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1261

SCHOOL MANUAL.

THE CONSOLIDATED ACTS

RELATING TO

COMMON SCHOOLS

In Upper Canada;

TOGETHER WITH

DECISIONS OF THE SUPERIOR COURTS,

AND THE

Forms, General Regulations and Instructions,

FOR EXECUTING THEIR PROVISIONS.

WITH A COPIOUS ANALYTICAL INDEX.

—♦♦♦—

EDITED, WITH NOTES, BY AUTHORITY OF THE CHIEF SUPERINTENDENT OF EDUCATION, BY

J. GEORGE HODGINS, LL.B.,

DEPUTY SUPERINTENDENT.



TORONTO:

Printed for the Department of Public Instruction for Upper Canada,
BY LOVELL AND GIBSON, YONGE STREET.

1861.

SCHOOL AUTHORITY

PROPERTY OF THE

THE
UPPER CANADA
Consolidated Common School Act.

I N T R O D U C T O R Y .

SUMMARY OF THE POWERS, DUTIES, AND RESPONSIBILITIES
OF COMMON SCHOOL TRUSTEES.

NOTE.—From the following summary, Trustees can learn at a glance the extent of their general powers, duties, and responsibilities. For more definite information, when necessary, they can refer to sections of the Act and the Index at the end.

1. Their necessary and discretionary Powers.

1. To take possession and have sole custody of all common school property, movable property, moneys, &c. Page 31.
2. To obtain a legal title to their school premises as provided by law. Page 31.
3. To do whatever they may judge expedient in regard to the building, &c., &c., of the school-house, appendages, play-ground, enclosures, lands, and movable property. Page 33.
4. To have the sole authority to appoint and fix the amount of the salary of all male and female teachers appointed by them. Page 35.
5. To appoint a secretary-treasurer, a school collector, and a librarian. Pages 27, 29, and 46.
6. To establish, if they judge expedient (with the consent of the local superintendent), a male and female school in their section. Page 35.
7. To raise all moneys, in the manner (*i.e.* by rate-bill, subscription, or school-rate) authorized by the school meeting. If the rate-bill or subscription be insufficient, they can levy a school-rate upon property, without any appeal to a school meeting. No meeting can lawfully decide what *amount* the trustees shall raise, but only the *manner* in which they shall do it. Should a meeting neglect or refuse to decide upon the *manner* of raising the sums required, the trustees can exercise their own discretion as to which of the three modes they will adopt. Page 19.
8. To apply, if they judge expedient, to the municipality of their township, once a year, before the August meeting (except in case of a site and building), to raise any school-rate authorized by the inhabitants; and to compel the Council to collect it, by *mandamus* from the Queen's Bench, should the Council refuse. Pages 55, 57.

9. To exempt all indigent persons from section school-rates. Page 48.
 10. To sue non-residents for school rate-bills or subscriptions. School-taxes on absentees must, however, be collected as pointed out on page 30. In case the township council should refuse to pay these taxes (duly returned to the clerk), the trustees can enter an action, in any competent Court against the township council for the amount. Page 112.
 11. To call a special school meeting for any lawful school purpose. Page 22.
 12. To unite their school with the adjacent grammar school. Page 35.
 13. To resign the office of trustee, with the consent, in writing, of their colleagues and of the local superintendent. Page 25.
 14. To decline re-election for *four* years next after going out of office. Page 18.
- N.B.—No school meeting of their constituents can deprive trustees of any of these powers, or prevent their exercise.

2. Their Positive Duties.

1. To call the annual school meeting, and also a special one in case of any difference in regard to the school site, death or removal of trustee, &c. Pages 21, 22.
2. To prosecute all illegal voters at school meetings. Page 21.
3. To make a declaration of office within *two* weeks after notice of election as trustee. Page 25.
4. To see that their school is furnished with a trustees' book, a visitors' book, a teachers' register, and the *Journal of Education*. These two latter are furnished without cost. The two former must be purchased at the expense of the section. Page 45.
5. To employ and pay school moneys to none but legally qualified teachers. Page 38.
6. To fix no rate-bill upon persons sending children to school, for any purpose (including fuel, collector's fees, &c.) higher than *twenty-five cents* per month, for each child attending school. In free schools, no rate-bill can be imposed upon the inhabitants. Rate-bills are payable in advance. Page 129.
7. To permit all residents, on whose behalf school-rates are paid, and who observe the rules, to attend their school. Pages 44, 45.
8. To visit the school, and see that it is properly conducted; that no unauthorized books are used; that all the pupils are supplied with proper text-books; that the library is available to the inhabitants, and that it is lawfully managed. Pages 45, 46.
9. To exercise all the corporate powers vested in them, for the fulfilment of all agreements, contracts, &c.; and to maintain a school in their section *at least* during *six* months of the year. Pages 46, 90.
10. To transmit their *yearly* and *half-yearly* reports to the local superintendent (pages 47, 48); and also to submit their *yearly* report to the annual meeting of their constituents. Page 19.
11. To affix their corporate seal to all official documents under their hand. Page 37.
12. To take proper security from the secretary-treasurer and school collector. Page 29.

13. To make a return to the township clerk of all rates imposed by them. Page 44.

14. To make no contract with any member of the school corporation, except for school site or as collector. Page 29.

15. To transact no school business except at a trustee meeting of which each member of the corporation has had notice. Page 23.

16. To appoint a school auditor before the 1st of December in each year, and lay before the auditors all necessary information. Page 49.

17. To comply with the award of the arbitrations between themselves and the teachers, under a penalty. Page 86.

3. Their Responsibilities.

Personal Responsibility.—(1) For all contracts or agreements, when not officially fulfilled as authorized by law. Page 46. (2) For the award (if any against them) of arbitrators appointed at the annual meeting. Page 50. (3) For the amount of an award against them, if they refuse to give effect to it. Page 86. (4) For all moneys lost to the section through their neglect of duty; such as omission to send the half-yearly return to the local superintendent, neglect to keep open the school during at least six months of the year, &c. Page 52. (5) For neglecting to take security from any person with whom they intrust school moneys, if any loss accrue. Page 28. (6) For neglect or omission to affix their corporate seal to official agreements, contracts, or documents. Pages 34, 37.

N.B.—Trustees neglecting to perform any of the “positive duties” required of them as above (and to the neglect of which no specific penalty is attached), may incur the risk of having the apportionment to their school section withheld, and themselves made *personally responsible* for the loss consequent thereon. See the *thirty-first* section of the Upper Canada Consolidated Common School Act, page 52.

4. Penalties for neglect of Duty.

1. *Twenty* dollars for refusal to perform the duties of their office, Page 25.

2. *Twenty* dollars for making a false return. Page 114.

3. *Five* dollars for every week of delay in forwarding their *annual* report to the local superintendent. Page 49.

4. *Five* dollars for neglect of calling annual or other necessary school meetings. Page 23.

5. *Five* dollars for refusing to serve as trustee when elected. Page 25.

6. *Fine* or *imprisonment* in case they refuse to furnish the auditors with information. Page 51.

5. Penalties imposed on other Parties by the School Law.

1. *Twenty* dollars on *county clerks* for delaying to make yearly return. Page 68.

2. *Twenty* dollars on *returning officer* for wrong doing. Page 74.

3. *Twenty* dollars on *teacher* for false returns, &c. Page 114.

4. *Twenty* dollars for disturbing a school meeting, or interrupting a public school. Page 115.

5. *Five* dollars or *ten* dollars, or imprisonment, for illegal voting. Page 20.

6. *Five* dollars on a *chairman* for neglecting to forward to the local superintendent a copy of the proceedings of a school meeting. Page 18.

7. *Five* dollars on person appointed to call first section meeting, should he neglect to do so. Page 23.

8. *Action* against *treasurer* for refusing to honour local superintendent's order for school assessment. Page 67.

9. *Imprisonment* of any *secretary treasurer* refusing to deliver up books, papers, moneys, &c. Page 113.

10. *Forfeiture*, by *teacher*, of any claim which he may have on trustees and be guilty of a *misdemeanor*, in case of refusal to deliver up the key of the school-house and the register, when demanded. Page 83.

6. School Trustees' Yearly Calendar.*

(Taken from the Upper Canada Consolidated Common School Acts.)

JAN.	—	A week before the <i>second Wednesday</i> of this month, to post up <i>three</i> notices, in at least <i>three</i> public places, fixing the place of the annual school meeting. Page 22.
"	—	<i>Second Wednesday</i> —To attend the annual school meeting, submit their report for the year then closing, and provide for keeping open the school for the next year. Page 19.
"	15	To transmit their <i>annual</i> report to the local superintendent. Page 48.
JUNE	30	To transmit their first half-yearly return to the local superintendent. Page 47.
NOV.	—	To appoint a school auditor before the <i>first day of December</i> . Page 49.
DEC.	—	To call a public meeting, for auditing purposes, not later than the <i>22nd of December</i> . Page 50.
"	30	To transmit their second half-yearly return to the local superintendent. Page 47.

In addition, to call special school meetings for fixing site; election in case of death, resignation, or removal of colleague, when necessary; to make out the rate-bills (if any) monthly, quarterly, or yearly, in advance, &c.

* For periods in dates not fixed, see *Educational Calendar*, on the following page.

Educational Calendar for Upper Canada.

Constructed from the School Laws and Regulations.

I. FIXED DATES.

JAN.	1	The School Year begins. A statutory holiday (<i>Circumcision</i> .)
"	<i>First</i>	<i>Monday</i> : First Quarterly Examination at Toronto of Candidates for Masterships in Grammar Schools.
"	6	A statutory holiday in the Education Office (<i>Epiphany</i> .)
"	7	Winter term in the Model and County Grammar Schools begins.
"	8	Winter Session of the Normal School begins.
"	<i>Sec'd</i>	<i>Wednesday</i> : Annual School Elections throughout Upper Canada, of which <i>six</i> days previous notice must be given in <i>three</i> public places of each Section, Ward, &c. Within <i>twenty</i> days after meeting, election complaints can be investigated, and set aside or confirmed by the Local Superintendent in Townships, and by a County Judge in Cities, Towns, and Villages.
"	15	Grammar School Annual Report to be made to the Chief Superintendent, by the Board of Trustees.
"	—	Common School Annual Report to be made to the Chief Superintendent by the Boards of Trustees in Cities, Towns, and Villages. An abstract of the Report is also to be published in one or more local newspapers.
"	30	Chief Superintendent's Annual Financial Report to Audit Board.
"	31	School Section Annual Report to be sent to the Local Superintendent by the Trustees, who, after the 31st, are liable to a fine of <i>five</i> dollars for every week the Report is delayed.
"	—	<i>Two</i> Grammar School Trustees to retire annually from the Board on this day, and their places to be filled up by the County Council at their first meeting after the <i>1st of January</i> .
FEB.	1	Supporters of R. C. Separate Schools to give annual notice in writing to, and receive certificate from, Clerk of Municipality in which Separate School is situated, of such support, on or before this day.
"	<i>First</i>	<i>Wednesday</i> : the Board of Grammar School Trustees to meet annually on this day.
"	<i>Last</i>	<i>day</i> : Annual Financial Report of each Sub-Treasurer to be made up and transmitted, with vouchers, to the County Auditors.
MAR.	1	County, City, Town, and Village Clerks to transmit to the Chief Superintendent the Auditors' Account of School Moneys, and other information.
"	—	Local Superintendents to transmit their Annual Reports to the Chief Superintendent.
"	25	A statutory holiday in the Education Office (<i>Annunciation</i> .)
"	<i>Last</i>	<i>day</i> : Applications for pensions to worn out Common School Teachers are to be made in this month, and before the <i>1st of April</i> . Annual subscriptions to the fund to be transmitted as early in the year as possible.
GOOD EASTER FRIDAY	<i>Good Friday</i> is a holiday in the Model and County Grammar and Common Schools and in the Education Office. The Spring Term of the Model Grammar School begins on the <i>second Monday</i> after <i>Good Friday</i> .
.....	In <i>March</i> or <i>April</i> occurs the <i>Easter</i> Vacation in the Model and County Grammar and Common Schools. The Winter Term of the Model Grammar School ends on the Thursday before <i>Easter</i> . The Spring Term in the Grammar Schools commences on the <i>first Wednesday</i> after <i>Easter</i> .
APR'L	1	Termination of Local Superintendent's annual period of office; after which the new, or re-, appointments will have to be reported to the Chief Superintendent by the County Clerk or Board of Trustees in Cities, Towns, and Villages.
"	<i>First</i>	<i>Monday</i> : Second Quarterly Examination of Grammar School Masters.
MAY	1	Apportionment to Grammar and Common Schools to be notified by the Chief Superintendent.
"	9	<i>Movable</i> . A statutory holiday in the Education Office (<i>Ascension</i> .)

EDUCATIONAL CALENDAR—(Continued.)

MAY	24	Queen's birthday: a holiday in the Model and County Grammar Schools and in the Education Office.
JUNE	10	Movable. A statutory holiday in the Education Office (<i>Corpus Christi</i> .)
"	15	Normal School Winter Session ends.
"	Last	Friday: Grammar School Spring Term ends with Half-Yearly Examinations.
"	29	A statutory holiday in the Education Office (<i>St. Peter and St. Paul</i> .)
"	30	Half-yearly Returns to be sent by the Trustees of Grammar (and R. C. Separate) Schools to the Chief Superintendent, and by the Trustees of Rural Sections to the Local Superintendents.
"	—	Clerks of Counties, Cities, Towns, and Villages, to report the name of the Treasurer to the Chief Superintendent.
JULY	1	(1) Annual Apportionment, payable by the Chief Superintendent of Education; also the Semi-annual Apportionment to (2) Grammar and (3) R. C. Separate Schools; and the Half-Yearly Pension to (4) Superannuated Common School Teachers.*
"	—	Chief Superintendent's Annual Report to the Governor General.
"	First	Monday: Third Quarterly Examination of Grammar School Masters.
"	12	Legislative School Grant to be distributed by Local Superintendents among the Schools from which Half-Yearly Returns have been received.
"	Fourth	Friday: Spring Term of the Model Grammar School ends.
AUG.	First	Monday: the Common School Vacation of two weeks begins.
"	Second	Monday: Summer Term in the Grammar School begins.
"	8	Autumn Session of the Normal School begins.
"	—	The application of Trustees of Rural Sections to the Township Council for the imposition of a School-rate to be made before the August meeting, except for the expenses of Site and School-house.
"	Last	day: Local Superintendent to report to the Chief Superintendent on poor School applications.
SEPT.	—	End of seven weeks' Vacation in the Model Grammar School, and commencement of the Summer Term.
OCT.	1	Agreements with Common School Teachers, in Rural Sections, after this date, not valid, unless signed by those Trustees who remain in office for at least one year after the following January.
"	First	Monday: Fourth Quarterly Examination of Grammar School Masters.
"	—	Summer Term in the Grammar School ends on the Friday next before the 15th. The Autumn Term begins on the Monday following the close of the Summer Term.
"	31	Summer Term of the Model Grammar School ends.
NOV.	1	Autumn Term of the Model Grammar School begins.
"	—	A statutory holiday in the Education Office (<i>All Saints</i> .)
"	—	Common School Trustees to appoint an Auditor of School Accounts before the 1st of December in each year.
DEC.	14	Common and Grammar School County Assessments available to Teachers.
"	22	Autumn Session of the Normal School ends.
"	—	In case Trustees of Common Schools neglect to call an Auditors Meeting by the 22nd of December, two electors, or the Local Superintendent, may call it.
"	—	Autumn Term in the Model and County Grammar Schools ends with a Public Examination.
"	25	Christmas holidays in the Grammar and Common Schools commence. A holiday in the Education Office. (<i>Christmas-Day</i> .)
"	—	Alterations in the boundaries of School Sections take effect.
"	—	Trustees' Returns of unpaid School-rates on absentees' lands to be made before the end of the year to the Township Clerk.
"	31	Half-Yearly Returns from Grammar (and R. C. Separate) School Trustees to be sent to the Chief Superintendent, and from Rural Trustees to the Local Superintendents.
"	—	Second Half Yearly Payments by the Chief Superintendent to (1) Grammar and (2) R. C. Separate Schools, and balance of year's pension to (3) Superannuated Common School Teachers.
"	—	The School year ends. Trustees must keep open a School during at least six months of the year.

* The cheques issued by the Educational Department for these sums are payable at par, at any of the Branch Agencies of the Bank of Upper Canada. The following is a list of the agencies at present established in Canada: Barrie, Belleville, Berlin, Brantford, Brockville, Chatham, Clifton, Cornwall, Goderich, Hamilton, Kingston, Lindsay, London, Montreal, Niagara, Ottawa, Port Hope, Quebec, Sarua, Southampton, St. Catharines, Stratford, Toronto (head office), and Windsor.

II. PERIODICAL DUTIES FOR WHICH NO SPECIFIC DATES ARE GIVEN.

1. The County Board of Public Instruction shall meet *half-yearly* for the examination of Common School Teachers. Page 96.
2. There shall be *quarterly* examinations held in all the Common Schools, page 83; and *half-yearly* examinations in the Grammar Schools.
3. Local Superintendents shall make *two* or more official visits to the Common Schools; "one shall be made some time between the *1st of April* and the *1st of October*; and the other some time between the *1st of October* and the *1st of April*." Other visits to be made as directed by the County Council. Page 88.
4. Local Superintendents shall "deliver in each School Section, at least *once* a year," a Public School Lecture. Page 91.
5. Local Superintendents to be appointed *annually* by the County Council, page 68; also the Chairman, Secretary, and Treasurer of each Grammar School Board; the Chairman, Secretary (page 19), and (if necessary) a Committee of *three* persons for each School page, 77; and the Collector of each Common School Board, pages 29, 76; the County, City, Town, and Village Auditors of School moneys, page 70; and the Rural School Section Auditors, page 20.
6. Rate-bills in Common and Grammar Schools are payable *monthly, quarterly, or yearly*, in advance. Page 129.
7. Abstract of City, Town, and Village School Report to be published *annually* in one or more local newspapers. Page 80. In Rural Sections it is to be read at the annual meeting. Page 19.
8. A general meeting of School Visitors may be held at any time. They should attend the *quarterly* examinations of the Schools. Page 99.
9. Estimates of sums necessary to be raised for the Board of School Trustees to be laid before the City, Town, or Village Council any time during the year. The annual estimate should be laid before the Council early in the year. Page 77.
10. County, City, and Village Clerks to transmit to the Chief Superintendent, immediately after the meetings of the Council, a report of all proceedings relating to Education; appointment and post-office address of each Local Superintendent, &c. Page 68. In Cities, Towns, and Villages, this latter duty should be performed by the Secretary to the Board of Trustees. Page 81.
11. Grammar and Common School Trustees elected to fill a vacancy, to hold office only during the unexpired term. Page 14.
12. A Meteorological Journal to be regularly kept by the Head Master of each Senior County Grammar School.
13. The Chief Superintendent to present his Annual Financial Report to the Legislature, "at each sitting thereof." Page 104.
14. Inspectors to visit each of the Grammar Schools in the course of a year.
15. Defaulting Secretary-Treasurer to deliver up books, moneys, papers, &c., "by a certain day, to be named by the Judge," or to be imprisoned "until the Judge shall be satisfied" that delivery is made. Page 113.
16. A School Register and the *Journal of Education* to be procured annually by the Trustees. Page 45.

III. SPECIFIC PERIODS TO BE OBSERVED.

1. Every Saturday is a holiday in the Common Schools. Page 121.
2. Trustees to give *six days'* notice of annual and special school meetings, in *three* public places. Page 22.
3. Declaration of office must be made by Trustees within *two weeks* after election. Page 25.
4. Award must be complied with by Trustees within *one month* after its publication, under a penalty. Page 86.
5. In cases of arbitration between Common School Trustees and Teachers, the opposite party must, within *three days*, appoint an arbitrator, or forfeit his right to do so. Page 85.
6. Collectors to collect School-rates within *ten days*; and *fourteen days* after the first application for the payment of rates, to seize and sell the goods and chattels of defaulters within the Section (*thirty days* when without), and to give *six days'* notice of sale. Pages 30, 31.
7. Within *twenty days* after failure of calling annual or other meeting, *two* resident assessed freeholders or householders to give *six days'* notice of such meeting, in *three* public places. Page 24.

8. Within *twenty days* after school election, Local Superintendents can hear complaints, and set aside or confirm elections in Rural Sections. Page 25. In Cities, Towns and Villages, the County Judge can receive and investigate election complaints within the same period. Page 74. Local Superintendent can appoint a School Auditor *after the twenty-second day* of December, in case the Trustees neglect or refuse to do so. Page 51.

9. The Chief Superintendent can appeal from the decision of any County Judge, in School matters, within *thirty days* from the rendering of judgment. Page 105.

10. In default of payment of any fines lawfully imposed by a Justice of the Peace, under the authority of the Common School Acts, the offender may be imprisoned for *thirty days*. Page 116.

11. *Ten Years* are the limit of a loan to Trustees for the purchase of a site and the erection of a school-house, &c., as authorized by the Township Council. Page 57.

12. When a Public Library Book has been detained *seven days* beyond the week allowed for every hundred pages it contains, the Librarian shall require it to be delivered within *three days*, or be paid for, in addition to the fine of *one penny* a day for detention. The Library Catalogue to be open for inspection "at all reasonable times." Pages 148, 152.

13. Pupils commencing the Classics, to be admitted into the Grammar Schools *after the Christmas and Midsummer vacations*. Those in English alone, or who have commenced Latin, to be admitted at the beginning of each term.

14. There are *two vacations* in the Common Schools each year; (1) The Summer Vacation of *two weeks* (in Cities, Towns, and Villages, *four weeks*); (2) The Winter Vacation of *eight days* at Christmas. The *afternoons of Wednesdays and Saturdays* shall be half-holidays in each Grammar School. Page 124.

15. The *afternoon* of one day in each week, after four o'clock, to be set apart for religious instruction in the Common Schools.

16. The hours of teaching in Grammar and Common Schools shall not exceed *six*. School to commence at *nine o'clock a.m.* The school-house to be ready *fifteen minutes before nine*. Page 128.

17. School to commence and close by reading a portion of Scripture and by prayer. The Ten Commandments are recommended to be repeated *once a week* by the pupils. Page 125.

18. The number of teaching days in each month, omitting the allowed holidays and vacations, is as follows:

(First half of the year.)		(Second half of the year.)	
January	23	July	22
February	20	August (Cities, Towns, &c., 2)	13
March } As Easter is changeable, }	22	September	20
April } these will vary	20	October	23
May	24	November	22
June	21	December	16
Total	129	Total	116
		Cities, Towns, &c.	105

IV. ARBITRATIONS.

The arbitrations authorized by the School Acts are as follows :

1. Between Trustees and Teachers, "in regard to salary or any other matter in dispute." Page 85. Any other tribunal is forbidden. Page 87.

2. Between Trustees and a majority of their constituents present at the Annual Meeting, in regard to the financial report. Page 50.

3. Between Trustees and a majority of their constituents present at a Special Meeting called to decide upon the School Site. Pages 51, 52.

The Local Superintendent is, *ex officio*, one of the arbitrators. The awards in all cases are final. Page 86.

THE
Consolidated Common School Act
FOR
UPPER CANADA.

22 VICTORIA, CHAP. 64,

(*With which is incorporated the School Law Amendment Act of 1860, 23 Victoria, chap. 49.*)

—1361—

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Existing Organization continued.

1. All common school sections or other common school divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to common schools, and existing when this Act comes into force; shall continue subject to the provisions of this Act.

2. The term for which each school trustee who holds office at the time this Act takes effect, shall continue as if such term had commenced by virtue of an election under this Act; and on the *second Wednesday in January* next after this Act takes effect, the trustee or trustees whose term of office then expires, shall retire from office, but may, with his or their own consent, be re-elected under the provisions of this Act.

Annual Election on the Second Wednesday in January.

3. The annual meetings for the election of school trustees, as hereinafter provided, shall be held in all the cities, towns, townships, and villages of Upper Canada, on the *second Wed-*

nesday in January, in each year, commencing at the hour of ten of the clock in the forenoon.*

PART I.—RURAL SCHOOL TRUSTEES.

Trustees' Term of Office.

4. For each township school section there shall be *three* trustees, each of whom, after the first election of trustees, shall hold office for *three* years, and until his successor has been elected.

5. Any trustee elected to fill an occasional vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

Trustees not to hold certain offices.

6. And no trustee of a school section shall hold the office of local superintendent or of a teacher, within the section of which he is a trustee.†

Proceedings on the formation of a New Section.

7. Whenever a school section is formed in any township, as provided in the *thirty-ninth* section of this Act [page 58], the Clerk of the Township shall give notice to the person appointed to call the *first* school meeting for the election of trustees, of the description and number of such school section.‡

* *The Act of 1860 further enacts, that :* 4. The poll at every election of a School Trustee or Trustees shall not close before *eleven* of the clock in the forenoon, and shall not be kept open later than *four* of the clock in the afternoon; In School sections the poll shall close on the same day the election is commenced.

† *The Act of 1860 further enacts, as follows :* [11. * * * Nor shall any Teacher, or Local Superintendent, hold the office of Trustee; and a continuous non-residence of *six* months from his School section by any Trustee shall cause the vacation of his office.]

‡ *The Form of Notice should be as follows :*

Township Clerk's Office _____, 186 .

SIR,—I have the honour to inform you that, in conformity with the *eighth* section of the Upper Canada Consolidated Common School Act, the Municipal Council of this township has authorized and hereby requires you, within

A Meeting in new Section to be called within twenty days.

8. The person so appointed shall, within *twenty* days after receiving such notice, prepare a notice in writing, describing such section, and appointing a time and place for the *first* school section meeting, and shall cause copies of such notice to be posted in at least *three* public places in the school section, at least *six* days before the time of holding the meeting.*

twenty days after receiving this notice, to appoint the time and place of holding the first school meeting for the election of *three* trustees for School Section No. — in this township, which School Section is bounded and may be known as follows: [*Here insert a full description of it.*] Copies of this notice are to be posted in at least *three* public places in the School Section above described, at least *six* days before the time of holding such meeting.

I am, sir, your obedient servant,

To G. D.

A. B., Township Clerk.

REMARKS.—In notifying the formation of several School Sections, or the formation of parts of Sections, the phraseology of the notices should be varied at the discretion of the Township Clerk, and in accordance with the proceedings and directions of the Council. See *thirty-ninth* section of the School Act, page 58.

For form of Deed for a School site, &c., see page 32.

* *Form of Notice for a first School Section Meeting:*

SCHOOL NOTICE.

The Municipal Council of this Township having formed a part of the Township into a School Section, and designated it School Section No. — its boundaries and limits are as follows:—[*Here insert the description of the Section.*]

The undersigned, having been authorized and required by the Municipal Council to appoint the time and place of holding the first meeting for the election of Trustees for the School Section above described, hereby notifies the Freeholders and Householders of said School Section, that a Public Meeting will be held at — on — day, the — of —, at the hour of 10 o'clock in the forenoon, for the purpose of electing *three* fit and proper persons from among the resident assessed freeholders or householders as School Trustees of the said Section, as required by the *eighth* section of the Upper Canada Consolidated Common School Act,

Given under my hand, this — day of —, 186 . [Name.]

REMARKS.—Should the person authorized and appointed by the Municipal Council to call the first School Section Meeting, refuse or neglect to do so, he subjects himself, by the *twenty-first* section of this Act, page 23, to a

Chairman and Secretary to be appointed at Meeting.

9. The [assessed] freeholders and householders of such school section then present, shall elect one of their own number to preside over the proceedings of such meeting, and shall also appoint a secretary, who shall record all the proceedings of the meeting.

Duties of the Chairman*—His Casting Vote.

10. The chairman of such meeting shall decide all questions of order, subject to an appeal to the meeting, and in case of an equality of votes, shall give the casting vote ; but he shall have no vote except as chairman.

penalty of *five* dollars, recoverable for the purposes of such school section ; and then, any *two* assessed freeholders or householders are authorized, within *twenty* days, on giving *six* days' notice, to call a meeting for the election of trustees.—See the *twenty-second* section, pages 23, 24.

† The usual form of proceedings at public meetings, compiled from the late Rules of the Legislative Assembly of Canada, and from other sources, is as follows :

1. The Chairman shall preserve order, and decorum, and shall decide questions of order, subject to an appeal to the meeting.

2. Every elector, previous to speaking, shall rise and address himself to the chairman.

3. When two or more electors rise at once the Chairman shall name the elector who shall speak first, and the other or others may appeal to the meeting, if dissatisfied with the Chairman's decision.

4. Each elector may require the question or motion in discussion to be read for his information at any time, but not so as to interrupt an elector who may be speaking.

5. No elector shall speak more than twice on the same question or amendment without leave of the meeting, except in explanation of something which may have been misunderstood, or until every one choosing to speak shall have spoken.

6. The names of those who vote for, and of those who vote against the question shall be entered upon the minutes, if two electors require it.

7. A motion to adjourn shall always be in order : Provided no second motion to the same effect shall be made until after some intermediate proceedings shall have been had.

8. A motion may be debated but cannot be put from the Chair, unless the same be in writing and seconded.

9. After a motion is read by the Chairman it shall be deemed to be in

Mode of recording votes at School Meetings.

11. The chairman shall take the votes in the manner desired by a majority of the electors present, but he shall at the request of any *two* electors, grant a poll for recording the names of the voters by the secretary.

Three Trustees to be elected at a first School Meeting.

12. At such first school section meeting, the electors present shall, by a majority of votes, elect from the [resident assessed] freeholders or householders in such section, *three* trustees.

Term of Office of each Trustee.

13. The trustees so elected shall respectively continue in office, as follows :

(1) The *first* person elected shall continue in office for *two* years, to be reckoned from the annual school meeting next after his election, and thence until his successor has been elected ;

(2) The *second* person elected shall continue in office *one* year, to be reckoned from the same period, and until his successor has been elected :

(3) The *third* or last person elected shall continue in office until the next ensuing annual school meeting in such section and until his successor has been elected.

Copy of proceedings to be sent to the Local Superintendent.*

14. A correct copy of the proceedings of such first and of every annual and of every special school section meeting, signed by

possession of the meeting; but may be withdrawn at any time before decision or amendment, with consent of the meeting.

10. When a question is under debate, no motion shall be received unless to amend it, or to postpone it, or for adjournment.

11. All questions shall be put in the order in which they are moved. Amendments shall all be put in the same order before the main motion.

12. A motion to reconsider a vote may be made by any elector at the same meeting; but no vote of reconsideration shall be taken more than once on the same question at the same meeting.

* *A report in the following form should be sent to the local superintendent :*

—————, 186—. [— *Post Office.*]

Sir,—In conformity with the *fourteenth* section of the Upper Canada Consolidated Common School Act, we have the honour to inform you, that,

the chairman and secretary, shall be forthwith transmitted by the [chairman] to the local superintendent of schools.*

A School Trustee to be annually elected in each Section.

15. A trustee shall be elected to office at each ensuing annual school meeting, in place of the one whose term of office is about to expire : and the same individual, if willing, may be re-elected ; but no school trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

Mode of Proceeding at Annual Meeting.

16. At every annual school section meeting in any township, as authorized and required to be held by the *third* section of this Act [pages 13, 14], the [resident assessed] freeholders and householders of such section present at such meeting, or a majority of them—

at a meeting of the [resident assessed] freeholders and householders of School Section No. —, in the Township of ———, held according to law, on the — day of —, [*Here insert the name or names or address of the person or persons elected*] — chosen School [*Trustee or Trustees*] of said Section.

The other business transacted at the meeting, of which due notice was given, was as follows :— [*Here insert it.*]

We have the honour to be, Sir,

Your obedient servants,

To the Local Superintendent of Schools

D. E., Chairman.

For the County or Township of ———

F. A., Secretary.

NOTE.—The Trustees elected must be resident assessed freeholders or householders, in the Section for which they are elected.

The *twenty fifth* section of this Act authorizes Local Superintendents to investigate School Election complaints within *twenty* days after the Election. See page 25.

* *The School Act of 1860 further enacts, that :* [19. Any chairman who neglects to transmit to the local superintendent a copy of the proceedings of an annual or other school section meeting over which he may preside, within *ten* days after the holding of such meeting, shall be liable, on the complaint of any rate-payer, to a fine of not more than *five* dollars, to be recovered as provided in the *one hundred and fortieth* section of the Upper Canada [Consolidated] Common School Act aforesaid], pages 115, 116.

NOTE.—The omission on the part of the chairman to transmit this notice, does not invalidate the proceedings of the meeting itself, but it renders him liable to a fine for neglect of duty.

Appointment of Chairman and Secretary.

(1) Shall elect a chairman and secretary, who shall perform the duties required of the chairman and secretary, by the *tenth* and *eleventh* sections of this Act, [pages 16, 17; and also by the *nineteenth* section of the School Act of 1860 [note *, page 18.]

Trustees' Financial Report to be submitted.

(2) Shall receive and decide upon the report of the trustees, as required by the *twenty-first* clause of the *twenty-seventh* section of this Act [page 47.]

Annual election of School Trustees.

(3) Shall elect a [resident assessed] trustee or trustees, to fill up the vacancy or vacancies in the trustee corporation; * and;

To decide on manner of supporting the School for the year.

(4) Shall decide upon the manner in which the salaries of the teacher or teachers, and all other expenses connected with the operation of the school or schools, shall be provided for [as authorized by the *one hundred and twenty-fifth* section of this Act† [page 110.]

* See *eighteenth* section of the School Act of 1860, and the *twenty-fourth* section of this Act, both on page 25.

† It belongs to the *office of Trustees* to estimate and determine the *amount* of the teacher's salary and all expenses connected with the school; but it appertains to the majority of the resident assessed freeholders and householders of each School Section, at a public meeting called for the purpose, to decide, as authorized by the *one hundred and twenty-fifth* section of this Act, page 110, as to the *manner* in which such expenses shall be provided for, whether (1) by voluntary subscription; (2) rate-bill, in advance, of twenty-five cents (or less) per calendar month, on each pupil attending the school; (3) rate on property. But as the Trustees *alone*, as authorized by the fourth, fifth, sixth, eighth, and twelfth clauses of the *twenty-seventh* section, pages 33, 35, 42, determine the amount required for the support of the school, which they are required to keep open at least six months of the year, they are authorized by the tenth clause of the same section, pp. 38, 39, to provide the balance, including all *deficiencies*, by a rate upon the property of the section, should the vote of the annual meeting not cover *all the expenses of the school* (over and above the cheques for the School Fund,) or should the annual meeting *omit* or *refuse* to provide a sufficient sum. But for all the money received and expended by them, the Trustees must account annually to the School Section auditors, as prescribed in the *eighth* section of the School Act of 1860, pages 49, 50.

Auditors' Report to be received.

[(5) The *eighth* section of the School Act of 1860 also provides that the meeting shall receive the report of the auditors of school section accounts for the previous year, and dispose of the same.]

School Section Auditor to be appointed.

[(6) Shall appoint an auditor of the school accounts of the section for the current year. See page 49.]

[*The seventeenth section has been superseded by the third section of the School Act of 1860, as follows :*]

[Who are legal Voters at School Meetings.*

[3. The *seventeenth* section of the Upper Canada Common School Act, *sixty-fourth* chapter of the Consolidated Statutes for Upper Canada, shall be amended so as to read as follows:— No person shall be entitled to vote in any School section for the election of Trustee or on any School question whatsoever, unless he shall have been assessed and shall have paid School rates as a freeholder or householder in such section: and in case an objection be made to the right of any person to vote in a School section, the chairman or presiding officer at the meeting shall, at the request of any rate payer, require the person whose right of voting is objected to, to make the following declaration :

[Form of Declaration required from School Electors.

“I do declare and affirm that I have been rated on the assessment roll of this School section as a freeholder (or householder, *as the case may be*) and that I have paid a public School tax due by me in this School section imposed within the last *twelve* months, and that I am legally qualified to vote at this meeting.”

[Penalty for making a false declaration.

[Whereupon the person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person refuses to make such declaration his vote shall be

* The *nineteenth* section of this Act, page 21, excludes supporters of Separate Schools from the right of voting at these school meetings.

rejected ; And if any person wilfully makes a false declaration of his right to vote, he shall be guilty of a misdemeanor, and upon conviction, upon the complaint of any person, shall be punishable by fine or imprisonment in the manner provided for in the [following *eighteenth* and the *one hundred and fortieth* section of the] said Upper Canada [Consolidated] Common School Act [pages 115, 116.]

18. If any person wilfully makes a false declaration of his right to vote, he shall be guilty of a misdemeanor, and be punishable by fine or imprisonment, at the discretion of the Court of Quarter Sessions ; or by a penalty of not less than *five* dollars, or more than *ten* dollars, to be sued for and recovered with costs before a Justice of the Peace, by the trustees of the school section, for its use.*

Separate School Supporters not to vote at Common School Meetings.

19. No person subscribing towards the support of a separate school established under the Act respecting separate schools and belonging to the religious persuasion thereof, and sending a child or children thereto, shall be allowed to vote at the election of any trustee for a common school in the city, town, village, or township in which such separate school is established.

Place of Annual School Meeting to be appointed by the Trustees.

20. The trustees of each school section shall appoint the place of each annual school meeting† of the [resident assessed]

* See the *one hundred and fortieth* section, pages 115, 116.

† *Form of Notice for an ordinary Annual School Section Meeting :*

SCHOOL NOTICE.

The undersigned, Trustees of School Section No. —, in the Township of —, hereby give notice to the [resident assessed] Freeholders and Household-ers of the said School Section, that the Annual Meeting will be held at —, on the second Wednesday in January, 186—, at 10 o'clock in the forenoon, for the purpose: 1st. Of receiving and deciding upon the Annual Report of the Trustees; 2nd. Of appointing an Auditor of the School Section accounts; 3rd. Of electing a fit and proper person as a School

freeholders and householders of the section, or of a special meeting for the filling up of any vacancy in the trustee corporation occasioned by death, removal, or other cause, or of a special meeting for the selection of a new school site; and shall cause notices of the time and place to be posted in *three* or more public places of such section, at least *six* days before the time of holding such meeting, and shall specify in such notices the object of such meeting. They may also call and give like

Trustee for the said Section; 4th. Of receiving and disposing of the report of the Auditors of School Section accounts; 5th. Of deciding upon the manner in which the salary of the teacher; and, 6th. How the other expenses of the school shall be provided.

[Should there be any other business to bring before the meeting, it must be distinctly mentioned in the notice, otherwise it cannot be entertained.]

Dated this — day of —, 186—.

A. B.	} Trustees of
C. D.	
E. F.	

School Section No —.

NOTE.—1. The manner of proceeding at the annual meeting is prescribed in the *sixteenth* section of this Act [pages 18–20.]

2. Should the Trustees neglect to give the prescribed notice of the Annual School Section Meeting until it is too late to give six days' notice, they forfeit each the sum of *five* dollars, recoverable for the purposes of the School Section, under the authority of the *twenty-first* section, page 23; and then any two qualified electors of the School Section are authorized, within twenty days, to call such meeting. The form of notice is appended in note * to the *twenty-second* section, page 24.

3. The foregoing notice should be signed by a majority of the existing or surviving trustees, and posted in at least three public places of the School Section, at least six days before the time of holding the meeting.

4. *The object or objects of each school meeting should be invariably stated in the notices calling it*; and the notices calling any school meeting should, in all cases, be put up six days before holding such meeting. One form is sufficient for calling a special school meeting of any kind, and such form is given in note * to this section, page 23.

5. The *second* clause of the *twenty-fifth* section of this Act, page 26, authorizes Local Superintendents to call special school meetings under certain circumstances. The *twenty-sixth* section, on pages 26, 27, also authorizes certain other persons to call special meetings, in case of the death of all the trustees, &c.

notices of any special meeting,* for any other school purpose, which they think proper; and each such meeting shall be organized, and its proceedings recorded, in the same manner as in the case of a first school meeting. [See the *seventh* to the *twelfth* sections of this Act, pages 14-17.]

Penalty on Trustees for not calling certain School Meetings.

21. In case any annual or other school section meeting has not been held for want of the proper notice, each trustee or other person whose duty it was to give such notice, shall forfeit the sum of *five* dollars, to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the section for the use thereof. [See the *one hundred and fortieth* section of this Act, pages 115, 116.]

Meetings to be called in default of first or Annual Meetings.

22. In case, from the want of proper notice, any first† or an-

* *Form of Notice for Trustees calling Special School Section Meetings:*

SPECIAL SCHOOL NOTICE.

Notice is hereby given to the [resident assessed] Freeholders and Household-ers of School Section No. —, in the Township of —, that a public meeting will be held at —, on the — day of —, at the hour of — of the clock in —, for the purpose [*Here distinctly state the object or objects of the meeting.*]

Dated this — day of
—, 186—.

A. B. }
C. D. } Trustees.
E. F. }

† *The form of Notice in this case should be as follows:*

SCHOOL NOTICE.

The Municipal Council of this township, having formed a part of the Township into a School Section, and designated it "School Section No.—," its boundaries and limits are as follows:—[*Here insert description.*] And the person appointed to call the first School Section Meeting having neglected to do so,—We the undersigned qualified electors of the School Section above described, in conformity with the *twenty-second* section of the Upper Canada Consolidated Common School Act, hereby give notice to the [resident assessed] freeholders and householders of said School Section, that a public meeting will be held at —, on — day, the — of —, at the hour of 10 o'clock in the forenoon, for the purpose of electing three fit and proper

nual* school section meeting, required to be held for the election of trustees was not held at the proper period, any *two* [resident assessed] freeholders or householders in such section may, within *twenty* days after the time at which such meeting should have been held, call a meeting, by giving *six* days' notice, to be posted in at least *three* public places in such school section; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Penalty for refusing to serve as Trustee.†

23. If any person chosen as trustee refuses to serve, he shall

persons from among the [resident assessed] freeholders and householders as School Trustees for the said Section.

Dated this — day of — 186 .

A. B. } *Qualified Electors,*
C. D. } *School Section No. —.*

NOTE.—The same notice can be given, in case the Municipal Council neglects to appoint a person to call the first annual school meeting. Care should, however, be taken to insert the description of the section, as embodied in the resolution or by-law of the Municipal Council,—a certified copy of which should be obtained from the Township Clerk for this purpose. A local Superintendent may also call this meeting in case of any neglect or omission to do so. See page 26.

* *Form of Notice of an Annual School Section Meeting to be given by two qualified electors.*

SCHOOL NOTICE.

The Trustees of School Section, No. —, in the Township of — having neglected to give notice of the Annual School Section Meeting, as prescribed by the *twentieth* section of the Upper Canada Consolidated Common School Act, the undersigned hereby give notice to the freeholders and householders of the said School Section, that a public meeting will be held at —, on — day, the — day of —, at ten o'clock in the forenoon, for the purpose of electing a fit and proper person as trustee, as directed by law.

Dated this — day of —, 186—.

A. B. } *Qualified Electors,*
C. D. } *School Section, No. —.*

NOTE.—The mode of proceeding, at a School Meeting thus called, is prescribed in this Act, pages 18–20. This meeting may also be called by the local Superintendent. See second clause of the *twenty-fifth* section of this Act, page 26.

For the Form of Notice to be given by any two qualified electors, for a first School Section Meeting, see note † on page 23.

† For other penalties imposed on delinquent trustees, see pages 23, 25, 46, 48, 49, 51, 52, 114.

forfeit the sum of *five* dollars;* and every person so chosen who has not refused to accept the office, and who at any time refuses or neglects to perform its duties,† shall forfeit the sum of *twenty* dollars, to be sued for and recovered before a Justice of the Peace, by the trustees of the school section for its use [as authorized by the *one hundred and fortieth* section of this Act. [See pages 115, 116.]

Trustee may resign.—Absence, a forfeiture of office.

24. Any person chosen as trustee may resign with the consent, expressed in writing, of his colleagues in office and of the local superintendent.

[*The School Act of 1860 further enacts that—*11. * * * a continuous non-residence of *six* months from his school section by any Trustee, shall cause the vacation of his office.

Mode of proceeding in contested Elections in School Sections.

25. Each Local Superintendent of Schools—

(1) Shall, within *twenty* days after any meeting for the election of common school section trustees within the limits of his charge, receive and investigate any complaint respecting the

* [*The School Act of 1860 further enacts:*

11. No person shall be eligible to be elected or to serve as school trustee, who is not a resident assessed freeholder or householder in the school section for which he is elected.

† [*The School Act of 1860 further enacts:*

18. Every person elected as trustee, and who is eligible and liable to serve as such, shall make the following declaration of office before the Chairman of the school meeting:

“I will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee, to which I have been elected.”

[*Fine for default, or in case of neglect to make declaration:*

And if any person elected as trustee shall not make such a declaration within two weeks after notice of his election, his neglect to do so shall be sufficient evidence of his refusing to serve, and of his liability to pay the fine, as provided for in the [preceding] *twenty-third* section of the said Upper Canada [Consolidated] Common School Act.

mode of conducting the election,* and according to the best of his judgment confirm it or set it aside,† and appoint the time and place for a new election; and may—

∩(2) In his discretion, at any time for any lawful purpose, appoint the time and place for a special school section meeting.

Trustees to be a School Corporation—its powers.

26. The trustees in each school section shall be a corporation,‡ under the name of “*The Trustees of School Section No. —, in the Township of —, in the County of —.*” [The Provincial Statutes General Interpretation Consolidated Act further adds in regard to Corporations, 22 Vict. chap. 5: 6. * * * “*Twenty-fourthly.* Words making any association or number of persons a corporation, or body politic and corporate, shall vest in such corporation power to sue and be sued, contract and be contracted with, by their corporate name to *have a common seal*,§ and to

* [The School Act of 1860 further enacts that—

13. It shall be the duty of a local superintendent of schools to receive, investigate, and decide upon any complaints which may be made in regard to the election of school trustees, or in regard to any proceedings at school meetings; *Provided* always, that no complaint in regard to any election or proceeding at a school meeting shall be entertained, unless made in writing within *twenty* days after the holding of such election or meeting.

† See decisions of the Court of Queen’s Bench, in note * to the *fortieth* section of this Act, page 59.

‡ *A Corporation aggregate is not bound to appear as witnesses in Court, but its individual members may be subpoenaed.*

The Court of Common Pleas has decided that a corporation aggregate is not bound to appear at the trial as witnesses, under a notice served on its attorney under the Consolidated Statute 22 Vict., chap. 32, sec. 15. If the individual members are required to appear, they may be individually subpoenaed.—*Trustees S. S. No. 2, Dunwich v. McBeath*, 3 C. P. R. 228.

§ The Trustees, being a corporation, must by the School Act of 1860, (page 37,) use a *corporate seal* in their official acts, otherwise they may become personally liable for contracts or agreements. These Seals can be procured in Toronto for about \$2 each. The acts of the majority are binding upon the Corporation. Notice of all Trustee Meetings for the transaction of business should be given to all the members of the Corporation. See *seventh* section of the School Act of 1860, page 28; and also Decision of the Courts, in sub-note ¶ on the same page.

alter or change the same at their pleasure, and to have perpetual succession, and power to acquire and hold personal property or movables for the purposes for which the corporation is constituted, and to alienate the same at pleasure; and shall also vest in any majority of the members of the corporation, the power to bind the others by their acts; and shall exempt the individual members of the corporation from personal liability for its debts or obligations or acts, provided they do not contravene the provisions of the Act incorporating them;—But no corporation shall carry on the business of banking [*i.e.* taking or issuing promissory notes, &c.], unless when such power is expressly conferred on them by the Act creating such corporation.”]—And no such corporation shall cease by reason of the want of trustees; but in case of such want, any *two* [resident assessed] freeholders or householders of the section may, by giving *six* days’ notice, to be posted in at least three public places in the section, call a meeting* of the [resident assessed] freeholders or householders, who shall proceed to elect *three* trustees, in the manner prescribed in the *ninth, tenth, eleventh, twelfth, and thirteenth* sections of this Act [pages 16, 17]; and the trustees thus elected shall hold and retire from office in the manner prescribed for trustees.

27. It shall be the duty of the trustees of each school section, and they are hereby empowered :†

Appointment and Duties of Secretary-Treasurer.

(1) To appoint one of themselves, or some other person, to be secretary-treasurer to the corporation; who shall give such security as may be required by a majority of the trustees ;‡

* The local superintendent also may call this meeting if desired. See page 26.

† Other duties of the trustees are enumerated in the *twentieth* section of this Act, pages 21–23, and the *eighth* section of the School Act of 1860, page 49. See also note † on the next page.

‡ For personal responsibility of trustees, in case they neglect to take this security, see the *one hundred and thirty-seventh* section of this Act, page 114. For form of security to be taken, see page 29.

a. For the correct and safe keeping and torthcoming (when called for) of the papers and moneys belonging to the corporation ;*

b. And for the correct keeping of a record of all their proceedings, in a book procured for that purpose ;†

c. And for the receiving and accounting for all school moneys collected by rate-bill, subscription, or otherwise, from the inhabitants of such school section ;

d. And for the disbursing of such moneys in the manner directed by the majority of the trustees ;‡

* See the *eighth* section of the School Act of 1860. pages 49, 50.

† *The School Act of 1860 further enacts that :*

7. No act or proceeding of a school corporation shall be deemed valid or binding on any party which is not adopted at a regular or special meeting, of which notice shall be given by the Secretary to all the Trustees, by notifying them personally, or by sending a written notice to their residences,§ and the proceedings of such trustee meetings shall be entered in a book of the corporation kept for that purpose, and signed by the senior or presiding trustee ; *Provided* always, that a majority of the trustees, at a meeting thus called, shall have full authority to perform any lawful business. ||

‡ The *one hundred and thirtieth* and following sections of this Act provides a remedy against a defaulting Secretary-Treasurer. See pages 113, 114. Should the Trustees neglect to take security, they become personally responsible should any loss be sustained thereby. See page 46.

§ *This notice should be in the following form :*

School Section No. —, Township of _____, 186-.

SIR,—A meeting of the Trustees of this School Section will be held in the School House [or other place to be named], on Monday [or Tuesday, &c.], the 10th inst [or other date, as the case may be], to take into consideration certain school business of this section. You are respectfully requested to attend.

To C. D.,
Trustee of School Section No. —,
Township of _____.

I am, Sir, your obedient servant,

A. B.,
Senior Trustee [or Secretary, as the
case may be.]

The notice should be in writing, and delivered to each Trustee, or to some adult member of his family, at his residence.

|| *Two Trustees cannot act without consulting the third :*

The Court of Queen's Bench has decided that two of the trustees of a school section are not competent to act in all cases without consulting the third, and giving him an opportunity of uniting in, or opposing, the acts of his colleagues.—*Orr v. Banney et al.* 12 Q. B. R. 877.

Appointment and duty of School Collector.

(2) To appoint if they think it expedient, one of themselves* or some other person a collector† (who may also be secretary-treasurer), to collect the rates imposed by them upon the inhabitants of their school section, or the sums which the said inhabitants have subscribed; and may pay such collector, at the rate of not less than *five* nor more than *ten* per cent. on the moneys collected by him; and every such collector shall give security satisfactory to the trustees,‡ and shall have the same powers by virtue of a

* *The School Act of 1860 further enacts that:*

6. It shall not be lawful for any Common School Trustee to enter into a contract with the corporation of which he is a member, or have any pecuniary claim on such corporation, except for a school site, or as collector of school rates, and then only when he shall be appointed, and the warrant to him signed by the other two members of the corporation, with the seal of the same.

† *The School Act of 1860 further enacts that:*

21. Collectors of school rates shall have the same powers, and be under the same liability and obligations in their respective school municipalities, as township collectors have and are liable to in their respective municipalities; and shall give such security as may be satisfactory to the trustees. See note † on preceding page.

‡ *The Security referred to on page 27, may be given in the following Form. Bond of Collector or Secretary-Treasurer.*

Know all men by these presents: That A. B., of C., [*Collector of school rates, or Secretary-Treasurer, or both, as the case may be,*] for School Section No. —, in the Township of —, in the County of —, and Province of Canada, and F. G., of H., in the said Province, are held and firmly bound to I. J., K. L., and M. N., Trustees of the School Section aforesaid, in the sum of — Dollars of lawful money, to be well and truly paid to the said Trustees, or their successors in office, for which payment well and truly to be made to the said Trustees, we bind ourselves jointly and severally, our heirs, executors and administrators firmly by these presents. Sealed with our seals, and dated at O., this — day of —, in the year of our Lord one thousand eight hundred and sixty —.

The condition of this bond is such, that if the above bounden A. B., shall collect§ all school rates and assessments of the said Section for which

[§ NOTE.—If the bond be for a Secretary-Treasurer alone, insert the following instead of "shall collect," &c.: "shall correctly keep all the papers belonging to the school corporation, and shall receive and safely keep, and faithfully disburse, upon the order of the majority of the aforesaid Trustees alone, all moneys collected by rate bill, subscription, or otherwise, by the authority of the said Trustees, and shall deliver up to the lawful order in writing of the aforesaid Trustees, when called for, all such papers in his custody and all such moneys, not paid out as aforesaid."]

warrant,* signed by a majority of the trustees, in collecting the school-rate or subscription, and shall proceed in the same manner as ordinary collectors of county and township rates and assessments; †

he has been appointed collector, (or in case of non-residents shall make oath of his inability after diligent search to collect the rates due,) and shall pay or cause to be paid over all moneys which he may collect (except his own per centage) to the [Trustees or Secretary-Treasurer] of the said School Section, within — days from the receipt by him of such sum collected, and shall make a full return within — days from the date of these presents, then this obligation shall be null and void, otherwise it shall remain in full force and virtue.

Signed, sealed and delivered: } A. B., Collector or Sec.-Treas'r. [Seal.]
 in presence of P. Q. } F. G. [Seal.]
 R. S. }

* For form of warrant see page 40.

† POWERS and duties of COLLECTOR of School Rates

These "powers" of, and the mode of "proceeding" observed by Township and County Collectors, are prescribed in the Upper Canada Consolidated Assessment Act, 22 Vict. chap. 55. They may be adapted to Collectors of school rates, as follows:

1. *Shall call for the Rate.*

1. The Collector on receiving or making out the roll (page 39.) shall proceed to collect the rates. He shall call once on the party rated, if residing within or near the section and demand payment; if a non-resident, he shall send by post a statement of demand; he shall not receive rates for property which is not set down on his roll. See Sections 93, 94, and 95.

2. *Shall seize Goods and Chattels of Defaulters.*

2. He shall collect the rate within ten days from the date of the warrant; but in case any person refuse payment he shall, fourteen days after having made a demand, levy for the amount due, by distress and sale of goods and chattels, if found within the Municipality, of the person who ought to pay the same. Section 96.

3. *How to proceed against non-residents.*

If the party rated be a non-resident, † the Collector shall, thirty-one days after the delivering to him of the roll and warrant, make distress of any goods and chattels found on the non-resident's land, "and no claim of property, lien, or privilege shall be available to prevent the sale or the payment of the taxes and costs out of the proceeds thereof." See Section 7. If there be no goods and chattels, the Collector shall make oath of his inability

† For definition of non-residents' land, see note † to the one hundred and twenty-seventh section of this Act, page 111.

Trustees to acquire and hold School Property.*

(3) To take possession and have the custody and safe keeping of all common school property which has been acquired or given

lity, after diligent inquiry to discover the goods or chattels of the defaulter or to collect the rate, and shall then proceed as directed in the *one hundred and twenty-seventh* Section of this Act, page 111. Sections 105 and 106. In regard to the property of railway companies, see No. 6, following.

4. *Shall give Written Notice and Sell by Auction.*

4. He shall give written or printed notice of the day of sale and the name of the defaulter, in not less than *three* public places in the place where the sale is to take place, at least *six* days before the day of sale; and shall sell by public auction the property seized. Section 98.

5. *How to dispose of surplus.*

5. If proceeds of property amount to more than the rate and costs, he shall return the surplus to the party who was in possession when it was seized, or to the rightful owner, as admitted by the party for whose taxes the property was distrained. If there be a dispute as to the ownership of the property sold, the surplus shall be paid over to the Township Treasurer until the dispute be settled. Sections 99, 100, and 101.

6. *Liability of Railway Companies in School Sections.*

6. By the *seventh* section of the Consolidated Assessment Act, the real estate of a railroad company which may be situated in a School Section "*is not to be considered as land of non-residents.*" The *thirtieth* section of that Act requires the company to transmit annually to the Clerk of the Municipality a statement of the value of all their real property, except the roadway, in the Municipality; the Clerk shall communicate the same to the Assessor, and the Trustees shall copy it from the Assessor's roll and place it upon the Collector's roll, with the amount of tax payable thereon. The Collector shall notify the company and collect the tax at any station or office of the company. See also the *one hundred and twenty-seventh* Section of this Act, pages 111, 112.

7. *Omitted Assessments and mistakes.*

The Consolidated Assessment Act authorizes the County Treasurer to report to the Township Clerk any land liable to assessment, but which has not yet been assessed; and the Clerk shall enter such land on the Collector's roll of the following year. The Treasurer is also authorized to correct any palpable error, as certified by the Township Clerk, sections 116-119.

* This clause and especially the *tenth* section of the School Act of 1860 (page 35) vest all School property absolutely in the Trustee Corporation. Trustees should, whenever practicable, obtain a deed, a bond

for common school purposes in such section,* and to acquire and hold as a Corporation, by any title whatsoever, any land, mov-

for a deed, a lease, or other legal instrument, granting quiet possession to them of the property in their section, in case they have no sufficient title to it. Objection is frequently made to the right of Trustees to assess the section for the repairs or building of the school house, where no full legal title to the school premises is vested in them. To remove this objection (although it is only a technical one), Trustees should obtain the legal instrument referred to. Every public school house and site are exempt from taxation.—See the *fifth* clause of the *ninth* section of the Upper Canada Consolidated Assessment Act, 22 Vict. chap. 55.

The following is the form of deed:

Form of Deed for the Site of the Common School House, Teacher's Residence, &c.

This Indenture, made the — day of —, in the year of our Lord one thousand eight hundred and —, in pursuance of the Common School Acts of Upper Canada, and of the Act respecting the transfer of real property, between —, of the Township [Village, Town, or City] of —, in the County of —, and Province of Canada, — [business or calling], of the first part; —, wife of the said party of the first part, of the second part; and the Trustees of School Section No. —, in the Township of —, in the County of — and Province aforesaid, of the third part:

Witnesseth, that in consideration of — dollars of lawful money of Canada, now paid by the said Trustees to the said party of the first part (the receipt whereof is hereby by him acknowledged), he the said party of the first part, doth grant unto the said Trustees of the School Section aforesaid, their successors and assigns for ever, all and singular that parcel of land, &c. [describing it in full]:

To have and to hold the same, in trust to and for the use of a Common School [and Teacher's Residence], in and for School Section No. —, in the Township of —, and in the County and Province aforesaid, according to the provisions of the Common School Acts of Upper Canada, and for the education of the resident youth of said School Section.

THE said party of the first part Covenants with the said Trustees,

* *The Trustees (and not the Teacher) the proper parties to sue for a trespass on the school house.*

The Court of Queen's Bench has decided that the trustees of the school, and not the teacher, should sue for a trespass on the school-house; unless it can be shown that the trustees have given the teacher a particular interest in the building, beyond the mere liberty of occupying it during the day for the purposes of teaching.—*Monaghan v. Fergusson et al.* 3 Q. B. R. 484.

NOTE.—Should the trustees permit the school-house to be used for other than lawful purposes, the Court of Chancery can restrain them.

able property, moneys or income for common school purposes, and to apply the same according to the terms on which the same were acquired or received ;*

Building, or otherwise providing School Premises.

(4) To do whatever they may judge expedient with regard to

that he hath the right to convey the said lands to the said Trustees, notwithstanding any act of the said party of the first part : And that the said Trustees shall have quiet possession of the said lands, FREE FROM ALL INCUMBRANCES. And the said party of the first part **Covenants** with the said Trustees, that he will execute such further assurances of the said lands as may be requisite : And the said party of the first part **Covenants** with the said Trustees, that he has done no act to encumber the said lands : And the said party of the first part releases to the said Trustees all his claims upon the said lands. And the said party of the second part hereby bars her dower in the said lands.

In witness whereof, the said parties hereto have hereunto set their hands and seals, in the day and year before mentioned.

Signed, sealed, and delivered, in
presence of
T. H. }
M. B. } *Witnesses.*

J. G. [*Seller's seal.*]
F. R. [*Seller's wife's seal.*]
S. M. }
I. B. } *Trustees'*
C. T. } *corporate seal.*

REMARKS.—When the land has descended to the wife in her own right, she must, besides joining with her husband in the Conveyance, appear before two Justices of the Peace, to declare that she has parted with her estate in the land intended to be conveyed without any coercion or fear of coercion by or on the part of her husband ; and the certificates of such Justices must appear on the back of the conveyance on the day of its execution. The form of the certificate is as follows : “ We [*inserting the names*] Justices of the Peace for the County of —, do hereby certify that on this — day of —, 186—, at —, the within deed was duly executed in our presence, by —, wife of —, one of the grantors therein named ; and that the said wife of said —, at the said time and place, being examined by us, apart from her husband, did appear to give her consent to convey with her estate in the lands mentioned in the said deed, freely and voluntarily, and without coercion or fear of coercion on the part of her husband, or of any other person or persons whatsoever.

“ R. W—, J. P.

“ A. M—, J. P.”

* See *fifty-first* section of this Act, page 6 7.

the building, * repairing, renting, warming, furnishing, and keeping in order the section school house, and its furniture and appendages, and the school lands and enclosures held by them; and for procuring apparatus and text books for their school;

* **Decisions of the Superior Courts in regard to the School-House:**

School Trustee contracts not valid without their Corporate Seal.

1. The Court of Common Pleas has decided that the Trustees of a School Section being a corporation under the School Act, are not liable as such to pay for a school-house erected for and accepted by them, not having contracted under seal for the erection of the same. The seal is required as authenticating the concurrence of the whole body corporate.†—*Marshall v. Trustees No. 4. Kitley*, 4 C. P. R. 375.

Contract under Seal signed by a majority of the Corporation binding.

2. The same Court has also decided the following case:—A contract was entered into by two of the Trustees of a Section under their corporate seal for building a school house, after the house was built the Trustees refused to pay on the plea that the contract was not legal, a jury having given a verdict in favour of the Trustees, a new trial was ordered, and the verdict set aside.—*Forbes v. Trustees, No. 8, Plympton*, 8 C. P. R. 73.

School-house and site in use not liable to be sold on judgment against Trustee Corporation, as not they but the inhabitants of the Section are the cestuis que trust (i.e. persons for whose benefit the trust is held.)

3. The Court of Queen's Bench has given judgment as follows: In a case in which a school site had been given to the trustees for the purposes of a school (with the condition that it should revert to the giver in case it should cease to be used for school purposes), and on which they had erected a school-house, judgment was obtained against the corporation for the money due on the building contract. The school-house and site were actually sold and deeded by the sheriff; but the Court held, that the house and land could not lawfully be sold,—it being contrary to public policy that a school-house in daily use (any more than a court-house or jail) should be held liable upon writs of execution. The plaintiff should have resorted to his other remedies against the trustees for neglect of duty, &c., [as provided in the twentieth clause of the twenty-seventh section of the Upper Canada Consolidated Common School Act, page 46.]—*Scott v. Trustees of Union Section No. 1, Burgess and 2 Bathurst*. 19 Q. B. R. 28.

† "A corporation being an invisible body, cannot manifest its will by oral communication: a peculiar mode has therefore been devised for the authentic expression of its intention,—namely, the affixing of its common seal; and it is held that though the particular members may express their private consent by words, or signing their names, yet this does not bind the corporation; it is the fixing of the seal, and that only, which unites the several assents of the individuals composing it; and makes one joint assent of the whole."—*Smith's Mercantile Law, B. I. Chap. 4.*

(5) And when there is no suitable school house belonging to such section, or when a *second* school house is required,* then to rent, repair, furnish, warm and keep in order a house, and its appendages, to be used as a school house ;

May establish a second, or Female School.

(6) To establish, if they deem it expedient, with the consent of the local superintendent of schools, both a female and male school in the section, each of which schools shall be subject to the same regulations and obligations as common schools generally ;

May unite with Grammar School.

(7) To take such steps as they may judge expedient to unite their school with any public grammar school, which may be within or adjacent to the limits of their section ; †

Employ teachers.—Certain agreements therewith invalid.

(8) To contract with and employ teachers for such school ‡ section, and determine the amount of their salaries ; but no

* *The School Act of 1860 further enacts that :*

10. It shall be lawful for any School Trustee Corporation to dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, and to convey the same under their corporate seal, and to apply the proceeds thereof for their lawful school purposes. And all sites and other property given or acquired, or which may be given or acquired, for common school purposes, shall vest absolutely in the Trustee Corporation for this purpose. See also the *thirtieth* section of this Act, page 51.

The School Act of 1860 further enacts that :

10. * * * It shall be lawful for any United Board of Grammar and Common School Trustees to dispose, by sale or otherwise, of any school site or school property belonging to the United Board, or to the Grammar School or Common School Trustees respectively.

† In case of a union, the Grammar and Common School departments of the school should be kept quite distinct. See Separate Manual for Grammar and Common Schools in Cities, Towns, and Incorporated Villages.

‡ All agreements between Trustees and a Teacher must be signed by at least two of the trustees and the teacher, and must have the *corporate seal* of the section attached to it, (see *twelfth* section of the School Act for 1860 on page 37), otherwise the trustees may be made *personally responsible* for the fulfilment of their agreement, and can then be sued by the teacher. It should also be entered in the trustees' book, and a copy of it given to the teacher. See form of agreement between trustees and teacher, as given on the following page. The trustees being a corporation, their agreement with their

agreement between trustees and a teacher in any school section, made between the first of *October* in any year and the second *Wednesday* in *January* then next, shall be valid or binding on either party after the last mentioned day, unless such agreement has been signed by the *two* trustees of such school section whose period of office extends to one year beyond such second *Wednesday* ;*

teacher is binding on their successors in office, if made in accordance with the foregoing section ; and should they refuse or wilfully neglect to exercise the corporate powers vested in them, they would be personally liable for the amount due a teacher—see *twentieth* clause of the *twenty-seventh* section of this Act, page 46. As to the mode of settling disputes between trustees and a teacher, see the *eighty-fourth* section of this Act, page 85.

* *The following is the Form of Agreement between Trustees and Teacher :*

We, the undersigned, Trustees of School Section No. — in the Township of —, in the County of — by virtue of the authority vested in us by the *eighth* clause of the *twenty-seventh* section of the Upper Canada Consolidated Common School Act, have chosen [*here insert the Teacher's name*] who holds a — class certificate of qualification, to be a Teacher in said School Section ; and we do hereby contract with and employ such Teacher, at the rate of [*here insert the sum in words,*] per annum, from and after the day hereof ; and we further bind and oblige ourselves, and our successors in office, faithfully to employ the powers with which we are legally invested by the said Act, to collect and pay the said Teacher during the continuance of this agreement, the sum for which we hereby become bound—the said sum to be paid to the said Teacher, [*quarterly, &c., as the case may be.*] And the said Teacher hereby contracts with the Trustees herein named, and binds himself [*or herself*] to teach and conduct the School, in said School Section, according to the said School Act and the regulations which are in force under its authority. This agreement shall continue in force [*here insert the period of agreement,*] from the date hereof (unless the certificate of the said Teacher should in the meantime be revoked or annulled† according to law), and shall include all lawful holidays and vacations, prescribed under the authority of the said School Act. See page 116.

Given under our hands and the seals of office, this — day of —, 186—.

K. L., *Witness.*

A. B. }	<i>Trustees'</i>
C. D. }	
E. F. }	
G. H.,	Teacher. [<i>Seal.</i>]

NOTE.—Agreements between Trustees and a Teacher must be signed by

† *i. e.* By the Chief or Local Superintendent. See pages 92 and 104.

Give orders to qualified Teachers for School Fund.

(9) To give the teachers employed by them the necessary orders upon the local superintendent for the school fund apportioned and payable to their school section ;* but they shall not give such

at least two of the Trustees and the Teacher, and must have the corporate seal of the section attached. See the *twenty-sixth* section of this Act, page 26. See also the condition annexed to the *second* and *sixth* clauses of the *ninety-first* section of this Act, pages 90, 91, as well as the *twelfth* section of the School Act of 1860, below.

The School Act of 1860 further enacts that :

12. All agreements between Trustees and Teachers, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal, and may lawfully include any stipulation to provide the teacher with board and lodging.

Decisions of the Superior Courts in regard to Teachers.

A Local Superintendent Signing a Contract with a Teacher is a mere approval of the appointment.

1. The Court of Queen's Bench has decided, that a Local Superintendent signing, together with trustees, a contract with a teacher, will be considered as having signed the same only as approving of the appointment, and not as contracting with the teacher.—*Campbell v. Elliott et al.*, 3 Q.B.R. 241.

Trustees agreeing to furnish a Teacher with fuel, must be applied to for it.

2. The Court of Queen's Bench has decided that when a teacher charged the trustees upon a special agreement stated to have been made by them, to furnish the said teacher with fuel when required, they could not be charged with a breach of covenant, as a request with time and place had not been stated in the teacher's declaration.—*Anderson v. Vansittart et al.*, 5 Q. B. R. 335. [*Quare* by the Court, whether such an agreement could be enforced.]

3. The Court of Queen's Bench has also decided that : Trustees refusing to give an order to a Teacher for the school Fund according to their agreement with him, cannot be sued as for money due, but for the refusal to give the order.—7 Q. B. R. 130. [In regard to disputes between the Trustees and Teacher, see the *eighty-fourth* section of this Act, page 85.]

* *Form of Trustees' Order upon the Local Superintendent.*—Page 89.
To the Local Superintendent of Schools for the Township [or County]
of _____.

Pay to [here insert the Teacher's name] or order, out of the School Fund

majority of the [resident assessed] freeholders and householders of such section, at the annual school meeting, or at a special meeting called for that purpose, and to employ all lawful means to collect the sums required for such salaries and other expenses ;

Deficiencies to be made up by rate on property.

And should the sums thus provided be insufficient to defray all the expenses of such school, the trustees may assess and cause to be collected an additional rate, in order to pay the balance of the teacher's salary and other expenses of such school ;

Make out rate-bill and Collector's warrant.*

(11) To make out a list of the names of all persons rated by them for the school purposes of such section, † and the amount

any other incidentals connected with the office of Trustees. While Trustees are bound to carry out the lawful decision of their constituents, as explained in note †, page 19, no public meeting can limit, or deprive them of the authority conferred upon them by the latter part of this (*tenth*) clause.

** Form of, and number of Signatures to Warrant.*

The Court of Queen's Bench has decided that the warrant may be signed by two trustees [but see the *seventh* section of the School Act of 1860, as note † on page 28]. In making cognizance under such warrant, it is sufficient to state that the plaintiff was duly assessed and that the collector was duly appointed. It is not necessary to state therein that the rate was decided upon at a meeting, as required by statute, or how the appointment was made.—*Gillies v. Wood*. 13 Q. B. R. 357.

† Trustees' mode of collecting School Rates.

The Court of Queen's Bench has decided that trustees are bound to collect by warrant from the *residents* of the school section ; and to sue for and recover by their name of office from persons residing without the limits of the section and making default of payment. 12 Q. B. R. 525.

Trustees' Warrant to collect School Rates only legal within their own Section. They must sue non-residents.

The Court of Queen's Bench has also decided that school trustees can only give a warrant to collect school-rates within the limits of the section for which they are appointed. They can only sue non-residents.—*Gillies v. Wood*. 13 Q. B. R. 357. [For Form of Warrant, see next page.]

incurred in order to consult with the Superintendent ; but a rate may be levied to reimburse school trustees for the costs of defending a *groundless* action brought against them.—14 Q. B. R. 473, and 15 Q. B. R. 87.

payable by each, and to annex to such list a warrant* directed to the collector of the school section, for the collection of the several sums mentioned in such list; and any school-rate imposed by trustees, according to this Act, may be made payable monthly, † quarterly, half-yearly or yearly, as they may think expedient; ‡

* *Form of Warrant for the collection of Rate Bill or School Rate: §*

We, the undersigned, Trustees of School Section No —, in the Township of — in the County of — by virtue of the authority vested in us by the *eleventh* clause of the *twenty-seventh* section of the Upper Canada Consolidated Common School Act, hereby authorize and require you [*here insert the name and residence of the person appointed to collect the rate-bill or school-rate,*] after ten days from the date hereof, to collect from the several individuals in the annexed rate-bill [*or school-rate roll,*] the sum of money opposite their respective names, and to pay within — days from the receipt thereof, the amount so collected, after retaining your own fees, to the Secretary-Treasurer, whose discharge shall be your acquittance for the sum so paid. And in default of payment on demand by any person so rated, you are hereby authorized and required to levy the amount by distress and sale of the goods and chattels of the person or persons making default.

Given under our hands and seals of office, this — day of —, 186—.

A. B., }
C. D., } *Trustees'*
E. F., } *corporate seal.*

To the Collector of School Section, No. —, Township of —.

REMARKS.—The Trustees being a corporation, the law requires that all warrants and documents issued by them in that capacity, should have the corporate seal of the School Section attached, otherwise they may be resisted, and the Trustees made personally responsible for such neglect. See page 34.

† See note † to the *one hundred and twenty-fifth* section of this Act, page 110.

‡ By the general regulations (*sixth* clause, *fifth* section), which are appended, the fees for tuition in any Common School are payable in advance. They must be charged for each *Calendar month* and not per

§ Where arbitrators, acting under the authority of the *eighty-sixth* section of this Act, are compelled to issue a warrant to enforce their award, they can modify this form of warrant for that purpose.

|| The Collector's roll for the School rate can be taken from the Township Assessor's roll, so far as it relates to the School Section. See (12), page 43.

day. They cannot exceed *seventy-five* cents per quarter.—See the *one hundred and twenty-fifth* section of this Act, page 110.

Form of Rate Bill for School Fees, as authorized by the eleventh clause of this section, and the one hundred and twenty-fifth section of this Act. (pages 39 and 110), to be annexed to the foregoing Warrant.

Rate Bill of persons liable for School Fees, in School Section, No. —, in the Township of —, for the [month or quarter, &c.,] commencing the — day of —, and ending the — day of —, 186 .

NAMES OF PARENTS or GUARDIANS.	No. of Pupils attending School.	Rate per Pupil.	Amount of [Monthly or Quarterly] Rate Bill for TUITION, FUEL, RENT, &c.	
[See especially remarks 1 and 2 below; and for form of receipt to parents, &c., remarks 5 and 6, on page 42.]			§	c.

Given under our hands and seal of office, this — day of — 186 .

A. B., }
 C. D., } *Trustees'*
 E. F., } *corporate seal:*

1. *Remarks on the Rate Bill.*—The Trustees should make the apportionment for fuel in money, as one item in the rate bill, and then exercise their own discretion as to whether the item for fuel should be paid in money or wood—fixing the price per cord to be allowed for the wood, describing the kind of wood, and the manner in which it should be prepared for the school. As no rate bill can exceed 25 cts. per Calendar month, the price of fuel and the school fees must be included in this amount. (See page 37.) The Collector's fees must also be paid by the Trustees out of the amount collected.

2. Rate bills being now payable in advance, (see Duties of Pupils, No. 14, sub-division 5, paragraph 6, appended; also note † on page 40), Trustees can always make arrangements to pay their teachers punctually.

3. The Collector should take a receipt from the Secretary-Treasurer of the Section for all moneys paid him. The Secretary-Treasurer should also take a receipt from the Teacher for all moneys paid him. (See form of receipt on page 38.) The taking and giving receipts for money paid and received will prevent errors and misunderstandings.

4. As the school accounts of each year must be kept separate by the Chief Superintendent of Education, so must the rate bills and school rates. These bills and the warrants can be made out for a month, or for one or

Apply to Municipality, or may levy Rate themselves.*

(12) To apply to the township council at or before its meeting in August,† or to employ their own lawful authority, as they may judge expedient, for the levying and collecting by rate,‡ according to the valuation of taxable property as expressed in the assessor's

more quarters of a year, at the same time, as the Trustees may think expedient.

5. *Form of receipt to be given by the Collector, on receiving the amount named in the Rate Bill, as follows :*

Received from [*here insert the person's name*] the sum of [*here write the sum in words*] being the amount of his [*or her*] Rate Bill, for the [*month or quarter, &c.,*] ending on the — day of —, 186 .

Dated this — day of —, 18—.

A. B., Collector of

School moneys.

6. *Form of a Receipt to Parents or Guardians on the payment of their Rate Bill*—page 39.

Received from [*here write the name of the Pupil or Person paying*] the sum of [*here write the sum in words*] in payment of the Rate Bill due from [*here write the name of the person in whose behalf payment is made*] to School Section No. —, in the township of —, for the [*month or quarter*] ending the — day of —, 186—.

Dated this day of , 186 .

A. B., Collector (or Teacher.)

REMARKS.—When the payment of the rate bill is made by the parent or guardian concerned, the receipt should state it accordingly. If payment of the rate-bill be made to the teacher, it should be authorized by the trustees. The teacher should, of course, apprise the collector of all payments made to him, so that the collector may not be at the trouble of calling upon such persons. Rate bills are payable in advance. (See note † on page 40.)

* The *second* clause of the *two hundred and sixty-sixth* section of the Upper Canada Consolidated Municipal Institutions Act, 22 Vict., chap. 54, authorizes Township Councils to pass by-laws "for obtaining such real property as may be required for the erection of Common School Houses thereon and for other Common School purposes, and for the disposal thereof when no longer required, and for providing for the establishment and support of Common Schools according to law." See the *thirty-fourth*, *thirty-fifth*, and *thirty-sixth* sections of this Act, pages 54-58.

† See *thirty-fourth* section of this Act, page 54.

‡ See Court of Common Pleas decisions, as note † to the *fourteenth* clause of this section, page 43.

or collector's roll, all sums for the support of their school, for the purchase of school sites* and the erection of school houses, and for any other school purpose authorized by this Act to be collected from the freeholders and householders of such section ; †

Township Roll to be furnished to the Trustees.

and the township clerk or other officer having possession of such roll is hereby required to allow any one of the trustees or their authorized collector, to make a copy of such roll, as far as it relates to their school section ;

Trustees may exempt Indigent Persons.

(13) In their discretion to exempt from the payment of school-rates, wholly or in part, any indigent persons, and to charge the amount of such exemption upon the other ratable inhabitants of the school section, but the same shall not be deducted from the salary of a teacher ;

Sue defaulting Non-residents. †

(14) To sue for and recover by their name of office, the amounts of school-rates or subscriptions due from persons resid-

* Before procuring a new or changing the old site of a school house Trustees must first obtain the sanction of a public meeting. See the *thirtieth* section of this Act, page 51.

† Property-rates must be levied equally on all taxable property whether of residents or non-residents. (See the two following Decisions.) For definition of non-residents' land, see note † to the *one hundred and twenty-seventh* section of this Act, page 111.

‡ *Executors, equally with the Testator, liable for School-rate on Non-resident Land.*

1. The Court of Common Pleas has decided that a resolution of the freeholders and householders of a school section passed at their annual meeting, that the trustees should tax the property in such section to pay the teacher's salary and the expenses of the school, followed by a resolution of the trustees directing a rate to be levied on the ratable property of such section to raise the sum required, and the preparation of a rate-bill and warrant, are sufficient to render a non-resident, having real estate within the section, liable for the sum rated by the trustees according to the assessed value of his real property ; and that being so liable, an executor representing the estate is liable in an action of the same nature to which the testator

ing without the limits of their school section, who make default in payment.*

Make return of uncollected Rates to Township Clerk:

(15) To make a return to the Clerk of^o the Municipality of the amount of any rate imposed by them for school purposes whenever so imposed, and also, before the end of the then current year, to make a return of the rates on the property of non-residents of their section, (as provided in the *one hundred and twenty-seventh* section of this Act, page 111,) and which they have been unable to collect.

Admit to School, residents between the ages of five and twenty-one.

(16) To permit all residents† in such section between the ages of five and twenty-one years, to attend the school, so long as they

might have been subjected.—*Trustees No. 2, Dunwich v. McBeath*, 3 C. P. R. 228.

Testator's estate liable for School assessment rate in the hands of devisees and executors.

2. The Court of Common Pleas also decided another similar case, as follows:—An action of replevin may be brought upon a distress for school rates, and notice of action is not necessary, where several devisees and executors were rated for a school rate in respect to the property of their testator as “John Applegarth and brothers,” which entry appeared to have been made at the instance of some of them; but two of them only had slept on the premises occasionally, although such was not their ordinary place of residence, and they had received the usual notice of assessment in that form without appealing, and the same two had paid taxes on an assessment on the township roll in their individual names. *Held* by the Court, 1st. That the facts afforded sufficient evidence to show that the plaintiffs were “inhabitants” for the purposes of the rate. 2nd. That the parties were sufficiently named on the roll to render the rate lawful. 3rd. That a demand made by the collector on “John Applegarth,” named on the roll, was sufficient to bind all the plaintiffs.—*Applegarth et al. v. Graham*, 7 C. P. R. 171.

* See note † to the *eleventh* clause of this section, page 39.

† Boarders for less than a year are non-residents in the sense of the Act, and cannot therefore lawfully claim admission to the school. They must make special arrangements with the trustees, and their attendance must be returned as non-residents. Apprentices may, however, be considered as residents.

conduct themselves in conformity with the rules of such school, and the fees or rates required to be paid on their behalf are fully discharged, but such permission shall not extend to the children of persons in whose behalf a separate school has been established, according to the Act respecting the establishment of separate schools.*

Visit Schools—and for what.

(17) To visit from time to time, each school under their charge and see that it is conducted according to the authorized regulations,† and that each such school is, at all times, duly provided with a Register‡ and Visitors' Book, in the form prepared according to law.

Proper Text-Books to be used in Schools.

(18) To see that no unauthorized books are used in the school, and that the pupils are duly supplied with a uniform series of authorized text books, sanctioned and recommended by the Council of Public Instruction,|| and to procure annually, for the benefit of their school section, some periodical devoted to education.§

* *Eight of Coloured Children to attend School.*

1. The Court of Queen's Bench has decided that where no separate school is established for the children of the coloured inhabitants, such children have the same right to attend the common school as the other children of the section.—*Washington v. Trustees, No. 14, Charlotteville.* 11 Q. B. R. 569.

2. The same Court has also decided that residents of a school section in which a (coloured) separate school has been established for the class to which it belongs—as in this case for coloured people—are not entitled to send their children to the general common school of such section.—*In re Dennis Hill v. Trustees, Camden and Zone.* 11 Q. B. R. 573.

† These regulations are appended.

‡ Registers are furnished gratuitously to the County Clerk for distribution through the local Superintendents, among the schools, by the Educational Department. Trustees, however, must provide a visitors' book (which may be any-ordinary blank book), at the cost of the section.

|| See list of authorized text-books appended.

§ The Legislature having authorized the Educational Department to furnish a copy of the U. C. *Journal of Education* to each school section. Trustees should see that the *Journal* is regularly received by them; and if not received, to report the fact to the Chief Superintendent, without delay. Missing numbers can also be obtained on application.

Establish School Section Library.*

(19) To appoint a Librarian, and to take such steps authorized by law as they may judge expedient, for the establishment, safe-keeping, and proper management of a school library in their section, whenever provision has been made and carried into effect for the establishment of school libraries.†

**Personal responsibility in case of neglect to exercise
Corporate powers.**

(20) To exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them; and in case they or any of them wilfully neglect or refuse to exercise such powers, the trustee or trustees so neglecting or refusing shall be personally responsible‡ for the fulfilment of such contract or agreement.||

* In regard to Libraries, see Regulations appended.

† Where Trustees neglect to comply with the library regulations, in maintaining the library provided for their section by the Municipality, the local Superintendent is authorized to withhold the apportionment of the school fund from their section until the regulations are complied with. They likewise subject themselves to the additional penalty imposed by the *thirty-first* section of the School Act, quoted on page 52. The property of every public library is exempt from taxation. One hundred per cent. is allowed by the Chief Superintendent on all sums over \$5, remitted to the Department, for library books, maps, apparatus, and prize books. See Departmental Regulations appended; and also printed on the cover of each Register.

‡ *Personal liability of Trustees dependent upon their neglect or refusal to exercise their Corporate powers.*

1. The Court of Queen's Bench has decided, that as by the [*twentieth*] clause of the [*twenty-seventh*] section of the Upper Canada Consolidated Common School Act, the trustees can only be personally liable when they have wilfully neglected or refused to exercise their corporate powers, such neglect or refusal should have been alleged and shown in the award, to warrant its directions to levy on the trustees personally.

Quære by the Court, whether the arbitrators have authority to determine

|| By the *thirty-first* section of this Act, Trustees are also made personally responsible for moneys lost to the section by their neglect of duty. See page 52.

Prepare and read Report at Annual Meeting.

(21) To cause to be prepared and read at the annual meeting of their section, their annual school report for the year then terminating, which report shall include, among other things, a full and detailed account of the receipt and expenditure of all school money received and expended in behalf of such section, for any purpose whatever, during such year, and in case of dispute the matter shall be referred to arbitration in the manner provided in the [eighth] section of [the Act of 1860, on page 50.]

Make Half-Yearly Report to Local Superintendent.

(22) To transmit to the local superintendent, on or before the *thirtieth day of June*, and the *thirty-first day of December* in each year, a correct return of the average attendance of pupils in each of the schools under their charge during the *six months* then immediately preceding.*

the Question of personal liability on the part of the trustees.—*Kennedy v. Burness et al.*, 15 Q. B. R., 473.

Neglect of Trustees to exercise their corporate powers must be proved.

2. The Court of Common Pleas also decided another similar case, as follows:—In an action of repelvin for goods of school trustees distrained under an award for the salary of a school teacher, declaring the trustees individually liable on the ground, “that the trustees did not exercise all the corporate powers vested in them by the school acts for the due fulfilment of the contract,” made by them with such teacher.

Held by the Court, That the award as evidence did not support pleas which averred as required by the [twentieth] clause of the [twenty-seventh] section of the Upper Canada Consolidated Common School Act, a wilful neglect or refusal by the trustees to exercise their corporate powers as the ground for making them personally liable. 2. That, on the facts, the defendants as trustees were not personally liable, the award ascertaining for the first time the exact amount due to the teacher, and declaring the trustees personally liable without giving them any opportunity to exercise their corporate powers to raise the money to pay it.—*Kennedy v. Hall et al.*, 7 C. P. R., 218.

* By the *thirty-first* section of this Act, page 52, Trustees are personally responsible for the amount of money lost to their section by their neglect to sign and transmit this report to the local Superintendent, who can always estimate (taking the best evidence within his reach) the sums thus forfeited.

Penalty for neglect to do so.

And in case such trustees neglect to transmit a verified statement of such average attendance, then such school section shall not be entitled to the apportionment from the school fund for the said *six* months.

Make Yearly Report to Local Superintendent.

(23) To ascertain the number of children between the ages of five and sixteen years residing in their section on the *thirty-first day of December* in each year;* and to prepare and transmit annually, on or before the *fifteenth day of January*, a report to the local superintendent, signed by a majority of the trustees, and made according to a form provided by the Chief Superintendent of Education, and shall specify therein :

(1) The whole time the school in their section was kept by a qualified teacher during the year ending the *thirty-first day of the previous December*.

(2) The amount of moneys received for the school fund, from local rates or contributions, and from other sources, distinguishing the same; and the manner in which all such moneys were expended.

(3) The whole number of children residing in the school section, over the age of *five* years, and under the age of *sixteen*; the number of children and young persons taught in the school in winter and summer, distinguishing the sexes, and those who were over and under *sixteen* years of age; and the average attendance of pupils in both winter and summer; but the trustees of the common school sections within the limits of which one or more separate school sections are established as hereinafter provided, shall not, in their return of children of school age residing in their school sections, include the children attending such separate school or schools.

(4) The branches of education taught in the school; the numbers of pupils in each branch; the text-books used; the numbers of public school examinations, visits and lectures and

* See next section; and also the *one hundred and twenty-sixth* section of this Act, pages 110, 111.

by whom made or delivered, and such other information respecting the school premises and library as may be required.

Penalty for delaying Yearly Report.

28. In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their local superintendent by the *thirty-first* day of *January* in each year, each of them shall, for each week after such *thirty-first* day of *January*, and until such report has been prepared and presented, forfeit the sum of *five dollars*, to be sued for by such local superintendent, and collected and applied in the manner provided by the *twenty-first* section of this Act [page 23.]

[*The twenty-ninth section has been superseded by the eighth section of the School Act of 1860, as follows :*]

Annual Appointment of Auditors of School Section Accounts.*

[8. In order that there may be accuracy and satisfaction in regard to the School accounts of School sections, the majority of the [resident assessed] freeholders and householders present at the annual School meeting shall appoint a fit and proper person to be Auditor of the School accounts of the section for the then current year, and the Trustees shall before the *first* day of *December* in each year, appoint another Auditor; and the Auditor thus chosen or either of them shall forthwith appoint a time before the day of the next ensuing annual School meeting for examining the accounts of the School section ;

[Trustees to submit their School Accounts to the Auditors.

[And it shall be the duty of the Trustees or their Secretary treasurer in their behalf to lay all their accounts before the Auditors or either of them, together with the agreements, vouchers, &c., in their possession, and to afford to the Auditors or either of

* The object of this clause is to prevent the suspicion that Trustees pervert any part of the School Fund to private purposes, and not to limit the exercise of the power conferred upon them by the preceding section of the Act. See the definition of the term "other expenses," given in note † to the *tenth* clause of the *twenty-seventh* section, page 38. Auditors should be guided by that note in auditing the accounts of the school section. See also note † to the *fourth* clause of the *sixteenth* section of this Act, page 19.

them all the information in their power as to their receipts and expenditures of School moneys in behalf of their School Section ;

[Powers and Duties of School Section Auditors, &c.

[And it shall be the duty of the Auditors to examine into and decide upon the accuracy of the accounts of such section and whether the Trustees have truly accounted for and expended for School purposes the moneys received by them, and to submit the said accounts with a full report thereon at the next annual School meeting ; and if the Auditors or either of them object to the lawfulness of any expenditures made by the Trustees, they shall submit the matters in difference* to such meeting, which may either determine the same or submit them to the Chief Superintendent of Education, whose decision shall be final, and the Auditors shall remain in office until their audit is completed ; The Auditors or either of them shall have the same authority to call for persons and papers and require evidence on oath and to enforce their decisions as have Arbitrators appointed under the authority of the *eighty-fourth*, *eighty-fifth*, and *eighty-sixth* sections of the said Upper Canada [Consolidated] Common School Act [pages 85-86] ; and it shall be their duty or that of either of them to report the result of their examination of the accounts of the year to the annual School meeting next after their appointment, when the Annual Report of the Trustees shall be presented, and the vacancy or vacancies in the Trustee Corporation be filled up, as provided by the law ;

[Remedy in case the Trustees fail to call the Meeting for Auditors.

[And if the Trustees omit to call such public meeting by notice issued not later than the *twenty-second* day of *December*, † the same may be called by any two qualified Electors ;

[Remedy in case the Trustees fail to appoint an Auditor.

And if the Trustees neglect to appoint an Auditor or ap-

* That is, as to the *lawfulness*, and not the expediency, of the expenditure. The trustees are the sole judges of the *expediency* of any expenditure. See page 33.

† This date refers to the year 1860. In future years it will be sufficient if the notice be given when calling the annual meeting.

point one who refuses to act, the Local Superintendent shall appoint one for them ;

[Penalty on Trustees refusing Information, &c., to Auditors.

[And if the Trustees, or their Secretary in their behalf, refuse to furnish the Auditors or either of them with the papers or information in their power and which may be required of them relative to their School accounts, the party refusing shall be guilty of a misdemeanor, and upon prosecution by either of the Auditors or any rate-payer, be punished by fine or imprisonment as provided by the *one hundred and fortieth* section of the said Upper Canada [Consolidated] Common School Act [page 115] ;

[Accounts of 1860 to be Audited in this manner.

[*Provided* that the Auditors, appointed for the year *one thousand eight hundred and sixty-one*, shall also audit the accounts for the year *one thousand eight hundred and sixty*.

New School Site to be authorized by Special Meeting.

30. No steps shall be taken by the trustees of any school section for procuring a school site* on which to erect a new school house, or for changing the site of an established school house, without calling a special meeting of the [resident assessed] freeholders and householders of their section to consider the matter. †

Differences between Trustees and People to be referred to Arbitration.

And in case of a difference as to the site of a school house between the majority of the trustees and a majority of the [resident assessed] freeholders and householders at such special meeting, each party shall choose an arbitrator, and the local superintendent, or in case of his inability to attend, any person

* See the *sixth* section of the School Act of 1860, page 29.

† The local superintendent may call this meeting if desired, see page 26.

In selecting a Site, Trustees cannot act without consulting their constituents.

The Court of Queen's Bench has decided that the Trustees cannot, without any reference to the [resident assessed] freeholders and householders of the section, determine upon a site for the school house, and impose a rate to meet the expense of its purchase.—*Orr v. Ranney et al.* 12 Q. B. R. 377.

appointed by him to act on his behalf, shall be a *third arbitrator*, and such *three* arbitrators, or a majority of them, shall finally decide* the matter. †

Trustees personally responsible for Moneys lost.

31. The trustees of each school section shall be personally responsible for the amount of any school moneys forfeited by or lost to such school section in consequence of their neglect of duty during their continuance in office; and the amount thus forfeited or lost shall be collected and applied in the manner provided by the *twenty-first* section of this Act [page 23.] †

* *First arbitration in regard to a School Site cannot be set aside by a subsequent Special Meeting.*

The Court of Common Pleas has decided the following case: When a meeting was held to change the site of a school-house, and arbitrators appointed, who met and decided the question, but their decision was not acted upon; subsequently another meeting was called, and their decision and proceedings were acted upon, and the site changed.

Held, that the proceedings were irregular, and that the trustees had not authority to change the site of the school-house without the sanction of a special meeting of the [resident assessed] freeholders and householders, and that the second meeting had no authority to alter the determination previously made.—*Williams v. Trustees, No. 8, Plympton.* 7 C. P. R. 559.

† *The School Act of 1860 further enacts:*

15. Arbitrators appointed under the authority of the [Upper Canada Consolidated Common] School Act, and Local Superintendents, engaged in investigating and deciding upon school complaints and disputes, shall be entitled to the same remuneration *per diem* for the time thus employed as are members of the Municipal Council of their county for their attendance at Council Meetings; *Provided* always, that the parties concerned in such disputes shall pay all the expenses incurred in them, according to the award or decision of the Arbitrators and Local Superintendents respectively.

‡ While Trustees are thus made personally responsible for refusal to exercise their corporate powers, and while the acts of a majority are binding upon the Corporation, yet no majority of the Trustees can act without notifying its colleague or colleagues, and giving him or them an opportunity of joining in, or dissenting from, its acts. See the *seventh* section of the School Act for 1860, on page 28, and also note † to the *twentieth* clause of the *twenty-seventh* section of this Act, page 46.

PART II.—DUTIES OF TOWNSHIP COUNCILS.

All the Sections of a Township may be united, and a Township Board elected.

32. In case a majority of the resident [assessed] freeholders and householders of each section at a public meeting for that purpose separately called by the trustees of each such section, express a desire that local school sections should be abolished, and that all their schools should be conducted under one system and one management, like the schools in cities and towns,* the Municipal Council of such township shall comply with the request so expressed, by passing a by-law to give effect thereto; † in which event all the common schools of such township shall be managed by one board of *five* trustees, one of which trustees shall be chosen in and for each ward, if the township be divided into wards, and if not so divided, then the whole number of such trustees shall be chosen in and for the whole township, and the election of such trustees shall be held at the time and in manner prescribed in the *third, seventh, eighth and twenty-second* sections of this Act [pages 13, 14, 15, and 28]; and such trustees shall be a corporation under the name of "*The Board of School Trustees of the township of _____, in the County of ‡*" and shall be invested with the same powers and be subject to the same obligations as trustees in cities and towns, by the *seventy-ninth* section of this Act [page 75.]

Assessors to value Lands situated in each Section.

33. Whenever the lands or property of any individual or company are situated within the limits of *two* or more school sections, each Assessor appointed by any municipality, shall

* In case of such a Union, see Manual for Grammar and Common Schools in Cities, Towns, and Villages, &c.

† *i.e.* Being satisfied that due notice has been given to all parties concerned. The alteration does not, however, take effect until the 25th of December next after.

‡ See definition of corporate powers, on pages 26, 27.

assess and return on his roll, separately, the parts of such lands or property within the limits of which sections, according to the divisions of the school, such lands or property may be situate;* but every undivided occupied lot or part of a lot, shall only be liable to be assessed for school purposes in the school section where the occupant resides.†

Council to impose certain School Assessments, as required by the Trustees.

34. For the purchase of a school site, the erection, repair, rent and furniture of a school house, the purchase of apparatus and text-books for the school, books for the library, and salary of the teacher, each township council shall‡ levy, by assessment||

* This Roll being the sole guide of the Trustees, the provisions of this section should be carefully complied with on the part of the Assessor. See sub-note || on page 40, to Trustees' form of warrant, and note * to the *twelfth* clause of the *twenty-seventh* section of this Act, on page 42.

† *An undivided Lot must be in the same Municipality.—Municipal Boundaries divide Lots.*

The Court of Queen's Bench has decided the following case: Certain property, through which ran a municipal division-line between a town and township, was assessed by the trustees of a school section in the township, according to the value of that portion of it lying in their section and outside the town. The owner refused to pay, and was sued by the trustees as a non-resident, in accordance with the provisions of the School Law. The Judge of the Division Court decided against the trustees, on the ground that the [*thirty-third*] section of the [*Upper Canada Consolidated Common*] School Act referred to undivided lots within different municipalities, as well as within but one municipality. The Chief Superintendent appealed the case, and it was held by the Court that the trustees acted rightly,—they being guided by the assessment-roll of their municipality; and that the proviso referred to applies only to the case of an undivided property extending into more than one school section of the same municipality, and not where the land lies in different municipalities. Hence municipal boundaries divide lots.—*Chief Superintendent Appellant, in re Trustees No. 4, Hallowell v. Storm.* 14 Q. B. R. 541.

‡ In the *eighteenth* section of the Provincial Statutes General Interpretation Act, it is declared that in those statutes: 2. The word "*shall*" is to be considered as *imperative*; and the word "*may*" as *permissive*.

|| By this section of the Act, it is *imperative* on Township Councils to levy and collect, by a general rate upon the property of the section,

upon the taxable property in any school section, such sum as may be required by the trustees of such school section in accordance with the desire of the majority of the [resident assessed] freeholders and householders expressed at a public meeting called for that purpose, as authorized by the *tenth* clause of the *twenty-seventh* section of this Act* [pages 38, 39.]

Council may purchase School Site and build School-House

[34½. The *second* clause of the *two hundred and sixty-sixth* section of the Upper Canada Consolidated Municipal Institutions Act (22 Vict. chap. 54), also enacts that the Council of each township may pass by-laws * * * “for obtaining such real property as may be required for the erection of common school-houses thereon, and for other common school purposes,† and for the disposal thereof when no longer required,

such sums as may be desired by the School Trustees, according to an estimate prepared and laid before such Council. In case of refusal, application can be made to the Queen’s Bench for the issue of a mandamus to enforce compliance.

* See decision of the Court of Queen’s Bench, in note * to the *fiftieth* section, page 66. See also following note.

† *Township Council cannot interfere with the established School system.*

The Court of Queen’s Bench has decided the following case:—“The by-law of the 1st of October, 1855, enacted, that for the purpose of remedying unequal taxation for the support of common schools, there should annually be appropriated out of the general funds of the township, so much as to the municipality for the time being might seem reasonable, not being more than would be sufficient, if added to the common school fund for the year, and equally divided amongst the sections, to pay the average wages of a third class teacher for twelve months; that on or before the second Wednesday in January in each year, the treasurer should apportion such money according to the time that a school should have been in operation in each section, under a legally qualified teacher; and that the sum assigned to each section should be paid on the order of the majority of the trustees, on certain conditions mentioned in the by-law.” * * *

Robinson, C. J., delivered the following judgment of the court: “With respect to the by-law passed in 1855, if it had gone no further than to appropriate a sum for that year, out of the funds of the township, to be applied to the support of common schools, we should not have interfered so long after its operation had been wholly spent, and apparently acquiesced in; but it is on the face of it, permanent in its character, and it seems

and for providing for the establishment and support of common schools, according to law.”

Council may authorize Trustees to borrow Money for special purposes—and provide for re-payment.

35. Each township council may grant to the trustees of any school section, on their application, authority to borrow any sums of money necessary for the purposes above mentioned, in respect to school sites, school houses and their appendages, or for the purchase or erection of a teacher's residence, and in that event, shall cause to be levied in each year upon the taxable property in the section,* a sufficient sum for the payment of the

to have been passed altogether in disregard of the provision of the common school act.” * * * “It is plain from the recital in this by-law that it professes to substitute a system devised by the municipal council for that laid down by the legislature, for the support of common schools. It is evident that that by-law was not intended to co-exist with the method of raising funds in the township laid down in the school act.” * * * “We think we are bound to say that this is wholly beyond the authority given to the township councils, and that we cannot forbear quashing a by-law, which is not shown to have been repealed, and which professes to establish a system for raising money *annually* for the support of common schools in a manner decidedly at variance with the statutes of the province, and without that reference to the judgment of the school trustees, and to the wishes of the inhabitants, which the legislature intends shall form part of the system. However convenient or good the system provided by the by-law might prove in itself, the township council had no authority to adopt it. We therefore make absolute the rule for quashing that by-law.” 18 Q. B. R. 227.

* *School Rates must be levied equally upon all Taxable Property.*

The Court of Common Pleas has decided, “that when the municipal council of a township, intending to act under the (preceding) *thirty-fifth* section of the [Upper Canada Consolidated Common] School Act, levied a rate for common school purposes upon the *resident* inhabitants of a school section only, it was *held* that, under the School Act as well as the Municipal and Assessment Acts, the by-law was invalid, because the rate should be levied on all taxable property, whether real or personal, of the inhabitants, resident as well as non-resident.”—*In re De la Haye v. Municipality of the Gore of Toronto*. 2 C. P. R. 317. (See similar decision applicable to wards in cities and towns, on page 79.)

interest* on the sum so borrowed, and a sum sufficient to pay off the principal within *ten* years.†

Council not to levy more than one rate except in certain cases.

36. No township council shall levy and collect in any school section during any one year, more than one school section rate, except for the purchase of a school site or the erection of a school house; and no such council shall give effect to any application of trustees for the levying or collecting of rates for school purposes, unless the trustees of the school section make the application to such council at or before its meeting in *August* of the year in which such application is made.

Council may establish Libraries.

37. Each township council may levy such sums as it judges

* *Maximum rate of Interest to be paid by Municipal Councils.*

The Court of Queen's Bench has decided that municipal corporations cannot, by by-law, provide for money at a rate of interest exceeding that authorized by the statute.—*Wilson v. Municipality of the County of Elgin* 13 Q. B. R. 129.

† *Discretion to raise a Loan for School Section purposes rests as much with the Township Council as with the School Section.*

The Court of Common Pleas has decided as follows:—A by-law of a township council authorizing the levy of certain rates in a school section having been quashed, the council then, without a second school section meeting having been called, passed another by-law for the same purpose, it was *held* by the Court: 1. That the discretion to raise the sum within any number of years, not more than ten, rests as much with the council as with the school meeting or trustees. 2. That a second meeting of the inhabitants, after the former by-law had been quashed, was not necessary. 3. That the rate was not declared on the property assessed in a previous year; but only the amount to be raised was determined by reference to the assessed value of property in that year. 4. That the rate not being complained of as excessive, its being calculated to realize more than the precise sum required, did not render the by-law invalid. 5. That the duty imposed on the clerk in making out the assessment list of the section, in accordance with the township by-law, was in accordance with the statute. 6. That a proviso of the by-law sanctioning receipts, *pro tanto*, given to those who had paid under the invalid by-law, did not render the second by-law void,—because such parties, although entitled to restitution, would have to pay *de novo*.—*In re De la Haye v. Municipality of Toronto.* 3 C. P. R. 23.

expedient for purchasing books for a township library, under such regulations as may be provided in that behalf;*

Council may establish, and be Trustees of, Model School.

and for procuring the site, and for the erection and support of a township model school; and in such event the members of such township council shall be the trustees of such model school, and shall possess the powers of common school trustees in respect to all matters affecting such model school.

Common Schools may be united with Township Model School.

38. The trustees of any one or more common schools may at their discretion, and with the consent of such council, merge their schools into such model school; and tuition to student teachers in such model school shall be free.

Council to form new School Sections.

39. Each township council shall† form portions of the township where no schools have been established, into school sections; and shall appoint a person in each new school section to call the first school section meeting; and shall cause such person to be notified in the manner prescribed in the *seventh* section of this Act‡ [page 14.]

* One hundred per cent. is added by the Chief Superintendent of Education on all local appropriations for library books, maps and apparatus. See departmental notices appended.

† See note ‡ in regard to the word "shall," on page 54. No township council can leave any part of the township without school section organization.

‡ *The School Act of 1860 further enacts:*

20. Trustees shall not be liable to any prosecution, or the payment of any damages, for acting under any by-law of a Municipal Council before it has been quashed. [The *two hundred and second* section of the Consolidated Upper Canada Municipal Institutions Act, also enacts that in case a By-law, Order, or Resolution be illegal, in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action * * * every such action shall be brought against the Corporation alone, and not against any person acting under the By-law, Order, or Resolution.]

Alteration of existing sections; * Notice to be given.

40. In case it clearly appears that all parties to be affected by a proposed alteration in the boundaries of a school section have been duly notified† of the intended step or application,‡ the township council|| may alter such boundaries;

** Dividing a School Section makes only one New Section.*

The Court of Queen's Bench has decided the following case:—On application of the resident inhabitants of a section, the Municipality of a township, in 1853, passed a resolution to divide the section, by taking away a part to constitute a new section (but no by-law was passed until 1855, when one was adopted confirming the resolution.) A meeting was called for the 16th January, 1854, to elect three new trustees for the section. In the meantime, on the 10th of January, the ordinary annual meeting was held, and a dispute arose as to whether trustees should not then be elected for the ensuing year? Some thought not, and left the meeting; while others remained, and proceeded with the election. The Local Superintendent being appealed to, declared the election illegal, considering the section had become a new section; and appointed another election to take place on the 16th, when the three defendants were appointed trustees. In January, 1855, the dispute was renewed and elections held, so that there were two sets of trustees claiming the office. The first elected trustees in 1854, abstained from acting; and the defendants imposed a rate, which the plaintiff resisted. *Held* by the Court, (affirming No. 18, *Chief Superintendent Appellant, in re Trustees No. 2 Moore v. McRae*, 12 Q. B. R. 525,) that the alteration did not constitute the section a new one; but the rate was legal, being imposed by trustees *de facto*, who had not been removed. :

† *Notice should be given before the alteration of School Section be made.*

The Court of Common Pleas has decided that before any alteration can be made in the limits of a school section, notice must be given to the parties interested in the proposed alteration, before the passing of the by-law authorizing the same.—*Griffiths v. Municipality of Grantham*. 6 C. P. R. 274.

By-laws for the alteration of School Sections can only be quashed within a reasonable time.

The Court of Common Pleas has decided that where a great length of time (fourteen months) had elapsed before motion was made, the court refused to quash a by-law altering school sections, it being on its face legal, and having been acted upon, although it was doubtful whether sufficient notice had been given to interested parties.—*Hill v. Municipality of Tecumseth*. 6 C. P. R. 297.

|| In effecting alterations, the Municipal Council may take the initiatory,

Alteration to take effect 25th Dec ember.

But no such alteration* in the boundaries of a school section shall take effect before the *twenty-fifth* day of *December* next after the alteration has been made.†

and can act without any previous request from a public meeting ; but if they enter upon such a measure of their own accord, they must see that all parties affected by the alteration have been duly notified of the intended step ; and if they have been applied to on the subject, they are not required to entertain the application until they see that such notice has been given, of which they must be the judges. (Chief Justice Robinson ; *In re Ness v. Saltfleet Municipality*. 13 Q. B. R. 408.

* *Form of intimating to Trustees the alteration of their School Section.*

Township Clerk's Office, _____ 186 .

SIR,—In conformity with the *fortieth* section of the Upper Canada Consolidated Common School Act, I have to acquaint you that the Municipal Council of this Township has altered the School Section of which you are Trustee, in the following manner : [*Here insert the changes which have been made, and a full description of the new School Section.*] These changes will go into effect from and after the *twenty-fifth* day of next *December*, according to the foregoing section of the Act.

You will please communicate this notice to the other Trustees of your School Section.

I am, Sir, your obedient servant,

To D. E.,

A. B., Township Clerk.

Trustee of School Section No. —, Township of _____

REMARK.—In giving notice of the formation of Union School Sections, see the remarks at the end of the form on page 65.

† Any alteration in the boundaries of a section may be effected *after* due notice to all parties interested, and independently of the consent or request of its Trustees or inhabitants. But the *union* of two or more sections into one, cannot be effected without the concurrence of the inhabitants of each of the sections concerned. The Court of Queen's Bench in confirming the decision of the Chief Superintendent on this subject, holds that an *alteration* in the boundaries of a school section under the [*fortieth*] section of the [Upper Canada Consolidated Common] School Act, does not constitute it a new section, or make it necessary to call a school meeting to elect new trustees. Such an alteration only involves a change of parties, from being members of one school section, and becoming members of another school section, and takes effect the 25th December next after. Nor is it necessary to show that the people desire an alteration of the boundaries to authorize the Council to make it.—*Chief Superintendent Appellant, in re Trustees No. 2 Moore v. McRae*. 12 Q. B. R. 525.

Union of existing Sections;* Meetings to be called.

41. In case at a public meeting of each of two or more sections called by the trustees for that purpose, a majority of the [resident assessed] freeholders and householders of each of the sections to be affected, request to be united, then the council shall unite such school sections into one.†

First Election in such united Sections.

42. The first election in such united section shall be appointed and held in the same manner as is provided for in the *seventh* to the *twelfth* sections of this Act, in respect to a new school section [pages 14-17.]

Share of School Fund not affected.

43. The several parts of any altered or united school sections

* *If two Sections be united, in re-arranging the School Sections of a Township, an election of Three Trustees is necessary.*

The Court of Common Pleas has decided the following case: In the township of Harwich, prior to February, 1854, School Section No. 1 consisted of the Town of Chatham and a part of the township. There was also a school section in operation, known as Section No. 2½. In February, 1854, the township council passed a resolution dividing the township into sixteen school sections. No. 1 (of the new sections) was formed of that part of the township of Harwich which, together with the town of Chatham, had previously been No. 1, added to the whole of No. 2½ as it existed previously. In January, 1855, an election for the new Section No. 1 (as created by the resolution in 1854) was held, at which one trustee only was elected, and the two other trustees elected the previous year for the then section, gave defendant the warrant under which he acted. *Held* by the Court, that there should have been three trustees elected for Section No. 1 at the election in January, and that a warrant signed by the other two was inoperative.—*MacGregor v. Pratt*. 6 C. P. R. 173.

† The union of two or more sections into one is equivalent to the formation of a new section, and goes into operation (unless especially deferred to a fixed date) immediately after the action of the township council; and the Court of Queen's Bench has decided that the union of two or more school sections in the same township into one, may take place at any period of the year, and would then require a new election of trustees.—Q.B.R. 525; But the union of parts of adjoining townships, and an alteration in boundaries, have no effect until the 25th December following the act. In all cases, an altered or united section has no legal existence, as such, until after the date fixed for the coming into effect of such alteration or union.

shall have respectively the same right to a share of the common school fund for the year of the alteration or union, as if they had not been altered or united.

Disposal of School property when not wanted.

44. In case a school site, or school house, or other school property be no longer required in consequence of the alteration or the union of school sections, the same shall be disposed of by sale or otherwise, in such manner as a majority of the [resident assessed] freeholders and householders in the altered or united school sections decide at a public meeting called for that purpose.*

Separated part to share in proceeds.

And the inhabitants transferred from one school section to another, shall be entitled, for the common school purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school house or other common school property, as the assessed value of their property bears to that of the other inhabitants of the school section from which they have been so separated; and the residue of such proceeds shall be applied to the erection of a new school house, or to other common school purposes of such altered or united sections.

[The forty-fifth and forty-sixth sections have been superseded by the fifth section of the School Act of 1860, as follows:]

[Formation and Alteration of Union School Sections.†

[5. The *forty-fifth* and *forty-sixth* sections of the said Upper Canada [Consolidated] Common School Act, shall be amended

* See authority for the sale of school premises: (1) By the trustees, in the *tenth* section of the School Act of 1860, in note *, on page 35; and, (2) By the township council, in the *thirty-fourth and a half* section, page 55.

† *Formation and alteration of Union School Sections can only be made by Reeves and Local Superintendents.*

The Court of Queen's Bench has decided that the Municipality of a Township may alter the boundaries of school sections within its township, by taking from one and adding to another, without any previous request of the [resident assessed] freeholders and householders, and notwithstanding their disapprobation of the change provided that those affected by the alteration have notice of the intention to make it. But the Municipality has no power

so as to read as follows: "Under the conditions prescribed in the *fortieth* section in respect to alteration of other School Sections, union School sections, consisting of parts of two or more townships or parts of a township and any town or incorporated village, may be formed and altered by the Reeves and Local Superintendent or Superintendents of the townships out of parts of which such sections are proposed to be formed;* or in a case of a union section of parts of a township or townships and a town or incorporated village, by the Reeve and Local Superintendent of the township, and the Board of Common School Trustees of the town or village, at a meeting appointed for that purpose by any *two* of such Reeves, or by the Board of Common School Trustees of such town or village, of which meeting the other parties authorized to act with them shall be duly notified; †

[Effect of such Union in Township, Town, or Village.

[And each union School section, composed of portions of adjoining townships or portions of a township or townships and a town or incorporated village, shall, for the purposes of the election of Trustees under their control be deemed *one* School section, and shall be considered in respect to superintendence and taxation for the erection of a School house, as belonging to the township, town or village in which the same is situated." ‡

to alter the boundaries of a union school section consisting of parts of different townships—such power pertaining only to the Reeves and Local Superintendents of the townships concerned.—*In re Ley v. Municipality of Clarke*, 14 Q. B. R. 433.

* This Union can be dissolved by either of the Township Councils concerned, on giving due notice to all parties concerned. See *forty-seventh* section of this Act, page 64.

† *The School Act of 1860 also enacts:*

2. On the incorporation of a part of any school section within the limits of a village, the Municipal Council of the township within the limits of which such school section is in whole or in part situated, shall have authority forthwith to attach the part or parts of such school section not included within the limits of the village corporation, to an adjacent school section or school sections, or form them into a separate and distinct section or sections.

‡ See *ninety-second* section of this Act, page 94.

Union Section may be dissolved by either Township Council.

47. Each township council may, under the restrictions imposed by law in regard to the alteration of school sections,* separate such part of any union school section as is situated within the limits of its jurisdiction, from the union of sections, and may form the part so separated into a distinct school section, or attach it to one or more existing school sections or parts of sections within its jurisdiction, as such council judge expedient.†

Township Clerk to furnish information to Local Superintendent.

48. Each township council shall cause the clerk of the township to furnish the local superintendent of schools with a copy of all the proceedings of the council relating to the forma-

* See note † on page 58.

† *Township Councils in altering Sections are not required to give notice to parties residing outside of their Township. What is due notice.*

The Court of Queen's Bench has decided the following case:—The Municipal Council of a township passed a by-law, disuniting a union section with another township, and uniting such part section and two distinct sections in its own township into one, after a petition from certain inhabitants of the section concerned. *Held* by the Court, that the council was not bound to give notice to the inhabitants of that part of the union section belonging to the other township—it being out of its jurisdiction; but in regard to the parties within its authority, it was required to be satisfied that *due notice* had been given. It is made the judges of such "due notice." The intention of the [*forty-seventh*] section of the [Upper Canada Consolidated Common] School Act, is that the township council may pass a by-law for bringing back exclusively to its own jurisdiction, any part of the township united to another; and that it may make what arrangement it thinks most convenient for giving the inhabitants the benefit of the common school laws; but it cannot do so unless it clearly appears that all parties have had due notice.—*In re Ness v. Municipality of Saltfleet*, 13 Q. B. R. 408.

tion or alteration of school sections, all school assessments,* and other educational matters.†

Township Clerk to prepare Maps of School Sections.

49. The township clerk shall prepare in duplicate, a map of the township, shewing the divisions of the township into school sections and parts of union school sections, and shall furnish one copy of such map to the county clerk, for the use of the county council, and he shall retain the other in the township clerk's office, for the use of the township corporation.

[Township Clerk to make School Returns to County Clerk: †

[The *one hundred and fifty-fourth* section of the Consolidated Municipal Institutions Act, (22 Vict. chap. 54,) makes it the duty of the Township Clerk, in each year, within one week after the

* The notices of school assessments, and assessments for the erection and furnishing of school-houses, for the purchasing of school sites, &c., may be given in such a manner as the Council shall direct. See note † to the *seventh* section of this Act, page 14. For form of deed for a school site, &c., see page 32.

† *The form of this notice should be as follows :*

Township Clerk's Office, _____ 186

SIR,—In conformity with the *forty-eighth* section of the Upper Canada Consolidated Common School Act, I have to acquaint you that the Municipal Council of this Township has altered School Section No.—, in the following manner; [*Here insert the changes which have been made and a full description of the new School Section.*] These changes go into effect from and after the *twenty-fifth* day of next December, according to the *fortieth* section of the Act.

I am, sir, your obedient servant,

The Local Superintendent of Schools
for the County or Township of —

A. B., *Township Clerk.*

N.B.—When the Union School Section is formed, dissolved, or altered, as authorized by the *fifth* section of the Upper Canada School Act of 1860, page 62, and the *forty-seventh* section of the Upper Canada Consolidated Common School Act, page 64, the Clerk of the Township in which the school-house of such Union Section is situated, should communicate the requisite notices to the parties concerned.

† For other duties of the township clerk, see the *twelfth* clause of the *twenty-seventh* section of this Act, pages 42, 43; also the *fifteenth* clause of the same section, page 44.

first day of January, to make a return to the Clerk of the County in which the municipality is situate, of the following particulars respecting his municipality for the year then last past, namely :
 24. Total expenditure on account of schools and education, exclusive of School Trustees' rates.]

PART III.—DUTIES OF COUNTY MUNICIPAL COUNCILS.

To raise equivalent to Legislative School Grant.

50. Each county council* shall cause to be levied yearly upon the several townships of the county, such sums of money, for the payment of the salaries of legally qualified common school Teachers, as at least equal (clear of all charges of collection) the amount of school money apportioned by the Chief Superintendent of Education to the several townships thereof for the year, and notified by him to such council through the county clerk ;

Such equivalent may be increased for poor Schools, &c.

And the sums so levied may be increased at the discretion of the council, either in aid of the county school fund, or on the

* *Townships have no power to levy a school rate for County purposes.*

The Court of Queen's Bench has decided as follows:—A township by-law was quashed in so much of it as related to the raising of a sum of money, to defray the demands of the county council on the township, and as an equivalent to the legislative school grant ; it not appearing in the face of the by-law that it was directed to the purpose of meeting a deficiency. It follows therefore that a township council has not power to pass a rate in aid of any county rate, as the [Municipal Act] authorizes the county councils to pass by-laws to raise money for county purposes, and the township council for township purposes ; and the [*fortieth*] section of the Upper Canada [Consolidated Common] School Act, expressly makes it the duty of the county council (and not the township council) to cause to be levied each year upon the several townships of the county, such sums of money as shall at least be equal, clear of all charges of collection, to the amount of school money apportioned to the several townships out of the government grant.—*Fletcher v. Municipality of Euphrasia*. 13 Q.B.R. 129.

recommendation of one or more local superintendents, to give special or additional aid to new or needy school sections.

Such County-rate to be collected by 14th December.

51. The sum annually required to be levied in each county, for the salaries of legally qualified teachers, shall be collected and paid into the hands of the county treasurer, on or before the *fourteenth day of December* in each year ;*

Teachers not to be refused payment.

But notwithstanding the non-payment of any part thereof to such treasurer in due time, no teacher shall be refused the payment of the sum to which he may be entitled from such year's county school fund, but the county treasurer shall pay the local superintendent's lawful order in behalf of such teacher, in anticipation of the payment of the county school assessment; † and the county council shall [“shall” is here imperative. See note ‡ on p. 54] make the necessary provision to enable the county treasurer to pay the amount of such order.

Council may establish County Library.

52. Each county council shall raise by assessment such sums

* The great difficulty hitherto experienced in collecting the county school rate in sufficient time to pay the Teacher punctually at the end of the year, might be easily obviated, were the County Councils to avail themselves of the provisions of the *two hundred and twenty-third* and the *two hundred and thirty-fifth* sections of the Upper Canada Consolidated Municipal Institutions Act, and anticipate the school assessment for one year. The Council could, under the authority of the two sections referred to, contract a loan equal in amount to one year's assessment; and then provide for the repayment of such loan by slightly increasing each subsequent year's school assessment, until the whole of the loan and interest would be paid. No doubt the county concerned would heartily concur in such a step in advance, knowing that it would be a yearly boon to the teachers, involving no additional cost to the county.

† In case the Treasurer refuses to honor the lawful order of the local Superintendent, for the school assessment, after the *fourteenth of December*, he is liable to be sued for the amount of the order dishonored.—See also Decision in the Court of Queen's Bench, in note † to the *thirteenth* clause of the *seventy-ninth* section, pages 79, 80.

of money as it may judge expedient, for the establishment and maintenance of a county common school library.*

County to appoint Local Superintendents.

53. Each county council shall appoint annually a local superintendent† of schools for the whole county, or for any one or more townships in the county, as it may judge expedient; ‡ and shall fix (within the limits prescribed by the *eighty-eighth* section of this Act, page 88) and provide for the salary of such local superintendent.

54. No local superintendent shall have the oversight of more than one hundred schools.

Clerk to report appointments and proceedings to Chief Superintendent.

55. The county clerk shall forthwith notify the Chief Superintendent of Education of the appointment and address of each such local superintendent, and of the county treasurer; and shall likewise furnish him with a copy of all proceedings of the council relating to school assessments and other educational matters. §

* See note * on page 58.

† Local Superintendents remain in office until the *first* of April next after their appointment. See the *eighty-eighth* section of this Act, page 88. In case of resignation, &c., the Warden may appoint a Superintendent *pro tem*. See the *eighty-ninth* section of this Act, page 88. No Trustee or Teacher can be a Local Superintendent. See the *ninetieth* section of this Act, page 89.

‡ See the *ninety-first* section of this Act, page 89.

§ This information should be promptly transmitted to the Chief Superintendent. See also the *fifty-ninth* section of this Act, page 70. By the *thirteenth* section of the Upper Canada Consolidated Municipal Statistical Returns Act, 22 Vict. chap. 33, a penalty of *twenty* dollars is imposed on Clerks of Counties for delaying to make the returns required by that law; and the Receiver General is authorized to retain moneys which would otherwise be payable to the Municipality. See also the section of the Municipal Institutions Act, quoted on page 65; and also note * to the *one hundred and twenty-fourth* section of this Act, page 110.

To obtain security from all persons entrusted with School Moneys.

56. Each county council shall see that sufficient security is given by all officers of the council to whom school moneys are to be entrusted,* and shall also see that no deduction is made from the school fund by the county treasurer or sub-treasurer for the receipt and payment of school moneys.†

Municipal accountability for School Moneys.

[The Upper Canada Consolidated Assessment Act, (22 Vict. chap. 55,) enacts as follows :

[193. Every county and city shall be responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the treasurer or chamberlain of the county or city in virtue of his office, shall be by him duly paid over and accounted for according to law.

Treasurers to be responsible in Counties and Cities.

[194. The treasurer or chamberlain and his sureties shall be responsible and accountable for such moneys in like manner to the county or city, and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands belonging to the county or city, shall be taken to apply to all such [Provincial] moneys as are mentioned in the *one hundred and eighty-sixth* section, and may be enforced against the treasurer or chamberlain in case of default on his part.

School Moneys may be retained by the Crown.

[195. If the default relates to *school moneys* or other public moneys of the Province, Her Majesty may enforce the responsibility of the county or city, by stopping or retaining a like amount out of any public moneys which would otherwise be

* The *one hundred and thirty-seventh* section of this Act, page 114, makes the person or persons whose duty it is to take this security, but who neglect to do so, responsible, should any loss accrue to the school fund in consequence. See also the sections of the Consolidated Assessment Act, quoted above.

† See the *one hundred and twenty-third* and the *one hundred and twenty-fourth* sections of this Act, pages 109, 110.

payable to the county or city,* or to the treasurer or chamberlain thereof, or by suit of action against the corporation.

Remedy to persons aggrieved by default of Treasurer.

[196. Any person aggrieved by the default of the chamberlain or treasurer, may recover from the corporation of the city or county, the amount due or payable to such person, as money had and received to his use.]

School Sub-Treasurers for Townships may be appointed.

57. If deemed expedient, the county council shall appoint one or more sub-treasurers of school moneys for one or more townships of the county; in which event each such sub-treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys and the payment of lawful orders for such moneys given by any local superintendent within the parts of the county for which he is appointed sub-treasurer, as are imposed by this Act upon each county treasurer in respect to the paying and accounting for school moneys.† [i.e. By the *fifty-first* section on page 67, and the following *fifty-eighth* section of this Act.]

Auditors of School Moneys to be appointed.

58. Each county council shall annually, or oftener, appoint auditors, who shall audit the accounts of the county treasurer and other officers to whom school moneys have been entrusted, and who shall report to such council.

Clerk to transmit audited Accounts to Chief Superintendent.‡

59. The county clerk shall transmit to the Chief Superintendent of Education, on or before the *first* day of *March* in each year, a certified copy of the abstract of the report of the auditors, and shall also give any explanation relating thereto, as far as he is able, which may be required by the Chief Superintendent.§

* See the *one hundred and twenty-fourth* section of this Act, pages 109, 110

† See the *one hundred and thirty-seventh* section of this Act, page 114.

‡ See also the *fifty-fifth* section of this Act, page 68.

§ See note * to the *one hundred and twenty-fourth* section of this Act, page 110.

PART IV.—THE COMMON SCHOOL ACT

RELATING TO

CITIES, TOWNS, AND INCORPORATED VILLAGES.

Powers of Councils, in Cities, Towns and Villages.

60. The Municipal Council of each City, Town, and Village in Upper Canada is hereby invested, within its limits, with the same powers and shall be subject to the same obligations as the Municipal Council of each County and Township by the *thirty-fourth, thirty-fifth, and the fiftieth, fifty-first, fifty-fifth, fifty-sixth, fifty-eighth, and fifty-ninth* sections of this Act, pages 54, 56, 66, 67, 68, 69, and 70.

Board to appoint Local Superintendent.

61. The Board of School Trustees for every such City, Town, and Village respectively, shall appoint the Local Superintendent of Schools for the City, Town, and Village. [See the *eighth* clause (c) of the *seventy-ninth* section of this Act, page 77.]

ELECTION IN CITIES AND TOWNS DIVIDED INTO WARDS.*

Two Trustees to be annually elected in each Ward of a City or Town.

62. For each ward into which any City or Town is divided, there shall be *two* School Trustees, each of whom after the first election of Trustees, shall continue in office *two* years, and until his successor has been elected, and *one* of such Trustees shall retire on the *second Wednesday in January* yearly in rotation.

First elections of School Trustees in Cities and Towns.

63. On the incorporation of any City or Town and the division thereof into wards, *two* fit and proper persons shall, at the first election of School Trustees, be elected School Trustees of each such ward by a majority of the votes of the [resident assessed] freeholders and householders thereof.†

* See *fifth* section of the School Act for 1680, pages 26, 63.

† As defined in the *seventieth* section of this Act, pages 73, 74.

Trustees' term of Office.

And *one* of such Trustees, to be determined by lot at the first meeting of Trustees after their election, shall retire from office at the time appointed for the next annual School Election, and the other shall continue in office *one* year longer and then retire, but each such Trustee shall continue in office until his successor has been elected

Annual elections of one School Trustee in each Ward of Cities and Towns.

64. In every City and Town at the time prescribed by the *third* section of this Act, [*second Wednesday in January,*] an election shall be held in each ward at the place of the last municipal election, and under the direction of the same Returning Officer, and conducted in the [same] manner as an ordinary municipal ward election;* but in case of the default of such Returning Officer, then under the direction of such person as the electors present may choose; and at such election, *one* fit and proper person to be a Trustee shall be elected by a majority of the votes of the [resident assessed] freeholders and householders in and for each such ward respectively, and such Trustee shall continue in office for *two* years, and until his successor has been elected.

ELECTION OF COMMON SCHOOL TRUSTEES IN VILLAGES AND TOWNS NOT DIVIDED INTO WARDS.†

65. In each Town, not divided into wards, and in each Village, there shall be *six* School Trustees, *two* of whom after the first election shall retire yearly on the *second Wednesday in January.*

First election of School Trustees in a Village or Town Municipality.

66. On the incorporation of any such Town or Village,‡ the Returning Officer appointed to hold the first Municipal Election

* The School Act of 1860, enacts as follows: 4. * * * in cities, towns and incorporated villages the same time shall be allowed for the election of School Trustees which is allowed for the election of Municipal Councillors in such municipalities.

† See the *fifth* section of the School Act of 1860, pages 62, 63.

‡ See note † to the *fifth* section of the School Act of 1860, page 63.

in such Town or Village shall call a meeting for the election of School Trustees, to take place at the time prescribed in the *third* section of this Act, [*second Wednesday in January,*] or in case of his neglect for *one* month, any *two* freeholders in such Town or Village, on giving *six days' notice* in at least *three* public places in the Town or Village, may call a meeting for such purpose, and at such meeting *six* Trustees shall be elected, who shall hold office during the periods hereinafter expressed, and from thence until their successors respectively have been elected.

Such Trustees to be divided into Classes.

67. The Trustees of every such Town and Village shall be divided by lot into *three* classes, of *two* individuals each, to be numbered *one, two, three*; the first of which classes shall hold office *one* year, the second *two* years, and the third *three* years, and until their successors respectively be elected.

Term of Office of such Trustees.

68. The Trustees composing one of such classes, shall retire yearly in rotation, the order of such rotation of the Trustees first elected being determined by lot at the first meeting after their election, and, except the Trustees elected at the first election, the Trustees so to retire shall be those who have held the office for the then next preceding *three* years, or who have been elected to supply any vacancy in the retiring class.

Annual Elections of Two Trustees in Villages and Town Municipalities.

69. A school meeting shall be held annually on the *second Wednesday in January*, in each such Town and Village, at the place of the then last annual election of Councillors, at which meeting the [resident assessed] freeholders and householders of the Town or Village shall elect two persons to be Trustees in the place of the *two* retiring from office, which Trustees elect shall continue in office *three* years, and until their successors have been elected.

Challenging Voters at School Elections.

70. In case an objection be made to the right of any person to vote at an election in any City, Town, or Village, or upon

any other subject connected with school purposes therein, the Returning Officer presiding at the election shall require the person whose right of voting is objected to, to make the following declaration :

Declaration of Voter.

“ I do declare and affirm that I have been rated on the Assessment Roll of this City, (Town or Village, *as the case may be*) as a freeholder (or householder, *as the case may be*), and that I have paid a Public School tax in this ward, (Town or Village, *as the case may be*) within the last *twelve* months, and that I am legally qualified to vote at this election.”

Whereupon the person making such declaration shall be permitted to vote.*

Effect of such Declaration.

71. If any person wilfully makes a false declaration of his right to vote, he shall be guilty of a misdemeanor, and upon conviction, upon the complaint of any other person, shall be punishable by fine and imprisonment in the manner provided for in the *eighteenth* section of this Act, [page 21.]

Contested Elections in Cities, Towns, and Villages.

72. The Judge of the County Court shall, within *twenty* days after the election of a common school trustee in any city, town, or incorporated village within his county, receive and investigate any complaint respecting the mode of conducting the election, and confirm it, or set it aside, and appoint the time and place of holding a new election, as he may judge right,

Penalty on Returning Officer for wrong doing.

73. If the Returning Officer at any election of a Common School Trustee be convicted before the County Judge of disregarding the requirements of the law, or acting partially in the execution of his office, he shall be fined a sum of not less than *twenty* dollars, or more than *one hundred* dollars, at the discretion of such County Judge.

* By the *nineteenth* section of this Act, supporters of Separate Schools are not allowed to vote at the election of Common School Trustees (See page 21.)

Costs of contested Elections.

74. The expenses of any school election/contest shall be paid by the parties concerned in it, as may be decided by the County Judge.

Terms for which persons are elected to fill vacancies.

75. Any Trustee elected to fill an occasional vacancy in a Board of School Trustees, shall hold office only for the unexpired term of the person in whose place he is elected to serve.

Re-election of any Trustee lawful.

76. Any retiring Trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for *four* years next after leaving office.

Trustees to be a Corporation.

77. The School Trustees for each City, Town and Incorporated Village, shall be a Corporation under the name of "The Board of School Trustees of the City [Town or Village] of _____, in the County of _____,"* and shall succeed to all the corporate rights and powers, and be subject to all the corporate obligations and liabilities of the preceding Trustees.†

First Meeting of the Board of Trustees.

78. The first meeting of the Board may be called by any Trustee to take place in the City, Town or Village Council room.

Duties of the Board.

79. It shall be the duty of the Board of School Trustees of every City, Town and Village respectively, and they are hereby authorized:

Election of Chairman, and his Vote.

(1) To elect annually, or oftener, from among their own members, a Chairman, who shall have a right to vote at all times, and in case of an equality of votes the question shall be held to be decided in the negative.

* See extract from the Interpretation Act, quoted in the *twenty-sixth* section of this Act, pages 26, 27.

† See Note to Decisions of the Court of Common Pleas, appended to the *fourth* clause of the *twenty-seventh* section of this Act, page 34.

Appointment of Secretary, Superintendent, Collector, and Secretary-Treasurer.

(2) To appoint a Secretary, Local Superintendent of Schools, and if requisite one or more Collectors of school rates, which Collector or Collectors may be of their own number; and one of whom may also be Secretary-Treasurer,* who shall be subject to the same duties, obligations and penalties as Secretary-Treasurers in school sections, [see pages 27, 28.]

Time and place of Meetings of Board.

(3) To appoint the times and places of their meetings, and the mode of calling them; and of conducting† and recording their proceedings; and of keeping all their school accounts.

Board to take possession of School Property.

(4) To take possession of all Common School property, and to accept and hold as a Corporation all property acquired or given for Common School purposes in the City, Town or Village by any title whatsoever.

To manage and dispose of School Property.

(5) To manage or dispose of such property, and all moneys or income for Common School purposes.

To apply proceeds of School Property.

(6) To apply the same, or the proceeds, to the objects for which they have been given or acquired.

To provide School Premises, Apparatus, Text-books, and Library.

(7) To do whatever they may judge expedient with regard to purchasing or renting school sites and premises; building, repairing, furnishing, warming and keeping in order the school houses and appendages, lands, enclosures, and movable property; for procuring suitable apparatus and text-books, and for establishing and maintaining School Libraries.‡

* Trustees are, by the *one hundred and thirtieth* and following sections of this Act, authorized to proceed against any Secretary-Treasurer withholding papers, or refusing to account to them. See pages 118, &c.

† For mode of conducting public meetings, see page 16.

‡ See note * on page 58.

To determine kind of Schools—Salaries and Duties of Teachers and Superintendent.

(8) To determine (a) the number, sites, kind and description of schools* to be established and maintained in the City, Town or Village; † also

(b) The Teacher or Teachers to be employed; the terms of employing them; the amount of their remuneration, and the duties which they are to perform; also

(c) The salary of the Local Superintendent of schools appointed by them, and his duties.

To unite with Grammar School, if expedient.

(9) To adopt, at their discretion, such measures as they judge expedient, in concurrence with the Trustees of the County Grammar School, for uniting one or more of the Common Schools of the City, Town or Village with such Grammar School. ‡

To appoint a Committee for each School.

(10) To appoint annually, or oftener, if they judge it expedient, and under such regulations as they think proper, a Committee of not more than *three* persons for the special charge, oversight, and management of each school within the City, Town or Village.

To prepare and lay before Municipal Council estimate for salaries, cost or rent of premises, building, rents and repairs, apparatus and books, and libraries.

(11) To prepare from time to time, and lay before the Municipal Council of the City, Town or Village, an estimate of the sums which they think requisite :

* This permission includes schools for boys, girls, coloured children, high schools, &c., &c. The Court of Queen's Bench has also decided that : The school trustees in cities, towns, and villages, have unlimited discretion, under the [*eighth* clause of the *seventy-ninth*] section of the Upper Canada [Consolidated Common] School Act, as to the number of schools to be kept up, and are not subjected to the restrictions in this respect imposed upon school trustees in townships.—*In re Board of School Trustees v. Municipality of Brockville.* 9 Q. B. R. 302.

† See Decision of the Court of Queen's Bench, in regard to coloured children, note *, page 45.

‡ See the *tenth* section of the School Act of 1860, page 35.

- (a) For paying the whole or part of the salaries of Teachers ;
- (b) For purchasing or renting school premises ;
- (c) For building, renting, repairing, warming, furnishing and keeping in order the school houses and their appendages and grounds ;
- (d) For procuring suitable apparatus and text-books for the schools ;
- (e) For the establishment and maintenance of school libraries ; and

Other Expenses.

- (f) For all other necessary expenses of the schools under their charge.

Council required to provide necessary Funds.

And the Council of the City, Town or Village, shall* provide such sums in the manner desired by the said Board of School Trustees. †

* See note † in regard to the word "shall," on page 54. The Court of Queen's Bench, in December, 1860, issued a *mandamus* to compel the Toronto City Council to raise the sum required by the Board of School Trustees.

† *Payment by the Town Council of a part of the Trustees' Estimate a recognition of the whole.*

The Court of Queen's Bench has decided that when an estimate of the sum required for school purposes was sent to the municipal council, by the board of school trustees, and the council recognized the presentation of such estimate by paying a portion of the amount, and submitted to court their reasons for refusing to pay the balance. *Held* by the Court, that by such recognition of the trustees' estimate, they were precluded from pleading that it had not been laid before them as the law required.—*In re Board of School Trustees v. Municipality of Brockville.* 9 Q. B. R. 302.

A resolution of a Board of School Trustees is not the estimate required by law.

The Court of Common Pleas has also decided that the communication by a board of school trustees to the municipal council of a town, of a resolution of the board, that the chairman do order the town council to furnish the board with a sum of money immediately, for the purpose of purchasing a site and erecting a school house—a copy of which resolution was sent to the town council—is not a compliance with the *eleventh* clause of the *twenty-ninth* section of the [Upper Canada Consolidated Common] School Act, requiring the Board to prepare an *estimate* of the sums it may require ; and consequently does not render the town council liable to be

Trustees to levy Rates for Children attending School.

(12) To levy at their discretion any rates upon the parents or guardians of children attending any school under their charge, and to employ the same means for collecting such rates, as Trustees of Common School Sections in Townships;* and all moneys thus collected shall be paid into the hands of the *Chamberlain* or *Treasurer* of the City, Town or Village, or of the *Secretary-Treasurer*, for the Common School purposes of the same, subject to the order of the Board of School Trustees.

Trustees to give Orders for Sums due to Creditors.

(13) To give orders to Teachers and other school officers and creditors for the sums due to them, on the Chamberlain or Treasurer† of the City, Town or Village, or on their own Secretary-Treasurer. [See sections *fifty-one* and *sixty*, pages 67, 71; and section *one hundred and ninety-six*, Con. Asses. Act, p. 70.]

compelled to pay the amount by mandamus.—*In re Board of School Trustees v. Municipality of Port Hope.* 4 C. P. R. 418.

A vote of the school rate-payers not necessary in Cities, Towns, and Villages, as in school sections.

A vote of the rate-payers is not necessary in cities, towns, and villages—although it is in school sections—to authorize an application to the town council, or a rate by the Board.—(*Idem.*)

Ward School Assessments of a City or Town illegal.

The Court of Queen's Bench has further decided,—When a Board of School Trustees applied to a municipal council to levy a distinct sum in each of the wards of the municipality, and the council passed a by-law for that purpose, that it was illegal. An assessment for school (as well as municipal) purposes must be levied equally upon the rate-payers of the municipality, in proportion to their ratable property, and cannot be levied by an unequal rate in the different wards of such municipality.—*In re Scott v. Municipality of Ottawa.* 13 Q. B. R. 346. (See decision of the Court of Common Pleas, in note * to the *thirty-fifth* section of this Act, page 56.)

* See the *eleventh* and the *fourteenth* clauses of the *twenty-seventh* section of this Act, pages 39 and 43.

† *Order on Treasurer must precede an application for Writ of Mandamus to compel payment.*

The Court of Queen's Bench has decided the following case: The Board of School Trustees of a village applied to the village municipality to levy a sum of money required to pay for a school site which they had contracted to purchase. The municipality refused to do so, and the Board applied for

Trustees to give Notice of Annual and Special Meetings.

(14) To call and give notice of annual and special school meetings of the [resident assessed] freeholders and householders of the City, Town or Village, or of any ward therein, in the manner and under the regulations prescribed in the *twentieth* section of this Act, for the appointment of annual and special school meetings in the school sections of Townships [page 21.]

To see that authorized Text-Books are used and appoint Librarian.

(15) To see that all the pupils in the schools are duly supplied with a uniform series of authorized text-books,* and to appoint a Librarian to take charge of the school library or libraries when established.

To see that regulations are observed—Publication of financial and General Report in one or more Newspapers.

(16) To see that all the schools under their charge are conducted according to the authorized regulations; and, at the close of each year, to prepare and publish, in one or more of the public papers, or otherwise, for the information of the inhabitants of the City, Town or Village, an annual report of their proceedings, and of the progress and state of the schools under

a mandamus. It did not appear that the trustees had appointed a secretary-treasurer. *Held* by the Court, that the Board should first have given an order, to the person from whom they had agreed to purchase, upon the treasurer of the municipality.—*In re Board of School Trustees v. Municipality of Galt.* 13 Q. B. R. 511.

Treasurer must honour Trustees' Orders for School Moneys.

The Court of Queen's Bench has also further decided:—That portion of the rate which, by the enactment of law, goes into the hands of the treasurer, is subject to the order of the trustees. He may not have received the money, or he may refuse to pay their order, but in neither case can they be liable to an action for not paying the money. They are public officers, who have only to discharge their proper duty. If they refused to make an order, a mandamus would lie against them, or perhaps a special action for not making the order; but not an action for the money, for that is not in their hands. If the treasurer fails in his duty he is liable to indictment, and might be found liable also to a remedy by action.—*Quin v. Trustees, No. 4, Seymour.* 7 Q. B. R. 138.

* See provisions of the law in regard to unauthorized text-books, in the *one hundred and twenty-eighth* section of this Act, page '12.

their charge, and of the receipts and expenditure of all school moneys.

To prepare Annual Report for Chief Superintendent.

(17) To prepare and transmit annually, before the *fifteenth of January*, to the Chief Superintendent of Education, in the form by him provided for that purpose, a report, signed by a majority of the Trustees, containing all the information required in the reports of Common school Trustees, and any additional items of information which may be required.

May exercise same powers as Rural Trustees.

(18) To exercise as far as they judge expedient, in regard to their City, Town or Village, all the powers vested in the Trustees of each School Section in regard to such School Section.

PART V.—COMMON SCHOOL TEACHERS AND THEIR DUTIES.*

30. No [male or female] teacher shall be deemed a qualified teacher who does not at the time of his [or her] engaging with the trustees, and applying for payment from the school fund, hold a certificate of qualification, as in this Act† provided.

* The *twenty fifth* clause of the *seventh* section of the Upper Canada Consolidated Jurors' Act, 22 Vic. chap. 31, exempts Masters and Teachers of Grammar and Common Schools, actually engaged in teaching, from service as Jurors; and the *seventy-fourth* section of the Upper Canada Consolidated Municipal Institutions Act, 22 Vic. chap. 54, exempts them "from being elected or appointed Councillors, or to any other corporate office."

† The Certificates granted under the Upper Canada Consolidated Common School Act are: 1st. Provincial Certificates of two classes only, granted by the Chief Superintendent, to teachers who attend the Normal School (see the *one hundred and seventh* section of this Act, page 104); 2nd. County Certificates, of three classes, granted by the County Boards of Public Instruction (see the *fourth* clause of the *ninety-eighth* section of this Act, page 96); 3rd. Temporary Certificates granted by Local Superintendents, until the next meeting of the County Board (see the *tenth* clause of the *ninety-first* section of this Act, page 93.)

Teacher not to hold certain Offices.

81. No teacher shall hold the office of school trustee or of local superintendent.

Duties of Common School Teachers.*

82. It shall be the duty of every teacher of a common school:—

To teach according to Law and Regulations.

(1) To teach diligently and faithfully all the branches required to be taught in the school† according to the terms of his engagement with the trustees, and according to the provisions of this Act.

To keep the Register of the School.

(2) To keep the daily, weekly, and monthly or quarterly registers of the school.‡

To maintain proper Order and Discipline.

(3) To maintain proper order and discipline§ in his school according to the authorized forms and regulations.||

* Remarks on the duties of school teachers are appended.

† The National School Books are the text-books for "all the branches required to be taught in the Schools. The list is appended.

‡ As the first clause of the *ninety-first* section of this Act, page 89, contemplates the distribution of the school money to the several sections of a township, according to the average attendance of pupils at school, and not according to school population, the teacher who fails to keep a full and accurate account of the attendance of pupils at his school, lessens the resources of the whole school section. Nor is any teacher entitled to his salary who neglects to keep a full and accurate school register. On the other hand, according to the *one hundred and thirty-eighth* section of this Act, pages 114, 115, any teacher who shall keep a false school register, or make a false school return, will render himself liable to a fine of *twenty* dollars. See also note * to the *fifth* clause of the *eighty-second* section of this Act, page 83.

NOTE.—School Registers are supplied gratuitously, from the Department, to Common School Trustees in Townships by the County Clerks—through the Local Superintendents. Applications should therefore be made direct to the Local Superintendents for them, and not to the Department.

§ Representation as to the character of a teacher, by a rate payer, with a view to obtain redress, is a privileged communication.

The Court of Queen's Bench has decided that a representation by the

|| These forms and regulations are appended.

To keep Visitors' Book.

(4) To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school, and to present such book to each visitor, and request him to make therein any remarks suggested by his visit.

To give access to Register and Visitors' Books.

(5) At all times, when desired by them, to give the trustees and visitors access to the registers and visitors' book appertaining to the school, and upon his leaving the school to deliver up the same to the order of the trustees.*

To hold Public Quarterly Examinations.

(6) To have at the end of each quarter a public examination of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in or adjacent

assessed inhabitants of a school section as to the character of a teacher, made with a view of obtaining redress, is a privileged communication, which it is of importance to the public to protect; and such a statement would not be the less privileged if made by mistake to the wrong quarter. Where the libel complained of is clearly a privileged communication, the inference of malice cannot be raised upon the face of the libel itself, as in other cases it might be, but the plaintiff must give extrinsic evidence of actual express malice, he must also prove the statement to be false as well as malicious; and the defendant may still make out a good defence by showing that he had good ground to believe the statement true, and acted honestly under that persuasion.

Quære by the Court, whether a communication of this nature made by an inhabitant of any other part of the Province, would not be privileged.—*McIntyre v. McBean et al.*, 13 Q. B. R. 534.

* *The School Act of 1860 further enacts:*

1. Any teacher wilfully refusing, on the demand of the majority of the trustees of the school corporation employing him, to deliver up any school register or school-house key, or other school property in his possession, shall be deemed guilty of a misdemeanor, and shall not be deemed a qualified teacher until restitution be made; and shall also forfeit any claim which he may have against the said trustees.

to such school section, and through the pupils to their parents and guardians.*

To furnish Information to the Chief or Local Superintendent.

(7) To furnish to the chief or local superintendent of schools when desired, any information which it may be in his power to give respecting any thing connected with the operations of his school, or in anywise affecting its interests or character.

Protection of Teachers in regard to Salary.

83. Any teacher shall be entitled to be paid at the same rate mentioned in his agreement with the trustees,† even after the expiration of the period of his agreement, until the trustees pay

* *Form of Teacher's Circular Notice of the Quarterly Examination of his School.*

School House of Section No. —,
 _____, 186—.

SIR,—In conformity with the *sixth* clause of the *eighty-second* section of the Upper Canada Consolidated Common School Act, the quarterly examination of my school will be held on —day, the — of —, when the pupils of the school will be publicly examined in the several subjects which they have been taught during the quarter now closing. The exercises will commence at 9 o'clock, a.m., and you are respectfully requested to attend them.

I am, Sir, your obedient servant,

A, B., *Teacher.*

To C. D., School Trustee, or Visitor.

REMARKS.—A copy of the above notice ought to be sent to each of the Trustees, and to as many visitors of the school section as possible. Clergymen are school visitors of any township in which they have pastoral charge; all Judges. Members of the Legislature, Members of the County Council, and Justices of the Peace, are school visitors of the townships in which they reside. The teacher should address a circular notice to those of them who reside within two or three miles of his school. He is also required to give notice, through his pupils, to their parents and guardians and to the neighbourhood, of the examination.

USE For holidays and vacations, see "General Regulations," and "Remarks on the Duties of Teachers," appended.

† For form of agreement with the trustees, see page 86.

him the whole of his salary, as teacher of the school,* according to their engagement with him.†

Arbitration in case of difference between Teacher and Trustees.

84. In case of any difference between trustees and a teacher, in regard to his salary, the sum due to him, or any other matter in dispute between them, the same shall be submitted to arbitration,‡ in which case :

(1) Each party shall choose an arbitrator.§

(2) In case either party in the first instance neglects or refuses to appoint an arbitrator on his behalf, the party requiring the arbitration may, by a notice in writing to be served upon the party so neglecting or refusing, require the last mentioned party within *three* days, inclusive of the day of the service of such notice, to appoint an arbitrator on his behalf, and such notice shall name the arbitrator of the party requiring the arbitration; and in case the party served with such notice does not within

* No deduction whatever can be lawfully made from any Teachers' salary for any allowed holidays or vacations; or for the exemption of indigent persons, authorized in the *thirteenth* clause of the *twenty-seventh* section of this Act, page 43.

† It is illegal for teachers to retain forcible possession of either the key of the school house or of the school register. See the *first* section of the School Act of 1860, page 83.

‡ See the *fifteenth* section of the School Act of 1860, page 52.

§ *The Arbitrator's award is final as to Teacher's claim for further salary.*

The Court of Queen's Bench has decided, that the non-payment of the first award is not a non-payment of the teacher's salary under his agreement, so as to entitle him to such salary after the award; nor was it a matter in difference, within the meaning of the act, which could authorize a second reference.—*Kennedy v. Burness et al.* 15 Q. B. R., 473.

The Court of Common Pleas has also decided a similar case:—A school teacher after an award had been made in his favor on a dispute as to salary with the trustees, afterwards made a claim in a second arbitration for the amount payable under the first award, together with his salary for the further period which had elapsed since such award, and sought under an award obtained *ex parte*, and a warrant thereon, to recover the amount by a seizure of the trustees' goods. *Held* by the Court on replevin by the trustees, that such a course was illegal and not contemplated by the school acts.—*Kennedy v. Burness et al., Murray v. Burness et al.* 7 C. P. R., 227.

the *three* days mentioned therein, name and appoint an arbitrator, then the party requiring the arbitration may appoint the second arbitrator.

Local Superintendent to be an Arbitrator.

And, (3) The local superintendent, or in case of his inability to attend, any person appointed by him to act on his behalf, shall be a third arbitrator, and such *three* arbitrators, or a majority of them, shall finally decide the matter.*

Powers of Arbitrators to Examine.

85. The arbitrators may require the attendance of all or any of the parties interested in the reference, and of their witnesses, with all such books, papers, and writings, as such arbitrators may direct them or either of them to produce, and the arbitrators may administer oaths to such parties and witnesses.

Warrant of Arbitrators—Equivalent to Execution of a Division Court.

86. The said arbitrators, or any two of them, may issue their warrant† to any person named therein, to enforce the collection of any moneys by them awarded to be paid, and the person named in such warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same has issued, as any bailiff of a Division Court has in enforcing a judgment and execution issued out of such court.

No such Dispute to be brought into any Court.

87. No action shall be brought in any Court of Law or Equity,

* *The School Act of 1860 further enacts :*

9. If the trustees wilfully refuse or neglect, for *one* month after publication of award, to comply with or give effect to an award of arbitrators appointed as provided by the [preceding] *eighty-fourth* section of the said Upper Canada [Consolidated] Common School Act, the trustees so refusing or neglecting shall be held to be personally responsible for the amount of such award, which may be enforced against them individually by warrant of such arbitrators, within *one* month after publication of their award; and no want of form shall invalidate the award or proceedings of arbitrators under the School Acts.

† For form of warrant, see sub-note § on page 40.

to enforce any claim or demand between trustees and teachers which can be referred to arbitration as aforesaid.*

PART VI.—DUTIES OF LOCAL SUPERINTENDENTS OF SCHOOLS.†

Local Superintendents' Yearly Calendar.‡

(Taken from the Upper Canada Consolidated Common School Act.)

JAN.	..	Second Wednesday: The Annual School Elections take place. Page 13. Within <i>twenty</i> days after election, can investigate complaints, and order a new election if necessary. Page 26.
"	12	Municipal Assessments to be distributed according to average attendance among the Schools from which half-yearly returns have been received. Pages 47, 89.
"	15	Trustees' School Section Annual Report due. Page 48.
"	31	Can have Trustees fined <i>five</i> dollars for every week which they delay their report after this date. Page 49.
MARCH	1	Annual Report to be sent to the Chief Superintendent. Page 93.
APRIL	1	Termination of Annual Period of Office. Page 88.
JUNE	30	Trustees' first Half-yearly Returns due. Page 47. Protestant or Coloured Separate School Returns to be notified to the Clerk of the Municipality.
JULY	12	Legislative School Grant to be distributed among the schools from which returns have been received, according to average attendance. Page 89. (See back of half-yearly Returns.)
AUG.	..	Report on application for aid to Poor Schools to be sent to Chief Superintendent.
DEC.	31	Trustees' second Half-yearly Returns due. Page 47. N.B.—Local Superintendents are responsible for the transmission to the Trustees of these blank forms of reports, after they have been received from the Department. Protestant or Coloured Separate School Returns to be notified to the Clerk of Municipality.

* *Arbitration is the only mode of settling disputes between Trustees and Teacher.*

The Court of Queen's Bench has decided that no action in Law or Equity can be sustained by a school teacher against trustees for his salary; arbitration is the only remedy.—*Tiernan v. Trustees, No. — Nepean. 14 Q. B. R. 15.*

† Other "duties" of the local superintendent are enumerated in the *twenty-fifth* section of this Act, page 25; and in the *eighth* section of the School Act of 1860, page 51.

‡ See *Educational Calendar*, page x.

In addition to the foregoing calendar, Local Superintendents are required to attend the regular half-yearly meetings of the Board of Public Instruction (page 96); to make two or more official visits to the schools in the year,—one to be made “some time between the 1st of April and the 1st of October, and the other between the 1st of October and the 1st of April, and any others as directed by the County Council;” and also deliver an annual lecture in each school section (page 91); besides attending to various arbitrations and references.

The arbitrations (for which Local Superintendents are to receive a per diem allowance) are :

1. Regarding School Site. Pages 51, 52.
2. Disputed School Accounts of Trustees. Page 47.
3. Disputes between Trustees and Teachers. Page 86.

The References are :

1. Appoint School Section Meetings. Page 26.
2. Appoint a School Auditor. Page 51.
3. Boundaries of Union Schools. Page 63.
4. Decide questions of difference. Page 86.

Term of Office of Local Superintendent—Salary.

88. Each local superintendent shall, unless he resigns or is removed from office for neglect of duty, improper conduct, or incompetency, continue in office, until the *first day of April* of the year following that of his appointment, and he shall be entitled annually, to not less than *four* dollars per school placed under his charge, together with any additional remuneration or allowance which the council appointing him may grant, and the county treasurer shall pay him the same by quarterly instalments.*

Warden may supply Vacancies in the Office.

89. In the event of any local superintendent resigning his office, the Warden of the county within which such Superintendent held office, may appoint a fit and proper person to the office vacated, until the next ensuing meeting of the county council.

* See the *fifty-third* section of this Act, page 68.

Local Superintendent not to hold certain Offices.

90. No local superintendent shall be a teacher or trustee of any common school while he holds the office of superintendent.

Duties of Local Superintendents.*

91. It shall be the duty of each local superintendent, and he is hereby empowered—

To Apportion School Fund according to Average Attendance.

(1) Unless otherwise instructed by the Chief Superintendent of Education, to apportion among the several school sections† their respective portions of the common school fund money apportioned to the townships within the limits of his charge, as soon as notified by the county clerk of the amount so apportioned to such townships, and such apportionment among the said school sections shall be according to the rates of the average attendance of pupils at each common school, (the mean attendance of pupils for each half year being taken) as compared with the whole average number of pupils attending the common schools of each such township.‡

Not to Apportion unless Trustees make Average Return.

But he shall apportion no money to any school section whose trustees have neglected to transmit their return of average attendance for the last preceding half year.

Give Cheques to qualified Teachers—and to no others.§

(2) To give to any qualified teacher, (but to no other,) on the order|| of the trustees of any school section, a cheque upon

* See remarks on the duties of local superintendents, appended.

† In respect to the apportionment to Union School Sections, see the *ninety-second* and *ninety-third* sections of this Act, pages 94, 95.

‡ Instructions on the point here mentioned, will be found printed on the back of the trustees' half-yearly returns to local superintendents.

§ Cheques must be payable to the Teacher, or his order. No cheques can be given to any person but a Teacher holding a certificate of qualification and presenting an order signed by a majority of his Trustees, and sealed with their corporate seal.

|| For form of Trustees' order upon Local Superintendent, see pages 37, 38.

the county treasurer or sub-treasurer, for any sum of money apportioned and due to such section.*

Conditions of giving Orders to Teachers.

But except in the case of a new school section, he shall not give a cheque upon such order, unless a satisfactory annual school report for the year ending the *last day of December* preceding has been received from the trustees; nor unless it appears by such report, that a school has been kept by a qualified teacher in such section, for at least *six* months during the year ending at the date of such report.†

Make Two Visits a Year to each School.

(3) To visit each common school within his jurisdiction, twice in each year, unless oftener required by the county council or the Board which appointed him, or for the adjustment of disputes; and one of such half yearly visits shall be made between the *first of April* and the *first of October*, and the other between the *first of October* and the *first of April*.‡

Examine the state of the School.

(4) To examine at each half yearly visit the state and condition of the school, as respects the progress of the pupils in learning,—the order and discipline observed,—the system of instruction

* *The form of this cheque may be as follows :*

Local Superintendent's Office,

County [or Township] of ———, 186—,

Pay to ———, a duly qualified Common School Teacher of School Section No. —, in the township of ———, the sum of — dollars and — cents, which has been duly apportioned to the foregoing section.

To the County Treasurer [or Sub-Treasurer] of

School Money for the ———.

A. B.,

Local Superintendent of Common Schools,

Township [or County] of ———.

† See also the *twenty-second* clause of the *twenty-seventh* section, and the *twenty-eighth* section of this Act, pages 47 and 49.

‡ Notes should be taken at these official visitations of the schools; but no notice of the time of holding them should be given to the parties concerned.

pursued,—the mode of keeping the school registers,—the average attendance of pupils,—the character and condition of the building and premises,—and to give such advice as he may judge proper.

Deliver Annual Lecture in each Section.

(5)* To deliver in each of his school sections, at least once a year, a public lecture on some subject connected with the objects, principles and means of practical education; and to do all in his power to persuade and animate parents, guardians, trustees and teachers, to improve the character and efficiency of the common schools, and to secure the sound education of the young generally.

See to observance of lawful Regulations.

(6) To see that all the schools are managed and conducted according to law,—to prevent the use of unauthorized, and to recommend the use of authorized books in each school,*—and to acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantage of using them.

Attend certain Meetings.

(7) To attend the meetings of the Board of Public Instruction, and to meet and confer with the Chief Superintendent of Education at such time and place as he may appoint when making official visits to the county.

Attend Arbitrations—To decide Disputes.

(8) To attend the arbitrations;† and the meetings of Town-Reeves provided for in the *twenty-seventh, twenty-ninth* and *forty-fifth* sections of this Act [pages 47, 49, and 63]; to decide upon any questions submitted to him, which arise between interested parties under the operation of this or of any former Act, or if he deems it advisable, to refer any such question to the Chief Superintendent of Education.‡

* See list of authorized text-books, appended.

† See *fifteenth* section of the School Act of 1860, on page 52.

‡ See Regulations relating to correspondence with the Department among the Common School Forms, &c., appended.

Any person may Appeal to the Chief Superintendent.

And any aggrieved or dissatisfied party in any case not otherwise provided for, shall have the right of appeal to the Chief Superintendent of Education.*

May suspend Teacher's Certificate.

(9) To suspend the certificate of qualification of any teacher, granted by the Board of Public Instruction, for any cause which may appear to him to require it, until the next ensuing meeting of the County Board, of which meeting due notice shall be given to the teacher suspended, and such Board shall dispose of the case as a majority of the members present think proper; and the cancelling or suspension of a teacher's certificate of qualification shall release his school trustees from any obligation to continue him in their employment.†

* *The School Act of 1860 further enacts :*

14. The Chief Superintendent shall have authority to decide upon all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any local superintendent or other school officer. [In regard to these appeals, see regulations in regard to communications with the Educational Department, appended.]

† *The School Act of 1860 further enacts that :*

22. A local superintendent shall have the same authority to suspend, for the time being, a Provincial Certificate of teacher's qualifications, and report the same forthwith to the Chief Superintendent, as he has to suspend a County Certificate,—notifying in writing to the teacher whose certificate is suspended, the reasons of it; and the Chief Superintendent shall finally decide upon the case.

NOTE.—All contracts between Teachers and Trustees are void from the date of this suspension only; and Trustees cannot legally continue a Teacher whose certificate is thus suspended, in their employment; nor can they pay him any part of the school fund for services rendered after the suspension of his certificate. The suspension deprives the Teacher of his legal title, and of the protection afforded by the *eighty-fourth* section of this Act, page 85. The term "Teacher" in the School Acts, means a person holding the legal certificate from the parties authorized to grant the same as defined in the *eightieth* section of this Act, page 81. See also the *eighth* and *ninth* clauses of the *twenty-seventh* section of this Act, pages 35-38.

May give temporary Certificates to Teachers.

(10) To give any candidate, on due examination, according to the programme authorized for the examination of teachers,* a certificate of qualification to teach a school within the limits of the charge of the superintendent until (but no longer than) the next ensuing meeting of the Board of Public Instruction of which such local superintendent is a member; but no such certificate shall be given a second time, or be valid if given a second time, to the same person in the same county.

Observing Regulations—Giving Information to the Chief Superintendent and County Auditors.

(11) To act in accordance with the regulations and instructions provided for his guidance; to give any information in his power (when desired) to the Chief Superintendent of Education respecting any common school matter within his jurisdiction; to furnish the county auditors, when required, with the trustees' orders as the authority for his cheques upon the county or sub-treasurer for school moneys.

Hand over Papers on retiring from Office.

And on retiring from office, to deliver copies of his official correspondence, and all school papers in his custody, to the order of the county council.

Transmit Annual Report to the Chief Superintendent.

(12) To prepare and transmit to the Chief Superintendent of Education, on or before the *first day of March*, an annual report, † in the form provided by the said Chief Superintendent, and which shall state—

(a) The whole number of schools and school sections, or parts of sections in each township within his jurisdiction;

(b) The number of pupils taught in each school over the age of *five* and under the age of *sixteen*; the number between the ages of *sixteen* and *twenty-one* years; the whole number of

* The authorized programme is appended.

† For means to enable Local Superintendents to perform this duty at the time specified, see the *twenty-eighth* section of this Act, page 49.

children residing in each section, or part of a section, over the age of *five* and under the age of *sixteen* years ;

(c) The length of time a school has been kept by a qualified teacher in each of such sections or parts of sections ; the branches taught ; the number of pupils in each branch, the books used ; and the average attendance of pupils, both male and female, in each half year ;

(d) The amount of moneys received and collected in each section or part of a section—distinguishing the amount apportioned by the Chief Superintendent of Education, the amount received from county assessment, the amount raised by trustees, and the amount from any other and what sources ; also how such moneys have been expended, or whether any part remains unexpended, and from what causes ; and the annual salary of teachers, male and female, with and without board ;

(e) The number of school visits made by himself and others during the year ; the number of school lectures delivered ; the whole number of school houses, their sizes, description, furniture and appendages, the number rented, the number erected during the year, of what description, and by what means ;

(f) The number of qualified teachers ; their standing, sex, and religious persuasion ; the number, so far as he can ascertain, of private schools ; the number of pupils, and subjects taught therein ; the number of libraries, their extent, and how established and supported ; also, any other information which he may possess respecting the educational state, wants and advantages in each township of his charge, and any suggestions which he thinks proper to make with a view to the improvement of schools and diffusion of useful knowledge.

How Union Sections shall be Paid.

92. The local superintendents of adjoining townships, shall determine the sums to be paid from the common school fund of each township in support of the schools of union school sections consisting of portions of such townships ; and shall also determine the manner in which such sums shall be paid : but in the event of one person being local superintendent of the townships concerned, he shall act in behalf of such townships.*

* See the *fifth* section of the School Act of 1860, pages 62, 63.

Warden to decide in case of a dispute.

93. In the event of the local superintendents of townships thus concerned not being able to agree as to the sum to be paid to each such township, the matter shall be referred to the Warden of the county for final decision.

PART VII.—DUTIES OF THE COUNTY BOARDS OF PUBLIC INSTRUCTION.

County Boards of Public Instruction constituted.

94. Where there is only *one* county grammar school in a county, the board of trustees for such school and the local superintendent or superintendents of schools in the county, shall constitute a Board of Public Instruction for the county.

Circuit Board may be constituted.

95. Where there is more than *one* grammar school in a county, the county council shall* divide the county into as many circuits as there are county grammar schools, and for each such circuit the trustees of the county grammar school therein, and the local superintendent or superintendents of schools therein, shall be a Board of Public Instruction for the circuit. †

Three Members to form a Quorum of Board.

96. At any lawful meeting of the Board of Public Instruction, *three* members, including a local superintendent of schools, shall constitute a *quorum*, for examining and giving certificates of qualification to common school teachers, and *five* members shall constitute a *quorum* for the transaction of any other business. ‡

* *The School Act of 1880 further enacts;*

24. * * * in the *second* line of the *ninety-fifth* section of the said Upper Canada [Consolidated] Common School Act, the phrase "The County Council shall divide," shall read, "The County Council shall have authority to divide," &c.

† A Circuit Board thus constituted, is a distinct and independent body from the County Board.

‡ The law constitutes *three* members of the Board a quorum for the examination of teachers, and *five* for other purposes, but care should be taken to give due notice to all the Members of the Board. No meeting is lawful where this notice has been omitted.

County Council to defray Expenses.

97. The County Council shall provide for the incidental expenses connected with the meeting and proceedings of each Board of Public Instruction.

Duties of Boards of Public Instruction.*

98. It shall be the duty of each County and Circuit Board of Public Instruction—and each such Board is hereby empowered:

(1) To meet [half-yearly],† and to determine the time and places of its own meetings, and the order of its proceedings, and the manner of recording them.

Promote the establishment of Libraries, &c.

(2) To adopt all lawful means in their power, as they may judge expedient, to advance the interests and usefulness of common schools, to promote the establishment of school libraries, and to diffuse useful knowledge in the county or circuit.

Select the Text-Books for the Schools.

(3) To select (if deemed expedient) from a list of text-books recommended or authorized by the Council of Public Instruction, such books as they may think best adapted for use in the common schools of the county or circuit, and to ascertain and recommend the best facilities for procuring such books.‡

Examine and give Certificates to Teachers.

(4) To examine and give certificates of qualification to teachers of common schools, arranging such teachers into three classes, according to their attainments and abilities, as prescribed

* See remarks on these duties, appended.

† *The School Act of 1860 further enacts that:*

16. Each County or Circuit Board of Public Instruction shall meet *half-yearly*, and each of its members shall be entitled to the same recompense for his time and expenses as are members of the County Corporation for their attendance at County Council meetings; and the incidental expenses attending the meeting of such County or Circuit Board, shall include the recompense to its members, the stationery, room, fuel, light, printing of notice, examination papers, and certificates, and such remuneration to the Secretary of such Board as the Board may deem just and expedient.

‡ See list of authorized text-books, appended.

in a programme of examination and instructions provided for that purpose,* and any such certificate may be general, as regards the county, or limited as to time or place, at the pleasure of the majority of the members of the Board of Public Instruction present at such examination.

Annuling Certificates.

(5) To annul any such certificate as the Board may judge expedient.

Conditions of Certificate.

99. Every such certificate of qualification shall have the signature of at least one local superintendent of schools; †

Teachers to be moral, and to be subjects of Her Majesty.

But no such certificate shall be given to any person as a teacher, who does not furnish satisfactory proof of good moral character, or who, at the time of applying for such certificate, is not a natural born or naturalized subject of Her Majesty, or who does not produce a certificate of having taken the oath of allegiance to Her Majesty, before a Justice of the Peace for the county in which such person resides. ‡

* For revised programme, see General Forms and Instructions for Common Schools, appended. The programme states the minimum amount of qualifications required.

† The *tenth* clause of the *ninety-first* section of this Act, page 93, authorizes local Superintendents to grant special certificates of qualification in certain cases, until the next meeting of the County Board. But no local Superintendent can lawfully grant a special certificate to any person who has been rejected by the Circuit or County Board.

‡ The following is the form of the Oath of Allegiance prescribed by the Act 22 Vict. Chap. 8, Sec. 2, of the Consolidated Statutes of Canada :

I, A. B., do sincerely promise and swear (*or, being one of the persons allowed by law to affirm in judicial cases*; § do affirm) that I will be faithful

§ By the Act 22 Vict. chap. 32, sec. 1, of the Consolidated Statutes of Upper Canada, it is enacted that "a Quaker, Menonist, or Tunker, or a member of the Church known as the '*Unitas Fratrum*,' or the United Brethren, sometimes called the Moravian Church, having first made the following declaration or affirmation, viz.:—I, A. B., do solemnly, sincerely, and truly declare and affirm that I am one of the Society called Quakers, Menonists, &c. (*as the case may be*), may make his affirmation or declaration, and such affirmation or declaration shall have the same force and effect as an oath taken in the usual form.

PART VIII.—SCHOOL VISITORS AND THEIR DUTIES.

School Visitors defined.

100. All Clergymen recognized by law, of whatever denomination, all Judges, Members of the Legislature, Magistrates, Members of County Councils, and Aldermen, shall be School Visitors in the townships, cities, towns, and villages where they respectively reside ; but persons holding the Commissions of the Peace for the county only, shall not be School Visitors within towns and cities ; and each Clergyman shall be a School Visitor only in the township, town, or city where he has pastoral charge.*

Their authority to Visit the Common Schools.

101. Each of the School Visitors may visit the Public School in the township, city, town, or village ; and may attend the quarterly examination of schools, and, at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the Teacher and pupils, and any others present, as he thinks advisable, in accordance with the regulations and instructions provided in regard to School Visitors.†

and bear true allegiance to Her Majesty Queen Victoria as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of the Province of Canada dependent on and belonging to the said United Kingdom and that I will defend Her to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against Her Person, Crown and Dignity ; and that I will do my utmost endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all treasons and traitorous conspiracies and attempts which I shall know to be against Her or any of them ; and all this I do swear, without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or persons whatever to the contrary. So help me God.

* Roman Catholic Separate Schools are under the same regulations in respect to the persons for whom these are established, as are Common Schools. Protestant Clergymen cannot therefore visit them officially.

† Teachers are required to give Visitors notice of these examinations. See page 84.

General Meeting of School Visitors.

102. A general meeting of the Visitors may be held at any time or place appointed by any two Visitors, on sufficient notice being given to the other Visitors in the township, city, town, or village; and the Visitors, thus assembled, may devise such means as they deem expedient for the efficient visitation of the schools, and for promoting the establishment of Libraries and the diffusion of useful knowledge.*

PART IX.—DUTIES OF THE CHIEF SUPERINTENDENT OF EDUCATION.

A Chief Superintendent to be appointed.

103. The Governor may, from time to time, by Letters Patent under the Great Seal of the Province, appoint a fit and proper person to be Chief Superintendent of Education for Upper Canada, who shall hold office during pleasure, and shall receive a salary of the same amount as the Superintendent of Education in Lower Canada.

His responsibility to the Government.

104. The Chief Superintendent shall be responsible to, and subject to the direction of the Governor, communicated through any department of the Provincial Government.

He is allowed Clerks.

105. The Chief Superintendent shall be allowed two clerks, who shall receive the same salaries as are attached to similar offices in Lower Canada, and he shall account for the contingent expenses of his office, as provided in respect of other public offices.

Duties of the Chief Superintendent.

106. It shall be the duty of the Chief Superintendent of education and he is hereby empowered,—

* See remarks on the duties of School Visitors, appended.

Apportioning Legislative Grant.

(1) To apportion annually, on or before the *first day of May*, all moneys granted or provided by the Legislature for the support of Common schools in Upper Canada, and not otherwise appropriated by law to the several counties, townships, cities, towns, and incorporated villages according to the ratio of population in each, as compared with the whole population of Upper Canada; but when the census or returns upon which such an apportionment is to be made, are so far defective in respect of any county, township, city, town, or village as to render it impracticable for the Chief Superintendent to ascertain therefrom the share of school moneys which ought to be so apportioned, he shall make the apportionment according to the ratio in which by the best evidence in his power, the same can be most fairly and equitably made;

Notice to the Finance Minister and County Clerks.

(2) To certify to the Minister of Finance the apportionments made by him, so far as they relate to the several counties, cities, towns, and incorporated villages in Upper Canada, and to give immediate notice thereof to the clerk of each county, city, town, and village interested therein, stating the time when the amount of moneys so apportioned will be payable to the Treasurer of the county, city, town, or village;

Distribution by Local Superintendents.

(3) To direct the distribution of the Common school fund of any township, among the several school sections and parts of sections entitled to share in the same, according to the length of time in each year, during which a school has been kept open by a legally qualified teacher in each of such sections or parts of sections;

Apportioning Library Grant.

(4) To apportion the moneys provided by the Legislature for the establishment and support of school libraries; but no aid shall be given towards the establishment or support of any school library unless an equal amount be contributed and expended from local sources for the same object;

Preparing Forms and Regulations.

(5) To prepare suitable forms, and to give such instructions as he may judge necessary and proper, for making all reports and conducting all proceedings under this act, and to cause the same, with such general regulations as may be approved of by the Council of Public Instruction for the better organization and government of common schools, to be transmitted to the officers required to execute the provisions of this act ;

Distributing of Act and Forms.

(6) To cause to be printed from time to time, in a convenient form, so many copies of this Act, with the necessary forms instructions, and regulations to be observed in executing its provisions, as he may deem sufficient for the information of all officers of Common schools, and to cause the same to be distributed for that purpose ;

Protecting School Moneys—Deciding Complaints.

(7) To see that all moneys apportioned by him, are applied to the objects for which they were granted ; and for that purpose, and when not otherwise provided for by law to decide upon all matters and complaints submitted to him which involve the expenditure† of any part of the school fund ;‡

* *The school act of 1860 also enacts that :* 14. The Chief Superintendent shall have authority to decide upon all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any Local Superintendent or other school officer.

† See Regulations relating to communications with the Department among the Forms, &c., appended.

‡ *The following opinion as to the legal construction of this clause has been expressed by the Honorable Chief Justice Robinson :*

“ I have some doubt whether the [seventh clause of the one hundred and sixth section] does not make the Chief Superintendent the proper tribunal for determining all claims upon any part of the school fund: Unless what the present applicants desire to share in forms part of the ‘school fund,’ it is quite clear they can have no right under the nineteenth [section of the Act of 1860] to share in it. If it does form part of the ‘school fund,’ then the [seventh clause of the one hundred and sixth] section, provides that the Chief Superintendent is ‘to decide upon all matters and complaints submitted

Application of Balances of the School Fund.

(8) To direct the application of the balances of the school fund apportioned for any year which may be forfeited according to the provisions of this Act, towards making up the salaries of teachers in the county to which the same has been apportioned.

Appointing a Deputy and Special Inspectors.

(9) To appoint one of his clerks to be his Deputy,* to perform the duties of his office in his absence; and to appoint one or more persons, as he, from time to time, deems necessary, to inspect any school, or examine into and report to him upon any school matter in the county where such person or persons reside; but no allowance or compensation shall be made to such special inspector or inspectors for any services performed by him or them;

to him which involve the expenditure of any part of the school fund; and the applicants, before they come to this court with any complaint, should at least be able to show that they have submitted their claim to him, and that he has refused to entertain it; for a *mandamus* is the proper remedy in those cases only 'in which a party hath a clear right to have a thing done and hath no other specific means of compelling its performance.'—(8 East, 218.) 10 Q. B. R. 472.

Decisions on School Questions by the Chief Superintendent.

The Hon. Judge Burns also expressed the following opinion on the same case: "The duties imposed upon the Chief Superintendent and the several Local Superintendents by the School Acts, show that the Legislature intended to provide a domestic forum for the settlement of school questions; and the reference of several other matters involving legal considerations to arbitration, answers the objections sometimes urged that the Legislature did not mean legal questions to be determined by an officer who, perhaps, might not be versed in legal technicalities. It appears, therefore, looking at the whole scope of the acts, that it was supposed the affairs of the schools could be managed by means of arbitrators and references to the Chief Superintendent, without troubling the Courts."—*In re R. C. Sep. School Trustees, Town of Belleville.* 10 Q. B. R. 475.

* *The Consolidated Provincial Statutes General Interpretation Act, 22 Vict. chap. 5, enacts as follows:*

6. * * * *Twenty-thirdly.*—Words directing or empowering a public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, shall include his successors in such office, and his or their lawful Deputy;

To have the Supervision of the Normal School.

(10) To take the general superintendence of the Normal school; and use his best endeavors to provide for and recommend the use of uniform and approved text-books in the schools generally;

Establishing School Libraries.

(11) To employ all lawful means in his power to procure and promote the establishment of school libraries for general reading, in the several counties, townships, cities, towns, and villages;

To provide Plans for School-Houses, and to disseminate useful Information.

(12) To provide and recommend the adoption of suitable plans of school-houses, with the proper furniture and appendages; and to collect and diffuse among the people of Upper Canada useful information on the subject of education generally;

To submit Books, Manuscripts, and General Regulations to the Council of Public Instruction.

(13) To submit to the Council of Public Instruction, all books or manuscripts which with the view of obtaining the recommendation or sanction of such council for their introduction as text-books or library books, are placed in his hands; and to prepare and lay before the Council of Public Instruction, for its consideration, such general regulations for the organization and government of Common schools, and the management of school libraries, as he may deem necessary and proper;

Appoint Conductors of Teachers' Institutes.

(14) To appoint proper persons to conduct county teachers' institutes, and to furnish such rules and instructions as he may judge advisable in regard to the proceedings of such institutes, and the best means of promoting and elevating the profession of school teaching, and increasing its usefulness;

Responsibility for Moneys.

(15) To be responsible for all moneys paid through him in behalf of the Normal and Model schools, and to give such security for the same as the Governor may require;

Correspondence of the Council of Public Instruction.

(16) To prepare and transmit all correspondence directed or authorized by the Council of Public Instruction for Upper Canada ;

To make Annual Report to the Governor.

(17) To make annually to the Governor, on or before the first day of July, a report of the actual state of the Normal, Model, and Common schools throughout Upper Canada, showing the amount of moneys expended in connection with each and from what sources derived, with such statements and suggestions for improving the Common schools and the Common school laws, and promoting education generally as he may deem useful and expedient ;

To make Financial Report to Parliament.

(18) To lay before the Legislature, at each sitting thereof, a correct and full account of the disposition and expenditure of all moneys which come into his hands as Chief Superintendent ; and annually on or before the *thirtieth of January* in each year, to make the report required by the Act for the more efficient auditing of public accounts.

Provincial Certificates to be given to Normal School Students.

107. The Chief Superintendent of Education, on the recommendation of the teachers in the Normal School, may give to any teacher of common schools a certificate of qualification which shall be valid in any part of Upper Canada until revoked ;* but no such certificate shall be given to any person who has not been a student in the Normal School.†

Uniformity of Decisions in Division Courts.

108. It being highly desirable that uniformity of decision should exist in cases within the cognizance of the Division Courts and tried in such courts, in which the superintendents,

* See the *twenty-second* section of the School Act of 1860, page 92.

† See note to the *eightieth* section of this Act, page 81. The sessions of the Normal School commence on the *eighth* of January and the *eighth* of August in each year.

trustees,* teachers, and others acting under the provisions of this Act are parties, the judge of any Division Court wherein any such action may be tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Chief Superintendent of Education to appeal the case, and after notice of appeal has been served as hereinafter provided, no further proceedings shall be had in such case until the matter of the appeal has been decided by a Superior Court.†

Chief Superintendent may Appeal from such Court to the Superior Courts of Law.

109. The Chief Superintendent may, within one month after the rendering of judgment in any such case, appeal from the decision of the Division Court Judge to either of the Superior Courts of Law at Toronto, by serving notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal shall be entitled "The Chief Superintendent of Education for Upper Canada, Appellant, in the matter between (A. B. and C. D.)"

Judge to send Papers to Superior Court.

110. The Judge whose decision is appealed from shall thereupon certify under his hand, to the Superior Court appealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto.

* The Trustees, being a corporation, and the school representatives of their section, can include the costs of any lawful suit in which they may be involved, as Trustees, if they succeed in it, in the "other expenses" of their school, as authorized by the *tenth* clause of the *twenty-seventh* section of this Act. See note † on page 38. In suits against trustees, the corporate property of the trustees alone is liable in execution, and not their individual property. Trustees need not appear in court as witnesses, unless individually subpoenaed.

† Parties seeking an appeal, in terms of this section, must, without delay furnish the Chief Superintendent with a copy of the statement and ground of the decision of the Judge, so as to enable him to determine whether such decision warrants an appeal or not to the Higher Courts.

Superior Court to give such Order as Law and Equity require.

111. The matter shall be set down for argument at the next term of such Superior Court, and such Court shall give such order or direction to the Court below, touching the judgment to be given in the matter, as law and equity require, and shall also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the Court below.

Proceedings in Division Court thereon.

112. Upon receipt of such order, direction and certificate, the judge of the Division Court shall forthwith proceed in accordance therewith.

Costs of Appeal.

113. All costs awarded against an appellant, and all costs incurred by him, shall be paid by the Chief Superintendent, and charged as contingent expenses of his office.*

PART X.—DUTIES OF THE COUNCIL OF PUBLIC INSTRUCTION.

Council of Public Instruction to be appointed.

114. The Governor may appoint a Council of Public Instruction for Upper Canada, to consist of not more than *nine*† persons (of whom the Chief Superintendent of Education shall be one), to hold office respectively during pleasure, and such council shall, in the exercise of its duties, be subject to all lawful orders and directions from time to time issued by the Governor.

* *The School Act of 1860 further enacts that:*

23. It shall be competent for the Chief Superintendent of Education, should he deem it expedient, to submit a case on any question arising under the Grammar or Common School Acts, to any Judge of either of the Superior Courts for his opinion and decision, or, with the consent of such Judge, to either of the Superior Courts, for their opinion and decision.

† Increased for Grammar School purposes by the Grammar School Act.

Chief Superintendent to provide place, and call Meetings.

115. The Chief Superintendent shall provide a place for the meetings of the Council of Public Instruction, and may call a special meeting at any time by giving due notice to the other members.

Contingent Expenses of Council provided for.

116. The expenses attending the proceedings of the said council, shall be accounted for by the Chief Superintendent as part of the contingent expenses of the Education Office.

Recording Clerk, and his Duties.

117. The senior clerk in the Education Office shall be Recording clerk to the said council,—he shall enter all its proceedings in a book kept for that purpose,—and shall, as may be directed, procure the books and stationery for the Normal and Model schools, and keep all the accounts of the said council.

Quorum of Three, and Casting Vote of Chairman.

118. At any lawful meeting of the Council of Public Instruction, three members shall form a *quorum* for the transaction of business, and in case of an equality of votes on any question, the chairman shall be entitled to a second or casting vote.

Duties of the Council.

119. It shall be the duty of such Council and they are hereby empowered—

To appoint Chairman, &c.

(1) To appoint a chairman, and determine the times of its meetings, and the mode of conducting its proceedings ;

Establishment of Normal and Model Schools.

(2) To adopt all needful measures for the permanent establishment and efficiency of the Normal School for Upper Canada, containing one or more Model schools for the instruction and training of teachers of Common schools in the science of education and the art of teaching ;

Regulations for Normal and Model Schools.

(3) To make from time to time the rules and regulations necessary for the management and government of such Normal school ; to prescribe the terms and conditions on which

students will be received and instructed therein ; to select the location of such school, and erect or procure and furnish the buildings therefor ; to determine the number and compensation of teachers, and of all others who may be employed therein ; and to do all lawful things which such council may deem expedient to promote the objects and interests of such school ;

**To make Regulations for Common School Teachers and
and Libraries.**

(4) To make such regulations from time to time, as it deems expedient, for the organization, government and discipline of common schools, for the classification of schools and teachers, and for school libraries throughout Upper Canada.

To recommend Text and Library Books.

(5) To examine, and at its discretion, recommend or disapprove of text-books for the use of schools,* or books for school libraries.

**To make Regulations for granting Pensions to Superannuated
Teachers.**

(6) To prescribe such regulations, with the approbation of the Governor in Council as it, from time to time, deems expedient, for granting pensions to superannuated or worn out teachers of common schools ; but no annual allowance to any superannuated or worn out teacher shall exceed the rate of *six* dollars for each year that such teacher has taught a common school in Upper Canada ; and no teacher shall be entitled to share in the said fund unless he has contributed to such fund the sum of *four* dollars or more per annum, for the period of his teaching school, or of his receiving aid from such fund, nor unless he furnishes satisfactory proof to the Council of Public Instruction, of inability, from age or loss of health in teaching, to pursue that profession any longer.†

Annual Report to the Governor.

(7) And to transmit annually, through the Chief Superintendent of Education to the Governor, to be laid before the Legislature, a true account of the receipt and expenditure of all moneys granted for the establishment and support of the Normal school.

* See list appended.

† See notice appended.

The one hundred and twentieth, the one hundred and twenty-first, and the one hundred and twenty-second sections refer to the distribution of the various grants for educational purposes.

Grant payable on the 1st of July in each Year.

123. The sum of money apportioned annually by the Chief Superintendent of Education to each county, township, city, town or village, in aid of common schools therein respectively, shall be payable on or before the *first day of July*, in each year, to the treasurer of each county, city, town and village, in such way as the Governor in Council from time to time directs.*

Common School Fund defined.

And such sum, together with at least an equal sum raised annually by local assessment, shall constitute and be called the common school fund of such county, township, city, town, or village; and no part of the salaries of the chief or local superintendents, nor of any other persons except teachers employed, or of any expenses incurred in the execution of this act, shall be paid out of the said common school fund, but such fund shall wholly and without diminution, be expended in the payment of teachers' salaries as herein provided.†

Conditions of receiving Share of Grant.

124. No county, city, town or village shall be entitled to a share of the Legislative School Grant without raising by assessment a sum at least equal (clear of all charges for collection) to the share of the said school grant apportioned to it; and

* At present all school moneys for Upper Canada, granted by the Legislature, are payable at the Educational Department, Toronto. It is necessary, therefore, that each Local Treasurer should have an Agent or Attorney in Toronto authorized to receive it. Each Treasurer, before applying through his Agent for the Legislative School Grant, should assure himself, by communication with the Clerk of the Municipality, that all the school moneys of the preceding year have been properly accounted for to the Educational Department, and that his name has been reported to the Department, as required by law.

† The restriction in this section refers also to collectors' fees and to the per centage usually allowed to Treasurers—neither of which can be lawfully borne by the school fund.

should the municipal corporation of any county, city, town or village, raise in any one year a less sum than that apportioned to it out of the Legislative School Grant, the Chief Superintendent of Education shall deduct a sum equal to the deficiency,* from the apportionment to such county, city, town or village in the following year.

How Schools may be Supported.

125. All the school expenses of each section shall be provided for by any or all of the *three* following methods:

- (1) Voluntary subscription;
- (2) Rate-bill for each pupil attending the school: or
- (3) Rate upon property;

But no rate-bill shall be imposed exceeding twenty-five cents per month† for each pupil attending the school.‡

PART XI.—SPECIAL PROVISIONS.

In case a Resident in one Section sends his Children to another Section.

126. Any person residing in one school section, and sending a child or children to the school of a neighbouring school section, shall nevertheless be liable for the payment of all rates assessed for the school purposes of the section in which

* The *fifty-ninth* section of this Act, page 70, requires the Clerk of the Municipality to transmit an abstract of the Auditors' accounts to the Chief Superintendent by the *first of March*. Unless this abstract be sent, the Chief Superintendent cannot learn whether the conditions of the law have been complied with. The apportionment must therefore be withheld until the abstract be sent in. See notes to this section of the Act, page 70, and also the section of the Upper Canada Consolidated Assessment Act, quoted on page 69.

† The *eleventh* clause of the *sixth* section of the Consolidated Provincial Statutes General Interpretation Act, 22 Vict. chap. 5, enacts that "the word month," in any Provincial Statute, "shall mean a calendar month."

‡ A child attending only a few days of a month or quarter is liable for the whole month or quarter. By the amended Common School Regulations, all school fees are payable in advance. See Regulations appended.

he resides, as if he sent his child or children to the school of such section; and such child or children shall not be returned as attending any other than the school of the section in which the parents or guardians of such child or children reside;*

Exception as to Separate Schools.

But this clause shall not apply to persons sending children to or supporting separate schools, or prevent any person, who may be taxed for common school purposes on property situate in a different school section from that in which he resides, from sending his children to the school of the section in which such property may be situate, on as favourable terms as if he resided in such section.

Rates on Lands of Non-Residents† to be returned to the Clerk of the Municipality.

127. If the collector appointed by the trustees of any school section, be unable to collect that portion of any school rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon,‡ or no goods and chattels to distrain,§ the trustees shall make a return to the clerk of the municipality, before the end of the

* Persons sending their children to the school of a neighbouring section, are liable for the property rates levied in their own section, and for a rate-bill in the Section to which they send. Trustees cannot admit the children of non-residents even to a Free School, without payment of certain fees, at their discretion. Boarders for less than a year are not "residents," in the sense of the Act. Apprentices may, however, be considered as residents.

† The real estate of a Railway Company situated in a School section is not non-residents' land. See No. 6, of the Powers and Duties of Collectors, on page 31.

‡ Non-residents' land is thus defined in the Upper Canada Consolidated Assessment Act, 22 Vict. chap. 55: "6. Unoccupied land, owned by a person not resident and not having a legal domicile or place of business in the township, village, town, or city where the same is situate, or whose residence or domicile or place of business therein cannot, upon diligent inquiry by the assessor, be found, and who has not signified to the assessor personally or in writing, that he owns such land and desires to be assessed therefor, shall be denominated 'Lands of non-residents.'"

§ See the *twenty-first* section of the School Act of 1860, on page 29.

then current year,* of all such parcels of land and the uncollected rates thereon, and the clerk shall make a return to the county treasurer of all such lands and the arrears of school rates thereon, and such arrears shall be collected and accounted for by such treasurer in the same manner as the arrears of other taxes; and the township, village, town or city in which such school section is situate, shall make up the deficiency arising from uncollected rates on lands liable to assessment, out of the general funds of the municipality.†

Foreign Books not to be used without the permission of the Council of Public Instruction.

128. No person shall use any foreign books in the English branches of education, in any Model or Common School, without the express permission of the Council of Public Instruction; ‡ and no portion of the Legislative School Grant shall be applied in aid of any Common School in which any book is used that has been disapproved of by the Council of Public Instruction, and public notice given of such disapproval.

Pupils not to be required to observe Religious Exercises objected to by their Parents.

129. No person shall require any pupil in any such school to read or study in or from any religious book, or to join in any exercise of devotion or religion objected to by his or her parents or guardians; but within this limitation, pupils shall be allowed to receive such religious instruction as their parents

* School fees being by law payable in advance, the school rate can be levied in sufficient time to allow this return to be made.

NOTE.—The *one hundred and tenth* section of the Upper Canada Consolidated Assessment Act, 22 Vict. chap. 55, makes it the duty of the Treasurer of each Municipality, to furnish the County Treasurer “with an account of all arrears remaining due upon lands on account of any rate imposed by School Trustees.”

† In case of refusal on the part of the Township Council to pay the amount of these uncollected rates, duly returned to its Clerk before the end of the year in which the rate was levied, the Trustees can enter an action against the Township Council for such amount.

‡ See authorized list of school text-books, appended.

and guardians desire, according to any general regulations provided for the government of Common Schools.*

PART XII.—VARIOUS PENAL CLAUSES.

Penalty on Secretary-Treasurer for refusing to account.

130. If any secretary-treasurer appointed by the school trustees of any school section or any person having been such secretary-treasurer, has in his possession any books, papers, chattels, or moneys, which came into his possession, as such secretary-treasurer, and wrongfully withholds or refuses to deliver up, or to account for and pay over the same or any part thereof to the person, and in the manner directed by a majority of the school trustees for the school section then in office, such withholding or refusal shall be a misdemeanor.

Mode of proceeding in the case.

131. Upon application to the Judge of the County Court, by a majority of such trustees, supported by their affidavit made before some justice of the peace, of such wrongful withholding or refusal, such judge shall make an order that such secretary-treasurer or person having been such, do appear before him at a time and place to be appointed in the order.

132. Any bailiff of a division court, upon being required by such judge, shall serve such order personally on the party complained against, or leave the same with a grown-up person at his residence.

133. At the time and place so appointed, the judge, being satisfied that such service has been made, shall, in a summary manner, and whether the party complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded, such judge shall order the party complained of to deliver up, account for and pay over the books,

* These regulations are appended.

papers, chattels or moneys as aforesaid by a certain day to be named by the judge in the order, together with such reasonable costs incurred in making the application, as the judge may tax.

134. In the event of a non-compliance with the terms specified in such order or any or either of them, the judge shall order the said party to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until such judge be satisfied that such party has delivered up, accounted for or paid over the books, papers, chattels or moneys in question, in the manner directed by the majority of the trustees as aforesaid.

135. Upon proof of his having so done, such judge shall make an order for his discharge, and he shall be discharged accordingly.

136. No such proceeding shall impair or affect any other remedy which the said trustees may have against such secretary-treasurer, or person having been such, or his sureties.

Certain parties personally responsible in case of lost School Fund.

137. If any part of the Common School Fund be embezzled or lost, through the dishonesty or faithlessness of any party to whom it has been entrusted, and proper security against such loss has not been taken, the person whose duty it was to have exacted such security shall be *personally responsible* for the sums so embezzled or lost, and the same may be recovered from him by the party entitled to receive the same, by action at law in any Court having jurisdiction to the amount, or by information at the suit of the Crown.*

Penalty for false Reports and Registers.

138. If any Trustee of a Common School knowingly signs a false report, or if any Teacher of a Common School keeps a false School register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school

* See note * to the *fifty-sixth* section of this Act, page 69.

moneys coming to such Common School, such Trustee or Teacher shall, for each offence, forfeit to the Common School Fund of the Township, the sum of *twenty* dollars, for which any person whatever may prosecute him before a Justice of the Peace, and for which he may be convicted on the oath of one credible witness other than the prosecutor: and if upon conviction the penalty is not forthwith paid, the same shall, under the warrant of such Justice, be levied with costs by distress and sale of the goods and chattels of the offender; and such penalty, when so paid or collected, shall by such Justice be paid over to the said Common School Fund; or the said offender may be prosecuted and punished for the misdemeanor.

Penalty for disturbing a School or School Meeting.

139. Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or any school established and conducted under its authority, or wilfully interrupts or disquiets any Grammar, Common, or other Public School, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of such school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for Common School purposes to the School Section, City, Town, or Village within which the offence was committed, such sum not exceeding *twenty* dollars, together with the costs of the conviction, as the said Justice may think fit; or the offender may be indicted and punished for any of the offences hereinbefore mentioned as a misdemeanor.

How Penalties shall be recoverable.

140. Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceeding, may be sued for, recovered, and enforced, with costs, by and before any Justice of the Peace having jurisdiction within the School Section, City, Town, or Village in which such fine or

penalty has been incurred;* and if any such fine or penalty and costs be not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied, and collected, with costs, by distress and sale of the goods and chattels of the offender, and shall be by such Justice paid over to the School Treasurer of the School Section, City, Town, or Village, or other party entitled thereto; and in default of such distress, such Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavoring to collect the same, be sooner paid.

Interpretation clause.

141. The word "teacher" shall include female as well as male teachers; the word, "county" shall include unions of counties, and the word "townships" shall include unions of townships made for municipal purposes.

Short Title to School Acts.

142. In citing or otherwise referring to this Act, it shall be sufficient to designate it as "the Upper Canada Common School Act," and in citing or otherwise referring to this act, or any other Act or Acts relative to common schools, which may, at the time of such citation or reference, be in force in Upper Canada, it shall be sufficient to use the expression "the Common School Acts of Upper Canada."

† These convictions by magistrates are authorized on pages 15, 18, 21, 23, 25, 49, 51, 52, 74, and 115; administration of the oath of allegiance to teachers, on page 97; and authority to act as school visitor, on page 98.

DIVISION II.

PART I.—AN ACT TO AMEND THE UPPER CANADA COMMON SCHOOL ACT.

23 *Vict.*, Chap. 49.

[Assented to 19th May, 1860, and in force from that date.]

WHEREAS it is expedient to amend the Law respecting Common Schools in Upper Canada; Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Penalty on Teacher refusing to deliver up School Register, &c.

1. Any Teacher wilfully refusing, on the demand of the majority of the Trustees of the School Corporation employing him, to deliver up any School Register or School House key or other School property in his possession, shall be deemed guilty of a misdemeanor and shall not be deemed a qualified Teacher until restitution be made, and shall also forfeit any claim which he may have against the said Trustees.

Remainder of School Section may be attached to Incorporated Village.

2. On the incorporation of a part of any School section within the limits of a Village, the Municipal Council of the Township, within the limits of which such School section is in whole or in part situated, shall have authority forthwith to attach the part or parts of such School Section not included within the limits of the Village Corporation, to an adjacent School section or School sections, or form them into a separate and distinct section or sections.

Who are Legal Voters at School Meetings.

3. The *seventeenth* section of the Upper Canada Common School Act, chapter *sixty-four*, of the Consolidated Statutes for Upper Canada, shall be amended so as to read as follows:—No person shall be entitled to vote in any School section for the election of Trustee or on any School question whatsoever, unless he shall have been assessed and shall have paid School rates as a freeholder or householder in such section: and in case an objection be made to the right of any person to vote in a School section, the chairman or presiding officer at the meeting shall, at the request of any rate payer, require the person whose right of voting is objected to, to make the following declaration:

Form of Declaration required from School Electors.

“I do declare and affirm that I have been rated on the assessment roll of this School section as a freeholder (or householder, *as the case may be*) and that I have paid a public School tax due by me in this School

"section imposed within the last twelve months, and that I am legally qualified to vote at this meeting."

Penalty for making False Declaration.

Whereupon the person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person refuses to make such declaration his vote shall be rejected; And if any person wilfully makes a false declaration of his right to vote, he shall be guilty of misdemeanour, and upon conviction, upon the complaint of any person, shall be punishable by fine or imprisonment in the manner provided for in the said Upper Canada [Consolidated] Common School Act. [Pages 21, 74.]

Time and Hours for School Elections in Rural Sections, Towns, &c.

4. The poll at every election of a School Trustee or Trustees shall not close before *eleven* of the clock in the forenoon, and shall not be kept open later than *four* of the clock in the afternoon; In School sections the poll shall close on the same day the election is commenced; in cities, towns and incorporated villages the same time shall be allowed for the election of School Trustees which is allowed for the election of Municipal Councillors in such municipalities.

Formation of Union School Sections in Townships, Towns, &c.

5. The *forty-fifth* and *forty-sixth* sections of the said Upper Canada [Consolidated] Common School Act, shall be amended so as to read as follows: "Under the conditions prescribed in the *fortieth* section in respect to alteration of other School Sections, Union School Sections, consisting of parts of two or more townships or parts of a township and any town or incorporated village, may be formed and altered by the Reeves and Local Superintendent or Superintendents of the townships out of parts of which such sections are proposed to be formed,—or in a case of a union section of parts of a township or townships and a town or incorporated village, by the Reeve and Local Superintendent of the township, and the Board of Common School Trustees of the town or village, at a meeting appointed for that purpose by any two of such Reeves, or by the Board of Common School Trustees of such town or village, of which meeting the other parties authorized to act with them shall be duly notified;

Effect of such Union in Township, Town, or Village.

And each union School section, composed of portions of adjoining townships or portions of a township or townships and a town or incorporated village, shall, for the purposes of the election of Trustees under their control be deemed one School section, and shall be considered in respect to superintendence and taxation for the erection of a School house as belonging to the township, town or village in which the same is situated."

Certain Trustee Contracts unlawful.

6. It shall not be lawful for any Common School Trustee to enter into a contract with the Corporation of which he is a member or have any pecuniary claim on such Corporation, except for a School site, or as Collector of School rates, and then only when he shall be appointed and the warrant to him signed by the other two members of the Corporation, with the seal of the same.

Proceedings of School Corporation not valid unless adopted at regular Trustee Meetings.

7. No Act or proceeding of a School Corporation shall be deemed valid or binding on any party which is not adopted at a regular or special meeting,

of which notice shall be given by the Secretary to all the Trustees by notifying them personally or by sending a written notice to their residences, and the proceedings of such Trustee meetings shall be entered in a book of the Corporation kept for that purpose, and signed by the senior or presiding Trustee; *Provided* always, that a majority of the Trustees, at a meeting thus called, shall have full authority to perform any lawful business.

Annual Appointment of Auditors of School Section Accounts.

8. In order that there may be accuracy and satisfaction in regard to the School accounts of School sections, the majority of the freeholders and householders present at the annual School meeting shall appoint a fit and proper person to be Auditor of the School accounts of the section for the then current year, and the Trustees shall before the *first day of December* in each year, appoint another Auditor; and the Auditor thus chosen or either of them shall forthwith appoint a time before the day of the next ensuing annual School meeting for examining the accounts of the School section;

Trustees to submit their School Accounts to the Auditors.

And it shall be the duty of the Trustees or their Secretary-treasurer in their behalf to lay all their accounts before the Auditors or either of them together with the agreements, vouchers, &c., in their possession, and to afford to the Auditors or either of them all the information in their power as to their receipts and expenditures of School moneys in behalf of their School Section;

Powers and Duties of School Section Auditors, &c.

And it shall be the duty of the Auditors to examine into and decide upon the accuracy of the accounts of such section and whether the Trustees have truly accounted for and expended for School purposes the moneys received by them, and to submit the said accounts with a full report thereon at the next annual School meeting; and if the Auditors or either of them object to the lawfulness of any expenditures made by the Trustees, they shall submit the matters in difference to such meeting, which may either determine the same or submit them to the Chief Superintendent of Education, whose decision shall be final, and the Auditors shall remain in office until their audit is completed; The Auditors or either of them shall have the same authority to call for persons and papers and require evidence on oath and to enforce their decisions as have Arbitrators appointed under the authority of the *eighty-fourth, eighty-fifth, and eighty-sixth* sections of the said Upper Canada [Consolidated] Common School Act [pages 85, 86]; and it shall be their duty or that of either of them to report the result of their examination of the accounts of the year to the Annual School Meeting next after their appointment, when the Annual Report of the Trustees shall be presented, and the vacancy or vacancies in the Trustee Corporation be filled up, as provided by the law.

Remedy in case the Trustees fail to call the Meeting for Auditors.

And if the Trustees omit to call such public meeting by notice issued not later than the *twenty-second day of December*, the same may be called by any *two* qualified Electors, and if the Trustees neglect to appoint an Auditor or appoint one who refuses to act, the Local Superintendent shall appoint one for them;

Penalty on Trustees refusing Information, &c., to Auditors.

And if the Trustees, or their Secretary in their behalf, refuse to furnish the Auditors or either of them with the papers or information in their

power and which may be required of them relative to their School accounts, the party refusing shall be guilty of a misdemeanor, and upon prosecution by either of the Auditors or any rate-payer, be punished by fine or imprisonment, as provided by the *one hundred and fortieth* section of the said Upper Canada [Consolidated] Common School Act [page 115] ;

Accounts of 1860 to be Audited in this manner.

Provided that the Auditors, appointed for the year *one thousand eight hundred and sixty-one*, shall also audit the accounts for the year *one thousand eight hundred and sixty*.

Penalty on Trustees refusing to comply with the Award of the Arbitrators.

9. If the Trustees wilfully refuse or neglect for *one month* after publication of award, to comply with or give effect to an award of Arbitrators appointed as provided by the *eighty-fourth* section of the said Upper Canada [Consolidated] Common School Act [page 85], the Trustees so refusing or neglecting shall be held to be personally responsible for the amount of such award, which may be enforced against them individually by warrant of such Arbitrators within one month after publication of their award ; and no want of form shall invalidate the award or proceedings of Arbitrators under the School Acts.

School Trustees may dispose of School Sites not required.

10. It shall be lawful for any School Trustee Corporation to dispose by sale or otherwise of any School site or School property not required by them in consequence of a change of School site, and to convey the same under their corporate seal and to apply the proceeds thereof for their lawful School purposes ; And all sites and other property given or acquired, or which may be given or acquired for Common School purposes, shall vest absolutely in the Trustee Corporation for this purpose ; and in like manner, and for like purpose.

United Board of Grammar and Common School Trustees to have the same power to sell School Property.

It shall be lawful for any United Board of Grammar and Common School Trustees to dispose by sale or otherwise of any School site or School property, belonging to the United Board, or to the Grammar School or Common School Trustees respectively.

Who shall be disqualified to act as School Trustees.—Absence.

11. No person shall be eligible to be elected or to serve as School Trustee who is not a resident assessed freeholder or householder in the School section for which he is elected ;—nor shall any Teacher, or Local Superintendent, hold the office of Trustee ; and a continuous non-residence of *six months* from his School section by any Trustee shall cause the vacation of his office.

Agreements with Teachers must be in Writing, and under Seal.

12. All agreements between Trustees and Teachers to be valid and binding shall be in writing, signed by the parties thereto, and sealed with the corporate seal, and may lawfully include any stipulation to provide the Teacher with board and lodging.

Local Superintendent to decide Complaints relating to School Elections.

13. It shall be the duty of a Local Superintendent of Schools to receive, investigate and decide upon any complaints which may be made in regard

to the election of School Trustees or in regard to any proceedings at School meetings; *Provided* always, that no complaint, in regard to any election or proceeding at a school meeting, shall be entertained unless made in writing, within *twenty* days after the holding of such election or meeting.

Chief Superintendent to decide all Complaints, Appeals, and other questions not otherwise provided for.

14. The Chief Superintendent shall have authority to decide upon all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any Local Superintendent or other School officer.

Special Allowance to Local Superintendents and Arbitrators.

15. Arbitrators appointed under the authority of the School Acts and Local Superintendents engaged in investigating and deciding upon School complaints and disputes, shall be entitled to the same remuneration *per diem* for the time thus employed as are members of the Municipal Council of their County for their attendance at Council meetings;

Proviso: Who shall pay Arbitrators' Expenses.

Provided always, that the parties concerned in such disputes shall pay all the expenses incurred in them, according to the award or decision of the Arbitrators and Local Superintendents respectively.

Meetings of, and Allowance to, Members of the County Board of Public Instruction—Provision for Expenses.

16. Each County or Circuit Board of Public Instruction shall meet half yearly, and each of its members shall be entitled to the same recompense for his time and expenses as are members of the County Corporation for their attendance at County Council meetings; and the incidental expenses, attending the meeting of such County or Circuit Board, shall include the recompense to its members, the stationery, room, fuel, light, printing of notice, examination papers and certificates, and such remuneration to the Secretary of such Board as the Board may deem just and expedient.

Every Saturday to be a Holiday.

17. Every Saturday shall be a holiday in all the Public Schools.

School Trustees must make a Declaration of Office, or be fined.

18. Every person elected as Trustee, and who is eligible and liable to serve as such, shall make the following declaration of office before the Chairman of the School meeting:

“I will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee to which I have been elected.”

Fine for default, or in case of neglect.

And if any person elected as Trustee shall not make such a declaration within *two weeks* after notice of his election, his neglect to do so shall be sufficient evidence of his refusing to serve and of his liability to pay the fine as provided for in the *twenty-third* section of the said Upper Canada [Consolidated] Common School Act. [Page 25.]

Fine on Chairman of School Meeting for not transmitting Proceedings to the Local Superintendent.

19. Any Chairman who neglects to transmit to the Local Superintendent, a copy of the proceedings of an annual or other school section meeting over which he may preside, within *ten days* after the holding of such meeting, shall be liable, on the complaint of any rate-payer, to a fine of not more than *five dollars*, to be recovered as provided in the *one hundred and fortieth* section of the Upper Canada [Consolidated] Common School Act aforesaid. [Page 115.]

Trustees not liable for acting under a Municipal By-law, &c.

20. Trustees shall not be liable to any prosecution or the payment of any damages for acting under any By-law of a Municipal Council before it has been quashed.

Powers and Liabilities of Collectors of School-Rates.

21. Collectors of school rates shall have the same powers, and be under the same liability and obligations in their respective school municipalities, as Township Collectors have and are liable to in their respective municipalities, and shall give such security as may be satisfactory to the Trustees.

Local Superintendent may suspend a Teacher's Provincial Certificate.

22. A Local Superintendent shall have the same authority to suspend for the time being a Provincial Certificate of Teacher's qualifications, and report the same forthwith to the Chief Superintendent, as he has to suspend a County Certificate, notifying in writing to the teacher, whose certificate is suspended, the reasons of it; and the Chief Superintendent shall finally decide upon the case.

Chief Superintendent may refer certain questions to the Superior Courts.

23. It shall be competent for the Chief Superintendent of Education, should he deem it expedient, to submit a case on any question arising under the Grammar or Common School Acts, to any Judge of either of the Superior Courts for his opinion and decision, or, with the consent of such Judge, to either of the Superior Courts for their opinion and decision.

Enactments inconsistent with this Act repealed.

24. So much of the said Upper Canada [Consolidated] Common School Act as is inconsistent with the provisions of this Act, is hereby repealed;

The Ninety-Fifth Section of the Upper Canada Consolidated Common School Act amended.

And in the second line of the *ninety-fifth* section of the said Upper Canada Common Act, the phrase "The County Council shall divide" shall read, "The County Council shall have authority to divide," &c.

PART II.—GENERAL REGULATIONS FOR THE ORGANIZATION, GOVERNMENT, AND DISCIPLINE OF COMMON SCHOOLS IN UPPER CANADA.

Adopted after mature consideration, on the 3rd of October, 1850, by the Council of Public Instruction, as authorized by the Consolidated Common School Act. 22 Victoria, chap. 64, sec. 119.

1. Hours of Daily Teaching, Holidays, and Vacations.*

1. The hours of teaching each day shall not exceed *six*, exclusive of all the time allowed at noon for recreation. Nevertheless, a less number of hours for daily teaching may be determined upon in any school, at the option of the trustees.

2. Good Friday, and every Saturday shall be a holiday as directed by the statute.

3. There shall be *two* vacations in each year: the first, or summer vacation, shall continue for *two* weeks from the *first Monday in August*; the second, for *eight* days, at *Christmas*.

NOTE.—In cities, towns, and incorporated villages, the summer vacation shall continue *four* weeks, from the *first Monday in August*.

4. All agreements between trustees and teachers shall be subject to the foregoing regulations; and no teacher shall be deprived of any part of his salary on account of observing allowed holidays and vacations. (See notes * and † below.)

5. Union grammar and common schools are subject to the regulations affecting holidays and vacations in grammar schools, as follows: ‡

* The number of teaching days in the rural schools, in each month, omitting the allowed holidays and vacations, is as follows:

<i>(First half of the year.)</i>		<i>(Second half of the year.)</i>	
January	22	July	22
February	20	August (cities, towns, &c., 2)	13
March { As Easter is changeable, }	22	September	20
April { these will vary	20	October	23
May	24	November	22
June	21	December	16
Total	129	Total	116

† No deduction whatever can be lawfully made from any teacher's salary for any allowed holidays or vacations; or for the exemption of payment of rates by indigent persons, authorized by law.

‡ (1) This regulation applies to union grammar and common schools, as the law provides for the union of common schools with grammar schools—not the union of the latter with the former. In all cases, therefore, in which common schools are united with the grammar schools, the union schools are subjected to the regulations which are here prescribed in respect to grammar schools.

(2) It should be observed, that the *twenty-fourth* and *twenty-fifth* sections of the Upper Canada Consolidated Grammar School Act, empower Boards of Trustees to prescribe any duties, or make regulations, in connection with their respective schools, which are not provided for by, or are not inconsistent with, the general regulations prescribed by the Council of Public Instruction, and approved of by the Governor General in Council.

*Terms, Vacations, Daily Exercises, and Holidays in the Grammar Schools of Upper Canada.**

1. There shall be *four* terms each year, to be designated the winter, spring, summer, and autumn terms. The winter term shall begin the *seventh of January*, and end the *Tuesday next before Easter*; the spring term shall begin the *Wednesday after Easter*, and close the *last Friday in June*; the summer term shall begin the *second Monday in August*, and end the *Friday next before the fifteenth of October*; the autumn term shall begin the *Monday following* the close of the summer term, and shall end the *twenty-second of December*.

2. The exercises of the day shall not commence later than *nine o'clock a.m.*, and shall not exceed *six* hours in duration, exclusive of all the time allowed at noon for recreation, and of not more than *ten* minutes during each forenoon and each afternoon. Nevertheless, a less number of hours of daily teaching may be determined upon in any grammar school, at the option of the board of trustees.

3. Every Saturday shall be a holiday; or, if preferred by the board of trustees and head master of any grammar school, the afternoons of Wednesday and Saturday in each week shall be half-holidays. All days declared by law to be public holidays, shall be holidays in each grammar school.

4. The public half-yearly examinations required to be held in each grammar school, [by the *eighth* clause of the *twenty-fifth* section of the Upper Canada Consolidated Grammar School Act, 22 Vict., chap. 63], shall take place, the one immediately before the Christmas holidays, and the other immediately before the summer vacation.

Adopted by the Council of Public Instruction for Upper Canada, on the twenty-sixth day of December, 1854.

Approved by the Governor General in Council as intimated to the Chief Superintendent of Education, on the fifteenth day of February, 1855.

2. Religious and Moral Instruction.

As Christianity is the basis of our whole system of elementary education, that principle should pervade it throughout. The Upper Canada Consolidated Common School Act, Sec. 129, securing individual rights, as well as recognizing Christianity, provides that in any model or common school established under this act, "No person, shall require any pupil in any such school to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his or her parents or guardians; but within this limitation, pupils shall be allowed to receive such religious instruction as their parents or guardians desire, according to any general regulations provided for the government of common schools." Page 112.

In the section of the Act thus quoted, the principle of religious instruction in the schools is recognized, the restrictions with which it is to be given are stated, and the exclusive right of each parent and guardian on the subject is secured.

* The vacations in the Model Grammar School have been altered, so as to allow an opportunity to Grammar School Masters of visiting the school during their own vacations. The sessions will, in future, extend from the *Monday after Easter* until the *fourth Friday in July*; and from the *Monday following* the end of a seven weeks' vacation from that day until the *twenty-second of December*. On the *seventh of January* the school again resumes.

The common school being a *day* and not a *boarding* school, rules arising from domestic relations and duties are not required, and as the pupils are under the care of their parents and guardians on Sabbaths, no regulations are called for in respect to their attendance at public worship.

3. Opening and Closing Exercises of each Day.

Minute adopted by the Council of Public Instruction, 13th February, 1855.

The following regulations in regard to the opening and closing exercises of the day, apply to all Common Schools in Upper Canada :—

With a view to secure the Divine blessing, and to impress upon the pupils the importance of religious duties, and their entire dependence on their Maker, the Council of Public Instruction recommends that the daily exercises of each Common School be opened and closed by reading a portion of Scripture and by Prayer. The Lord's Prayer alone, or Forms of Prayer provided, may be used, or any other prayer preferred by the trustees and master of each school. But the Lord's Prayer should form part of the opening exercises, and the Ten Commandments be taught to all the pupils, and be repeated at least once a week. But no pupil should be compelled to be present at these exercises against the wish of his parent or guardian, expressed in writing to the Master of the school.

4. Weekly Religious Instruction by the Clergy of each Persuasion.

Minute adopted by the Council of Public Instruction for Upper Canada, on the twenty-second of April, 1857.

That in order to correct misapprehensions and define more clearly the rights and duties of Trustees and other parties in regard to religious instruction in connection with the Common Schools, it is decided by the Council of Public Instruction, that the Clergy of any persuasion, or their authorized representatives, shall have the right to give religious instruction to the pupils of their own church, in each Common school house, at least once a week, after the hour of *four* o'clock in the afternoon; and if the clergy of more than one persuasion apply to give religious instruction in the same school house, the trustees shall decide on what day of the week the school house shall be at the disposal of the clergymen of each persuasion, at the time above stated. But it shall be lawful for the trustees and clergyman of any denomination to agree upon any hour of the day at which such clergyman or his authorized representative may give religious instruction to the pupils of his own church, provided it be not during the regular hours of the school.

Forms of Prayer:

(BEFORE ENTERING UPON THE BUSINESS OF THE DAY.)

Let us Pray.

O Lord, our Heavenly Father, Almighty and Everlasting God, Who hast safely brought us to the beginning of this day, defend us in the same by Thy mighty power; and grant that this day we fall into no sin, neither run into any kind of danger, but that all our doings may be ordered by Thy governance, to do always that is righteous in Thy sight, through Jesus Christ our Lord. *Amen.*

O Almighty God, the giver of every good and perfect gift, the fountain of all wisdom, enlighten, we beseech Thee, our understandings by Thy Holy Spirit, and grant, that whilst with all diligence and sincerity we apply ourselves to the attainment of human knowledge, we fail not constantly to

strive after that wisdom which maketh wise unto salvation; that so through Thy mercy, we may daily be advanced, both in learning and godliness, to the honor and praise of Thy name, through Jesus Christ our Lord. *Amen.*

Our Father, which art in Heaven, hallowed be Thy name, Thy kingdom come, Thy will be done in Earth, as it is in Heaven; give us this day our daily bread; And forgive us our trespasses, as we forgive them that trespass against us; and lead us not into temptation; But deliver us from evil; For Thine is the kingdom, the power, and the glory, for ever and ever. *Amen.*

The Grace of our Lord Jesus Christ, and the Love of God, and the Fellowship of the Holy Ghost, be with us all evermore. *Amen.*

(AT THE CLOSE OF THE BUSINESS OF THE DAY.)

Let us Pray.

Most merciful God, we yield Thee our humble and hearty thanks, for Thy Fatherly care and preservation of us this day, and for the progress which Thou hast enabled us to make in useful learning; we pray Thee to imprint upon our minds whatever good instructions we have received, and to bless them to the advancement of our temporal and eternal welfare; and pardon, we implore Thee, all that Thou hast seen amiss in our thoughts, words and actions. May Thy good Providence still guide and keep us during the approaching interval of rest and relaxation, so that we may be prepared to enter on the duties of the morrow, with renewed vigour, both of body and mind; and preserve us, we beseech Thee, now and ever, both outwardly in our bodies, and inwardly in our souls, for the sake of Jesus Christ, Thy Son, our Lord. *Amen.*

Lighten our darkness, we beseech Thee, O Lord; and by Thy great mercy, defend us from all perils and dangers of this night, for the love of Thy only Son, our Saviour, Jesus Christ. *Amen.*

Our Father, which art in Heaven, hallowed be Thy name, Thy Kingdom come, Thy will be done in Earth as it is in Heaven; give us this day our daily bread; and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation; but deliver us from evil, for Thine is the kingdom, the power, and the glory, for ever and ever. *Amen.*

The Grace of our Lord Jesus Christ, and the Love of God, and the Fellowship of the Holy Ghost, be with us all evermore. *Amen.*

5. Duties of Masters.*—(See page 81.)

The *eightieth* and the *seven* following sections of the Upper Canada Consolidated Common School Act, prescribe, in explicit and comprehensive terms, the duties of teachers; and no teacher can legally claim his salary who disregards the requirements of the law. Among other things, the act requires each teacher to "maintain proper order and discipline in his school, according to the authorized forms and regulations." Page 82: The law makes it the duty of the *Chief Superintendent of Education* to provide the forms; and the *Council of Public Instruction* prescribes the

* Teachers, in order to avail themselves of the Superannuation Fund provided in part by the Legislature, must become annual subscribers to the fund from the year 1854. The subscription is *four dollars* per annum, and should be transmitted, early in the year, to the Chief Superintendent of Education. No teachers now engaged in teaching will be entitled to share in this fund, unless they punctually pay their annual subscriptions, beginning with the year 1854. This regulation will be strictly enforced.

following regulations for the guidance of teachers in the conduct and discipline of their schools.

It shall be the duty of each master of a common school :

1. To receive courteously the visitors appointed by law, page 98 and to afford them every facility for inspecting the books used, and to examine into the state of the school ; to have the visitor's book open, that the visitors may, if they choose, enter remarks in it. The frequency of visits to the school by intelligent persons, animates the pupils, and greatly aids the faithful teacher.

2. To keep the registers accurately and neatly, according to the prescribed forms;* which is the more important under the present School Act, as the *ninety-first* section of the Upper Canada Consolidated Common School Act authorizes the distribution of the local school fund according to the average attendance of pupils attending each school.

3. To classify the children according to the books used ; to study those books himself and to teach according to the improved method recommended in their prefaces.†

4. To observe himself, and to impress upon the minds of the pupils, the great rule of regularity and order,—A TIME AND A PLACE FOR EVERYTHING, AND EVERYTHING IN ITS PROPER TIME AND PLACE.

5. To promote, both by precept and example, CLEANLINESS, NEATNESS, and DECENCY. To effect this, the teacher should set an example of cleanliness in his own person, and in the state and general appearance of the school. He should also satisfy himself by personal inspection every morning, that the children have their hands and faces washed, their hair combed, and clothes cleaned, and when necessary, mended. The school apartments, too, should be swept and dusted every evening. See No. 13, page 128.

6. To pay the strictest attention to the morals and general conduct of his pupils, to omit no opportunity of inculcating the principles of TRUTH and HONESTY ; the duties of respect to superiors, and obedience to all persons placed in authority over them.

7. To evince a regard for the improvement and general welfare of his pupils, to treat them with kindness combined with firmness ; and to aim at governing them by their affections and reason, rather than by harshness and severity.

8. To cultivate kindly and affectionate feelings among his pupils ; to discountenance quarrelling, cruelty to animals, and every approach to vice.

9. Punctually to observe the hours for opening and dismissing the school [pages 124, 128]. Shall, also, during the school hours, faithfully devote himself to the public service ; shall see that the exercises of the school be opened and closed each morning and evening as stated in the preceding part of this section [page 125] ; shall daily exert his best endeavours, by example and precept, to impress upon the minds of the pupils the princi-

* The *fifth* clause of the *eighty-second* section of the Upper Canada Consolidated Common School Act, page 83, makes it the duty of the teacher, at the time of his leaving a school, "to deliver up to the [written] order of the trustees, the Register and Visitors' Book appertaining to the school," besides giving access to them at all times when desired. The *first* section of the Upper Canada Common School Act of 1860, imposes a penalty on teachers who refuse to comply with the order of their teachers in this respect. See note * on page 83. In regard to procuring Registers, &c., see note † on page 82.

† For list of books, see page 151.

ples and morals of the Christian religion, especially those virtues of piety, truth, patriotism and humanity, which are the basis of law and freedom, and the cement and ornament of society.

10. To practise such discipline in his school as would be exercised by a judicious parent in his family; avoiding corporal punishment, except when it shall appear to him to be imperatively necessary; and in all such cases he shall keep a record of the offences and punishments, for the inspection of the trustees, at or before the next public examination, when said record shall be destroyed.

11. For gross misconduct, or a violent or wilful opposition to his authority, the master may suspend a pupil from attending at the school, forthwith informing the parent or guardian of the fact, and the reason of it, and communicating the same to the trustees, through the chairman or secretary. But no pupil shall be expelled without the authority of the trustees.

12. When the example of any pupil is very hurtful to the school, and in all cases where reformation appears hopeless, it shall be the duty of the master, with the approbation of the trustees, to expel such pupil from the school. But any pupil under the public censure, who shall express to the master his regret for such course of conduct, as openly and explicitly as the case may require, shall, with the approbation of the trustees and master, be re-admitted to the school.

13. The trustees having made such provisions relative to the school-house and its appendages, as are required by the *third* clause of the *twenty-seventh* section, and the *fourth* clause of the *seventy-ninth* section of the Upper Canada Consolidated Common School Act, pages 31 and 76, it shall be the duty of the master to give strict attention to the proper ventilation and temperature, as well as to the cleanliness of the school-house; he shall also prescribe such rules for the use of the yard and out-buildings connected with the school-house, as will insure their being kept in a neat and proper condition; and he shall be held responsible for any want of neatness and cleanliness about the premises.

14. Care shall be taken to have the school-house ready for the reception of pupils at least *fifteen* minutes before the time prescribed for opening the school, in order to afford shelter to those who may arrive before the appointed hour.

6. Duties of Pupils.

1. Pupils must come to the school clean in their persons and clothes.

2. Tardiness on the part of pupils shall be considered a violation of the rules of the school, and shall subject the delinquents to such penalty as the nature of the case may require, at the discretion of the master.

3. No pupil shall be allowed to depart before the hour appointed for closing school, except in case of sickness, or some pressing emergency; and then the master's consent must first be obtained.

4. A pupil absenting himself from school, except on account of sickness, or other urgent reason satisfactory to the master, forfeits his standing in his class, and his right to attend the school for the remainder of the quarter.

5. No pupil shall be allowed to remain in the school, unless he is furnished with the books and requisites required to be used by him in the school; but in case of a pupil being in danger of losing the advantages of the school, by reason of his inability to obtain the necessary books or requisites, through the poverty of his parent or guardian, the trustees have

power to procure and supply such pupils with the books and requisites needed.

The tuition fees, as fixed by the trustees, whether monthly or quarterly, shall be payable in advance; and no pupil shall have a right to enter or continue in the school until he shall have paid the appointed fee. See pages 40, 42.

PART III.—REMARKS ON THE DUTIES OF SCHOOL OFFICIALS.
BY THE CHIEF SUPERINTENDENT OF EDUCATION.

1. Suggestions to Teachers on the Duties of their Profession.

(From the Chief Superintendent's Circular of August, 1850.)

The Upper Canada Consolidated Common School Act, provides trustees with greater facilities for raising the salaries of teachers and furnishing the schools with all needful maps, apparatus [page 34], and text-books [pages 34 and 45], than I know of in any other country; while, at the same time, it makes corresponding provision for the punctual payment of Teachers, both from the school fund and school rates. [pages 37, 67, 84, 85, and 109.] You have only to study carefully the provisions of the Act to be impressed with the conviction, that they have been conceived in the spirit of the warmest regard for the interests and efficiency of the teacher's profession; and contain all that can be secured by law to a teacher, under a system of local self-government, where the patronage and emoluments of each school (beyond the amount of the school fund apportioned to each school section) are in the hands of a local elective corporation, and not of a central executive, as in other systems of government. The facilities for Normal School instruction to all teachers who wish to avail themselves of it, are also greater, under the liberal provisions of the new Act, than in any other country in America. A valuable series of uniform text-books [page 151], coming so generally into use, and the trustees being authorized to supply all the pupils with them, cannot fail greatly to relieve and facilitate the labours of the teacher. * * * * *

Such being your position, relations and prospects under the provisions of the new school act, I am desirous of making a few general remarks and suggestions relative to your future conduct. * * * * *

Permit me first to say, value your profession. If you do not value it, others will not. But do not show your estimate of it, by assuming lofty airs, or making lofty pretensions; but by making yourself thoroughly master of it, by devoting your energies to it, by becoming imbued with its spirit. Let your actions speak, and let your heart feel. If an orator would have his audience feel, he must first feel himself; and if a teacher does not feel, and does not give proof that he feels, the value and importance of his work, can he reasonably expect others to do so? We often hear it said, "Teachers are not respected." But is it not almost as often true, that teachers do not respect themselves—that they do not act respectably—that they themselves provoke the disrespect of which they complain. A teacher cannot be made respectable by Act of Parliament. He must make himself so. In every ordinary employment of life, a man who acts upon

high principles, and shows that he understands and values his business, will invariably command respect. Nor are the teacher and his work an exception to the general rule. Nay, wherever a teacher has shown himself the possessor of noble principles, and that he understood and loved his work has he not commanded respect, and soon acquired commanding influence in the neighborhood of his residence? I am persuaded that the people of Upper Canada do not, to any considerable extent, disrespect teachers worthy of respect. * * * * *

Then, if you value your profession yourself, employ the proper means to give it a place, not only in the esteem, but in the interests and sympathies of others. The profession of a Teacher is a means to an end; it exists, not for the sake of the teacher himself, but for the interests of society. It is a work indispensable to the progress and well-being of society. What is the teacher's work? It is to develop the mind, to mould the heart, and to form the character of the future citizens, magistrates and rulers of our land! It is to teach and implant that which is the only true guarantee of liberty, order, and social stability—the essential element of a country's prosperity and happiness. Show that you sympathize with these objects—that your heart is in them—that your thoughts and aims do not terminate in yourself alone, but embrace others,—and especially encircle the rising generation. Such a spirit, like heat in the atmosphere, will be diffusive. Others will imbibe it; the indifferent will become interested, and the selfish will begin to feel the impulses of intelligent generosity; parents will become increasingly anxious for the education of their children, and children will become increasingly anxious to be educated. In any neighbourhood, both in town and country, where any youth are allowed to grow up uneducated, a teacher should be an educational missionary, as well as an educational pastor; and every instance of success will add to his influence and means of support, as well as usefulness. No class of men in the country will derive so large an individual advantage from the progress of society as school-teachers, and they ought to be intent in their efforts to excite every sentiment and feeling, and to procure and circulate every publication, which will tend to diffuse education and knowledge. A teacher who folds his arms in slothful inactivity—neither improving in knowledge himself, nor advancing it among others—and yet complaining that no Hercules comes to his relief, deserves neither respect nor assistance; while the teacher who nobly exerts himself in both acquiring and diffusing knowledge, will receive both emolument and respect, if not admiration and applause.

The mutual intercourse of teachers—mutual visits to each others' schools—forming, and meeting occasionally or periodically in Associations for mutual improvement, and the promotion of professional objects,—which are no other than public interests;—these and kindred measures, in connexion with professional reading* and industry, cannot fail to contribute much to the success, enjoyment, and social standing of teachers. Professional friendships will be formed; professional feeling will be enkindled; professional zeal and emulation will be excited; professional skill and usefulness will be improved; and teachers will be more respected by the community at large, by thus evincing proper respect for each other. Faithful teachers have already on their side the enlightened part of the community, the press, the pulpit, and the Legislature. Let them be true to themselves and to their profession. Lord Bacon has said truly—
 "Every man owes a debt to his profession." * * *

* See "N.B.," in the Library Regulations, on page 150.

I would also offer a word of caution against discouragement in your work, or disinclination to it, on account of its comparative obscurity. It is true, the circle of your daily labours is narrow, and the results of them are remote; there is little variety in your employment, and the monotony of it is only varied by quarterly examinations and short vacations. It therefore requires more than ordinary patience, perseverance and benevolence to pursue your work, month after month, and year after year, with unabated zeal and energy. Yet your work is now a public profession, recognized by law, and none but a teacher examined and licensed according to law is permitted to receive a farthing of the school fund [pages 88 and 109], any more than a person not examined and admitted by the law society, is permitted to practise as a barrister at law. And the results of the work performed in the humble school-house, though remote, will not be uncertain, and may one day appear in the highest position of a free people's gift, or in the most important affairs of a nation's diplomacy, or in the most honored relations of parental and social life. The common school-house is the sole educational college for the vast majority of the present youth and future fathers and mothers of our country. That accomplished scholar and elegant writer, Dr. JARED SPARKS [late] President of Harvard University, traces his early training, and several years of his apprenticeship in teaching, to the common school; and the great American statesman and orator, DANIEL WEBSTER, was accustomed to refer to the common school as his first *alma mater*, in which was laid the foundation of his future character. Through long months, and in retirement and solitude, the Italian painter occupied his brush on a single piece of canvas; but that canvas has, age after age, imparted instruction and delight to hundreds of thousands. For years did the Grecian sculptor, in almost exiled seclusion, employ his chisel on a single block of marble; but that marble has survived the wreck of empires, and still commands the admiration of the refined of all countries. Let the practical philosophy of these facts be engraved upon the heart of every right-minded teacher, and it will sweeten his toil, and add fresh attractions to every successive year of his increasingly skilful and efficient labours.

2. Duties of Trustees.—(See page 27.)

1. The full and explicit manner in which the duties of trustees are enumerated and stated in the Upper Canada Consolidated Common School Act, renders it unnecessary to do more, in this place, than make some expository remarks on the nature of the general duties of trustees, and the relations subsisting between them and the teachers whom they employ. The law invests trustees with most important functions; they are a corporation, and as such, the ownership and control of the school-site, school-house, and all the property attached thereto, is vested in them; they are to provide and furnish the school-house and premises, and apparatus and text-books for the school; and they alone have authority to employ the teacher. Their duties are, therefore, of the greatest importance, and they should be well understood.

2. While the trustees employ the teacher—agree with him as to the period during which he shall teach, and the amount of his remuneration—the *mode of teaching* is at the option of the teacher; and the local Superintendent and visitors alone have a right to advise him on the subject. The teacher is not a mere machine, and no trustee or parent should attempt to reduce him to that position. His character and his interest alike prompt him to make his instructions as efficient and popular as possible: and if

he does not give satisfaction, he can be dismissed according to the terms of his agreement with his employers. To interfere with him and deprive him of his discretion as a teacher, and then to dismiss him for inefficiency, which is the natural and usual result, is to inflict upon him a double wrong, and frequently injures the pupils themselves and all parties concerned. It should then be distinctly understood, as essential to the teacher's character, position and success, that he judge for himself as to the mode of teaching in his school, including, of course, the classification of pupils, as well as the manner of instructing them. It is, nevertheless, the duty of the trustees to see that the school is conducted according to the regulations authorized by law.

3. It is, therefore, important that trustees should select a competent teacher. *The best teacher is always the cheapest.* He teaches the most, and inculcates the best habits of learning and mental development in a given time; and time and proper habits are worth more than money, both to pupils and their parents. Trustees who pay a teacher fairly and punctually, and treat him properly, will seldom want a good teacher. To employ an incompetent person, because he offers his incompetent services for a small sum, is a waste of money, and a mockery and injury of the youth of the neighbourhood. We entirely concur in the following estimate of the qualities of a good teacher:—

“A teacher should be a person of Christian sentiment, of calm temper, and discretion; he should be imbued with the spirit of peace, of obedience to the law, and of loyalty to his Sovereign; he should not only possess the art of communicating knowledge, but be capable of moulding the mind of youth, and of giving to the power, which education confers, a useful direction. These are the qualities for which patrons [or trustees] of schools, when making choice of a teacher, should anxiously look.”

4. Trustees will always find it the best economy to have a commodious school-house, kept comfortable, and properly furnished. It is as difficult for pupils to learn, as it is for the master to teach, in an unfurnished and comfortless school-house.

5. In the selection of books to be used in the school, from the general list authorized according to law, page 151, the trustees should see that but *one* series of reading books, *one* arithmetic, or one for the beginners and another for the more advanced pupils, *one* geography, &c., should be used in any *one* school, in order that the scholars may be classified in the several branches which they are studying. Heterogeneous school books (however good each book may be in itself) render classification impossible, increase the labour and waste the time of the teacher, and retard the progress of the pupils. But the teacher and pupils labour at the greatest disadvantage when they are compelled to use books which are as various as the scholars' names.

(1) *Powers and Responsibilities of Trustees.*

As the representatives of the people in the Legislative Assembly determine the amount of money to be expended for any object, or the salary of any public officer to be employed; so the trustees, as the representatives of the people in a school section, have the sole power of determining the *amount* of the teacher's salary, and of the incidental expenses of the school.* They can also procure such maps, apparatus and text-books as they may judge expedient for the use of the pupils in the schools.† But the *manner*

* See page 38.

† See Departmental Notices, page 152.

in which the salary of a teacher and other actual or estimated expenses of the school shall be raised, is left to a public meeting of the tax-payers, to be called for that purpose [pages 19, 110]. Then, if the whole of the expenses are not thus provided for, the trustees have authority to raise the balance in such manner as they may think proper, either by voluntary subscription, by rates on parents sending children to the school, or rates on all the ratable property of the school section. Trustees themselves (and not a magistrate) issue the necessary warrants for the collection of all rates levied by them on resident rate-payers [page 40]. * * * The Common school property of a section is no longer vested in the Municipal Council, but in the corporation of trustees, and is therefore liable for debts contracted by them.* Trustees are, therefore, furnished with every needful security and means to enable them to establish a good school and provide for its efficient support. Faithful trustees are provided with a still further protection and assistance, in the penalties which the act imposes upon those trustees who refuse or wilfully neglect to perform their duties. [See note † on page 24, also page 46].

(2) *Protection of Teachers.*

The *eighty-third* section of the Upper Canada Consolidated Common School Act [page 84] guards also against an injustice and evil, by providing that "any teacher shall be entitled to be paid at the same rate mentioned in his agreement with the Trustees, even after the expiration of the period of his agreement, until the trustees shall have paid him the whole of his salary, according to their engagement with him." This provision will prevent the injurious accumulation of debts to teachers in a section; and it will furnish trustees, desirous of performing their duties, with satisfactory reasons for insisting upon the prompt payment of the rates for the teacher's salary, while it will afford protection to the discharged teacher against any possible attempt to wrong him. * * *

(3) *Establishment of Free Schools—Their object.*

It will be seen that the Common School Act provides every desirable facility for the establishment of FREE SCHOOLS—schools supported by the property of all, and equally free to the children of all; the only schools which are, in my opinion, based upon the true principles of national education, and adapted to national wants. But I wish every School Municipality to be the judge as to the manner of supporting its own schools; and I think the success of Free Schools will be greatly influenced by the discretion exercised in their first establishment. As the very object of a Free School, and the principle of supporting it, implies a school for the common education of all the children and youth of a school section, the first requisite towards its accomplishment is to provide a house and teacher adequate to that end. To employ a teacher incompetent to teach all the school-going youth of a section, and yet to tax all the inhabitants to pay the salary of such incompetent teacher, is manifestly unjust. Trustees should, therefore, upon the ground of justice to all school-rate payers, as well as from regard to the interests of their children, employ none but a highly competent teacher, when it is determined to have a free school. A good school and a free school should be convertible terms; as should an able teacher and a teacher of a free school. Then will the quality and character of instruction be as much advanced, as the number of pupils will be multiplied, with the establishment of every free school.—[*Chief Superintendent's Circular, August, 1850.*]

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* See (3) on page 31, and note * on page 105.

(4) *Maximum Rate-bill.*

By the *one hundred and twenty-fifth* section of the Upper Canada Consolidated Common School Act [page 110], no rate-bill can be imposed exceeding *one shilling and threepence* per month for each pupil attending school.* All other expenses of each school must be provided for by voluntary subscription, or rate on property. Reducing the maximum of all school rate-bills to *one shilling and threepence* per month for each pupil, is the next thing to establishing free schools throughout Upper Canada; and all the hitherto agitating questions at school meetings, as to the mode of providing for the support of schools, are now narrowed down to the simple question as to whether a rate-bill of *one shilling and threepence*—or less, or nothing—per month for each pupil shall be imposed. This provision will largely increase the attendance of pupils at school, as no parent will now keep his children from school for fear of a heavy rate-bill; it will vastly lessen the topics and causes of differences and disputes at school meetings; it will render the duties of trustees more simple and easy to discharge, and the salaries of school teachers more uniform and secure. The real design of this noble provision of the law, and the legitimate inference from it, ought never to be forgotten by trustees. A law providing that a school should be supported wholly or mostly by the property of all, could not have been exacted, except with a design that a teacher should be employed who is qualified to teach the children of all—that is, the several branches of an English education to all persons of school age residing in the section. If each man contributes, according to his property, to support a school, each man's child has a right to be taught in such school. Should trustees employ a teacher (for the sake of getting a "cheap" one) who is not qualified to teach all the children of their section the subjects required to be taught in common schools, they would virtually exclude a portion of the children of their section from the benefits of the school; they would abuse the principles and pervert the great objects of the free school system:—they would, I am inclined to think, render themselves liable to a fine for neglect of duty, and to a prosecution for damages on the part of parents of children deprived of the advantages of the school in consequence of the incompetence of the teacher employed. All trustees should bear in mind, that the principle of free schools aims as much to improve the quality of teaching and to elevate the character of the school, as it does to render them accessible, without let or hindrance, to all the children of the land. * * *

(5) *Rates on the Lands of Absentees.*

While the *thirty-third* section of the Upper Canada Consolidated Common School Act [page 53] secures to each school section the benefit of all the taxable property situated within its limits, the *one hundred and twenty-seventh* section [page 111] provides a prompt and easy mode of securing the payment of all school-rates on the lands of absentees. These two provisions will be of great advantage to a large proportion of the school sections throughout Upper Canada.

(6) *Rates for Sites and School-houses.*

The *twelfth* clause of the *twenty-second* section of the Upper Canada Consolidated Common School Act [page 42], invests the trustees of each school section with the same authority to assess and collect rates for the purpose of purchasing school sites and the erection of school-houses, as they are invested with by law to assess and collect for other school pur-

* Payable in advance, see page 129.

poses; so that the trustees need not, unless they choose to do so, apply to a municipal council for any purpose whatever, except in reference to the boundaries of their school section; nor has any municipal council a right to interfere in the affairs of a school section (except in altering its boundaries), unless at the request of such section, made through its trustees.

(7) *Limitation in the Powers of Trustees.*

There are but two particulars in which the powers of trustees are limited. 1. They cannot change the present school site, or select a new one, without calling a public meeting of their section to consider it. [See the *thirtieth* section of the School Act, page 51.] 2. They must also consult the annual or a special, meeting of their section, as to whether a rate bill (of *one shilling* and *threepence*, or less, per month, for each pupil) should be imposed or not [page 19]. The selection of a new school site does not often occur: the decision as to the rate-bill is annual, and should be made at the annual school section meeting. With this single exception—and it is reduced to a simple question of a small monthly rate-bill—the management of all the affairs of each school section belongs wholly to the trustees as the elective representatives of such section. They, and they only, are authorized by law to determine the sum or sums that shall be raised, and when and how paid, for all school purposes—whether for the procuring of a school site; the erection, repairs, or furnishing of a school-house; the payment of a teacher; the purchase of apparatus, text-books, maps, library-books, or for any other school purpose whatever. * * *

The office of school trustee being now one of great power, as well as of responsibility, I trust that you will earnestly labour to fulfil its high objects, and thus become instruments of unspeakable good to the rising generations of our country.—[Ibid. June, 1853.]

3. Duties of Local Superintendents.

Extracts from the Chief Superintendent's Circular to Local Superintendents, dated August, 1850.

(1) *The Local Inspection of Schools.*

To perform this duty with any degree of efficiency, a local Superintendent should be acquainted with the best modes of teaching every department of an English school, and be able to explain and exemplify them. It is, of course, the local Superintendent's duty to witness the modes of teaching adopted by the teacher, but he should do something more. He should, some part of the time, be an actor as well as spectator. To do so he must keep pace with the progress of the science of teaching. Every man who has to do with schools, ought to make himself master of the best mode of conducting them in all the details of arrangement, instruction, and discipline. A man commits a wrong against teachers, against children, and against the interests of school education, who seeks the office of local Superintendent without being qualified and able to fulfil all its functions. In respect to the manner of performing the visitorial part of your duties, I have nothing material to add to the suggestions which I made in my circular to local Superintendents of Schools in December, 1846. They are as follows:

Your own inspection of the schools must be chiefly relied upon as the basis of your judgment, and the source of your information, as to the character and methods of school instruction, discipline, management, accommodations, &c.: and on this subject we ought not to content ourselves with exterior and general facts, * * * * But it is not of less impor-

tance to know the interior regime of the schools—the aptitude, the zeal, the deportment of the teachers—their relations with the pupils, the trustees and the neighbourhood—the progress and attainments of the pupils, and, in a word, the whole moral and social character and results of the instruction given, as far as can be ascertained. Such information cannot be acquired from reports and statistical tables; it can only be obtained by special visits, and by personal conversation and observation—by an examination of the several classes, in their different branches of study; so as to enable you to ascertain the degree and efficiency of the instruction imparted.

“In the inspection of schools, I would suggest something like the following order and subjects of inquiry and examination:—

“I. *Mechanical arrangements.*—The tenure of the property; the materials, dimensions and plan of the building; its condition; when erected; with what funds built; neighbourhood; how lighted, warmed, and ventilated; if any class-rooms are provided for the separate instruction of part of the children; if there is a lobby, or closet, for hats, cloaks, bonnets, book-presses, &c.; how the desks and seats are arranged and constructed, and with what conveniences; what arrangements for the teacher; what play-ground is provided; what gymnastic apparatus, if any; whether there be a well, and proper conveniences for private purposes.

“II. *Means of instruction.*—The books used in the several classes, under the heads of Reading, Arithmetic, Geography, &c.; the Apparatus provided, as Tablets, Maps, Globes, Blackboards, Models, Cabinets, &c.

“III. *Organization.*—Arrangement of classes; whether each child is taught by the same teacher; if any assistant or assistants are employed, to what extent, how remunerated, and how qualified.

“IV. *Discipline.*—Hours of attendance; usual ages of pupils; if the pupils change places in their several classes, or whether they are marked at each lesson, or exercise, according to their respective merit; if distinction depends on intellectual proficiency, or on a mixed estimate of intellectual proficiency and moral conduct, or on moral conduct only; what rewards, if any; whether corporeal punishments are employed—[see No. 10 on page 128]—if so, their nature, and whether inflicted publicly or privately; what other punishments are used; whether attendance is regular; is school opened and closed with reading and prayer as provided in the regulations; and what religious instruction is given, if any.

“V. *Method of Instruction.*—Whether mutual or simultaneous, or individual or mixed; if mutual, the number of monitors, of what attainments, how appointed, how employed; if simultaneous, that is, by classes, to what subjects of instruction; whether the simultaneous method is not more or less mingled with individual teaching, and on what subjects; to what extent the intellectual, or the mere rote method is pursued, and on what subjects; how far the interrogative method only is used; whether the suggestive method is employed; whether the elliptical method is resorted to; how the attainments in the lessons are variously tested—by individual oral interrogation—by requiring written answers to written questions—or by requiring an abstract of the lesson to be written from memory.

“VI. *Attainments of pupils.*—1. *In Reading*; whether they can read with ordinary facility, or with ease and expression. 2. *In Writing*; whether they can write with ordinary correctness, or with ease and elegance. 3. *In Arithmetic*; Whether acquainted with Notation and Numeration Addition, Subtraction, Multiplication, Division, and skilful in them; whether

acquainted with the tables of Moneys, Weights, Measures, and skilful in them; whether acquainted with the compound rules, and skilful in them; whether acquainted with the higher rules, and skilful in them; whether acquainted with the exercises in mental arithmetic, and skilful in them. 4. *In Grammar*; whether acquainted with its divisions, rules of orthography, parts of speech, their nature and modifications, parsing, composition, &c. 5. *In Geography, History, Book-keeping, Vocal Music, &c.*; the order of questions, suggested by the nature of the subject. The extent and degree of minuteness with which the inspection will be prosecuted, in respect to any, or all of the foregoing and kindred subjects, must, of course depend on circumstances.

"VII. *Miscellaneous*.—How many pupils have been sent to the Grammar School; whether a Visitors Book and Register be kept as required; is the *Journal of Education* regularly received by the Trustees; are the Quarterly Examinations regularly held; are Prizes given in the school. *Library*.—Is a Library maintained in the section; number of volumes taken out during the year; are books covered and labelled as required; are books kept in library case; is catalogue kept for reference by applicants; are fines duly collected, and books kept in good order; are library regulations observed."

(2) *Annual School Lectures.*

Another most important duty required of each local Superintendent is, "*To deliver in each of his school sections at least once a-year, a public lecture on some subject connected with the objects, principles, and means of practical education.* [Page 91.] The education of a free people is, to a great extent, a system of voluntary exertion. There may be a good school law, and there may be a large school fund; and yet education may decline.

* * * The onward progress of the education of a country does not depend, primarily or chiefly, upon a school fund or school law, but upon the *spirit and action* of the *people*; and the great object of public school lectures is, to awaken that spirit and arouse this action. The law requires that a voice should be lifted up on this subject in every school section in Upper Canada; the commanding authority of that voice will depend upon the ability, the industry, the *heart*, of each local Superintendent. No man ought to aspire to the office, or retain it a week, who has not the heart and ability to prepare and deliver public lectures in a spirit and manner worthy, in a good degree, of a cause interwoven with every vital interest of our country's civilization and happiness. We cannot be too strongly impressed with the fact, that the administration of the school system is not like that of any other department of the public service—a vigilant and effective oversight of the execution of the law, the protection and development of the country's resources; the due administration of the school system—and indeed, properly speaking, the great object of it, besides the ordinary administration of the law—is to excite and maintain, as widely and in as high a degree as possible, among all classes of the community, a correct appreciation of the nature and importance of popular education, and a spirit of intelligence, philanthropy and patriotism in the adoption of the diversified means necessary for the attainment of that end. From the office of the Chief Superintendent, down to the desk of the humblest teacher, a moral influence, an energy, a vitality should be sent forth in behalf of the education of youth and the diffusion of useful knowledge among the people. If the right spirit glow in the bosom of every Superintendent, it will appear in every public lecture, in every school visit, on every proper occasion in the intercourse of private

and public life, and the results will soon be manifest in every municipality of Upper Canada. On the other hand, great must be the responsibility, and deep the disgrace, of any Superintendent who shall suffer the interests of schools to droop and die, or linger on in a sickly condition, under his oversight. * * * * *

(3) *Spirit of the Law in regard to the office of Superintendent.*

It remains with each incumbent to say whether the spirit and intentions of the law shall be fulfilled within his jurisdiction, as far as depends on the performance of the duties of his office. The act has been passed by the Legislature in the spirit of a generous nationality; the spirit of patriotism prevailed over the selfishness of party during the parliamentary deliberation on this subject. The Government duly appreciated the wants and interests of the whole country, in the preparation of the measure, and all parties in the Legislature cordially responded to it. In the same non-party and national spirit, I hope to see the law administered. * * * *

In a "*Digest of the Common School System of the State of New York*," published in 1844, by the Deputy, under the auspices of the State Superintendent of schools, I find the following remarks, which I commend to your serious attention:—

"As the usefulness of local Superintendents will depend mainly on the influence they shall be able to exercise upon the officers and teachers of schools, and upon parents and the inhabitants of districts generally, they will endeavour to deserve that influence by their deportment, and studiously to avoid everything which may impair it. Hence it will be indispensable that they should abstain wholly and absolutely from all interference in any local divisions, or in any questions by which the community in any town or district may be agitated; and although they cannot be expected to abandon their political sentiments, yet it is obvious that any participation in measures to promote the success of any political party, will not only diminish their influence and impair their usefulness, by exciting suspicion of the objects of their movements and measures, but will expose the office they hold to a vindictive hostility, that will not cease until it is abolished. The intelligence of our people will not tolerate the idea of the agents of public instruction becoming the emissaries of partizan management."

The conviction expressed in the concluding sentences of this quotation has been painfully realized. As party politics ran high, it was found that the appointments of local Superintendents were made, to a considerable extent, in the spirit of political partizanship, and the influence of the office was frequently employed for partizan purposes. A clamour was soon raised against the office itself, which resulted in its abolition in 1847. Great efforts have been subsequently made, by the State Superintendent and other experienced educationists, to restore the office of County (but not of Township) Superintendent, and place it on a better footing than heretofore. These facts are admonitory. A man's qualifications, irrespective of sect or party, should influence his appointment to the office; but when once appointed, and during his continuance in office, he should act in the spirit of impartiality and kindness towards all persuasions and parties. This has been the avowal of the Government, and the sense of the Legislature in regard to the office and duties of the Chief Superintendent; and I think it was equally understood and intended, that no tinge of partizanship should attach to the supervision of schools, even in the remotest township of the province. The spirit of the vow made by the Prussian school counsellor DINTER, should imbue the heart of every school officer in Upper Canada:—"I promised God that I would look upon every

Prussian peasant child as a being who could complain of me before God, if I did not provide him the best education, as a man and a Christian, which it was possible for me to provide."

4. Duties of County Councils. (Page 66.)

Extracts from the Chief Superintendent's Circular to County Councils dated July, 1850.

(1) *Appointment of Local Superintendents—Page 68.*

A most important duty which the new School Act devolves upon the County Council, is the annual appointment of Local Superintendents of schools.

The School Act gives to each Council authority to appoint a school Superintendent for each Township, or for *two, three, or four* townships, or for a county, provided it does not contain more than one hundred schools.* In some municipalities, where the duties of the office have been very imperfectly discharged, doubts are entertained by many persons as to the utility of the office at all; but this is not the case where the office is filled with ability, diligence and skill; and School Countries are unanimous in their judgment and practice as to the vast importance of an efficient local inspection and supervision of schools.

The School Act imposing upon a local Superintendent not only miscellaneous duties which require judgment and knowledge of men and things, but a visitatorial examination of each school and a lecture on education in each school section once a year, and the examination of teachers for the schools [pages 90, 91, 93], the County Council should spare no pains to search out and appoint men as local Superintendents who will command public attention as lecturers, who understand the true principles of school organization and the improved modes of school teaching, who will do justice to the great interests entrusted to them, by their examinations of teachers, their visitations of schools, and their patriotic exertions to diffuse sound education and knowledge as widely as possible. I doubt not each County Council will respond to the spirit of the New York State Superintendent of schools, when he says, "It is fervently hoped that in every election hereafter to be made of a local Superintendent the most competent individual, without reference to sect or party, will be selected. On such a subject, where the good of their children is at stake, men should dismiss their narrow prejudices, and tear in sunder the shackles of party. They should consult only the greatest good of the greatest number of the rising generation. They should direct their preferences to those only who are the ardent friends of youthful progress—to those only, the smoke of whose incense offered in this holy cause, daily ascends to heaven; whose lips have been touched with a burning coal from the altar."

(2) *Spirit of the School Law—Non-political.*

As the selection to the office of local Superintendent of schools should be made upon the sole ground of personal qualification and character, and irrespective of party considerations, so should the duties of the office be performed in the same spirit. During the recent discussion in the Legislative Assembly on the School Bill, it was averred on all sides that the office of Chief Superintendents of schools was, and should be non-

* In the important States of New York and Pennsylvania, County Superintendents have been preferred to Township Superintendents, and it has been enacted by the Legislature of Pennsylvania that County Superintendents alone shall be appointed. [See last paragraph, No. (3), on page 138.]

political—that whatever might have been the political opinions of the incumbent, or of his mode of advocating them, previously to his appointment to office, that, as in the case of a judge, he should take no part in party political questions during his continuance in office. On this principle I have sacredly acted since my appointment to office, as was admitted in gratifying terms by all parties in the discussion referred to; and I think the same principle should be insisted upon by every County Council in respect to each local Superintendent of schools, and should be faithfully acted upon by every person filling that important office, thus making it equally confided in by all classes of the community. I am sure every Municipal Council in Upper Canada will agree with me, that the entire superintendence of the school system, in all its parts and applications, should be perfectly free from the spirit or tinge of political partizanship—that its influence, like the genial light and warmth of the sun, should be employed for the equal benefit of all, without regard to party, sect, or colour.

The spirit in which the provisions of the new School Act have been, generally speaking, discussed and adopted in the Legislature, I regard as an omen for the good of our country, and worthy of imitation in all Municipal and local school proceedings throughout Upper Canada. Party differences were not permitted to mar this great measure for the education of the people; and although there were individual differences of opinion among men of different parties as to some details of the Bill, yet men of all parties united in the support of its general principles, and in an earnest desire and effort to render it as perfect as possible in all its provisions. I hope that no party spirit will be permitted to impair the efficiency of its administration in any Municipal Council, public meeting or Corporation. In the great work of providing for the education of the young, let partizanship and sectarianism be forgotten; and all acting as Christians and patriots, let us each endeavour to leave our country better than we found it, and stamp upon the whole rising and coming generations of Canada, the principles and spirit of an active, a practical, a generous and Christian intelligence.

5. Duties of Township Councils.—(Page 53.)

(Extracts from the Chief Superintendent's Circular, dated August, 1853.)

(1) Authority to levy School Section Assessments.—Page 54.

The authority and duty of the Township Council to levy assessments on certain conditions for the purchase of school sites, the erection of school-houses, and other common school purposes, are so plainly stated in the *thirty-fourth* and the following sections as to require no other remark than this—that the inhabitants of each school section ought certainly to be the judges as to assessments levied upon them for the school purposes of their own section, and their wishes should be carried into effect without regard to the opinions of any person not belonging to their section; and as the councillors are the proper representatives of the township or township affairs, so should the trustees of each school section (or a majority of them) be regarded as the representatives of such section in its school affairs. Such are the true principles involved in this clause of the Act.

(2) Formation and alteration of School Sections.—Page 58, 59.

The formation and alteration of school sections is a duty, on the judicious performance of which the efficiency of the schools greatly depends. The

conditions and precautions provided in the new Act relative to the time and manner of making changes in the limits of school sections, will prevent the recurrence of the evils which have been experienced and the complaints which have been frequently made on this subject, and afford due protection to all parties affected by such changes. I know not that I can add anything on this point to the remarks which I made in my first circular addressed to the heads of Municipal Councils, in October, 1846. Subsequent experience has only confirmed me in the correctness and importance of those remarks:—

“Much—very much—in respect to the efficiency of common schools depends upon the manner in which school sections are formed or altered. The tendency is to form small school sections; each parent is anxious to have the school-house as close to his own door as possible. But the evil of forming small school sections is as great as the local tendency is strong. I have been much impressed with the magnitude of this evil by the reports of school Superintendents and Inspectors in the States of Massachusetts and New York—countries similarly situated to our own, and whose experience on this important subject is highly valuable to us. They represent that the efficiency and usefulness of their schools has been greatly retarded by the unwise multiplication of school sections—thus multiplying feeble and inefficient schools, &c., subdividing the resources of the inhabitants, so as to put it out of their power to build proper school-houses, or support competent teachers without incurring a burthen, which they are unwilling, if not unable to bear. The same documents also contain many curious statistics, proving that on an average, the punctual attendance or proficiency of pupils residing from *one* to *two* miles from the school far exceeds that of those pupils who reside within a less distance. The purport of these statements is to show, that proximity to the school is not essential either to the punctual attendance or to the proficiency of pupils. The managers of common school education in these States have of late years directed their particular attention to prevent and remedy this evil of small school sections; and they detail many examples of beneficial success. Some of the advantages of large school sections are, the lessening of the burthen, upon each inhabitant, in establishing and supporting the schools; the erection of better buildings; and the procuring of greater conveniences for instruction; the employment of better teachers, and, therefore, the benefit of better education for youth. The subject is, therefore, submitted to the grave consideration of the Council, whenever the exercise of this part of its powers may be required.”

(3) *General Remarks.*

I trust that each township council will do honor to its important position in this great work of the country's education and by the united and individual example of its members speedily succeed in rendering a good school accessible to every child in the municipality. I believe the present school Act furnishes greater facilities than any preceeding one for the accomplishment of this object; a party, a selfish, a slothful spirit alone can defeat it.—(The Forms for Township Councils will be found appended.)

6. Duties of County Boards of Public Instruction.—(Page 95.)

From the Regulations and the Circular of the Chief Superintendent of Education, October, 1850.

(1) *Qualifications of Candidates.*—Pages 96, 97.

On the fidelity and ability with which County Boards of Public Instruction fulfil the functions assigned to them in the *ninety-eighth* section

of the Upper Canada Consolidated Common School Act, (page 96,) depend the character and the efficiency of the schools as affected by the character and qualifications of the teachers. Much has been said about incompetent trustees, and their employment of incompetent teachers; but trustees cannot employ *such* teachers by *means of the school fund*, unless *such* teachers are *licensed* to teach. It therefore remains with the County Boards (chiefly with the Local Superintendents) to say whether a penny of the school fund shall be misapplied in payment of any intemperate, immoral, or incompetent teacher. In giving certificates of qualification, county boards should not, therefore, regard individual applicants, but the interests of youth—the destinies of the rising and future generations of the country. * * * * *

(2) *Moral Character of Candidates.*—(Page 97)

But the first, and perhaps most important duty which devolves upon you, is that which precedes an examination into the intellectual qualifications of candidates. The law expressly declares, that "no certificate of qualification shall be given to any person as a teacher who shall not furnish satisfactory proof of good moral character." This is a vital point on which you are called to pass a conscientious and impartial judgment, before you admit any candidate to the examination. The law of the land thus makes you the moral guardians of the children and youth of your respective counties, as far as depends upon the moral character of their teachers, the same as the Divine law makes you the guardians of your own children; and you should certainly license no character to teach the former, whom you would not permit to teach the latter. Many representations have been made to this Department respecting intemperate, and profane, and Sabbath-breaking teachers. To what extent these representations are well founded, is not for me to say. But when so many parties have been *individually* authorized to license teachers, it were not surprising if isolated *individual* firmness should be overcome by the importunity of a candidate, in some instances backed by the request of inconsiderate trustees. Now, however, you meet in council; the candidates come before you on common ground; you judge of the "moral character" of each by a common rule; you are less liable to those plaintive appeals and pleas which have so often been pressed upon the feelings of individual Superintendents and visitors. I cannot but regard it as your special mission to rid the profession of common school teaching of unworthy characters and of wholly incompetent persons, to protect the youth against the poison of a vicious teacher's example, and to lay the foundation for greatly elevating the profession of school teaching, and greatly increasing the efficiency and usefulness of common schools. The moral character of teachers involves the deepest interests of our offspring, and the widest destinies of our country. No lax expediency or false delicacy should be permitted to endorse a person of irregular habits or doubtful morals as a "good moral character," and let him loose upon society, authorized and certified as a duly qualified teacher of its youth. I am sure you will agree with me, that your certificate should state what you believe to be strictly true, and therefore be a guarantee to trustees of schools and parents of children, in regard to the moral character and intellectual qualifications of every teacher whom you shall license.

(3) *General Remarks.*

No branch of a system of public instruction has ever been brought into operation in any country without much anxious toil; and the efficient

commencement of this most important and too long neglected department of our school system, will require no inconsiderable labor, and much patient and earnest purpose, to promote the welfare of the rising generation. The more serious and difficult part of the task will soon be accomplished, while the results cannot fail to be extensively beneficial, alike upon the application, the aspirations, and improvement of teachers, the character of the schools, and the progress and interests of the pupils.

[*The programme of Examination and Form of Certificate will be found on pages 144 and 145.*]

7. Duties of School Visitors.—(Page 98.)

1. The *one hundredth* section of the Upper Canada Consolidated Common School Act, (page 98,) provides that all clergymen recognized by law, of whatever denomination, judges, members of the Legislature, magistrates, members of county councils, and aldermen, shall be school visitors; and the *one hundred and first* section, (page 98,) prescribes their lawful duties.

2. The parties thus authorized to act as visitors, have it in their power to exert an immense influence in elevating the character and promoting the efficiency of the schools, by identifying themselves with them, by visiting them, encouraging the pupils, aiding and counselling teachers, and impressing upon parents their interests and duties in the education of their offspring. In visiting schools, however, visitors should, in no instance, speak disparagingly of the instructions or management of the teacher in the presence of the pupils; but if they think it necessary to give any advice to the teacher, they should do it privately. They are also desired to communicate to the local or Chief Superintendent anything which they shall think important to the interests of any school visited by them. The law recommends visitors "*to attend the Quarterly Examinations of the schools.*" It is hoped that all visitors will feel it both a duty and a privilege to aid, on such occasions, by their presence and influence. While it is competent to a visitor to engage in any exercises which shall not be objected to by the authorities of the school, it is expected that no visitor will introduce, on any such occasion, any thing calculated to wound or give offence to the feelings of any class of his fellow Christians.

3. The local superintendents are school visitors, by virtue of their office, and their comprehensive duties, as such, are stated with sufficient minuteness in the *ninety-first* section of the Upper Canada Consolidated Common School Act. (pages 89-94.) While each local superintendent makes the careful inquiries and examinations required by law, and gives privately to the teacher and trustees such advice as he may deem expedient, and such counsel and encouragement to the pupils, as circumstances may suggest, he will exhibit a courteous and conciliatory conduct towards all persons with whom he is to communicate, and pursue such a line of conduct as will tend to uphold the just influence and authority both of trustees and teachers. (See also page 135.)

4. Too strong a recommendation can not be given to the establishment of circulating libraries in the various townships and school sections. A township library, with auxiliaries in each school section, might, by means of a comparatively small sum, supply popular and useful reading for the young people of a whole township. It is submitted to the serious attention of all school visitors, as well as trustees, and other friends of the diffusion of useful knowledge. See page 148, and the Departmental notices on page 152.

PART IV.—SELECTIONS FROM THE GENERAL FORMS AND INSTRUCTIONS FOR EXECUTING THE PROVISIONS OF THE CONSOLIDATED COMMON SCHOOL ACTS.

1. Programme for the Examination and Classification of Teachers of Common Schools by the County Boards, prescribed by the Council of Public Instruction for Upper Canada.

N.B.—Candidates are not eligible to be admitted to examination until they shall have furnished the Examiners with satisfactory evidence of their strictly temperate habits and good moral character.

(1) Minimum Qualifications of Third Class Teachers.

Candidates for certificates are required :—

1. To be able to read intelligibly and correctly any passage from any common reading book.
2. To be able to spell correctly the words of an ordinary sentence dictated by the Examiners.
3. To be able to write a plain hand.
4. To be able to work readily questions in the simple and compound rules of arithmetic, and in reduction and proportion, and to be familiar with the principles on which these rules depend.
5. To know the elements of English grammar, and to be able to parse any easy sentence in prose.
6. In regard to teachers in French or German settlements, a knowledge of the French or German grammar may be substituted for a knowledge of the English Grammar, and the certificates to the teachers expressly limited accordingly.
7. To be acquainted with the relative positions of the principal countries in the world, with the principal cities, physical features, boundaries of continents, &c.
8. To have some knowledge of school organization and the classification of pupils.

(2) Minimum Qualifications of Second Class Teachers.

Candidates for certificates as second class teachers, in addition to what is required of candidates for third class certificates, are required :

1. To be able to read with ease, intelligence, and expression, and to be familiar with the principles of reading and pronunciation.
2. To write a bold free hand, and to be acquainted with the rules of teaching writing.
3. To know fractions, vulgar and decimal, involution, evolution, and commercial and mental arithmetic, and to be familiar with the principles on which the rules depend.
4. To be acquainted with the elements of book-keeping.
5. To know the common rules of orthography, and to be able to parse any sentence in prose or poetry which may be submitted; to write grammatically, with correct spelling and punctuation, the substance of any passages which may be read, or any topics which may be suggested.

6. To be familiar with the elements of mathematical and physical geography, and the particular geography of Canada.

7. To be familiar with the outlines of general history.

(3) *Minimum Qualifications of First Class Teachers.*

Candidates for certificates as first class teachers, in addition to what is required of candidates for third and second class certificates are required :

1. To be familiar with the remaining rules of common arithmetic.

2. To be acquainted with the rules for the mensuration of superficies and solids.

3. To be familiar with the simple rules of algebra, and to be able to solve problems in simple and quadratic equations. (Colenso's.)

4. To know the first book of (Potts') Euclid.

5. To be familiar with the outlines of Canadian and English history.

6. To have some acquaintance with the elements of vegetable and animal physiology, as far as taught in the fifth book of the national readers.

7. To understand the proper organization and management of schools, and the improved methods of teaching.

8. To be acquainted with the principal Greek and Latin roots in the English language, with the prefixes and affixes; to be able to describe and exemplify the principal changes of construction.

Female candidates for first class certificates will not be examined in the subjects mentioned in the second, third, and fourth paragraphs under this head.

Originally adopted the *third day of October*, 1850, and revised by the Council on the *seventeenth day of December*, 1858.

2. General Form of Certificate of Qualification.

For Common School Teachers in Upper Canada, to be granted by County or Circuit Boards of Public Instruction, in accordance with the foregoing Programme of Examination.

This is to Certify that _____ of the _____ faith, having applied to the Board of Public Instruction for the [County, School Circuit, or United Counties] of _____ for a certificate of qualification to teach a common school, and having produced "satisfactory proof of good moral character," the Board has carefully examined [him or her] in the several branches of study enumerated in the "qualification of [first second, or third, as the case may be] class teachers," contained in the "programme" of the examination and classification of teachers of common schools, adopted by the Council of Public Instruction for Upper Canada, on the *third day of October*, 1850; and revised on the *seventeenth day of December*, 1858; and having found the said _____ well qualified to teach the several branches named therein, the Board, as authorized by the *ninety-eighth* section of the Upper Canada Consolidated Common School, Act, hereby licenses [him or her] to teach any common school in the _____ [If a first class certificate, here insert the name of the county, school circuit, united counties, or city; if a second class certificate, the name of the township; and if a third class certificate, the name of the school section in which the candidate is authorized to teach—all to be determined at the discretion of the board.]

This certificate of qualification to remain in force [for one year from

the date hereof, or until annulled according to law—the period and the class of the certificate granted, to be determined by circumstances.]

Dated this — day of —, one thousand eight hundred and sixty —.

N.B.—The ninety-ninth section of the Upper Canada Consolidated Common School Act, requires each certificate to have the signature of at least one Local Superintendent of Schools. (See page 97.) It should also be signed by the Chairman of the Board of Public Instruction.

3. Order and Classification of Studies prescribed for the Common Schools in Upper Canada, as observed in the Upper Canada Model School, Toronto.

(Adopted by the Council of Public Instruction, on the 31st day of December, 1858.)

(1) Table defining the course to be completed in the First, or Lowest, Division.

Enunciation.—To be able to enunciate clearly and distinctly the elementary sounds of the English language.

Spelling and Definition.—To be able to spell any word in the First and Second Book of Lessons, and to give the meaning in familiar terms.

Reading.—To be able to read fluently and well any passage contained in the First and Second Books of Lessons, and to know the substance of such lessons.

Writing.—To be able to form correctly and legibly all the letters of the alphabet, and combine them into simple words.

Arithmetic.—To be able to read and write any combination of not more than FIVE Arabic numerals, and the Roman numerals to the sign for 500; to know the Multiplication Table, and Tables of Money, Weights, Length, and Time; to be familiarly acquainted with Simple Addition, Subtraction Multiplication, and Division by factors.

Grammar.—To be able to point out the Nouns, Pronouns, Adjectives, Verbs, and Adverbs in any common reading lesson; to know the number, gender, and person of the nouns and pronouns.

Geography.—To know the map of the World, map of America, map of Canada, and other parts of British America.

Natural History, Object Lessons.—To have a familiar acquaintance with the habits, uses, instincts, &c., of the most important animals of each class, Other Object Lessons may be used.

Needle-work (for girls.)—Under the direction of the female teacher.

(2) Table defining the course of Study to be completed in the Second Division.

Reading.—To be able to read fluently and well any passage contained in the Sequel to the Second Book, or in the Third Book of Lessons, and to know the substance of such Reading Lessons.

Spelling and Definition.—To be able to spell and define any word contained in the Sequel and Third Books of Lessons.

Writing.—To be able to write legibly and correctly.

Arithmetic.—To be able to read and write legibly any combination of not more than TEN Arabic numerals to the left, and six to the right, of the decimal point, and the Roman numerals to the sign for 1,000; to be acquainted with the principles of Arabic and Roman Notation; to be thoroughly acquainted with the Arithmetical Tables, and to be familiar and practically acquainted with the Simple and Compound Rules, Reduction, Greatest Common Measure, Least Common Multiple, Vulgar Fractions, and Simple

Proportion, including Addition, Subtraction, Multiplication, and Division of Decimals and Decimal Currency.

Grammar.—To be thoroughly acquainted with the grammatical forms, and be able to analyse and parse any easy sentences; and, as an exercise in slate composition, to be able to write short descriptions of any natural objects.

Geography.—In addition to former limit table, to know the political and physical geography of Europe, Asia, Africa and America, and Oceanica, the different countries in each, with their capitals; and to know the position and chief cities in the states of the American Union bordering on British America, from the Pacific to the Atlantic Ocean.

History.—To have a general knowledge of the History of the World, as given in the Fifth Book.

Human Physiology.—As contained in the Fifth Book.

Needle-work (for girls)—Under the direction of the female teacher.

(3) *Table defining the course of Study to be completed in the Third Division.*

Reading.—Fourth and Fifth Books, in same manner as other books are used in lower division.

Derivation.—Reading Books and Spelling Book Superseded.

Writing.—Text, and a bold running hand.

Arithmetic.—Second Book of Arithmetic (National Series).

Grammar.—Analysis and parsing of Compound sentences in prose and verse; changes in construction, &c., composition.

Geography.—Mathematical, Physical, and Political, with map sketching on the blackboard.

Algebra.—(Colenso's) Part I.

Euclid.—First six books.

Mensuration.—Of Surfaces and Solids.

Drawing.—Linear and map.

English Literature.—Spalding.

Book-keeping.—Elements.

Human Physiology.—To possess a familiar acquaintance with the anatomy of the bones and skin, a general knowledge of the structure and uses of the muscles and organs of digestion, and to be familiar with the general principles upon which the healthy action and development of these various organs depend; circulation, respiration, nervous systems, senses, &c.

History.—General, English, and Canadian.

Singing.—Hullah's Vocal Music.

Natural Philosophy.—In the Fifth Book of Lessons.

Needle-work (for girls)—Under the direction of the female teacher.

BOYS:

*Trigonometry.

*Elements of Geology.

* ditto Zoology.

* ditto Botany.

* ditto Natural Philosophy.

GIRLS:

*Science of things familiar.

*Elements of Geology.

* ditto Zoology.

* ditto Botany.

* Domestic Economy.

REMARKS.—The list of text books prescribed for use in the Common Schools will be found on page 151.

* Extra subjects, to be taken up at the discretion of the school authori^{gion}, two, however, during the same school term.

PART V.—PROVISIONS OF THE LAW RELATING TO PUBLIC SCHOOL LIBRARIES IN UPPER CANADA.*

"Township and County Libraries are becoming the crown and glory of the Institution of the Province."—*Lord Elgin, at the Provincial Exhibition, Sept., 1854.*

It has been thought advisable to collect and arrange the general provisions of the law relating to the establishment of public school libraries. The accompanying selection has therefore been prepared for the information and guidance of all parties concerned or interested in the promotion of libraries in Townships and School Sections in Upper Canada.

1. City and Town Municipal Councils.

The *sixtieth* section of the Consolidated Common School Act of Upper Canada (page 71), provides that "The Municipal Council of each city, town, or village in Upper Canada is hereby invested, within its limits, with the same powers, and shall be subject to the same obligations as are the Municipal Council of each County and Township," [in regard to libraries, as follows] :—

2. County Municipal Councils.

The *fifty-second* section (page 67), enacts that "each county council shall raise, by assessment, such sums of money as it may judge expedient for the establishment and maintenance of a county common school library."

3. Township Municipal Councils.

The *thirty-fourth* section (page 54), enacts that township councils may levy such sums as they judge expedient, for purchasing books for a township library, under such regulations as may be provided in that behalf.

4. Trustees of Rural School Sections.

The *twenty-seventh* section (page 46), makes it the duty of Trustees * * * * (19) To appoint a Librarian, and to take such steps authorized by law as they may judge expedient, for the establishment, safe-keeping, and proper management of a school library in their section, whenever provision has been made and carried into effect for the establishment of school libraries.

5. Boards of School Trustees in Cities, Towns, and Villages.

The *seventy-ninth* section (pages 76-78), provides that "It shall be the duty of the Board of School Trustees of every city, town, and village respectively. * * *

(7) To do whatever they may judge expedient * * * for establishing and maintaining school libraries. * * *

(11) To prepare from time to time and lay before the Municipal Council of the city, town, or village, an estimate of the sums which they think requisite. * * * (e) For the establishment and maintenance of school libraries. †

(15) * * * to appoint a librarian and take charge of school library ed'aries when established.

acquaint. library Regulations, see "Library Manual." See also page 152.
acquaint. and may also raise this money themselves by a direct tax.
Common M

6. School Visitors.

The *one hundred and second* section (page 99), enacts that school visitors may devise such means as they deem expedient for promoting the establishment of libraries and the diffusion of useful knowledge.

7. Boards of Public Instruction.

The *second* clause of the *ninety-eighth* section (page 96), empowers county boards of public instruction to adopt all lawful means in their power, as they may judge expedient, to promote the establishment of school libraries, and to diffuse useful knowledge in the county or circuit.

8. Local Superintendents.

The *twelfth* clause of the *ninety-first* section, sub-clause (*f*), (page 94), enacts that it shall be the duty of each Local Superintendent to prepare and transmit to the Chief Superintendent of Education an annual report, which shall state "the number of libraries" under his superintendence; "their extent, and how established and supported."

9. Public Bodies which can Establish School Libraries.

From the foregoing extracts from the School law, it will be seen that the following Municipalities and school corporations are authorized to provide means for the establishment and support of public school libraries in Upper Canada :*

1. County, City, Town, Township, and Village Councils.
2. Boards of School Trustees in cities, towns, and villages.
3. Trustees of Rural School Sections.

10. Duties of School Authorities in regard to School Libraries.

It will also be seen from the above, that it is the official duty and privilege of Local Superintendents, School Visitors, and Boards of Public Instruction, to aid, with their counsel and advice, in the general establishment of Public Libraries throughout the country.

Where trustees neglect to comply with the library regulations in maintaining the library provided for their section by the municipality, the local superintendent is authorized to withhold the apportionment of the school-fund from their section, until the regulations are complied with. They likewise subject themselves to the additional penalties, by the *twenty-third* and *thirty-first* sections of the Consolidated Common School Act of Upper Canada. (See pages 25, 52.) The property of every public library is exempt from taxation. *One hundred per cent.* is allowed by the Chief Superintendent on all sums over *five dollars* remitted to the Department, for library books, maps, apparatus, and prize books. See page 152.

11. General Principles upon which Books have been selected for the Public Libraries.

*Extracted from the Minutes of the Council of Public Instruction,
2nd August, 1853.*

The Council of Public Instruction for Upper Canada deems it proper to state its principles of proceeding, in performing the important and responsible task of selecting books for these Public School Libraries :

1. The Council regards it as imperative, that no works of a licentious, vicious, or immoral tendency, and no works hostile to the Christian religion, should be admitted into the libraries.

* See Departmental Notices, on page. 152.

2. Nor is it, in the opinion of the Council, compatible with the objects of the public school libraries, to introduce into them controversial works on theology, or works of denominational controversy; although it would not be desirable to exclude all historical and other works in which such topics are referred to and discussed; and it is desirable to include a selection of suitable works on the evidences of natural and revealed religion.

3. In regard to books on ecclesiastical history, the Council agrees in a selection from the most approved works on either side.

4. With these exceptions, and within these limitations it is the opinion of the Council that as wide a selection as possible should be made of useful and entertaining books of permanent value, adapted to popular reading, in the various departments of human knowledge—leaving each municipality to consult its own taste and exercise its own discretion in selecting books from the general catalogue.

5. The including of any books in the general catalogue is not to be understood as the expression of any opinion by the Council in regard to any sentiments inculcated or combated in such books, but merely as an acquiescence on the part of the Council in the purchase of such books by any municipality, should it think proper to do so.

6. The general catalogue of books for public school libraries may be modified and enlarged from year to year, as circumstances may suggest, and as suitable new works of value may appear.

N. B.—No book mentioned in the general catalogue will be disposed of to any private individual, or for any other purpose than for that of public libraries in Upper Canada. The only exception which can be made is in favour of teachers and local Superintendents, to whom professional works on teaching and education may be supplied.—See * on page 130.

12. Remarks on the foregoing, by the Chief Superintendent of Education.

In addition to the recognition of these principles, the Chief Superintendent has deemed it essential, in a national system of public school libraries, to provide for the accomplishment of the following objects:

1. The prevention of the expenditure of any part of the library fund in the purchase and circulation of books having a tendency to subvert public morals or vitiate the public taste.

2. The protection of any local parties from imposition, by interested itinerant book vendors, in regard to both the prices and character of books introduced into their libraries.

3. The placing of the remotest municipalities upon an equal footing with those adjoining the metropolis, in regard to the terms and facilities of procuring books, with the single exception of their transmission—which is now becoming safe and easy to all parts of Upper Canada.

4. The selection, procuring, and rendering equally acceptable to all the school municipalities of the land, a large variety of attractive and instructive reading books, and that upon the most economical and advantageous terms.

5. The removal of restrictions upon local exertion, either as to the sums raised or the manner of raising them, whether in a school section, or township, or county, and the encouragement of such exertions, by proportioning in all cases, the amount of public aid to the amount raised by local effort.

PART VI.—PROVISIONS OF THE LAW IN REGARD TO TEXT BOOKS.

1. Summary of the Law.

A summary of the provisions of the Upper Canada Consolidated Common School Act, on this subject, is as follows :

The *one hundred and twenty-eighth* section [page 112] enacts that no person shall use any *foreign books in the English branches of education*, in any Model or Common School, without the *express permission* of the Council of Public Instruction.

The *fifteenth* clause of the *seventy-ninth* section [page 80], requires trustees in cities, towns, &c., to see that all the pupils in the schools are duly supplied with a uniform series of *authorized* text-books.

2. Unauthorized Text-Books—Penalty.

If teachers employ text-books not authorized to be used in the schools, such schools are not entitled to the school fund apportioned to them, as they are not conducted according to law; nor can any foreign book be used in a school, without such school forfeiting its right to share in the school fund. The great evil in the country schools in the State of New York, is the multiplication of text-books, according to the fancy of each teacher, or his agreement with some bookseller,—parents being called upon to buy new books as often as they get new teachers,—an evil which we have studiously guarded against in Upper Canada.

3. American Geographies.

The Council of Public Instruction has permitted the use of Morse's American Geography until one expressly prepared for Canada, after the same plan, could be provided. Such a one will be published this year, when the sanction of the Council of Public Instruction for the use of Morse's Geography will be withdrawn.

4. List of National and other School Books, sanctioned by the Council of Public Instruction for Upper Canada.

- First Book of Lessons.
- Second ditto.
- Sequel to Second Book.
- Third Book of Lessons.
- Fourth ditto.
- Fifth ditto Boys.
- Sixth, or Reading Book for Girls' School.
- Introduction to the Art of Reading.
- Spelling Book Superseded, by Prof. Sullivan.
- English Grammar.
- Key to English Grammar.
- Epitome of Geographical Knowledge.
- Compendium of ditto.
- Geography Generalized, by Professor Sullivan.
- Introduction to Geography & History, by ditto.
- Sangster's First National Arithmetic.
- Key to ditto.

Arithmetic, in Theory and Practice.
 Sangster's National Arithmetic in the Decimal Currency.
 Book-Keeping.
 Key to ditto.
 Elements of Geometry.
 Mensuration.
 Appendix to ditto.
 Scripture Lessons, Old and New Testament.
 Sacred Poetry.
 Lessons on the Truth of Christianity.
 Hodgins' Geography and History of the British Colonies.
 Lennie's English Grammar.
 Kirkham's English Grammar.
 Set, Tablet Lessons, Arithmetic.
 Ditto Spelling and Reading.
 Ditto Copy Lines.
 Also the National Maps, &c.

**PART VII.—DEPARTMENTAL NOTICES RELATING TO PUBLIC
 LIBRARY BOOKS, SCHOOL MAPS, APPARATUS,
 PRIZE BOOKS, &c., &c.**

The Chief Superintendent will add one hundred per cent. to any sum or sums, *not less than five dollars*, transmitted to the Department by Municipal or School Corporations, on behalf of Grammar and Common Schools; and forward Public Library Books, Prize Books, Maps, Apparatus, Charts, and Diagrams, to the value of the amount thus augmented, upon receiving a list of the articles required. In all cases it will be necessary for any person acting on behalf of the Municipality or Trustees, to enclose or present a written authority to do so, verified by the corporate seal of the Corporation. A selection of books, maps, or apparatus to be sent, can always be made by the Department, when so desired.

**I. Form of Application for Public Library Books, Maps,
 Apparatus, School Prize Books, &c.**

_____ [Post Office Address.]

SIR,—The [Trustees, or Board of Trustees, if in Towns, &c.] of the _____ school, being anxious to provide [Maps, Library Books, or Prize Books, &c.] for the Public Schools in the [Section, Town, or Village, &c.] hereby make application for the _____ &c., enumerated in the accompanying list, in terms of the Departmental notice relating to _____ for Public Schools. The _____ selected are *bona-fide* for _____; and the CORPORATION HEREBY PLEDGES ITSELF not to dispose of them, nor permit them to be disposed of, to any private party, or for any purpose whatsoever, but that they shall be applied solely to the purposes above specified, in the schools of the _____, in terms of the Departmental regulations granting one hundred per cent. on the present remittance.

In testimony whereof, the Corporation above-named hereto affixes its corporate seal to this application, by the hand of * ———, this ——— day of ———, 186—.

Amount remitted, \$———.

A. B. [*Corporate Seal.*]

To the Chief Superintendent of Education,
Toronto.

NOTE.—Before the order of the trustees can be supplied, it will be necessary for them to have filled up, signed, and sealed with a *proper corporate seal*, as directed, a copy of the Form of Application. On its receipt at the Education Office, the one hundred per cent. will be added to the remittance, and the order, so far as the stock in the Depository will permit, made up and despatched. Should the trustees have no proper corporate seal, the Department will, on the receipt of \$2 additional, have one engraved and sent with the articles ordered.

* * If Library or Prize Books be ordered, *in addition to Maps and Apparatus*, it will be necessary to send not less than \$5 additional for each class of books, with the proper forms of application.

☞ The one hundred per cent. will not be allowed on any amount less than \$5, which must be remitted in one sum. Text-books cannot be furnished on the terms mentioned above. They must be paid for in full at the net catalogue prices.

2. Prepayment of Postage on Books.

According to the new Postage Law, the postage on all books, printed circulars, &c., sent through the post, must be *pre-paid by the sender*, at the rate of one cent per ounce. Local Superintendents and teachers ordering books from the Educational Depository, will therefore please send such an additional sum for the payment of this postage, at the rate specified, and the new Customs duty, as may be necessary.

3. School Registers supplied through Local Superintendents

School Registers are supplied gratuitously from the Department, to Common and Separate School Trustees in cities, towns, villages, and townships, by the County Clerk, through the Local Superintendents. Application should therefore be made direct to the Local Superintendents for them, and not to the Department. Those for Grammar Schools are also to be obtained through the County Clerk.

PART VIII.—DEPARTMENT OF PUBLIC INSTRUCTION FOR UPPER CANADA.

1. Education Office.

APPOINTED.

HEAD OF THE DEPARTMENT.

1844. The Rev. EGERTON RYERSON, D.D., Chief Superintendent of Education.

Officers of the Department.

1844. John George Hodgins, LL.B., Deputy Superintendent of Education, and Assistant Editor of the *Journal of Education* for U. C.

* The Trustees of the section; Chairman and Secretary of the Board of City, Town, or Village Trustees; Mayor, or Reeve.

1854. Alexander Marling, Senior Clerk and Accountant.
 1852. Alexander Johnstone Williamson, M.D., Clerk of Correspondence.
 1856. Francis Joseph Taylor, Clerk of Statistics.
 1857. Herbert Butterworth, Assistant Clerk of Statistics.

1858. James Moore, Messenger.

Map and Library Depositories Branch.

1853. Samuel Passmore May, Clerk of Libraries.
 1856. Thomas Churchill, Assistant Clerk.
 1857. Christopher Alderson, Packer and Messenger.

2. Council of Public Instruction.

1846. Hon. Samuel Bealy Harrison, Q.C., *Chairman.* (Church of England.)
 1846. Rev. Egerton Ryerson, D.D., Chief Superintendent of Education.
 1850. Right Rev. Armand François Marie de Charbonnel, D.D., Roman Catholic Bishop of Toronto (successor to the late Bishop Power.)
 1846. Rev. Henry James Grasett, B.D., Rector of Toronto.
 1846. Hon. Joseph Curran Morrison, Q.C., Presbyterian Church of Canada.
 1846. James Scott Howard, Esq., Church of England.
 1850. Rev. John Jennings, D.D., United Presbyterian Church.
 1850. Rev. Adam Lillie, D.D., Congregational College of B. N. A.
 1857. Rev. John Barclay, D.D., Church of Scotland (successor to the late Hugh Scobie, Esq.)
 1854. Rev. John McCaul, LL.D., President of University College. *Ex-Officio member for Grammar School purposes.*
 1846. John George Hodgins, LL.B., *Recording Clerk.*

Normal School.

1847. Thomas Jaffray Robertson, M.A., Head Master.
 1858. John Herbert Sangster, Second Master.
 1858. Alexander Russell Strachan, Teacher of Book-keeping and Writing.
 1859. Alphonse Coulon, Drawing Master.
 1858. Henry Francis Sefton, Music Master.
 1852. Captain Henry Goodwin, Teacher of Gymnastics and Calisthenics.

Inspectors of Grammar Schools.

1855. Rev. Wm. Ormiston, D.D.
 1859. George R. R. Cockburn, M.A.
 1860. Rev. John Ambery, M.A.

Model Grammar School.

1858. George R. R. Cockburn, M.A., Rector.
 1858. Rev. John Ambery, M.A., First Classical Master.
 1858. Francis L. Checkley, Scholar T.C.D., First Mathematical Master
 1859. Benjamin F. Fitch, M.A., English Master.
 1858. Emile Coulon, French Master.

1852. James Ryan, Janitor and Messenger.

Boys' Model Common School.

1858. James Carlyle, Master of the School.
 1858. John Clark Disher, Second Master.
 1859. Alexander Campbell, Third Master.

Girls' Model Common School.

1852. Dorcas Clark, Mistress of the School.

1855. Henrietta Shenick, First Assistant.

1855. Helen Clark, Second Assistant.

In the Model Grammar, and Model Common Schools, Writing and Book-keeping, Drawing, Music, Gymnastics and Calisthenics are taught by the masters of these branches in the Normal School, which see.

1848. John Murphy, Janitor of Normal and Model Schools.

1855. James Forsyth, Gardener.

1856. Thomas Gray, Furnaceman.

3. Communications to the Department of Public Instruction for Upper Canada.

1. *Appeals to the Chief Superintendent of Education.*—All parties concerned in the operations of the Grammar and Common School Acts have the right of appeal to the Chief Superintendent of Education; and he is authorized to decide on such questions as are not otherwise provided for by law. But for the ends of justice,—to prevent delay and save expense,—it will be necessary for any party thus appealing: (1) To furnish the party against whom he may appeal with a correct copy of his communication to the Chief Superintendent, in order that such party may have an opportunity of transmitting any explanation or answer he may judge expedient. (2) To state expressly, in such appeal, that the opposite party has been thus notified, as it must not be supposed that the Chief Superintendent will decide, or form an opinion on any point affecting different parties, without hearing both sides—whatever delay may at any time be occasioned in order to secure such hearing. (3) Application for advice in Common School matters, should, in all cases, be first made to the Local Superintendent having jurisdiction in the Municipality.

2. The *Journal of Education* having been constituted by His Excellency the Governor General in Council, the Official medium of communicating all Departmental intelligence and information, parties should refer to its pages on matters relating to the apportionment, blank reports, Depository, Normal School, etc.

3. *Communications generally.*—The parties concerned are left to their own discretion as to the forms of all communications relating to schools for which specific instructions are not furnished by the Department; but they are requested to use large sized, or foolscap paper. In all communications, however, the number of the *School Section* and the name of the *Township and Post Office*, with the *Official Title* of the writer, should be given: the numbers also, and dates of any previous correspondence on the same subject. As all letters are answered in the order of their receipt, parties writing should give ample time for consideration and reply by the Department.

4. *Communications with the Government relating to Schools*, should be made through the Educational Department, Toronto; as all such communications not so made, are referred to the Chief Superintendent of Education, to be brought before His Excellency through the proper Department—which occasions unnecessary delay and expense.

5. *Postage Regulations in regard to Grammar and Common School Returns.*—All official returns which are required by law to be forwarded

to the Chief Superintendent, or a Local Superintendent, and which are made upon the printed blank forms furnished by the Educational Department, *must be pre-paid*, at the rate of one cent, and be open to inspection, so as to entitle them to pass through the post as printed papers. No letters should be enclosed with such returns. A neglect to observe this regulation has repeatedly subjected this Department to an unnecessary charge of *fourteen and twenty-one* cents on each package, including the post-office fine for non-payment.

6. *Communications relating to the Journal of Education; to the Educational Depository; to Public Libraries; to the Superannuated Teachers' Fund*, should be written on *separate sheets* from letters of appeal, or on legal questions, in order that they may be separated and classified.

4. Documents furnished Annually by the Educational Department to the School Officers of Upper Canada.

The following are furnished gratuitously by the Educational Department of Upper Canada to various school officers, viz.:

1. The *Journal of Education for Upper Canada* is sent monthly to each of the Trustee Corporations in the rural school sections; to the Boards of Grammar and Common School Trustees; to the Local Superintendents; to the Trustees of each of the Separate Schools, and to each County Clerk and Treasurer, Exchanges, &c., &c. Total 4,500 copies.

The *Journal* has been constituted the official medium of communicating all Departmental intelligence. (See page 45.) It is regularly sent by the publisher, about the first of each month, to the official address of the parties above enumerated. Should they fail in any case to receive it, immediate notification of the fact should be sent to the Education Office. Missing numbers can generally be supplied. To the public the price is \$1 per annum—payable in advance. Back volumes, since 1848 (the first year of its existence) can be furnished on the same terms.

2. *The School Registers*, for recording the attendance, recitations, and department of pupils, are furnished to each of the Grammar and Common Schools, and to the Separate Schools in Upper Canada. Total about 4,000 copies. The Registers are sent annually to the County Clerks, for gratuitous distribution, through the Local Superintendents.—See page 82.

3. *The Trustees' Half-yearly Reports* are sent every six months, through the Local Superintendents, to the Trustees of each School Section. (See page 47.) Those for the Grammar Schools and Roman Catholic Separate Schools, are sent direct from the Department. Total sent out annually, 7,500 copies.

4. *The Trustees' Blank Annual Reports* are annually sent through the Local Superintendents, to each of the Trustee Corporations in the rural school sections. (See page 48.) Total about 4,000 copies.

5. *The Blank Annual Reports*, from which the General Annual Report of the Department is compiled, is sent to the Local Superintendents and Boards of Common School Trustees and Boards of Grammar School Trustees. Total number sent out annually, 600 copies.—See pages 81, 93.

6. *Auditors, Treasurers, and Sub-Treasurers' Returns* are sent to about 450 of these officers, to be filled up and returned.

7. *The Chief Superintendent's Annual Report* to His Excellency the Governor General, printed by order of the House of Assembly, is also sent to each of the rural Trustee Corporations; to Boards of Common School Trustees, in Cities, Towns and Villages; to Boards of Grammar

School Trustees; to Boards of Public Instruction; to Local Superintendents; and to Separate School Trustees, besides copies to other parties. Total number sent out annually, about 4,500.

8. *Various Forms*.—Forms are also sent, from time to time, to Superannuated Teachers, Trustees (for Maps, Prizes, &c.), Normal School Students, &c. About 800 copies.

5. Letters received and sent out by the Department.

	1852.	1853.	1854.	1855.	1856.	1857.	1858.	1859.	1860.
No. of letters received.	2996	4015	4920	5338	5739	6294	6431	6468	7121
Average No. per week...	57	77	95	102	110	121	124	125	137
No. of letters sent out..	1430	1936	2581	3764	3966	3542	4627	5823	6015
Average No. per week..	27	37	50	72	77	68	88	112	116

Recapitulation.—Total number of copies prepared, or printed, and sent out annually from the Educational Department for Upper Canada;

	Copies.		Copies.
1. Journal of Education..	4,500	7. Chief Superintendent's Report	4,500
2. School Registers.....	4,000	8. Various Forms, about	800
3. Trustees' Blank Half-yearly Reports.....	7,500	9. Letters, &c., sent and received	13,140
4. Trustees' Blank Annual Reports	4,000	10. Circulars, about	800
5. Local Superintendents' Blank Annual Reports.	600		
6. Auditors' & Treasurers' Blank Returns.....	450	Grand Total per year	40,290

PART IX.—THE EDUCATIONAL MUSEUM FOR UPPER CANADA.

1. Rules for the Admission of Visitors to the Educational Museum, Toronto.

I. The Museum is open daily for Exhibition, Sundays and Holidays excepted, from 9 A.M. until 5 P.M.

II. All persons are freely admitted, upon registering their names in the Visitors' Book at the Education Office.

III. Sticks and Umbrellas to be left in the Visitors' room.

2. Character and Objects of the Museum.

1. This Educational Museum is founded after the example of what is being done by the Imperial Government as a part of the system of popular education—regarding the indirect, as scarcely secondary to the direct, means of training the minds and forming the taste and character of the people. It consists of a collection of school apparatus for Common and Grammar Schools, of Models of Agricultural and other implements, of specimens of the Natural History of the Country, Casts of Antique and

Modern Statues and Busts, &c., selected from the principal Museums of Europe, including busts of some of the most celebrated characters in English and French History; also copies of some of the works of the great Masters of the Dutch, Flemish, Spanish, and especially of the Italian Schools of Painting. These objects of art are *labelled*, for the information of those who are not familiar with the originals, and a descriptive historical catalogue of them can be purchased at the Museum. In the evidence given before the Select Committee of the British House of Commons, it is justly stated that, "the object of a National Gallery is to improve the public taste, and to afford a more refined description of enjoyment to the mass of the people;" and the opinion is at the same time strongly expressed, that as "people of taste going to Italy constantly bring home beautiful modern copies of beautiful originals," it is desirable, even in England, that those who have not the opportunity or means of travelling abroad, should be enabled to see, in the form of an accurate copy, some of the celebrated works of Raffaele and other great Masters; an object no less desirable in Canada than in England. What has been thus far done in this branch of public instruction, is in part the result of a small annual sum which, by the liberality of the Legislature, has been placed at the disposal of the Chief Superintendent of Education, out of the Upper Canada share of the School Grants, for the purpose of improving school architecture and appliances, and to promote arts, science and literature by means of models, objects and publications, collected in a museum in connection with this Department.

3. Principal Contents of the Museum.

2. The Museum contains a large selection of objects of art, models, &c. arranged under the following heads, as detailed in the Report of 1856 page 246 :

I. SCULPTURE :

1. Antiques.
2. Modern.
3. Architectural.

II. PAINTINGS :

1. Italian School.
2. Flemish School.
3. Dutch School.
4. Miscellaneous Dutch and Flemish.
5. German School.
6. French School.
7. Spanish School.

III. ENGRAVINGS :

1. On Steel and Copper.
2. Lithographs.

IV. WORKS ILLUSTRATING THE HISTORY OF ART, &c. :

1. In French and Italian.
2. In English.

V. OTHER OBJECTS OF INTEREST :

1. Illustrations of Mediæval History, Figures in Armour, Weapons, &c.
2. Maps and Plans in Relief.
3. Specimens of Natural History.
4. Geological Specimens.
5. Models of Agricultural Implements.
6. Philosophical Models and School Apparatus.

PART X.—NORMAL SCHOOL FOR UPPER CANADA.

1. APPLICATION FOR ADMISSION TO THE NORMAL SCHOOL, TORONTO.

Register, No. — of the — Session 18—.

TORONTO, — DATE.

SIR,

I wish respectfully to apply to you for admission to the Normal School for Upper Canada, in accordance with the accompanying Terms of Admission prescribed by the Council of Public Instruction, and to present herewith a certificate of Moral Character, from the Reverend — a Clergyman of the — Church, dated the — day of —, 18—.

I have to state that :—1. I am — years of age.

2. I reside in the — of — County of —.

3. I was born in —.

4. I have resided — years in Upper Canada.

5. I am connected as a member or hearer with the — Church.

6. I have been a School Teacher for — years.

7. I hold a — class Certificate of Qualification from the County Board of Public Instruction for —.

8. My last place of teaching was in School Section No. —, Township of —.

9. I attended the Normal School during the — Session, ending — 18—, and obtained a — class Provincial Certificate, No. —.

I have also to state, that it is my intention to devote myself to the profession of School Teaching, and that my object in coming to the Normal School is to qualify myself better for the important duties of that profession.

If admitted to the Normal School, it will be my study to observe the Rules and Regulations of the Institution,—to be diligent in the performance of my duties,—and, at the end of the Session, to return each of the books granted for my use during the Session. Should I leave the Normal School before the expiration of the Session, I hereby engage to return these books in good order.

I have the honour to be,

Sir,

Your very obedient servant,

SIGN THE NAME IN FULL HERE.

To
The Chief Superintendent of Education,
Education Office,
Toronto.

The applicant will be very particular to fill up *all* the blanks in this application, either affirmatively or negatively; but not to fill up the blanks on the back of the sheet, or to make any entries thereon. The application is to be presented in person at the opening of the Session.

2. TERMS OF ADMISSION INTO THE NORMAL SCHOOL, TORONTO.

Adopted by the Council of Public Instruction for Upper Canada, on the 23rd of July, 1851, and revised on the 24th of August, 1853, and the 18th of July, 1860.

THE COUNCIL OF PUBLIC INSTRUCTION, anxious to adopt such measures as appear best calculated to render the training of the Normal School as thorough as possible, and to diffuse its advantages over every county in Upper Canada as equally

and as widely as possible, adopts the following regulations in regard to the duration of the future Sessions of the Normal School, and the mode and terms of admitting and facilitating the attendance of students at that Institution.

ORDERED, I. That the semi-annual Sessions of the Normal School shall be held as follows: (1) The Winter Session shall commence on the 8th day of January and close on the 22nd day of June. (2) The Autumn Session shall commence on the 8th day of August and close on the 22nd day of December of each year; [and if those days fall upon Sunday, the day following,] each Session to be concluded by an examination conducted by means of written questions and answers, and followed by a vacation as prescribed.

II. That no male student shall be admitted under eighteen years of age, nor a female student under the age of sixteen years. (1) Those admitted must produce a certificate of good moral character, dated within at least three months of its presentation, and signed by the clergyman or minister of the religious persuasion with which they are connected; (2) They must be able, for entrance into the Junior Division, to read with ease and fluency; parse a common prose sentence, according to any recognized authority; write legibly, readily and correctly; give the definitions of Geography; have a general knowledge of the relative positions of the principal countries, with their capitals; the oceans, seas, rivers, and islands of the world; be acquainted with the fundamental rules of arithmetic, common or vulgar fractions, and simple proportion. They must sign a declaration of their intention to devote themselves to the profession of School-teaching, and state that their object in coming to the Normal School is to qualify themselves better for the important duties of that profession.

III. That upon these conditions, candidates for school-teaching shall be admitted to the advantages of the Institution without any charge, either for tuition, the use of the Library, or for the books which they may be required to use in the School.

IV. That the Teachers in training shall board and lodge in the city, in such houses and under such regulations as are approved of by the Council of Public Instruction.

V. That a sum at the rate of *one dollar* per week (payable at the end of the Session) shall be allowed to each Teacher in-training, who, at the end of the *first or second Session*, shall be entitled to either a *first or second class Provincial Certificate*; but no Teacher in-training shall be entitled to receive aid for a period exceeding *one Session*; and no resident of the City of Toronto shall be entitled to receive aid.

VI. That all candidates for admission into the Normal School must present themselves during the *first week* of the Session, otherwise they cannot be admitted; and their continuance in the School is conditional upon their diligence, progress, and observance of the General Regulations prescribed by this Council.

VII. That all communications be addressed to the Reverend Dr. RYERSON, Chief Superintendent of Education, Toronto.

By order of the Council of Public Instruction for Upper Canada.

EDUCATION OFFICE,

Toronto, January, 1861.

N. B.—Board and Lodging, for Students, may be obtained, at Houses approved by the Council of Public Instruction, at from \$2.00 to \$3.50 per week.

S. PROGRAMME OF THE ENTRANCE EXAMINATION AND COURSE OF STUDY IN THE NORMAL SCHOOL FOR UPPER CANADA.
(Approved by the Council of Public Instruction, on the 24th day of August, 1858.)

SUBJECTS.	FOR ENTRANCE INTO JUNIOR DIVISION.	FOR SECOND CLASS CERTIFICATE IN JUNIOR DIVISION, OR FOR ENTRANCE TO SENIOR DIVISION.	FOR ORDINARY FIRST CLASS CERTIFICATE IN SENIOR DIVISION.
ENGLISH	Read with ease and fluency. Parse a common prose sentence according to any recognized authority.	Read prose with correct emphasis, intelligence, and inflexion of voice. Rules of Spelling (spelling-book superseded). General principles of the philosophy of Grammar. Analyse and parse any prose sentence. Principal Greek and Latin Roots, Prefixes and Aliques. Prose Composition on any simple subject, with correct punctuation, &c.	Read Poetry and Oratorical Addresses with fluency and expression—Principles of Reading—Science of Languages—General Grammar—Analysis and Parsing of Sentences in Prose and Verse—Changes of construction. Structure of Propositions and Sentences. Etymology—Changes effected in Roots. Correct letter-writing, as regards Composition and mechanical arrangement. History of the Origin and Literature of the English Language.
WRITING	Write legibly, and readily, and correctly.	To write a bold rapid running hand.	
GEOGRAPHY	The definitions—General knowledge of the relative positions of the principal countries, with their capitals—the oceans, seas, rivers, and islands of the world.	The relative positions of all the countries of the world, with their principal cities and physical features; the Islands; Hodgins' Geography of Canada; Mathematical and Physical Geography, as taught in Sullivan's "Geography Generalized."	Use of the Globes—(Keith)—Geography of England, Ireland, Scotland, and the United States—British Colonies (Hodgins)—Rudiments of Physical Geography—(Somerville)—Structure of the Crust of the Earth.
HISTORY	None	General History of the World, from the Creation to the present time, as sketched in 3th book of lessons. Chronological Chart.	Histories of England and Canada. Philosophy of History.

PROGRAMME OF ENTRANCE EXAMINATION, ETC.—(Continued.)

SUBJECTS.	FOR ENTRANCE INTO JUNIOR DIVISION.	FOR SECOND CLASS CERTIFICATE IN JUNIOR DIVISION, OR FOR ENTRANCE TO SENIOR DIVISION.	FOR ORDINARY FIRST CLASS CERTIFICATE IN SENIOR DIVISION.
EDUCATION AND THE ART OF TEACHING.	None	The general principles of the science of Education—General plan of School organization—Practice of teaching as exemplified in <i>Junior</i> divisions of the Model School.	The science of Education applied to the Teaching of Common Schools—Methods of teaching the different branches—Practice thereof with <i>Senior</i> division, Model School—Organization of Central Schools—Dimensions and structure of School-houses—Furniture and Apparatus.
* MUSIC	None	Hullah's System.	Hullah's System.
DRAWING	None	None.	Facility in making perspective outline sketches of common objects.
BOOK-KEEPING..	None	The Rudiments.	Single and Double Entry.
* ARITHMETIC AND MENSURATION..	Fundamental Rules, Vulgar Fractions, and Simple Proportion.	Notation, Numeration, Fundamental Rules in different scales of Notation, Greatest Common Measure, Least Common Multiple, Prime Numbers, Fractions, (Vulgar and Decimal), Proportion (Simple and Compound), Practice (Simple and including Simple Interest, Percentage (including Square and Cube Roots, Brokerage, &c.), Mensuration of Surfaces, and Mental Arithmetic.	Review past subjects of Junior Division—Discount, Fellowship, Barter, Equation of Payments, Profit and Loss, Alligation, Compound Interest, Annuities, Position, Progression, Logarithms and Applications, Intellectual Arithmetic, Mensuration of Surfaces and Solids.

* Not required of those who are naturally disqualified.

PROGRAMME OF ENTRANCE EXAMINATION, ETC.—(Continued.)

SUBJECTS.	FOR ENTRANCE INTO JUNIOR DIVISION.	FOR SECOND CLASS CERTIFICATE IN JUNIOR DIVISION, OR FOR ENTRANCE TO SENIOR DIVISION.	FOR ORDINARY FIRST CLASS CERTIFICATE IN SENIOR DIVISION.
ALGEBRA	None	Definitions, Addition, Subtraction, Multiplication and Division. Use of Brackets, Decomposition of Trinomials, Resolution into Factors, Involution, Square of Multinomials, Expansion of $(a+b)^n$, Evolution, Greatest Common Measure, Least Common Multiple, Fractions, Interpretation of Symbols $0, \frac{0}{0}, \frac{a}{0}, \infty$, and $=$, Simple Equations.	Review past subjects of Junior Division, Indices, Surds, Quadratic Equations, Indeterminate Equations, Arithmetical, Geometrical and Harmonical Progression, Ratio, Proportion, Variation, Permutations, Combinations, Binomial Theorem, Notation, Decimals, Interest, &c., Properties of Numbers, Continued Fractions, Exponential Theorem, Logarithms, Algebraic Series, Cubic and Biquadratic Equations.
EUCLID	None	Books I and II with Exercises (Potts).	Books III, IV, VI and Definitions of Book V. Exercises on Six Books (Potts).
NATURAL PHILOSOPHY.	None	Properties of Matter, Statics, Hydrostatics, Dynamics, and Hydrodynamics, Human Physiology.	Heat, Light, Electricity, Galvanism, Magnetism, Optics and Acoustics, Vegetable Physiology, General View of Geology.
CHEMISTRY	None	None.	Constitution of Matter, Chemical Nomenclature, Symbols, Laws of Combination, Chemical Affinity, Crystallization, Oxygen, Hydrogen, Nitrogen, Carbon, Sulphur, Phosphorus, Chlorine, Calcium, Aluminium, Silicon, Potassium, Sodium, Iodine, Magnesium, Magnesium, Iron, Lead, Fluorine and their principal compounds, Nature of Soils, Of Organic Bodies, Germination of the Seed, Development of the Plant, Source of Carbon, Hydrogen and Nitrogen, &c., in Plants, Products of Vegetable growth, Woody Fibre, Gum, Starch, Sugar, Gluten, &c., Cultivation of Plants, Composition and Formation of Soils, Mineral Constituents of Plants, Action of Manures, &c.

4. ADDITIONAL QUALIFICATIONS FOR HONOUR FIRST CLASS PROVINCIAL CERTIFICATE.

- I. Each candidate to have held an ordinary First Class Certificate for one year.
- II. To give evidence of having been a successful teacher.
- III. To stand an examination in the following subjects, in addition to those necessary for an ordinary First Class Certificate, viz. :—

1. English History and Literature.
2. Canadian History and Geography.
3. Outlines of Ancient and Modern History and Geography.
4. Latin Grammar; and Books IV. V. and VI. of Cæsar's Commentaries.
5. Outlines of Geology and Astronomy.
6. Science of Teaching, School Organization, Management, &c.
7. Logic, and Mental and Moral Philosophy (Whately and Stewart.)
8. Algebra—General Theory of Equations, Imaginary Quantities.
9. Euclid—Books XI. and XII.
10. Trigonometry, as far as Solution of Plane Triangles (Colenso.)
11. Inorganic Chemistry (Gregory's Hand-book.)
12. The principles of Book-Keeping, Music, and Drawing.

Education Office,

Toronto, September, 1858.

5. LIST OF TEXT-BOOKS USED IN THE NORMAL SCHOOL FOR UPPER CANADA.

(The use of which is gratuitously allowed to Teachers in Training during their attendance at the School.)

First Book of Lessons.
 Second Book of Lessons.
 Third Book of Lessons.
 Fourth Book of Lessons.
 Fifth Book of Lessons.
 Spelling Book Superseded.
 Robertson's Principles of Language.
 Art of Reading.
 Hodgins' Geography and History of
 the British Colonies.

Geography Generalized.
 Sangster's National Arithmetic.
 National Book-Keeping.
 National Mensuration.
 Euclid (Potts').
 Algebra (Colenso's.)
 Hullah's Manual of Music.
 A Slate.
 One Note Book
 One Writing Book } Not to be returned.

PART XI.—FORMS AND REGULATIONS FOR SUPERANNUATED COMMON SCHOOL TEACHERS.

Special Notice to Common School Teachers.

(1) Public notice is hereby given to all Teachers of Common Schools in Upper Canada who may wish to avail themselves at any future time of the advantages of the Superannuated Common School Teachers' Fund, that it will be necessary for them to transmit to the Chief Superintendent, without delay, if they have not already done so, their annual subscriptions of *four dollars*, commencing with 1854. The law authorizing the establishment of this fund, provides—“*That no teacher shall be entitled to share in the said fund unless he has contributed to such fund the sum of four dollars or more per annum.*”

The following are the Regulations adopted by the Council of Public Instruction for Upper Canada, pursuant to the provisions of the law, on the 28th day of April, 1854 :

(2) Every teacher engaged in teaching since 1854, in order to be entitled, when he shall have become superannuated, to share in this fund, must contribute towards

it at the rate of *one pound per annum*; and no teacher now engaged in teaching shall be entitled to share in this fund who shall not thus contribute to it annually. But the amount of the annual subscriptions for the years during which such teacher may have taught before the *first day of January, 1854*, and for which he may hereafter claim as a superannuated teacher, may be deducted from the first year's pension to which such teacher may be entitled.

(3) Should any teacher, having a wife and children, subscribe to this fund, and die without deriving any benefit from it, the amount of his subscriptions, and whatever may accumulate thereon, shall be paid to his widow or children, as soon as satisfactory proofs of his decease, and the relationship of the claimant or claimants to him, shall have been adduced.

(4) No teacher shall be eligible to receive a pension from this fund who shall not have been disabled from further service while teaching a Common School, or who shall not have been worn out in the work of a Common School Teacher.

(5) All applications, according to the prescribed form, accompanied by the requisite certificate and proofs, must be made before the *first of April*, in order to entitle the applicants to share in the fund for such year.

(6) In case the fund shall at any time not be sufficient to pay the several claimants the highest sum permitted by law, the fund shall be equitably divided among the several claimants, according to their respective periods of service.

(7) The amounts of all subscriptions to this fund, and of any unexpended balances of Legislative Grants made to it, shall be invested, from time to time, under the direction of this Council; and the interest accruing thereon shall be expended in aid of Superannuated Teachers of Common Schools in Upper Canada, according to these regulations. All annual subscriptions to this fund must be made before the end of the year for which they are intended; and all—

(8) Communications and Subscriptions in connection with this fund, must be made to the Chief Superintendent of Education for Upper Canada. (Subscriptions to be sent in as early in the year as possible.)

Approved by His Excellency the Administrator of the Governor in Council, as notified to the Chief Superintendent of Education, 20th May, 1854.

REMARKS.—No certificate in favour of an applicant should be signed by any teacher already admitted as a pensioner on the fund: in all cases they should be signed by a clergyman and other official persons. The forms, when properly filled up and signed, must be returned to the Department, accompanied by certificates from Ministers or other official persons known to the Department. These certificates must furnish satisfactory proof (1) of good moral character; (2) of sober, steady habits; and (3) of the number of years of service for which a pension is claimed. These conditions must be strictly complied with, otherwise the application cannot be entertained. The Council meets to consider all applications in *July* and *December* only of each year. As soon, therefore, as each case is decided, due notice will be sent to the applicants, without further application on their part.

The necessary forms can be obtained from the Department.

ANALYTICAL INDEX

TO THE

UPPER CANADA

Consolidated Common School Act,

(Including the Amendment Act of 1866.)

AND THE

FORMS AND REGULATIONS.

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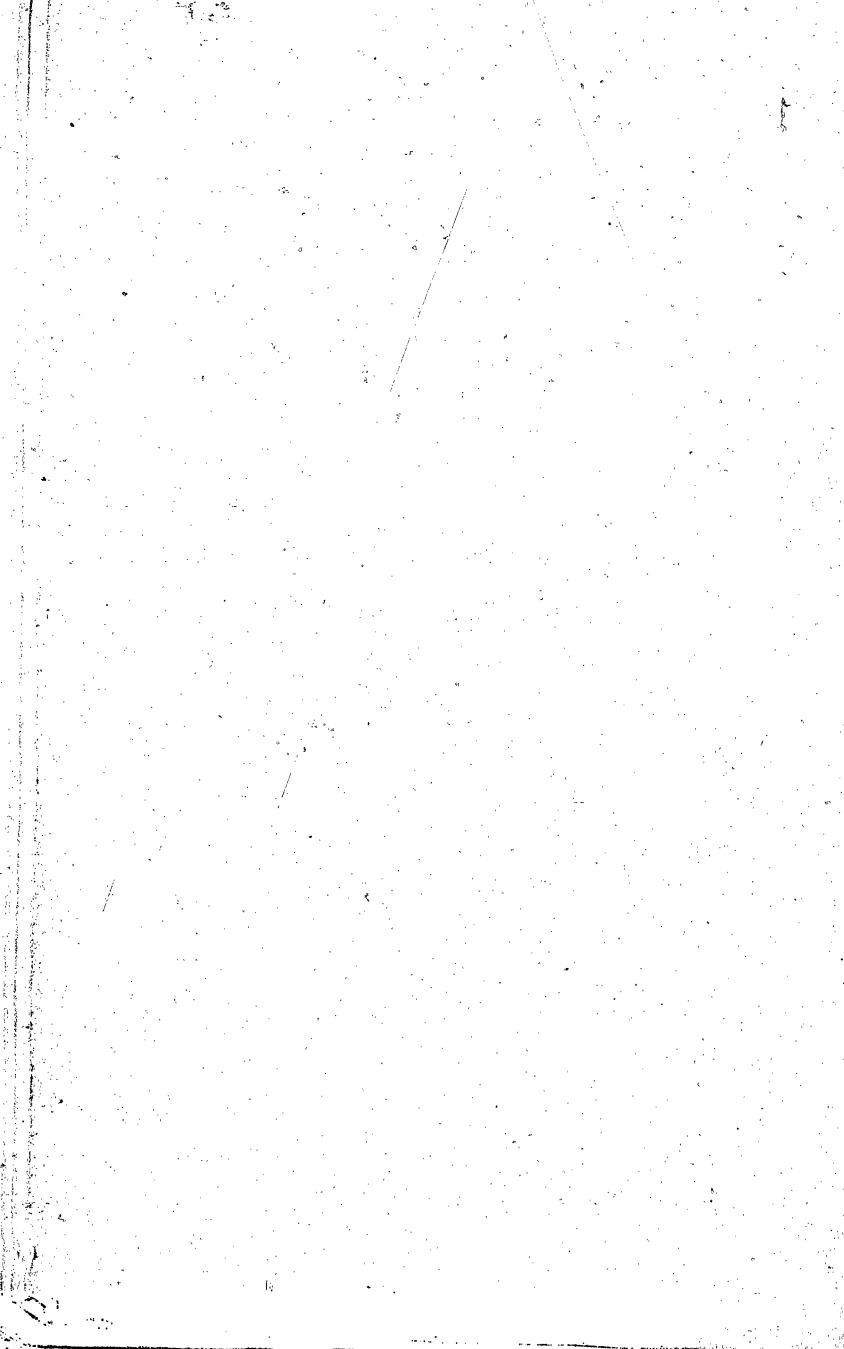
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DEPARTMENTAL NOTICES

RELATING TO

Public Library Books, School Maps, Apparatus, Prize Books.

The Chief Superintendent will add *one hundred per cent.* to sums, *not less than four dollars*, transmitted to the Departmental and School Corporations, on behalf of Grammar and Commercial and forward Public Library Books, Prize Books, Maps, Apparatus, and Diagrams to the value of the amount thus augmented, upon receiving a list of the articles required. In all cases it will be necessary for any person acting on behalf of the Municipal or Trustee Corporation, to enclose or present a written authority to do so, verified by the corporate seal of the Corporation. A selection of articles to be sent can always be made by the Department, when so desired.

Form of Application for Public Library Books, Maps, Apparatus, School Prize Books, &c.

[Insert Post Office Address here.]

SIR,—The [Trustees, or Board of Trustees if in Towns, &c.] of the _____ School, being anxious to provide [Maps, Library Books, or Prize Books, &c.] for the Public Schools in the [Section, Town, or Village, &c.] hereby make application for the _____, &c., enumerated in the accompanying list, in terms of the Departmental Notice relating to _____ for Public Schools. The _____ selected are *bona fide* for _____; and the CORPORATION HEREBY PLEDGES ITSELF not to give or dispose of them, nor permit them to be disposed of, to the teacher or to any private party, OR FOR ANY PRIVATE PURPOSE WHATSOEVER, but that they shall be applied solely to the purpose above specified in the Schools of the _____, in terms of the Departmental Regulations granting one hundred per cent. on the present remittance. The parcel is to be sent to the _____ Station of the _____ Railway.

IN TESTIMONY WHEREOF, the Corporation above-named, hereto affixes its corporate seal to this application, by the hand of _____, this _____ day of _____, 186-.

Amount remitted, \$ _____.

} Corporate Seal
to be
placed here.

To the Chief Superintendent of Education,
Toronto.

NOTE.—Before the Trustees can be supplied, it will be necessary for them to have filled up, signed, and sealed WITH A PROPER CORPORATE SEAL, as directed, a copy of the foregoing Form of Application. On its receipt at the Education Office, the *one hundred per cent.* will be added to the remittance, and the order, so far as the stock in the Depository will permit, made up and despatched. Should the Trustees have no proper corporate seal, the Department will, on the receipt of *two dollars* additional, have one engraved and sent with the articles ordered.

If Library and Prize Books be ordered, in ADDITION to Maps and Apparatus, it will BE NECESSARY TO SEND NOT LESS THAN *five dollars additional* for each class of books, &c., with the proper forms of application for each class.

⚡ The *one hundred per cent.* will not be allowed on any sum less than *five dollars*. Text-books cannot be furnished on the terms mentioned above: they must be paid for in full, at the net catalogue prices.

* The Trustees of the Section; Chairman and Secretary of the Board of City, Town, or Village Trustees; Warden, Mayor or Reeve.