to a programme of studies and general rules and regulations to be prescribed by the Council of Public Instruction for Upper Canada and approved by the Governor in Council: Provided always, that no Grammar School shall be entitled to receive any part of the Grammar School Fund which shall not be conducted according to such rules and regulations.

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Proviso.

Council of Public Instruction to select Books and prepare a programme of

VI. And be it enacted, That the Council of Public Instruction for Upper Canada, (of which the President of the University of Toronto shall be a Member for the purposes of this Act,) shall prepare and prescribe a list of text-books, programme of studies,

and general rules and regulations for the organization and government of the County Grammar Schools, to be approved by the Governor in Council, and shall appoint, from time to time, and fix the remuneration of a Special Inspector of the said County Grammar Schools, and the remuneration of such Inspector shall be a charge upon the Grammar School Fund.

studies, and to appoint a Special Inspector of Grammar Schools.

VII. And be it enacted, That it shall be the duty of the Chief Superintendent of Schools,—to make annually to the Governor on or before the first day of July, a report of the actual state of the Grammar Schools throughout Upper Canada, showing the amount of moneys expended in connection with each and from what sources derived, with such suggestions for their improvement as he shall deem useful and expedient,—to see that the County Grammar School Fund apportioned by him, is, in all cases, applied to the purposes hereinbefore prescribed, and that each County Grammar School is conducted according to the rules and regulations provided according to law,—and to prepare suitable forms, and to give such instructions as he shall judge necessary and proper for making all reports and conducting all proceedings under this Act, and cause the same, with a sufficient number of copies of this Act and such general rules and regulations as shall be approved of as aforesaid for the better organization and government of Grammar Schools, to be printed in a convenient form and transmitted to the parties required to execute the provisions of this Act.

Duties of the Chief Superintendent with regard to Grammar Schools.

VIII. And be it enacted, That the Trustees of the several Grammar Schools in Upper Canada appointed before this Act shall come in force, shall continue and be *ex officio* Trustees of the respective Schools for which they shall have been appointed, and shall continue to discharge their duties as such until the appointment and organization of new Boards of Trustees for their respective Schools as herein provided.

Present Trustees to remain in office until others are appointed.

XI. And be it enacted, That the several Grammar School Trustees for each County and Union of Counties in Upper Canada, shall meet together on the first Wednesday in January next after the passing of this Act, and select from amongst themselves three Trustees, (one of whom shall retire annually from the said Board, on the 31st day of January in each year), for each of the Grammar Schools within such County or Union of Counties, who, with three other Trustees for each such School, to be chosen as hereinafter provided by the Municipal Council of the County or Union of Counties, shall compose the Board of Trustees (consisting of six members, four of whom shall constitute a *quorum*) for each such Grammar School, and the order in which the persons so selected by the said Trustees shall

Present Boards of Trustees to appoint three Trustees, and the Municipal Council three, who shall form the new Board of Trustees.

Quorum.

Retirement of Members.

Appointment of three Trustees by the Municipal Council.

Vacancies how filled up.

Board of Trustees to be appointed for each Grammar School by the Municipal Council of each City and each County hereafter to be formed.
Proviso.

Proviso.

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retire from the said Board shall be decided by lot. And the several County Municipalities in Upper Canada, at their first sittings to be held after the said first day of January next, shall select and appoint three fit and proper persons, one of whom shall also retire annually from the said Board on the 31st day of January 5 in each year, to be Trustees for each of the Grammar Schools within their Counties or Unions of Counties, and shall also decide the order in which the said persons so chosen, and all persons to be chosen by them as Trustees, shall retire from the said Board. And the vacancy occasioned by the retire- 10 ment of the said two Trustees annually, as also any occasional vacancy in the said Board, shall be filled up by such County Municipality, provided that the person appointed to fill such occasional vacancy shall hold office only for the unexpired part of the term for which the person whose place shall have become vacant 15 was appointed to serve, and the places of the two persons who shall retire from office annually (but may be re-elected) shall be filled up by the County Municipality at its first meeting to be held after the first day of January in each year, although the year within which such two Trustees should retire, may not then have 20 wholly expired.

X. And be it enacted, That it may and shall be lawful for the Common Council of each City now or hereafter to be incorporated, and the Municipal Council of each County or Union of Counties hereafter to be formed or set apart in Upper Canada, to 25 appoint not less than six or more than eight fit and proper persons (three of whom shall be a *quorum* for the transaction of business) as a Board of Trustees for each Grammar School in such City, County or Union: Provided always, that two persons thus appointed determined by such Councils) shall retire from office annually 30 (but may be re-appointed) and their places, as also any occasional vacancy, shall be filled up by such Councils: Provided also, that the person appointed to fill such vacancy shall hold office only for the unexpired part of the term for which the person whose place shall have become vacant, was appointed to serve: Provided like- 35 wise, that the Trustees appointed for the Grammar Schools of such City, shall not interfere with the Trustees of or in the direction or management of any senior County Grammar School which may be situate within the limits of such City appointed according to the provisions of this Act; Provided always that such Common Coun- 40 cils and Municipal Councils shall appoint such Trustees at their first or other meeting after the Municipal Elections in each year, and that the existing Trustees shall hold their offices (in the event of no appointment before the 31st day of January) until their successors shall be so appointed. 45

- XI. And be it enacted, That the Board of Trustees of each County or City Grammar School shall be and is hereby declared to be a Corporation, and to have and possess all the powers which are usually enjoyed by Corporations so far as the same are necessary for carrying out the purposes of this Act, that they shall meet at or near the place where each such School is held, on the first Monday in February in each and every year, and it shall be the duty of such Trustees :
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- 10 *First*, To appoint annually, or oftener, from amongst themselves, a Chairman, Secretary and Treasurer, and to fix the times and places of their meetings, the mode of calling and conducting such meetings, and of keeping a full and correct account of their proceedings :
- 15 *Secondly*, To take the charge of the County or City Grammar School for which they are appointed Trustees, and the buildings and lands appertaining to it ; to appoint or remove the Master and other Teacher or Teachers in such School : to fix their salaries and prescribe their duties ; to appoint such other officers or servants in such School as they may judge expedient, and fix their remuneration ; to do whatever may be expedient with regard to erecting, repairing, warming, furnishing or keeping in order the building or buildings of such School and its appendages, lands and enclosures and to apply (if necessary) for the requisite sum or sums to be raised by Municipal authority for such purpose or purposes : Provided always, that no person, except a graduate of some
- 20 University or University College, shall be appointed Master of a Grammar School unless he shall have previously obtained a certificate of qualification from a Committee of Examiners (one of whom shall be the head Master of the Normal School) appointed by the Council of Public Instruction : Provided likewise, that no
- 25 Master of a Grammar School shall be dismissed without the concurrence of the Council of Public Instruction :
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- Thirdly*, To cause, in their discretion, to be levied by rate bill upon the parents and guardians of pupils attending such School, such additional sum or sums as they shall judge expedient towards making up the salaries of Teachers, providing the proper apparatus, text books and registers, and for any other necessary expenses of such School ; and they shall have the same authority, and proceed in the same manner as Common School Trustees in the levying and collecting of rate bills for Common Schools :
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- 40 *Fourthly*, To employ such means as they may judge expedient, in concurrence with the Board of Trustees of Common Schools in the Township, Village, Town or City in which such Grammar School may be situate, for uniting one or more of the Common Schools of such Township, Village, Town or City, or depart-

Boards of Trustees incorporated.

Duties of such Boards.

Appointing of officers.

Taking charge of Schools : appointing Teachers, &c.

Applying to the Municipality for funds.

Proviso : Masters to be examined unless Graduates.

Proviso : as to removal of Masters.

Causing Rate Bills to be levied.

Uniting Grammar Schools with Common Schools.

Proviso. ments of them, with such Grammar School : Provided always, that no such union shall take place without ample provision being made for giving instruction to the pupils in the elementary English branches, by a duly qualified English Teacher or Teachers :

Books, Examinations, &c. *Fifthly*, To see that the pupils of such Grammar School are supplied with proper text-books ; that public half-yearly examinations of the pupils are held, and due notice given of them ; and that such School is conducted in accordance with the regulations which shall be provided according to law: 5

Giving orders for money on Chamberlain or Treasurer. *Sixthly*, To give the necessary orders upon the City Chamberlain or County Treasurer for the amount of public money to which such School is entitled, and upon their own Treasurer for any balance in his hands, for the payment of the salaries of the officers of such School and of any necessary expenses ; to prepare and transmit, before the fifteenth day of January, to the Chief Superintendent of Schools, an annual report, which shall contain a full and accurate account of all matters appertaining to such School, in accordance with a form of report which shall be provided according to law. 10 15

Reporting yearly to Chief Superintendent.

Names by which Grammar Schools shall be designated. XII. And be it enacted, That each County Grammar School shall be distinguished by prefixing to the term County, the name of the City, Town, or Village within the limits of which it may be situate ; and in the event of there being more than one City Grammar School within any City, the second or other Grammar School shall be known and designated as City of Grammar School, No. 2, (or *three*, as the case may be,) and that the Trustees of all such Grammar Schools shall severally use such distinguishing titles as their corporate name. 20 25

Which shall be the Senior Grammar School of any County. XIII. And be it enacted, That the Grammar School of the County or Union of Counties situate at the County Town of every County or Union of Counties in Upper Canada, shall be the senior County Grammar School of such County or Union of Counties, and if the Courts of Assize and Nisi Prius for any of such Counties or Union of Counties are usually held in a City, such City for the purposes of this Section shall be considered a County Town. 30 35

County Municipalities may establish additional Grammar Schools in certain cases. XIV. And be it enacted, That from and after the time this Act shall come in force, the several County Municipalities shall have power and authority to establish additional Grammar Schools within their limits, and appoint Trustees therefor according to the Section of this Act, but no new Grammar Schools shall be established until the state of the Grammar School Fund shall permit the application of a sum equal at the least to fifty pounds annually, to such new School, after paying to the other Grammar 40

Schools within such County or Union of Counties, the amounts which have been usually applicable to their support and maintenance before the passing of this Act.

XV. And be it enacted, That the Grammar Schools at present 5 established, or which may be established at the time this Act comes in force, shall be continued at the places where they are respectively held; but the Board of Trustees of each of the said Schools may change the place of holding such School by a resolution to be passed for that purpose and approved by the Governor in Council.

Where Grammar Schools shall be kept.

Change of site.

XVI. And whereas it is desirable at Seminaries and places of 10 Education to direct attention to natural phenomena, and to encourage habits of observation; and whereas a better knowledge of the climate and meteorology of Canada will be serviceable to agricultural and other pursuits, and be of value to scientific enquirers: Be it therefore enacted, That it shall be part of the duty of the 15 Master of every senior County Grammar School, to make the requisite observations for keeping and to keep a Meteorological Journal, embracing such observations and kept according to such form as shall from time to time be directed by the Council of Public 20 Instruction; and all such journals or abstracts of them shall be presented annually by the Chief Superintendent of Schools to the Governor with his Annual Report:

Recital.

Masters of Senior Grammar Schools to keep Meteorological Journals.

Every senior County Grammar School shall, on or before the 25 last day of November, one thousand eight hundred and fifty , be provided at the expense of the County with the following instruments:

And to be supplied with certain instruments.

One Barometer:

One Thermometer for the temperature of the air:

30 One Daniel's Hygrometer or other instrument for showing the Dew-Point

One rain-guage and measure:

One wind-vane:

And it shall be the duty of the Chief Superintendent of Schools 35 to procure these instruments at the request of the Municipal Council of any County, and to furnish the Master of the senior County Grammar School with a book for registering observations and with forms for abstracts thereof, to be transmitted to the Chief Superintendent by such Master, who shall certify that the observations required have been made with due care and regularity.

Chief Superintendent to provide Instruments at the request and cost of the Municipality.

XVII. And be it enacted, That the Act of the Parliament of Upper Canada, passed in the forty-seventh year of the Reign of King George the Third, and intituled, "*An Act to establish Public Schools in each and every District of this Province,*" and the Act of the said Parliament passed in the forty-eighth year of the same Reign, and intituled, "*An Act to amend an Act passed in the forty-seventh year of His Majesty's Reign, intituled, 'An Act to establish Public Schools in each and every District of this Province,'*" and the Act of the said Parliament passed in the second Session held in the fifty-ninth year of the same Reign, and intituled, "*An Act to repeal part of, and to amend the Laws now in force for establishing Public Schools in the several Districts of this Province, and to extend the provisions of the same,*" and the Act of the said Parliament passed in the seventh year of the Reign of King William the Fourth, and intituled, "*An Act to repeal part of an Act passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, intituled, 'An Act to repeal part of, and to amend the Laws now in force for establishing Public Schools in the several Districts of the Province,' and to establish the Public School for the London District in the Town of London,*" and the Act of the Parliament of this Province passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, "*An Act to make temporary provision for the appropriation of the Funds derived from the Sale of School Lands in that part of the Province formerly Upper Canada, and for other purposes,*" and the Act of the Parliament of this Province passed in the ninth year of Her Majesty's Reign, and intituled, "*An Act to amend the Act therein mentioned, relating to the appropriation of monies derived from the Sale of School Lands in Upper Canada,*" and the Act of the Parliament of this Province passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, "*An Act to provide for the payment of a sum of money therein mentioned, for the use and support of three additional Grammar Schools in the County of York, for the year one thousand eight hundred and forty-nine,*" and the Act of the Parliament of this Province passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, "*An Act to repeal the provisions limiting the distance between the County Town and any additional Grammar School in the same County in Upper Canada,*" all other laws and statutes relating to the Grammar Schools or Grammar School monies in Upper Canada, so far as they are contrary to the provisions of this Act, shall be and the same are hereby repealed; Provided always, that all appointments of Trustees, Masters, or Teachers of Grammar Schools shall continue in force, as if made under the authority of this Act, until revoked or changed according to the provisions of the same.

Acts of U. C.,
47 Geo. 3, c. 6.

48 Geo. 3, c. 16

59 Geo. 3, c. 4.

7 Will. 4, c.
106.

And of Cana-
da, 4 & 5 Vict.
c. 19.

9 Vict. c. 19.

13 and 14
Vict. c. 91.

14 and 15
V. c. 55, and
other laws in-
consistent
with this Act
repealed.

Proviso.

Commence-
ment of Act.

XVIII. And be it enacted, That this Act shall have force and effect upon from and after the first day of one thousand eight hundred and and not before.