

No. 253.

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act for the better Establishment and
Maintenance of Public Schools in
Upper Canada, and for repealing the
present School Act.

Received and Read a first time, Friday, 13th
April, 1849.

Second Reading, Wednesday, 18th April, 1849.

Hon. MR. CAMERON, (of Kent.)

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 BILL.

An Act for the better establishment and maintenance of Public Schools in Upper Canada.

WHEREAS it is expedient to make provision for the better establishment and maintenance of Public Schools, in that part of this Province formerly Upper Canada: Be it therefore enacted, &c. Preamble.

5 And it is hereby enacted by the authority of the same, That the Governor of this Province may from time to time appoint by Letters Patent under the Great Seal of this Province, a fit and proper person to be Superintendent of Schools for Upper Canada, and to hold his office Superintendent of Schools to be appointed for Upper Canada, his salary, &c.
 10 during pleasure; and the said Superintendent shall be allowed _____ currency, salary per annum, and shall be allowed _____ currency per annum for a clerk, and the contingent expenses of his office to be by him accounted for according to the terms of this Act;
 15 and the said Superintendent shall give security to Her Majesty, to the satisfaction of the Governor in Council, in the sum of *two thousand pounds* currency.

II. And be it enacted, That it shall be the duty of the Superintendent of Schools for Upper Canada: Duties of the Superintendent.

20 *First.*—After deducting certain sums, as hereinafter provided, to apportion, on or before the fifteenth day of April in each year, all moneys appropriated by the Legislature for Common Schools in Upper Canada, for the then current year, according to the ratio of population in Apportioning moneys.
 25 each County in Upper Canada, as compared with the whole population of such part of this Province, according to the census of the population thereof, which shall have been last taken and returned at the time of such apportionment; or, if the census or returns upon which such
 30 apportionment, according to this provision of this Act, ought to be made, be so defective in respect to any County that it will be impracticable to ascertain thereby the share of the School moneys which ought to be apportioned to the said County, then he shall apportion such
 35 moneys according to the best evidence in his power, having respect to a fair and equitable apportionment thereof according to the said ratio of population:

Secondly.—To certify to the Inspector General of this Province, the apportionment so made, and to give also Certifying apportionments, &c.
 40 immediate notice thereof to the Clerk of the Municipal Council of each County in Upper Canada, stating the

amount of money apportioned to each, the aggregate amount of the apportionments, and the ratio of population according to which the several apportionments shall have been made:

Seeing to application of moneys.

Thirdly.—To see that all moneys apportioned by him, 5 under the authority of this Act be applied to the purposes for which they shall have been granted, and to withhold from each and every County from which a satisfactory report respecting the moneys last apportioned there- 10 to shall not have been received, all further share of the Legislative Grant for Schools till such report shall have been furnished by said County.

Preparing forms, &c.

Fourthly.—To prepare suitable forms and regulations for making all reports, and conducting all necessary pro- 15 ceeding under this Act, and to cause the same, with such instructions as he shall deem necessary for the better organization and government of Public or Common Schools, to be transmitted to the several Boards and Officers required to execute the provisions of this Act.

Furnishing forms, copies of Act, &c.

Fifthly.—To furnish, from time to time, to the order of 20 any Superintendent of the Common Schools of any Township, Town or City in Upper Canada, such and so many copies of this Act, and of the forms, regulations and instructions prepared by him, as shall in such order be stated to be necessary for the use of any School or Schools 25 in said Township, Town or City.

Collecting information.

Sixthly.—To employ all lawful means in his power to collect information on the subject of education, and to diffuse it among the people in Upper Canada.

Reporting to the Governor.

Seventhly.—To submit annually to the Governor of this 30 Province, on or before the first day of August in each year, a report of the state of the Normal, Grammar, Common and other Public Schools or educational institutions in Upper Canada, shewing the amount of public moneys 35 expended for educational purposes in Upper Canada, so far as the same shall have been made known to him, and shewing likewise from what sources the said moneys shall have been derived, together with such information respecting the state of education in Upper Canada, and 40 plans and suggestions for the improvement thereof, as he shall deem to be expedient, in order that the same may be laid before the Legislature at the meeting thereof next following.

School monies when and how payable to County Treasurers.

III. And be it enacted, that the sum of money to be 45 annually distributed for the encouragement of Common Schools in Upper Canada aforesaid, shall be payable on the first day of May in each year, by warrant to the 50 Treasurers of the several Counties in Upper Canada.

IV. And be it enacted, That such County Treasurer shall, when he shall have received the sum of money apportioned to his County, immediately give notice thereof in writing, to the Clerk of the Municipal Council of his County.

Duty of Treasurers.

V. And be it enacted, That the duty of said Clerk shall be, when he shall have received notice of the apportionment of School moneys for his County, and also when the Treasurer of his County shall have given him notice that the said apportionment has been received by him, to lay the same as soon as possible before the Municipal Council of said County.

Duty of Clerk of Municipal Council.

VI. And be it enacted, That the said Municipal Council shall in its discretion cause a sum not exceeding *twenty-five per cent* of said apportionments to be deducted from said apportionment, and constituted a fund for the relief of such School Sections as may not without special assistance be able to establish or maintain schools; and said Municipal Council shall, in its discretion, cause the said fund to be distributed to such School Sections in such amounts as it shall judge to be proper: Provided always, that the said Municipal Council shall not authorize any such School to receive in any year, from such School Relief Fund a sum exceeding *ten pounds* currency; And provided also, that it shall not authorize any portion of said fund to be paid to any School Section in which the inhabitants may be sufficiently wealthy to be able to support a School without such assistance; nor to any section which may be conveniently united to another School Section, and so be made able to support a School; nor to any School Section which shall not have raised, by taxation or otherwise during the then current year, a sum at least equal in amount to the sum which said Municipal Council shall have apportioned to such section; nor unless it shall appear that the sum which such section shall have raised, shall have been applied to the payment of the Teacher of such section for such year; nor unless it shall have been certified to the Council that such section shall not have received any portion of the residue of the Legislative Grant, to be distributed as hereinafter provided, after the aforesaid sum shall have been deducted.

Aid to certain poorer School Sections.

Proviso.

Proviso.

VII. And be it enacted, That said Municipal Council after deducting from the apportionment of School moneys for its County as aforesaid, a sum sufficient for a School Relief Fund, shall apportion the residue of said apportionment to the several Townships, Towns and Cities in the County, according to the ratio of population in each, as compared with the whole population which shall have been last taken and returned at the time of such apportionment; or if the census or returns upon which such

Distribution of the rest of the apportionment for any County.

Proviso.

apportionment ought to be made, be so defective that an apportionment, made according to it would be unjust, it may and shall be lawful for the Council to apportion such School moneys according to the best evidence in its power, having respect to a fair and equitable apportionment thereof according to said ratio of population: Provided always, that before such apportionment be made, the population of such School Section or Sections as are to receive any portion of the School Relief Fund, shall be deducted from the population of the several Townships, Towns or Cities in which such section shall be located, and the apportionments to such Townships, Towns or Cities shall be made according to the population in them respectively, (exclusive of the population of the relieved School Sections,) as compared with the whole population of the County in which such Townships, Towns or Cities may be. 5 10 15

Notice to the Township, Town, and City Councils in the County.

VIII. And be it enacted, That the Municipal Council of each County in Upper Canada shall after it shall have apportioned as aforesaid the School moneys for its County, immediately cause a notice thereof to be given in writing to the Clerks of the several Township, Town or City Councils in its County, and to the Township, Town and City Superintendents of the Schools of the County, and shall cause to be stated therein the amount of money apportioned to each Township, Town and City, respectively, the aggregate amount of the apportionments, the ratio of population according to which the said apportionments shall have been severally made, the number and designations of the School Sections which are not to be included in the number to which the money apportioned to any Township, Town or City is to be distributed, and the amount granted from the School Relief Fund to each such School Section for the maintenance of a School therein. 20 25 30 35

Treasurers of County to pay moneys to Superintendents of Townships, &c.

IX. And be it enacted, That the notice in writing which the said Municipal Council shall give any Township, Town or City Superintendent of the Schools of its County as aforesaid, shall be sufficient warrant to said Superintendent to receive from the Treasurer of said County the sum of School money which shall have been apportioned to his Township, Town or City; and it shall be the duty of said Treasurer to pay the same to said Superintendent on the authority of said notice and on no other. 40 45

Superintendents of Townships, &c., how appointed, security, &c.

X. And be it enacted, That the Superintendent of Schools in each Township, Town and City shall be appointed by the Council of such Township, Town or City, and shall hold office during the pleasure of said Council, and shall, before he enter on the duties of his office, enter into a bond with two or more sufficient sureties to 50

such amount as shall be required by the said Council, and such bond shall be to the said Council, and shall be conditioned for the faithful performance of the duties of such Superintendent, and the sureties thereto shall be to the satisfaction of the said Council; Provido. that if insufficient sureties be accepted by the said Council, the members of such Council who shall have voted for the accepting of such sureties shall be personally holden in lieu of said sureties and amenable in their stead, if the said Superintendent shall fail to perform the duties required of him by this Act.

XI. And be it enacted, That any person appointed to be the Superintendent of the Schools of any Township, Town or City may likewise be appointed to be the Superintendent of any other Township, Town or City in his County or of the Schools of all the Townships, Towns and Cities in the same; Superintendent may be appointed for more than one place. Provido. that he shall, as is required by the tenth section of this Act, enter into a bond to the Municipal Council of each Township, Town or City for which he shall have been appointed, for the faithful performance of his duties, in respect to the Township, Town or City to the Municipal Council of which said bond shall be.

XII. And be it enacted, That the duty of every Township, Town or City Superintendent of Schools in Upper Canada, in respect to each Township, Town or City whereof he shall be Superintendent of Schools as aforesaid, shall be,— Duties of local Superintendents.

First.—To visit and publicly examine every Common School in the Township, Town or City, at least once a year, and oftener if he shall deem it necessary, or if the Municipal Council of the Township, Town or City shall require him; Visits.

Secondly.—To deliver in each School Section, at least once a year, a public lecture on some subject connected with the objects or interests of Common Schools; Lectures.

Thirdly.—To give notice to the Teacher of the School which he shall intend to visit, of his intention to visit and examine the same, at least three days before that on which he shall visit and examine the same, and the duty of the Teacher shall be to give public intimation of the notice, so that all having an interest in the School may have an opportunity to be present; Notice of visit.

Fourthly.—To prevent the use of such books as shall not have been authorized as hereinafter provided, —to recommend the use of the books which shall have been authorized, —and to give to Teachers, Trustees and Parents or Guardians, such advice in regard to the inter- Choice of books, &c.

ests and management of their Schools as he may judge to be proper, or as he shall, by any of the said persons, be asked to give ;

Overseeing
Teachers.

Fifthly.—To see that Teachers and Trustees perform the duties required of them by this Act ;

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Suing for pen-
alties, &c.

Sixthly.—To sue for and collect, by his name of office, all penalties and forfeitures imposed by this Act and which shall have been incurred by any officer or inhabitant of the Township, Town or City, and with respect to which no other provision shall have been made.

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Receiving and
applying
school moneys.

Seventhly.—To apply for and receive from the Treasurer of the County the sum or sums of money apportioned to said Township, Town or City by the Municipal Council of the County thereof, and apply the same as the Municipal Council of said Township, Town or City shall direct ; Provided always, that he shall not pay any part of the money apportioned to any School Sections of said Township, Town or City by the Municipal Council thereof, unless it shall appear that a sum at least equal in amount to the moneys apportioned to such sections, shall for the payment of the salary of the Teacher of the Common School thereof for the then current year, have been levied on the inhabitants of such section ; nor unless a School shall have been in operation therein during six consecutive months, either within the year for which said money shall have been apportioned, or within the last three months of the preceding year, and so much of the then current year consecutively following such portion of the preceeding year, as with said portion shall constitute six months ; nor unless, when there shall have been a School in operation therein during a portion of the preceding year, a sufficient report therefrom shall have been received ; nor unless it shall be that no portion of the money apportioned to such Township, Town or City for the preceding year shall have been paid to such section for the payment of the salary of the Teacher of the School thereof for such year ;

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ditions on
which money
may be allow-
ed to any
section.

Receiving
moneys from
Collectors and
applying the
same.

Eighthly.—To call for and receive from the Collector of such Township, Town or City, all moneys that for School purposes shall by virtue of and under the authority of any By-law or By-laws of the Municipal Council of the Township, Town or City, be raised in the Township, Town or City, and distribute or apply them for such purposes as the provisions of such By-law shall direct ;

Retaining
moneys not
called for.

Ninthly.—To retain in his hands, subject to the order of the Municipal Council of the said Township, Town or City, all moneys which shall have been apportioned to the School Sections of such Township, Town or City, and which shall not have been called for, or which he

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shall not have been able to apply according to the provisions of this Act; which moneys such Council may, in its discretion, add to the moneys to be next distributed to the School Sections of such Township, Town or City, and shall distribute them as a part of the apportionment to be then next distributed;

Tenthly.—To see generally that the provisions of this Act, so far as they relate to such Township, Town or City, be complied with; and to make a Report annually on or before the first day of March in each year to the Municipal Council of such Township, Town or City, and a similar report annually, on or before the like day to the Municipal Council of the County in which such Township, Town or City shall be; which Report shall be in such form as the Chief Superintendent of the Common Schools of Upper Canada shall have appointed: and shall state:

Seeing to the execution of this Act, and reporting

What the report shall contain.

1. The whole number of School Sections or parts of School Sections in such Township, Town or City, separately numbered and described;

Report.

2. The number of children, over the age of five and under the age of sixteen years, taught in each,—also the number of persons over the age of sixteen years taught in each,—the sexes of each of such classes,—and the number of children over the age of five years and under the age of sixteen years residing in each of such sections or parts of sections, and their sexes;

Report.

3. The length of time a School shall have been in operation during the year in each Section, the books used and the subjects taught, and whether the Teacher shall have been duly qualified, and the Trustees have duly reported;

Report.

4. The amount of moneys which shall have been received by each section, and the amount collected by each, distinguishing the amount appropriated by the Municipal Council of the Township, Town or City, the amounts from the School Relief Fund, the amounts raised by assessment, the amounts raised by the Trustees, and the amount from any other and what sources; also how all such moneys have been expended, and whether any and what part remains unexpended, and from what cause or causes;

Report.

5. The number of his School visits during the year, the whole number of School-houses in the Township, Town or City; the number hired, the number which are the property of their School Sections; and the number which shall have been erected during the year; with his opinion respecting such School-houses as respects their affording

Report.

accommodation, their healthfulness and their adaptedness for the purposes of a School: also whether such School-houses were built by voluntary contribution or by a tax imposed on the inhabitants of the School Section;

Report. 6. So far as he may be able to ascertain, the number 5 of private schools kept in the Township, Town or City, the number of pupils and the subjects taught in such Schools;

Report. 7. The number and extent of the School and Public 10 Libraries in such Township, Town or City, where situate, how established and supported; also any other information he may possess respecting the educational state, wants and advantages of the Township, Town or City; and any suggestions he may think proper to make, with 15 a view to the improvement of the Schools and to the diffusion of useful knowledge in such Township, Town or City.

Case of the Superintendent not reporting provided for. Penalty on him. XIII. And be it enacted, That in case the Superintendent of the Common Schools of any Township, Town or City, shall not, on or before the first day March in any year, transmit to the Municipal Council of his County, or shall 20 not on or before said day in any year, transmit to the Municipal Council of his Township, Town or City, his Report as hereinbefore provided, it shall be the duty of the said Clerk of such Council to give immediate notice of such neglect to the Townreeve, Mayor or Warden of 25 his Council; and the share of the School moneys apportioned to the Township, Town or City whose Superintendent shall not have reported, may be, in the discretion of the Municipal Council of the County in which such Township, Town or City may be situate, withheld till 30 such Report for such Township, Town or City shall have been made and transmitted either by such Superintendent or by a person authorized by the Municipal Council of such Township, Town or City to make and transmit the same; and the Superintendent who shall have neglected to make 35 such Report, shall forfeit to the use of his Township, Town or City, for the School purposes thereof, the sum of *ten pounds*, which shall be recoverable from such Superintendent at the suit of his successor in office, whose duty it shall be to sue for and collect the same, in his 40 name of office, in any Court possessing competent jurisdiction; Provided always, that if the Municipal Council of his Township, Town or City shall continue in his office of Superintendent the person who shall have been guilty of such neglect, any person whatever being an 45 inhabitant of such Township, Town or City may in such Court sue for and recover the same for the use of his Township, Town or City as aforesaid; And provided likewise, that the suit for the recovery of said sum of *ten pounds* shall have been commenced, on the complaint of 50 such person, within three calendar months from and after the time when such report ought to have been transmitted.

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Proviso.

XIII. And be it enacted, That each Township, Town and City Superintendent of Common Schools shall keep a just and true account of all School moneys received and expended by him in each year, and shall deliver the same to the Clerk of the Municipal Council of his Township, Town or City, to be by such Clerk laid before the Council; and in case of the removal from office of any such Superintendent, or in case of his resignation or his removing his residence from the County in which the Township, Town or City for which he shall be Superintendent may be situate, he shall immediately render to his successor in office a just and true account of all School moneys received and expended by him during the then current year, and of all balances in his hands, and shall forthwith pay over all such balances to his said successor, who shall appropriate the same in like manner as it should have been appropriated by such Superintendent, had he remained in office; and if any vacancy in the office of such Superintendent shall occur, by the death of such Superintendent, his personal representatives or sureties shall render such account and pay over such balances; and every such Superintendent who shall refuse or neglect to render such account or to pay over such balance, shall forfeit and pay the sum of *twenty-five pounds* which together with such balance, so far as the same can be ascertained, and interest thereon, shall be recoverable from such Superintendent or his sureties, at the suit of such successor, whose duty it shall be to sue for the same in his name of office, in any Court possessing competent jurisdiction; and every personal representative or surety of any deceased Superintendent who shall refuse to render such account or to pay over such balances, shall forfeit and pay a like sum, to be in like manner sued and collected.

Accounts to be kept by Superintendents for Townships, Towns, &c., and rendering thereof: case of his removal, death, &c., provided for

Penalty for neglect.

XIV. And be it enacted, That it shall be the duty of every Township, Town or City Clerk, to report in writing to the Municipal Council of the County in which his Township, Town or City may be, every appointment of a Township, Town or City Superintendent of Common Schools which shall have been made from time to time by the Municipal Council of his Township, Town or City, and the name and address of the person so appointed, within seven days after such Superintendent shall have entered into a bond as aforesaid, for the faithful performance of his duties as such Superintendent, and it shall be the duty of such Clerk likewise within seven days after a vacancy shall have occurred in the office of Township, Town or City Superintendent, to report such vacancy to the Municipal Council of his County, and also report the same as soon as possible to the Municipal Council of his Township, Town or City.

Appointments of Superintendents to be reported to the Council, &c.

Emolument of Superintendent.

XV. And be it enacted, That the Superintendent of the Common Schools of any Township, Town or City, shall be paid by such salary or percentage as the Municipal Council of said Township, Town or City shall appoint, and such salary shall be raised and levied ratably upon the whole ratable property in the Township, Town or City, according to the assessment laws which shall then be in force. 5

What shall be deemed "School Sections."

XVI. And be it enacted, That all the divisions of Townships, Towns or Cities in that part of this Province formerly Upper Canada, which shall have been established before this Act shall be in force, and which shall then exist and be called "*School Sections*" shall not cease, but shall continue to be School Sections for the purposes of this Act, until altered as hereinafter provided; and the Trustees of such Sections shall be as if they had been chosen by virtue of and under the authority of this Act, and shall have all the powers, and discharge all the duties of Trustees, and be subject to all the liabilities and penalties to which Trustees are subjected by this Act until their successors shall have been appointed. 10 15 20

Municipal Council to fix and alter School Sections.

XVII. And be it enacted, That it shall and may be lawful for the Municipal Council of each Township, Town and City in Upper Canada to alter any School Section of such Township, Town or City, or cause a new division of such Township, Town or City into School Sections, or to unite two or more of such Sections, and determine the site on which the School-house of any School Section in the Township, Town or City shall be built; Provided always, that any alteration of the site of any School-house, or any alteration of any School Section which shall not have been made with the consent of the Trustees of the Section, shall not take effect until three months after notice thereof shall have been given in writing to one or more of such Trustees. 25 30 35

Proviso.

Duty of the Council as to new Sections.

XVIII. And be it enacted, That it shall be the duty of the Municipal Council of each Township, Town or City aforesaid, whenever it shall have formed a new School Section in any Township, Town or City, to appoint a person or persons who shall call the first School Section Meeting in said section; and to communicate to such person or persons, in writing, the description and number of the Section; and it shall be the duty of such person or persons, within twenty days thereafter, to prepare a notice in writing, describing such section and appointing the time and place for the meeting, and to cause copies of such notice to be posted in at least *three public places* in the section, at least six days before the time of holding such meeting. 40 45

First Meeting, notice, &c.

XIX. And be it enacted, That at the first School Section Meeting which shall be held in a new School Section, the landholders and householders thereat, being residents in said Section, shall elect three fit and proper persons to be Trustees of said Section, and such persons shall hold office until the second Tuesday in January next after their election, and until their successors in office shall have been appointed.

Election of School Trustees, in new Sections.

XX. And be it enacted, That on the second Tuesday in January next after there shall have been a first School Section Meeting held in any new School Section, the landholders and householders resident in such Section, shall again meet at the hour of twelve of the clock at noon, at such place as shall have been appointed by a majority of the Trustees of the Section, who shall cause notice of the meeting to be posted in, at least, *three public places* in the Section, at least six days before the time therein appointed for the holding of the meeting; and a like meeting shall, from and after the passing of this Act, be in like manner held in every School Section in Upper Canada, on the second Tuesday in January in every year; and the duty of the Trustees of each School Section in Upper Canada, shall be to give notice of such meeting in the manner aforesaid and at the time aforesaid.

Annual Meeting for election of Trustees for each Section.

XXI. And be it enacted, That when the meeting held on the second Tuesday of January in such School Section shall be the first School Section Meeting held on such day, the landholders and householders present thereat shall choose three fit and proper persons to be the *Corporate School Trustees* of such section, who shall respectively hold office for a term of one, two and three years, and shall retire from office in the order of their appointment,—the first appointed to retire at the end of one year, the second appointed to retire at the end of two years, and the third appointed to retire at the end of three years; Provided always, that no Trustee shall retire from office until his successor shall have been appointed, nor be relieved from the obligations, liabilities and penalties belonging to his office as Trustee, till the Township, Town or City Superintendent of Schools, whose duty it shall be to see that he shall have faithfully discharged his duty, shall have relieved him therefrom.

First elections of Trustees and their term of office; three to be elected.

Proviso.

XXII. And be it enacted, That at each meeting of the landholders and householders of each School Section in Upper Canada, which shall be held on the second Tuesday in January in any year after the year in which *Corporate Trustees* shall have been appointed, the landholders and householders present shall by a majority elect one fit and proper person who shall succeed the Trustee whose term of office shall have expired, and the person then elected shall continue in office three years, and

Subsequent elections; one to be elected.

Proviso. until his successor in office shall have been elected; Provided always, that the person whose term of office shall have expired may be re-elected, if he be willing.

Penalty on persons required to give notice of meeting for election and not giving it; how levied. &c.

XXIII. And be it enacted, That if in consequence of the notice hereinbefore required not having been given, 5 there shall have been held no first School Section Meeting, or meeting for the election of *Corporate Trustees*, or subsequent meeting for the election of one Trustee, the person or persons whose duty it shall have been to give such notice, shall individually forfeit a sum not exceeding *two pounds*, which shall be recoverable for the School purposes of such section, by prosecution before any Justice of the Peace, who is hereby authorized on the complaint on oath of any two inhabitants of such section, to hear and determine the same, and to convict 15 the party, and to issue a warrant to levy the penalty, by sale and distress of the offender's goods: and in such default of holding such meeting, *any three resident freeholders* shall have authority, within twenty days after the time at which such meeting should have been held, to 20 call such meeting, by giving six days notice, to be posted in, at least, three public places in such School Section.

Penalty on Trustees refusing to serve.

XXIV. And be it enacted, That if any person chosen as a Trustee shall refuse to serve, he shall forfeit a sum not exceeding *five pounds*, which sum shall be collected 25 and applied in the same manner as the fines imposed by the foregoing provision of this Act are to be collected; and, if one or more vacancies should occur among the Trustees, by reason of refusal to serve, permanent absence from the School Section, death or incapacity from 30 sickness, such vacancy or vacancies shall be filled up by the electors of such School Sections, at a meeting to be called for that purpose by the surviving Trustee or Trustees; and in case of there being no surviving Trustee, the Municipal Council of the Township, Town or City 35 shall fill up the vacancies, and the person or persons who shall be appointed to fill up the vacancy or vacancies shall continue in office during the period for which the person or persons whom he or they shall succeed would have been required to serve. 40

Vacancies, how filled.

Re-election must be voluntary.

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

Who shall preside at elections of Trustees, &c.

XXVI. And be it enacted, That at every School Section Meeting of the landholders and householders of each 45 Section in Upper Canada, whether the same shall have been called as hereinbefore provided or otherwise, the landholders and householders present thereat shall by a majority, appoint one of themselves to preside over the proceedings of said meeting, and one of themselves also 50

to record said proceedings; and the duty of said persons shall be to prepare two copies of the record of said proceedings, and transmit one of them to the Clerk of the Municipal Council of the Township, Town or City, and post one in such place as they shall deem to be *the most public one*, within the School Section in which such meeting shall have been held.

XXVII. And be it enacted, That the School Trustees in each School Section shall be a Corporation, under the name of "*The School Trustees of Section number in the Township, Town or City of in the County of*;" and shall have perpetual succession and a common seal, and may sue and be sued, and shall generally have the same powers which any other body politic or corporate has with regard to the purposes for which it is constituted; but they shall not at any time hold real property.

School Trustees to be a Corporation. Name.

Corporate powers.

XXVIII. And be it enacted, That no such Corporation shall cease by reason of the want of Trustees, but the powers of the Corporation in such case, as regards the holding of any personal property belonging to such Corporation, shall become vested in the Superintendent of the Schools of the Township, Town or City in which said Corporation may be situate, until the Municipal Council of such Township, Town or City, shall as hereinbefore provided appoint persons to fill up the vacancy which shall have occurred.

Corporation not to fail for want of Trustees.

XXIX. And be it enacted, That it shall be the duty of the Trustees of each School Section in Upper Canada,

Duties of the Trustees.

First.—To appoint one of themselves to be Secretary-Treasurer of their School Section, whose duty it shall be to keep a minute of the proceedings of the Trustees in a book kept for that purpose, to receive the moneys from whatever source derived, belonging to his School Section, for School purposes, to account to his colleagues for such moneys, and to disburse them as a majority of the Trustees shall direct; Provided always, that the directions of the majority shall be in accordance with the provisions of this Act;

Appointing Secretary-Treasurer.

Secondly.—To take possession of all property which shall have been acquired for Common School purposes in their section, and hold the same for such purposes; and acquire and hold for the Corporation of their section, any and all personal property, moneys and incomes belonging to said Corporation, for Common School purposes; and use and apply the same according to the terms of acquiring or receiving them, until by law the power hereby given be taken away or modified;

Taking possession of property.

Taking care of
School property.

Thirdly.—To do whatever may be expedient with regard to building, repairing, renting, renewing, warming or keeping in order the School-house of their section, and also to do whatever may be expedient for the keeping in order the appendages to the same,—the lands, fences and movable property of whatever description which shall be the property of their School Section; Provided that no rate shall be levied for the building of a School-house, or for the purchasing of a site for a School-house in any School Section, otherwise than under a By-law of the Municipal Council of the Township, Town or City in which such section shall be; nor unless a memorial praying that such rate shall be levied, shall have been signed by a majority of the landholders and householders of said section, and shall have been submitted to said Council by a person or persons authorized by said majority to submit the same;

Proviso: as to
rates for building
School-houses.

Maintenance
of the School.

Fourthly—To adopt such means for the maintenance of the School of their section as at the School Section Meeting of the landholders and householders of their section, held on the second Tuesday of January in any year, shall have been approved of for such year by a majority of the landholders and householders present at such meeting, being residents in the section; Provided always, that the means approved of at such meeting shall be in accordance with the provisions of this Act as hereinafter provided;

Preparing
Rate Bill; its
contents, &c.

Fifthly.—To determine on and prepare a Rate Bill, which, in their discretion, may be payable quarterly, half yearly or yearly, and shall contain the name of every person liable to pay for the instruction of children sent by him to the Common School of their section, or for the instruction of himself at such School, or for firewood, or for any charge necessarily incurred by such attendance; and shall contain the amount also for which such person shall be liable; and the same may be collected by themselves, or by any one of them, or by their collector appointed by them to collect the same; and if they employ a collector, five per centum may be added thereto for the cost of collection and be collected therewith; Provided always, that they shall not enforce the payment of any Rate Bill, if the majority of the landholders and householders of their section as aforesaid, and as hereinafter provided, shall have determined to support the Common School thereof by a tax upon the ratable property in the section, and the Municipal Council of the Township, Town or City shall have, accordingly, levied an assessment on such section sufficient for the support of such School;

Collection.

Proviso.

Exempting indigent persons, &c.

Sixthly.—To exempt wholly or in part from the payment of the Rate Bill, such indigent person or persons

within their School Section, as they shall think proper ;
 and in case of default of payment by any person to whom
 the claim against him, on the Rate Bill shall have been made
 known by them, to levy the amount by distress and sale of
 5 the goods and chattels of such person ; and in case such
 person reside without the School Section, and have no
 goods or chattels within it at the time of making such
 collection, to sue for the amount of the claim in their
 name of office, in any Court of competent jurisdiction ;
 10 and for the collection of such rate, the collector appointed
 by the Trustees shall have within their School Section
 the same powers that the collector of any County Rate
 shall have for the collection of such rate ;

Levying the
Rate, &c.

Powers of Col-
lector.

Seventhly.—To ascertain the number of children over
 15 the age of five years and under the age of sixteen years,
 residing in their School Section, and allow them and any
 person, and all persons residing in their section, to attend
 the Common School thereof, so long as the conduct of
 such persons shall be agreeable to the rules of the
 20 School.

Determining
number of
children, &c.

Eighthly.—To engage and appoint from time to time
 a duly qualified person or persons to teach the Common
 School of their section ; and to give such person or per-
 sons the necessary orders upon the Superintendent of
 25 their Township, Town or City ; for the portion or por-
 tions of School money to which, according to the provi-
 sions of this Act, said person or persons shall be en-
 titled ;

Engaging
Teacher, &c.

Ninthly.—To select from a list of books which shall
 30 have been made out by the Board of Education for their
 County, the books that shall be used in their School ; and
 to allow the use of no other ;

Selecting
books.

Tenthly.—To see that their School is conducted accor-
 ding to the regulations which shall be furnished by the
 35 Chief Superintendent ;

Seeing to the
conduct of the
School.

Eleventhly.—To prepare and transmit annually, on or
 before the second Tuesday in January, a Report to the
 Superintendent of the Common Schools of their Town-
 ship, Town or City, which shall be signed by a majority
 40 of them, and be according to a form which shall be pro-
 vided by the Chief Superintendent, and shall specify :

Making an-
nual Report.

1. The whole time that the School of their section
 shall have been in operation, under a qualified Teacher,
 during the year which shall have ended on the thirty-first
 45 day of December next before the day on which the
 Report shall be dated ;

Contents of
Report.

Report.

2. The amount of moneys received from the Superintendent of the Schools of their Township, Town or City, and the amount of moneys received from other sources, distinguishing the same, and the purposes for which all such moneys shall have been expended;

5

Report.

3. The number of children over the age of five years and under the age of sixteen years, residing in their section on the last day of December aforesaid; the names of the parents or others with whom such children shall then respectively have been residing; and the number of 10 children that shall have been residing with each;

Report.

4. The number of children over the age of five years and under the age of sixteen years that shall have attended their School during the year; the number of persons over the age of sixteen years that shall have attended 15 during the same; the name of each individual of both classes, and the number of days that each individual shall have attended, and the month or months in which those days were.

Report.

5. The branches which shall have been taught in their 20 School during the year—the number of pupils in each branch—the sex or sexes of such pupils—the text books used—the number of public lectures on subjects connected with the objects and interests of education which shall have been delivered in their section during the year— 25 by whom they shall have been delivered—the number of times which the Township, Town or City Superintendent and any other person or persons shall have visited their School during the year, and the number of such pupils as shall have distinguished themselves by good conduct and 30 proficiency during the same.

Secretary-Treasurer to make a copy of the Report, &c.

XXX. And be it enacted, That the Secretary-Treasurer of each School Section in Upper Canada, shall make a fair copy of the Report of the Trustees of his section, and shall at or before the time of transmitting 35 said Report to the Township, Town or City Superintendent, certify said copy to be true, and shall forthwith give it to the Teacher of the School of his section; and the duty of the Teacher shall be to post the same immediately in a conspicuous place in the School-house of said 40 section, and see that it be preserved for the information of the inhabitants of such section, during at least one month from and after the time at which it shall have been posted.

Duty of Teacher.

Duties of Teachers.

XXXI. And be it enacted, That it shall be the duty of 45 every Teacher of a Common School in Upper Canada, further:

First.—To teach diligently and faithfully, all the branches required to be taught in his School, according to the terms of his engagement with the Trustees of said School, and according to the provisions of this Act; Teacher's duty.

5 *Secondly.*—To keep a record, which shall be according to a form which shall be provided by the Chief Superintendent; Teacher's duty.

Thirdly.—To maintain proper order and discipline in his School, according to the regulations which shall be provided by the Chief Superintendent; Teacher's duty.

Fourthly.—To have at the end of each quarter a public examination of his School, and to give due notice of the time thereof to the Trustees of his School, and to the parents and guardians of his pupils, so that all interested in his School may have an opportunity of attending. Teacher's duty.

Fifthly.—To act as the Secretary to the Trustees of his School, if they shall require him, in the preparing of their Reports: Provided always, that the time of his engagement with such Trustees shall not have expired before the time of preparing such Report; Teacher's duty.

Sixthly.—To furnish in writing such information as the Superintendent of the Common Schools of his Township, Town or City shall require respecting the state of his School, or respecting any of his pupils, or respecting anything in regard to which it shall be the duty of such Superintendent to report, and respecting which it shall be in the power of such Teacher to give information. Teacher's duty.

XXXII. And be it enacted, That the Superintendent of the Common Schools in each Township, Town or City in Upper Canada, shall have authority to withhold from any School Section, and from the Teacher or Teachers of any School Section, such portion or portions of moneys which shall have been apportioned to such section, or raised therein for the School purposes thereof, and shall be in his hands on the first day of December in each year, until he shall have received from the Trustees of such section their annual Report for such year. Superintendent may withhold moneys until the Report is made.

XXXIII. And be it enacted, That if any Trustee of a Common School in Upper Canada, or any Teacher of such School, shall with the intent of obtaining a larger sum than the just proportion of School moneys to such School, make a false report or communicate false information to the Superintendent of the Common Schools of his Township Town or City, he shall on his being convicted thereof before any Justice of the Peace, on the complaint of any person whatever for each offence, forfeit a sum not exceeding five pounds, to the School Punishment of Trustees or Teachers making false Reports.

Fund of his Township, Town or City, and shall be liable to be tried and punished for misdemeanor.

Duty of Municipal authorities in levying a sum equal to that obtained from Government.

XXXIV. And be it enacted, That the Municipal Council of each Township, Town and City in Upper Canada, shall, in every year, and within the limits of its powers of imposing taxes, cause to be levied for the payment of the Teachers of the Common Schools of its Township, Town or City, for the then current year, such sum of money as, clear of all charges for the collection thereof, shall be at least equal to the amount of public money which shall have been apportioned to such Township, Town or City for such year; and this sum, to be so raised shall be placed upon the proper Collectors' Rolls, and shall be collected by such collector in such manner as his duty shall be to collect any other tax for such Township, Town or City, and shall be by him paid over to the Superintendent of the Common Schools of such Township, Town or City, within the period fixed by law for the payment of rates to the Treasurer to whom such other taxes or rates collected by him shall be payable; and such collector shall therewith give to such Superintendent a statement in writing whereby such Superintendent shall know the amount which shall have been collected in each School Section; and such Superintendent shall pay to the Teachers of the Common Schools of his Township, Town or City, such amounts as shall have been so certified by such collector to have been collected in their School Sections respectively: Provided always, that such Superintendent shall retain in his hands the sum which shall be payable to the Teacher of any School Section from which no sufficient Report for the year shall have been received, until the Trustees of his School shall furnish such Report.

How collected.

Account by collector.

Payments to Teachers.

Proviso.

Provision if the collector shall not pay over the proper sum.

XXXV. And be it enacted, That in case the amount which the Superintendent of the Common Schools of any Township, Town or City shall receive from the collector of the rates of such Township, Town or City for any School purpose, shall be less than the amount which, according to the By-law of the Municipal Council of his Township, Town or City providing for the collection of the same, should have been collected in such Township, Town or City, it shall be the duty of such Superintendent to give notice of the discrepancy immediately to the Clerk of such Council, so that the Council may as soon as possible cause the collector to account for it.

When the proper amount is raised, the money may be apportioned among the Teachers by a certain rule.

XXXVI. And be it enacted, That when the Municipal Council of any Township, Town or City shall have caused to be levied, for the payment of the salaries of the Teachers of the Common Schools of its Township, Town or City, for the current year as aforesaid, a sum

at least equal to the amount of public money apportioned to said Township, Town or City for such year, it may and shall be lawful for such Council to apportion the said public money to such Teachers according to the ratio of 5 days which the aggregate attendance of the scholars of each School in said Township, Town or City shall exhibit, as compared with the days which the aggregate attendance of all the Scholars of all the Schools in such Township, Town or City shall exhibit, and the Superintendent of the Schools of such Township, Town or City shall pay such apportionments at such time as the said Council shall direct: Provided always, that a rate equal 10 to the whole amount apportioned to said Township, Town or City shall have been levied as aforesaid. Proviso.

15 XXXVII. And be it enacted, That it may and shall be lawful for the Municipal Council of each Township, Town and City in Upper Canada, to cause to be levied on the inhabitants of all or any School Section within its Township, Town or City, for the purchasing or procuring 20 of School sites, the erecting, repairing, renting, furnishing or warming of School-houses, the purchasing of necessary books, maps, globes, black-boards and other apparatus for the use of the Schools of such section, for the payment of Teachers, and for Common School purposes 25 generally, (and over and above the sum of money required by this Act to be equal to the public money apportioned to said Township, Town or City,) such assessment as such Council shall judge to be expedient, anything in any law or statute to the contrary notwithstanding; Pro- 30 vided always, that the said additional assessment shall in no case be levied unless a majority of the Trustees of the School for the benefit of which said assessment shall be intended, shall have petitioned for the same, and shall have certified such Council that a majority of the land- 35 holders and householders present at the School Section Meeting of their section, held on the second Tuesday of January in the then current year, did approve of such assessment; And provided also, that when an assessment 40 for the full amount required for the support of the School of any section for any year shall have been levied on the inhabitants of such section, such School shall be free, and no fee shall be required of any inhabitant of the section for instruction received therein, by his children or himself, during said year; And provided further, that it may and 45 shall be lawful, nevertheless, for the Trustees of said School Section to determine and prepare a Rate Bill for the contingent expenses of such year, and to recover the same from the person or persons liable for the same, according to the provisions of this Act regarding the 50 duties of Trustees. Municipality may impose such rates as it shall think requisite for School purposes, on any School Section,
 Proviso; conditions of additional assessment; consent of Trustees, &c.
 Proviso.
 Proviso.

XXXVIII. And be it enacted, That the assessment 50 to be made for Common School purposes generally, How such assessment shall be collected.

shall be placed upon the proper Collectors' Rolls and shall be collected by the Collector, in such manner as shall be his duty to collect any other rate for his Township, Town or City, and shall be paid over by him to the Superintendent of the Common Schools of the Township, Town or City, within the period fixed for the payment of rates to the Treasurer, to whom the payment of such other taxes or rates collected by him shall be payable: and such Collector shall give in writing to such Superintendent a statement of the amount payable to each School Section, and of the purposes also for which they shall be payable; and such Superintendent shall according to such statement disburse such amounts to the Trustees of the School Sections in which they shall severally have been collected; and in case the amounts specified in said statement shall not agree with the amounts specified in the By-law or By-laws of the Municipal Council authorizing such assessment, it shall be the duty of such Superintendent to give to the Clerk of said Council immediate notice of the discrepancy.

Collector to account.

Superintendent's duty.

Superior Schools may be formed for Unions of Sections.

Proviso: suitable School-house to be provided.

Effect of such Union of Sections, as to their School property, &c.

XXXIX. And be it enacted, That in case a majority of the inhabitants of each of any two or more adjoining School Sections shall petition the Municipal Council of the Township, Town or City in which such sections may be situate, to unite such sections for the purpose of establishing a School in which the scholars shall be classified according to their knowledge, and each class shall be a separate department and each department shall be under a different Teacher, and the Teachers thereof be under the supervision of a Head Master who shall be Teacher of the senior department thereof, it may and shall be lawful for said Council to unite said sections; Provided always, that the Schools of the sections respectively shall not be discontinued, nor such sections be constituted one School Section until a suitable School-house shall have been erected in a central and convenient place within the limits which shall constitute the new section, nor until such School-house shall have been completed to the satisfaction of the said Council, and according to a plan which shall have been approved of by such Council.

XL. And be it enacted, That when two or more sections shall have been constituted one School Section, the powers of the Trustees of the several sections shall cease, and the personal property of the several sections which shall have been held by the Trustees of them for School purposes, shall become vested in the Superintendent of the Common Schools of the Township, Town or City, in trust for the new section, until the Municipal Council of such Township, Town or City shall have called a first School Section Meeting in such section, and until Trustees shall have been elected, as hereinbefore

provided; but the Trustees whose powers shall cease shall, nevertheless, not be relieved thereby from the obligations, liabilities and penalties belonging to their office as Trustees, till the Superintendent of the Common Schools of their Township, Town or City, shall have been satisfied respecting the same, and have relieved them as hereinbefore provided.

XLI. And be it enacted, That all lands, houses, tenements and property of every description, which have been heretofore acquired for Common School purposes and vested in the District Council of any District in Upper Canada, or vested in the hands of Trustees in any Township, Town or City in Upper Canada, shall after this Act shall be in force, be vested in the Municipal Council of the Township, Town or City in which such trust may be situate; and all such property to be hereafter acquired for Common School purposes, in Upper Canada, shall be vested in such Municipal Councils, in trust for the School Sections to which they shall respectively belong; and it may and shall be lawful for such Councils to sell, convey or exchange such property in such portions and in such manner, and at such times as they shall judge to be expedient for the interests of the sections to which such property shall belong; Provided always, that such property shall not be sold nor conveyed nor exchanged nor in any way disposed of by any such Municipal Council, unless a petition or memorial, signed by a majority of the landholders and householders resident in the section to which such property shall belong, and praying for such disposal of such property, shall have been presented to said Council; nor unless such disposal shall be for the better promoting of the objects for which such property shall have been acquired.

Real property held for School purposes, to be vested in the Municipality, in trust.

They may alienate it, &c.

Proviso: on what case only it may be alienated.

XLII. And be it enacted, That for the purposes of this Act, two or more adjoining School Sections which may be severally situated in two or more adjoining Townships, may be constituted one School Section; Provided always, that the provisions hereinbefore enacted in respect to such union shall have been complied with, and that the Municipal Councils of the Townships, Towns or Cities respectively in which such sections may be situated, shall have concurred in such Union.

Sections in different Townships may be united.

Proviso.

XLIII. And be it enacted, That every such Union School Section as shall be composed of portions of adjoining Townships, Towns or Cities, shall for the purposes of this Act belong to the Township, Town or City in which the School-house of the section shall be located, and the inhabitants of such portion or portions as may not be in the Township, Town or City in which the School-house may be located, shall for all the purposes of this Act, be rated as belonging to the said Township,

In what Township, &c., any such Union shall be held to be.

Town or City, and the apportionments of public money which shall belong to said portion or portions, shall be paid into the hands of the Superintendent of the Common Schools of the Township, Town or City in which such School-house shall be located; anything in this Act or in any law or Statute to the contrary notwithstanding. 5

Teachers may in certain cases, be allowed to teach in two Sections.

XLIV. And be it enacted, That in case any portion of any Township or portions of adjoining Townships be so situated that the inhabitants shall be unable to support a properly qualified Teacher, it may and shall be lawful for the Municipal Council of such Township to authorize any such Teacher to take charge of two Schools, and teach them on alternate days or during alternate periods on the same day: Provided always, that the number of children between the ages of five and sixteen years, residing in each School Section shall not exceed twenty; And provided also, that the distance from the extreme limits of one School Section to the extreme limits of the other shall not be less than eight miles. 20

Proviso: as to proper School house.

As to Sections in which the Grammar School may be

XLV. And be it enacted, That if the majority of the inhabitants of any School Section in which a Grammar School is located, shall petition the Municipal Council of the County in which such section may be situate, to constitute said Grammar School the senior department of the School of the said section, it may and shall be lawful for such Municipal Council to grant such petition; Provided always, that the union of the said School and the Common Schools of a section shall not take place unless a suitable building shall have been erected and completed as aforesaid; And provided also, that the sum of money now annually appropriated and applied to the Teachers of each Grammar School in Upper Canada, by virtue of and under the authority of the Act of the Legislature of Upper Canada, passed in the fifty-ninth year of the Reign of King George the Third, 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,*" shall after the union of any such School and the Common Schools of its section, be still appropriated and applied to the paying of the salary of the Teachers thereof; And provided likewise, that no person being an inhabitant of the County in which such section may be situate, shall be debarred from attending such School on the same terms that the inhabitants of such section shall be allowed to attend; And provided moreover, that ten poor children, as is provided for in the Statute aforesaid, shall be taught thereat *gratis*. 25 30 35 40 45

Proviso: as to proper School-house.

Proviso: as to Act of U. C. 53, G. 3, c. 4.

Proviso.

Proviso.

XLVI. And be it enacted, That when any Grammar School and the Common School of its section shall have been united as aforesaid, the Trustees of the Common School and the Trustees of the Grammar School shall 5 conjointly direct the course of instruction to be pursued in such united School, but shall as respects their separate trusts act as the provisions of law relative thereto shall direct.

Trustees of Grammar School, and of the Section, to act together, for certain purposes.

XLVII. And be it enacted, That in case the Municipal Council of any County in Upper Canada shall have made provision in aid of any Grammar School lying within the boundaries of such County, and shall have caused suitable buildings to be erected and furnished for the accommodation of such School, such School shall 15 thereafter be a Model School, and gratuitous instruction shall be afforded thereat to any Teacher of a Common School within the boundaries of such County, during such periods and under such regulations as the Superintendent of the Common Schools of the Township, Town 20 or City, in which such Common School may be located, shall direct.

Grammar School to become a Model School in certain cases, and on certain conditions.

XLVIII. And be it enacted, That in Upper Canada, from and after the passing of this Act, no person shall be appointed to be the Teacher of any Grammar School or 25 the head master of any Model School or the head master of any Common School in which there shall be more than one master, unless he shall have produced a certificate of qualification signed by the Principal or head master of the Normal School in and for Upper Canada.

Teachers of Grammar Schools, &c., hereafter appointed must have a certain certificate of qualification.

XLIX. And be it enacted, That it may and shall be lawful for the Principal or head master of the Normal School in Upper Canada, to give to any person a certificate of qualification to teach a Public School in that part of this Province; and any Public School that shall have 35 been taught by a person holding such certificate, shall be entitled to receive such apportionment of public moneys as by this Act or any other Act or Statute, is or shall be directed to be paid to such School: Provided always, that such certificate shall not be valid and shall not entitle the 40 holder thereof to any advantage therefrom, if it shall have been cancelled by the giver thereof or his successor, or by any person having competent authority.

Head master of Normal School may give a certificate of qualification as a Teacher: its effect.

L. And be it enacted, That it may and shall be lawful for the Governor or Person administering the Government 45 of this Province, to appoint not more than seven persons in each County in Upper Canada who shall be a Board of Education for their County.

County Boards of Education to be appointed.

LI. And be it enacted, That said Board shall meet on the first Tuesday in January, April, July and October in 50

Meetings of the Board.

each year, or oftener if they deem it to be necessary,—
 Quorum. that three of their number shall form a *quorum* for the
 transaction of business, — that at their first meeting in every
 Chairman. year they shall choose one of their number to be their
 Chairman for the year, and that their meetings shall be 5
 Calling first
 meeting. held in the County Hall of their County ; and it shall be
 the duty of the person whose name shall stand first in the
 Commission appointing each Board, to call the first meet-
 ing of each.

County Clerk
 to be Clerk of
 the Board: his
 duties as such. LII. And be it enacted, That the Clerk of the County 10
 Municipal Council of each County in Upper Canada,
 shall be the Clerk of the Board of Education of his
 County, and shall enter all the proceedings of said Board
 in a book to be kept by him for that purpose, and shall
 receive and keep for such Board all books and papers 15
 belonging to the Board, and under the direction of the
 Board shall prepare all their Reports and do and execute
 all such writing, having reference to the duties of the
 Board, as the Chairman thereof or any member thereof
 shall require of him. 20

Duties of the
 Board. LIII. And be it enacted, That the duties of said Board
 shall be :

Examining
 Teachers and
 giving certifi-
 cates. *First.*—To examine all persons who shall offer them-
 selves as candidates for teaching Common Schools in
 their County, with respect to their moral character, learn- 25
 ing and ability : and if satisfied of the candidate's quali-
 fications in these respects, to give him a special certificate
 authorizing him to teach the School specified therein for
 one year only ; or a general certificate authorizing him to
 teach any Common School in the County until such cer- 30
 tificate shall be revoked ;

Annulling
 certificates. *Secondly.*—To annul any certificate given by them, or
 by any former Board, whenever they shall see just cause
 for doing so ;

Selecting
 School books. *Thirdly.*—To select and recommend proper books for 35
 the use of the Common Schools of their County and to
 cause a list of such books as they shall select to be sent
 to each Township, Town and City Superintendent of
 Schools in their County, for his guidance and direction :
 Provided always, that no person attending a Common 40
 School shall be required to read or study any religious
 book, or to join in any exercise of devotion or religion,
 which shall be objected to by him, or (in case he be a
 child) shall be objected to by his parents or guardians ;

Recording
 their proceed-
 ings and re-
 porting to
 Superinten-
 dent for U. C. *Fourthly.*—To keep a record of their proceedings, 45
 and report, annually, to the Superintendent of the
 Schools of Upper Canada, at their meeting which shall be
 in July, giving a statement of their proceedings, and such

other statements and suggestions relative to education as they may deem expedient.

LIV. And be enacted, That it may and shall be law-
 5 ful for the Municipal Council of any Township, Town or
 City to constitute any one of the Common Schools of its
 Township, Town or City a Model School for such Town-
 ship, Town or City, and to appropriate in aid thereof, a
 sum in each year not exceeding *twenty-five pounds*, over
 and above the sum to which such School shall be entitled
 10 as a Common School of such Township, Town or City :
 Provided always, that any sum so appropriated shall be
 expended in the payment of a Teacher or Teachers and
 for no other purpose ; And provided also, that a suitable
 15 School-house shall have been provided for the accommo-
 dation of such School, and gratuitous instruction shall be
 afforded at such School to all Teachers of Common
 Schools within such Township, Town or City, during such
 periods and under such regulations as the Superintendent
 of such School may from time to time direct.

Municipal
 Council may
 constitute any
 School a
 Model School.

Proviso.

Proviso.

20 LV. And be it enacted, That there shall be in Upper
 Canada a Normal School which shall contain one or more
 Elementary Model Schools, in which Teachers of Com-
 mon Schools shall be instructed in the science of educa-
 tion, and be taught the art of teaching, according to such
 25 regulations as the Board of Managers, hereafter provided
 for may make, and as the Governor in Council shall ap-
 prove of.

Normal School
 established for
 Upper Cana-
 da: its pur-
 poses.

LVI. And be it enacted, That the Governor of this Pro-
 vince, shall have the authority to appoint not more than
 30 seven persons (of whom the Superintendent of Schools
 for Upper Canada shall be one) who shall be a Board of
 Directors for superintending the Normal School for Upper
 Canada, and shall hold office during pleasure, and be
 subject to all lawful orders and directions, in the exercise
 35 of their duties, that shall from time to time be issued by
 the Governor.

Board of Di-
 rectors to be
 appointed for
 the Normal
 School.

LVII. And be it enacted, That the duty of said Board
 of Directors shall be to adopt needful measures for es-
 40 tablishing a Normal School as aforesaid, and for procu-
 ring and furnishing suitable buildings for the accommoda-
 tion of such School and for procuring books and apparatus
 —to determine the number of Teachers which shall be in
 such School, and the compensation which they or others
 who may be employed therein, shall receive for their
 45 services,—to prescribe the conditions on which pupils
 shall be received into such School,—to make from time
 to time, rules and regulations for the management and
 good government of such School, and to do all other

Duties of the
 Board of Di-
 rectors.

things that they may deem expedient to promote the objects and interests of such School.

Meetings of the Board.
Chairman, &c.

LVIII. And be it enacted, That the meetings of such Board shall be held at such place as shall be appointed by the Superintendent of Schools for Upper Canada; that the first meeting thereof shall be called by said Superintendent,—that thereat the Board shall appoint a Chairman, who shall hold office during the pleasure of the Board—that in the absence of such Chairman, a Temporary Chairman may be appointed—that the said Board shall appoint the times of its ordinary meetings—that a special or extraordinary meeting may be called at any time by the Chairman of the Board, or by the said Superintendent; but notice thereof must be given in writing to the other members to be present—that at all meetings of the Board, three members shall be a quorum for the transaction of business—that the Secretary or Clerk of the Normal School shall be the Recording Clerk to the Board, and shall enter all its proceedings in a book to be kept for that purpose, and that the expense attending the proceedings of the Board shall be accounted for as part of the contingent expenses of the Normal School.

Quorum.
Secretary; his duties, &c.

Appropriation for Normal School continued.

LIX. And be it enacted, That a sum not exceeding one thousand five hundred pounds, shall be, as heretofore, yearly allowed for the salaries of Teachers, and for all other contingent expenses of such Normal School; and that a further sum not exceeding one thousand five hundred pounds in the aggregate shall, when required, be expended in procuring suitable buildings and accommodation for said School.

Aid to persons wishing to become Teachers

LX. And be it enacted, That it may and shall be lawful for the Superintendent of Schools for Upper Canada, to appropriate out of the Legislative grant for Common Schools, a sum not exceeding one thousand pounds annually, to the assisting of such persons as may be desirous to be qualified to be Teachers of Common Schools, and shall have been recommended by the Board of Education of any County, as fit and proper to be received into the Normal School, but shall not have means sufficient for their maintenance thereat; Provided always, that any person to be so assisted shall, before he be received into said School, enter into a bond with two sufficient sureties, which shall be to the Board of Directors of said School, that he shall, during at least years, after he shall have received a certificate of qualification, teach a Common School in Upper Canada, or repay the amount which shall have been expended from the aforesaid grant on his account.

Proviso: conditions on which such aid may be given.

LXI. And be it enacted, That it shall be the duty of the Board of Directors of the Normal School of Upper Canada, and the duty likewise of the Trustees or Managers of all Trusts for purposes of education in Upper Canada, (respecting a Report from whom there is no other provision in this Act), to prepare and transmit annually, on or before the day of to the Superintendent of Schools for Upper Canada, a detailed account of all moneys received by them for their respective Trusts during the year, and of how such moneys shall have been expended, and to give such additional information respecting such Trusts and the Institution for which they shall be held, as shall be in their power to give.

Directors of Normal School and all Trustees for School purposes in U. C., to report and account yearly to the Superintendent.

LXII. And be it enacted, That it may and shall be lawful for the Governor in Council, to expend annually a sum not exceeding twenty five pounds in any County or Riding in Upper Canada for the encouragement of a Teachers' Institute in each County or Riding, under such regulations as may from time to time be prescribed by the Superintendent of Schools for Upper Canada, by and with the sanction of the Governor in Council.

Aid towards a Teachers' Institute in each County.

LXIII. And be it enacted, That it may and shall be lawful for the Governor in Council, to expend annually a sum not exceeding two thousand pounds, for the establishment and support of Common School Libraries in Upper Canada, under such regulations as may from time to time be prescribed by the Superintendent of Schools for Upper Canada, by and with the sanction of the Governor in Council.

Aid towards Common School Libraries, in U. C.

LXIV. And be it enacted, That the sums specially authorized to be expended under the provisions of this Act, shall in the order in which provision is made for the expending of them, be deducted from the portion of the Legislative grant for Common Schools, payable to Upper Canada, and be payable in the same order; Provided always, that the amount heretofore appropriated for the support of the Normal, Model and Common Schools in Upper Canada, shall not be lessened by the deduction of such sums therefrom.

Sums appropriated by this Act to be deducted from the grant to U. C.

Proviso.

LXV. And whereas the children of the colored inhabitants of certain portions of Upper Canada, have by causes arising from the prejudices and ignorance of certain other inhabitants of said portions of said part of this Province, been prevented from attending the Common Schools of the sections in which they respectively reside; Be it enacted, That it may and shall be lawful for the Municipal Council of the Township, Town or City in which such colored inhabitants reside, to authorize the establishing of any number of Schools for the education of the children of colored people that they may judge expedient.

Recital.

Schools may be established for colored people.

Proviso.

dient; and such Schools shall be subject to the same regulations and obligations that this Act prescribes in respect to all the Common Schools in Upper Canada: Provided always, that such Schools shall be aided from the School Relief Fund of the County in which their Section may be situate, or shall receive their apportionments of the public moneys for the support of Common Schools according to the same ratio according to which such moneys shall be apportioned to the other Common Schools in Upper Canada.

Allowance for the Teachers of such schools.

LXVI. And be it enacted, That such colored people shall be entitled to receive for the support of the Teachers of their School, such sum or sums of money as they may have paid for School purposes to the Collector of the rates of their Township, Town or City; and it shall be the duty of such Collector to account for the same to the Superintendent of the Schools of such Township, Town or City, in the way and manner hereinbefore prescribed in respect to the School moneys belonging to other Common Schools, and the duty of such Superintendent shall be to pay to the Trustees of such colored School the sum or sums so belonging to such Teacher, or belonging to such colored School for the purposes thereof.

Duty of local Superintendent, as to colored schools.

LXVII. And be it enacted, That it shall be the duty of the Superintendent of the Common Schools of any Township, Town or City in Upper Canada, in which there may be separate Schools for colored people to report respecting such School in his annual Reports to the Municipal Council of his Township, Town or City, and to the Municipal Council of his County, stating, in respect to the colored population of his Township, Town or City, all that he is hereinbefore required to state in respect to the white population thereof; and it shall be the duty also of such Superintendent in whose Township, Town or City there may be colored people, or people who are aborigines of Canada, residing, to communicate in his Reports aforesaid, such information respecting the state of education among such people as may be in his power.

Municipal Council to make yearly Reports on School matters to the Superintendent for U. C., &c.

LXVIII. And be it enacted, That it shall be the duty of each County Municipal Council in Upper Canada, to cause an annual Report of the state of the Common Schools of their County to be made in such form as shall be prescribed by the Superintendent of Common Schools for Upper Canada, and to be transmitted at such time as the said Superintendent shall appoint; and also to furnish to the said Superintendent, from time to time, such additional information as he may require; and it shall be the duty of such Superintendent to retain in his hands the sum apportioned to any County, till from the Municipal Council of such County he shall have received such Report and such information as he shall have required therefrom.

LXIX. And be it enacted, That each District Superintendent of Common Schools who may be in office on the thirty first day of December of this present year, shall continue to exercise all the powers which he is now authorized to exercise, and to perform all the duties which he is now required to perform, until the first day of March of the year one thousand eight hundred and fifty; and shall on said day, deliver into the hands of the Superintendent of Common Schools for each Township, Town or City within his District, all papers in respect to the Common Schools of each, and all moneys (remaining in his hands) which shall have been apportioned to each; and for every refusal to comply with this enactment, on the part of any District Superintendent of Common Schools, he shall be subject to forfeit twice the amount of the sum or sums of moneys (exclusive of costs) which may be involved in such refusal; and it shall be the duty of the Superintendent of Common Schools for each Township, Town or City interested in such refusal, to sue any such defaulting District Superintendent of Common Schools, before any Court of law authorized to take cognizance of such cases; and the amount which he shall collect shall, after deducting necessary expenses, be added to the apportionment of School moneys to such Township, Town or City for the then current year, and be distributed therewith to the Common Schools of such Township, Town or City as hereinbefore provided.

Present District Superintendents to deliver all papers, monies, &c., to the Superintendents appointed under this Act, on 1st March, 1850.

Actions given in case of refusal, &c.

LXX. And be it enacted, That the Normal School now in operation at Toronto, in Upper Canada, shall for the purposes of this Act and until otherwise provided for according to the provisions of this Act, continue to be the Normal School for Upper Canada; and the Teachers thereof, and all others being servants employed therein, shall continue to discharge their duties as heretofore, until they shall have been superseded by the appointment of other persons according to the provisions of this Act.

Present Normal School, to be that of U. C., until altered, &c.

LXXI. And be it enacted, That the Board of Education for Upper Canada shall, on the first day of January of the year one thousand eight hundred and fifty, deliver to the Superintendent of Schools for Upper Canada, all papers and moneys in their hands or keeping respectively, and belonging to their respective Trusts; and the said Superintendent shall hold the same for such trusts respectively, or shall dispose of them as hereinbefore provided, or if there be no provision relative to the disposal of them, then the Governor in Council may give the necessary directions relative thereto.

Board of Education for U. C., to deliver its papers to Superintendent for U. C.

LXXII. And be it enacted, That the Teachers who shall receive certificates of qualification under this Act, shall be arranged in three classes, according to their at-

Trustees to be classified.

tainments and ability in such manner as shall be prescribed by the Superintendent of Schools for Upper Canada, with the sanction of the Governor in Council.

After 1st Jan., 1850, no Teacher to be deemed qualified unless he has a certificate.

LXXIII. And be it enacted, That from and after the first day of January of the year one thousand eight hundred and fifty, no Teacher of a Common School in Upper Canada shall be deemed to be qualified unless he shall have received a certificate of qualification, either from the County Board of Education, signed by the Chairman, or from the Principal of the Normal School of Upper Canada. 5

Provision for the establishment of a School of Art and Design in U. C. when the state of the School Fund shall permit.

LXXIV. And be it enacted, That when, over and above the sums hereinbefore provided for the purpose of education in Upper Canada, there shall be of that portion of the Legislative grant for Common Schools, which shall belong to Upper Canada, a sum sufficient for the establishing and maintaining of a School of Art and Design for Upper Canada, it may and shall be lawful for the Governor in Council, to appropriate for the establishing and maintaining of such a School, a sum not exceeding in any year, five hundred pounds; and such school shall be in connection with the Normal School for Upper Canada, and shall be under the control of the Board of Directors of the said Normal School; and such Board shall make regulations for the said School of Art and Design, and shall manage all the affairs thereof, and do in respect thereto in all things as they are hereinbefore required to do in respect to the said Normal School. 15 20 25

Power to Municipal Council to decide certain School matters.

LXXV. And be it enacted, That the Municipal Councils of Townships, Towns and Cities in Upper Canada, shall, within the limits of their respective Townships, Towns and Cities, have competent jurisdiction to decide upon all matters relating to Common Schools, which shall have been submitted to them by parties interested, and for the deciding of which no provision is hereinbefore made; and the decisions of such Councils shall be final. 30 35

Interpretation clause.

LXXVI. And be it enacted, That the word "Teacher" wherever it occurs in this Act, shall mean *female* Teacher as well as *male* Teacher, excepting when it is applied to the Principal or Head-master of a Normal or Model School in which there may be more than one Teacher; and for all the purposes of this Act, incorporated villages shall be implied in the terms, "Township, Town and City;" and such villages shall be entitled to all the privileges, and be under all the obligations belonging to Townships, Towns and Cities, by virtue of and under the authority of this Act. 40 45

LXXVII. And be it enacted, That upon, from and after the first day of January of the year one thousand eight hundred and fifty, all laws and statutes heretofore or now in force for the establishment and maintenance of Common Schools in Upper Canada, or for the amendment of any such Laws or Statutes, shall be repealed; and that this Act shall have force and effect, upon, from and after the said day and not before; Excepting always, that it may and shall be lawful for the Governor, immediately after the passing of this Act, to issue any Commission, or make any appointments, or for the Governor in Council to adopt such preparatory measures for the carrying out the provisions of this Act as he may deem expedient, such Commission, appointments and measures to come into force upon, from and after the said first day of January, 1850, and not before.

Repeal of former Acts, and commencement of this Act.

Proviso: as to preparatory measures.