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BILL.

An Act for the Better Establishment and
Maintenance of Common Schools in
Upper Canada.

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BILL.

An Act for the Better Establishment and Maintenance of Common Schools in Upper Canada.

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1 **W**HEREAS it is expedient to make provision for the better establishment and maintenance of Common Schools in the several Villages, Towns, Cities, Townships and Counties of Upper Canada: Be it therefore enacted, &c.,

Preamble.

And it is hereby enacted by the authority of the same, that the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act for the better establishment and maintenance of Public Schools in Upper Canada, and for repealing the present School Act*, shall be and is hereby repealed: Provided always, that all school sections or other school divisions, together with all elections and appointments to office, all agreements, contracts, assessments and rate-bills, made under the authority of said Act, or of any preceding Act, and not annulled by the said Act, shall be valid and in full force and binding upon all parties concerned, as if made under the authority of this Act, and until altered, modified or superseded according to the provisions of the same.

Act 12 Vic. cap. 83 repealed.

All School divisions, elections, appointments, contracts, &c., confirmed.

I. Election and Duties of School Trustees.

II. And be it enacted, That the annual meetings for the elections School Trustees, as hereinafter provided by this Act, shall be held in all the Villages, Towns, Cities and Townships of Upper Canada, on the second Tuesday in January in each year, commencing at the hour of Ten of the clock in the forenoon.

Annual School meetings to be held throughout U. C. on the second Tuesday in January, at 10 o'clock A. M.

III. And be it enacted, That in all school divisions (except in Cities, Towns and incorporated Villages,) which have been established according to law, and which have been called "School sections," and in which there shall be three Trustees in office at the

One Trustee in each School section to be elected at each annual School meeting.

Proviso :
Same individual may be re-elected, but not without his consent for four years.

Mode of calling the first School meeting in a new School section.

Mode of proceeding at the first meeting in a new School section.

Election of Chairman and Secretary.

Duty of the Secretary.

Duty of the Chairman.

A poll to be granted at the request of any two electors.

Three Trustees to be elected.

Order of retiring from office.

Proviso : copy of proceedings to be transmitted to the local superintendent of Schools.

Proceedings and duties of annual School section meetings.

Election and duties of Chairman and Secretary.

To receive and decide upon the annual financial report of the Trustees.

time this Act shall come into force, one Trustee shall be elected to office at each ensuing annual school meeting in place of the one who shall have been three years in office : Provided always, that the same individual, if willing, may be re-elected : And provided also, that no School Trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

IV. And be it enacted, That whenever any school section shall be formed in any Township, as provided in the eighteenth section of this Act, the Clerk of the Township shall communicate to the person appointed to call the first school meeting for the election of Trustees, the description and number of such school section ; and such person shall, within twenty days thereafter, 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 such school section, at least six days before the time of holding such meeting.

V. And be it enacted, That at every such first school section meeting, the majority of the resident householders of such school section present, shall elect one of their own number to preside over the proceedings of such meeting, and shall also appoint a Secretary whose duty it shall be to record all the proceedings of such meeting ; and the Chairman of such meeting shall decide all questions of order subject to an appeal to the meeting, and shall give the casting vote in case of an equality of votes, and no other, and shall take the votes in such manner as shall be desired by the majority of the electors present, and shall, at the request of any two electors, grant a poll for recording the names of the voters by the Secretary : and it shall be the duty of the electors present at such meeting or a majority of them, to elect from the householders resident in such section, three Trustees, who shall respectively continue in office as follows ; the last person elected shall continue in office until the next ensuing annual school meeting in such section, and until his successor is elected ; the second person elected, one year, and the first person elected, two years, from such next ensuing annual school meeting, and until their successors are elected respectively : Provided always, that a correct copy of the proceedings of such first school section meeting, and of every annual school section meeting, signed by the Chairman and Secretary, shall be forthwith transmitted by the Secretary to the local Superintendent of Schools.

VI. And be it enacted, That at every annual school section meeting in any Township as authorised and required to be held by the second section of this Act, it shall be the duty of the resident householders of such section, present at such meeting, or a majority of them,—

Firstly. To elect a Chairman and Secretary who shall perform the duties required of the Chairman and Secretary by the fifth section of this Act.

Secondly. To receive and decide upon the report of the Trustees, as authorized and provided for by the eighteenth clause of the twelfth section of this Act.

Thirdly. To elect one or more persons as Trustee or Trustees, to fill up the vacancy or vacancies in the Trustee Corporation according to law: Provided always, that no Teacher in such section shall hold the office of School Trustee.

To elect one or more Trustees.

Fourthly. To decide upon the manner in which the salary of the Teacher or Teachers, and all the expenses connected with the operations of the School or Schools, shall be provided for.

To decide upon the manner of providing for the expenses of the School.

VII. And be it enacted, That if any person offering to vote at an annual or other school section meeting, shall be challenged as unqualified by any legal voter in such section, the Chairman presiding at such meeting shall require the person so offering, to make the following declaration:—"I do declare and affirm that I am a resident householder in this school section, and that I am legally qualified to vote at this meeting." And every person making such declaration, shall be permitted to vote on all questions proposed at such meeting; but if any person shall refuse to make such declaration, his vote shall be rejected: Provided always, that every person who shall wilfully make a false declaration of his right to vote, shall be deemed guilty of a misdemeanor, and punishable by fine or imprisonment at the discretion of the Court, or by a penalty of not less than *one pound five shillings*, or more than *two pounds ten shillings*, to be sued for and recovered by the Trustees of the school section for its use, before any Justice of the Peace, having jurisdiction within such School Section.

Mode of challenging voters at School meetings.

Declaration required.

Proviso: Penalty for making a false declaration and for voting illegally.

Mode of recovering such penalty and its application.

VIII. And be it enacted, That if any person chosen as Trustee, shall refuse to serve, he shall forfeit the sum of *one pound five shillings*; and every person so chosen, and not having refused to accept, who shall at any time refuse or neglect to perform the duties of his office, shall forfeit the sum of *five pounds*; which sum or sums may be sued for and recovered by the Trustees of the school section for its use, before any such Justice of the Peace: Provided always, that any person chosen as Trustee may resign with the consent of his colleagues in office and of the Local Superintendent, expressed in writing.

Penalty of refusing to serve as school Trustee.

Proviso: Mode and conditions of resigning the office of Trustee.

IX. And be it enacted, That in case no annual or other school section meeting be held for want of the proper notice, the Trustees or other person whose duty it was to give such notice, shall respectively and individually forfeit the sum of *one pound five shillings*, to be sued for and recovered for the purposes of such school section, on the commission meeting, as hereinbefore authorized by this Act, for want of the proper notice, then any two resident householders in such section, plaintiff of any resident in such section, before any such Justice of the Peace: Provided always, that in the default of the holding of any school are hereby authorized, within twenty days after the time at which such meeting should have been held, to call such 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 power, and perform all the duties of the meeting in the place of which it shall have been called.

Penalty for not giving due notice of annual School meeting.

Mode of recovering and applying such penalty.

Mode of calling a School meeting in default of the annual meeting not being called.

Duties and powers of such meeting.

Trustees to be
a Corporation.

X. And be it enacted, That the Trustees in each school section shall be a Corporation, under the name of "the Trustees of School 2

Section number in the Township of " ; Provided 4
in the County of

Proviso: such
Corporation
not to cease for
want of
Trustees.
Mode of elect-
ing new
Trustees, if
necessary.

always, that no such Corporation of any school section shall cease 4
by reason of the want of Trustees, but in case of such want any two 6
resident householders of such section shall have authority, by giving six 8
days' notice, to be posted in at least three public places in such section, 8
to call a meeting of the resident householders, who shall proceed to 10
elect three Trustees in the manner prescribed in the fifth section of 10
this Act, and the Trustees thus elected shall hold and retire from 12
office in the manner prescribed for Trustees elected under the 12
authority of the said fifth section of this Act.

Mode of decid-
ing on the
site of a
school-house.

XI. And be it enacted, That in any case of difference as to the 14
site of a school-house between the majority of the Trustees of a 16
school section and a majority of the resident householders at a special 16
meeting called for that purpose, each party shall choose one person as 18
arbitrator, and the two arbitrators thus chosen, and the local Superin- 18
tendent or any person appointed by him to act on his behalf, in case 20
of his inability to attend, or a majority of them, shall finally decide on 20
the matter.

Duties of
Trustees.

XII. And be it enacted, That it shall be the duty of the Trustees 22
of each school section :

To appoint a
Secretary-
treasurer: his
duties.

Firstly. To appoint one of themselves, or some other person, to be 24
Secretary-treasurer to the Corporation ; and it shall be the duty of 26
such Secretary-treasurer to give such security for the correct and safe 26
keeping and forthcoming (when called for) of the papers and moneys 28
belonging to the Corporation as may be required by a majority of the 28
Trustees ; to keep a record of all their proceedings in a book 30
procured for that purpose ; to receive and account for all school 30
moneys collected by rate bill or subscription from the inhabitants of 32
such school section ; to disburse such moneys in such manner as may 32
be directed by the majority of the Trustees.

To appoint a
Collector: his
duties.

Secondly. To appoint, if they shall think it expedient, a Collector 34
(who may also be Secretary-treasurer), to collect the rates they have 36
imposed or shall impose upon the inhabitants of their school section, 36
or which the said inhabitants may have subscribed ; and to pay to such 38
Collector at the rate of not less than *five* or more than *ten* per cent., 38
on the moneys collected by him for his trouble in collecting ; and 40
every Collector shall give such security as may be satisfactory to the 40
Trustees, and shall have the same powers, by virtue of a warrant 42
signed by a majority of the Trustees, in collecting the school rate or 42
subscription, and shall proceed in the same manner as ordinary Col- 44
lectors of County and Township rates or assessments.

His remunera-
tion.

Collector to
give security.
Collector's
powers.

Trustees to
have the pos-
session and
safe keeping of
all the common
school property
in their sec-
tion.

Thirdly. To take possession and have the custody and safe 46
keeping of all Common School property, which may have been acquired 46
or given for Common School purposes in such section, and to acquire 48
and hold as a Corporation by any title whatsoever, any land, moveable 48
property, moneys or income for Common School purposes, until the

power hereby given shall be taken away or modified according to law, and to apply the same according to the terms of acquiring or receiving them.

4 **Fourthly.** To do whatever they may judge expedient with regard to the building, repairing, renting, warming, furnishing and keeping in order the section school-house and its appendages, wood-house, privies, enclosures, lands and moveable property which shall be held by them, and for procuring apparatus and text-books for their School; also to rent, repair, furnish, warm and keep in order a school-house and its appendages, if there be no suitable school-house belonging to such section, or if a second school-house be required.

Providing school premises.

School apparatus and books.

12 **Fifthly.** To contract with and employ all Teachers for such school section, and determine the amount of their salaries; and to establish if they shall deem it expedient, by and with the consent of the local Superintendent of Schools, both a female and male School in such section, each of which shall be subject to the same regulations and obligations as common schools generally.

To supply Teachers.

To establish a female school.

18 **Sixthly.** To give the Teacher or Teachers employed by them, the necessary order or orders upon the local Superintendent for the School Fund apportioned and payable to their school section: Provided always, that the Trustees of any school section shall not give such order in behalf of any Teacher who does not, at the time of giving such order, hold a legal certificate of qualification.

To give orders to Teachers for school moneys, but to none but qualified Teachers.

24 **Seventhly.** To provide for the salaries of Teachers and all other expenses of the School in such manner as may be desired by a majority of the householders of such section at the annual school meeting, or a special meeting called for that purpose, and to employ all lawful means, as provided for by this Act, to collect the sum or sums required for such salaries and other expenses; and should the sums thus provided be insufficient to defray all the expenses of such School, the Trustees shall have authority to assess and cause to be collected any additional rate in order to pay the balance of the Teacher's salary and other expenses of such School.

To provide for the salaries of Teachers and the expenses of the School in the manner desired by a majority of School electors at a special meeting.

How to provide for deficiencies.

34 **Eighthly.** To make out a list of the names of all persons rated by them for the School purposes of such section, and the amount 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: Provided always, that 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.

To make out a rate-bill list and warrant for the Collector.

Proviso: Such rate-bill to be payable monthly, quarterly, half-yearly or yearly.

42 **Ninthly.** To apply to the Municipality of the Township, or employ their own lawful authority, as they may judge expedient, for the raising and collecting of all sums authorized in the manner hereinbefore provided, to be collected from the *landholders and householders* of such section by rate according to the valuation of taxable property as expressed in the Assessor or Collector's Roll; who 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 shall relate to their school section.

To apply to the Township Council at their discretion for the raising of school-moneys.

Duty of Township Assessor or Collector in certain cases.

50 **Tenthly.** To exempt, wholly or in part, from the payment of school rates, such indigent persons as they shall think proper,

To exempt indigent persons.

Teacher's salary not to be lessened thereby.

To sue defaulters residing out of the section.

To notify and fix the place of the annual school meeting.

To call special meetings.

Mode of conducting special meetings.

Copy of the proceedings to be sent to the local superintendent of schools.

Continuance in office of persons elected to fill vacancies.

To admit persons from 5 to 21 years of age to attend the school on certain conditions.

Exception in certain cases.

To visit the school, &c.

To prohibit improper, and provide proper books for the School.

To be personally responsible in the case of refusing or neglecting to exercise corporate powers for the fulfilment of contracts.

To appoint a librarian and provide for the establishment and support of a school library.

To ascertain the number of resident children of school age.

and the amount of the same shall be a charge upon the other rateable inhabitants of the school section, and shall not be deducted from the salary of a Teacher. 2

Eleventhly. To sue for and recover by their name of office the amounts of school rates or subscriptions due from persons residing without the limits of their school section, and making default of payment. 4

Twelfthly. To appoint the place of each annual school meeting, and to cause notices to be posted in at least three public places of such section, at least six days before the time of holding such meeting; to call and give like notice of any special meeting of the resident householders of such section, for the filling up of any vacancy in the Trustee corporation, occasioned by death, removal, or any other cause whatever, or for any other school purpose, as they may think proper; to specify the object or objects of such meeting; which meeting shall be organized and its proceedings recorded in the same manner as those of an annual school meeting; and a copy of them in like manner, shall be transmitted to the local Superintendent: Provided always, that in case of a vacancy in the office of any of the Trustees, during the period for which they shall have been respectively elected, the person or persons chosen to fill such vacancy, shall hold office only for the unexpired term. 6 8 10 12 14 16 18 20

Thirteenthly. To permit all residents in such section between the ages of five and twenty-one years of age, to attend the school, so long as their conduct shall be agreeable to the rules of such school, and so long as the fees or rates required to be paid on their behalf, are duly discharged: Provided always, that this requirement shall not extend to the children of persons in whose behalf a separate school shall have been established according to the nineteenth section of this Act. 22 24 26 28

Fourteenthly. To visit the school from time to time, and see that it is conducted according to the regulations authorised by law. 30

Fifteenthly. To see that no unauthorised books are used in the school, but that the pupils are duly supplied with an uniform series of text-books sanctioned and recommended according to law. 32

Sixteenthly. To be personally responsible for the fulfilment of any contract or agreement made by them, unless they can prove that they have exerted all the corporate powers vested in them by this Act for the fulfilment of such contract or agreement. 34 36

Seventeenthly. To appoint a Librarian, and to take such steps as they may judge expedient, and as may be authorised according to law, for the establishment, safe-keeping and proper management of a school library, whenever provisions shall have been made and carried into effect for the establishment of school libraries. 38 40 42

Eighteenthly. To ascertain the number of children between the ages of five and sixteen years residing in their section during the month of December in each year; and 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 prescribed by law, a full and detailed account of the receipts 44 46 48

and expenditures of all school moneys received and expended in
 2 behalf of such section for any purpose whatsoever, during such year ;
 and if such account shall not be satisfactory to a majority of the
 4 householders present at such meeting, then a majority of the said house-
 holders shall appoint one person, and the Trustees shall appoint
 6 another ; and the two arbitrators thus appointed shall examine the
 said account, and their decision respecting it shall be final : or, if the
 8 two arbitrators thus appointed shall not be able to agree, they shall
 select a third, and the decision of the majority of the arbitrators
 10 so chosen shall be final ; and such arbitrators or a majority of them,
 shall have authority to collect, or cause to be collected, whatever
 12 sum or sums may be awarded against any person or persons by them,
 in the same manner and under the same regulations as those according
 14 to which Trustees are authorised by the twelfth section of this Act to
 collect school rates ; and the sum or sums thus collected shall be
 16 expended in the same manner as are other moneys for the Common
 School purposes of such section.

18 *Nineteenthly.* To prepare and transmit, or cause to be prepared
 and transmitted annually, before the fifteenth day of January, a
 20 report to the local Superintendent ; which report shall be signed by
 the majority of the Trustees, and made according to a form provided
 22 by the Chief Superintendent of Schools, and shall specify :

1st.—The whole time the school in their section shall have been
 24 kept by a qualified Teacher during the year ending the thirty-first day
 of the previous December.

26 2ndly.—The amount of moneys received from the school fund, from
 local rates or contributions, and from other sources, distinguishing
 28 the same ; and the manner in which all such monies have been
 expended.

30 3rdly.—The whole number of children residing in the school
 section over the age of five years and under the age of sixteen ; the
 32 number of children and young persons taught in the school in winter
 and summer, distinguishing the sexes, and those who are over and
 34 under sixteen years of age ; the average attendance of pupils in both
 winter and summer.

36 4thly.—The branches of education taught in the school ; the
 number of pupils in each branch ; the text books used ; the number
 38 of public school examinations, lectures, and visits, and by whom,
 and such other information respecting the school premises, and
 40 library, as may be required in the form of report provided by the
 Chief Superintendent of Schools.

42 XIII. And be it enacted, That every Trustee of a common school
 who shall knowingly sign a false report, and every Teacher of a
 44 Common School who shall keep a false school register, or make a false
 return, with the view of obtaining a larger sum than the just
 46 proportion of school moneys coming to such Common School,
 shall, for each offence, forfeit to the Common School Fund of
 48 the Township, the sum of *five pounds*, and may be prosecuted
 before any such Justice of the Peace, by any person whatever, and
 50 convicted on the oath of any one credible witness other than the prose-
 cutor, and if convicted the said penalty shall, if not forthwith paid, be
 52 levied with costs by distress and sale of the goods and chattels of the

To read the school report at the annual school meeting.

Proceeding in case the financial account is not satisfactory to the majority of the meeting.

To prepare and transmit before the 15th January, the annual school report to the local superintendent of schools.

Contents of such report : time of keeping the school open.

Amount of moneys received, and from what sources, and how expended. Number of resident children of school age.

Attendance of pupils in winter and summer.

Average attendance both winter and summer.

Branches taught, &c., text-books used, public examinations, visits, lectures, &c.

Penalty of signing a false report by a Trustee ; or of keeping a false register and making false returns by a Teacher.

offender, under warrant of such Justice, and paid over by him to the said Common School Fund, or the said offender shall be liable to be tried and punished for the misdemeanor. 2

Foreign books to be used only in certain cases. Parental and religious rights protected.

XIV. And be it enacted, That no foreign books in the English branches of education shall be used in any Model or Common School, without the express permission of the Council of Public Instruction; nor shall any pupil in any such School be required to read or study in or from any religious book, or join in any exercise of devotion or religion, which shall be objected to by his or her parents or guardians: Provided always, that within this limitation, pupils shall be allowed to receive such religious instruction as their parents and guardians shall desire, according to the general regulations which shall be provided according to law. 4 6 8 10 12

II. Common School Teachers and their Duties.

A qualified Teacher defined. Proviso:

XV. And be it enacted, That no Teacher shall be deemed a qualified Teacher within the meaning of this Act, who shall not at the time of his engaging with the Trustees and applying for payment from the School Fund, hold a Certificate of qualification as herein-after provided by this Act: Provided always, that this section shall not be in force until the first of January one thousand eight hundred and fifty-one. 14 16 18 20

Duties of Teachers.

XVI. And be it enacted, That it shall be the duty of every Teacher of a common school,— 22

To act according to law and agreement.

Firstly. 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. 24 26

To keep registers. To maintain discipline. To keep a visitor's book, &c.

Secondly. To keep the daily, weekly, and monthly or quarterly registers of the school; to maintain proper order and discipline therein according to the forms and regulations which shall be provided according to law; also to keep a Visitors' book (which the Trustees shall cause to be provided for that purpose) and shall enter therein the visits made to his school, and shall present such book to each Visitor, and request him to make such remarks as may have been suggested by such visit. 28 30 32 34

To have quarterly examinations, &c.

Thirdly. To have, at the end of each quarter, a public examination of his school, of which he shall give due notice, through the pupils, to their parents and guardians and the Trustees of the school, and of which they shall also give due notice to any School Visitors who shall reside in or adjacent to such school section. 36 38 40

To give information to the local or chief superintendent.

Fourthly. To furnish to the Local or Chief 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. 42 44

To deliver papers, &c. Proviso.

Fifthly. To keep carefully, and at the time of his leaving a school, to deliver up to the order of the Trustees, the registers and Visitors' book appertaining to the school: Provided always, that he shall, at all times, when desired by them, give Trustees or Visitors access to such registers and Visitors' book. 46 48

XVII. And be it enacted, That no Teacher shall be dismissed
 2 from a school, even at the expiration of the period of his agreement,
 (but shall have a right, if he shall think proper, to continue to teach
 4 according to the terms of such agreement) until the Trustees shall
 have paid him the whole of his salary as Teacher of the school
 6 according to their engagement with him: Provided always, that in
 case of any difference between Trustees and a Teacher in regard to
 8 financial matters, each party shall choose one person as arbitrator,
 and the decision of the two arbitrators thus chosen, and the local
 10 Superintendent, (or any person selected by him to act on his behalf,
 in case of his inability to attend), or a majority of them, shall be
 12 final.

Protection of
 teachers in
 case of dis-
 missal.

Mode of set-
 tling any dif-
 ference in
 financial mat-
 ters between
 Trustees and
 Teachers.

III. Duties of Township Councils.

XVIII. And be it enacted, That it shall be the duty of the
 14 Municipality of each Township in Upper Canada :

Duties of
 township
 Councils.

Firstly. To levy such sum, by assessment, upon the taxable
 16 property in any school section, for the purchase of a school site,
 the erection, repairs, renting, and furnishing of a school-house,
 18 the purchase of apparatus and text-books for the school, books
 for the library, salary of the Teacher, as shall be desired by
 20 the Trustees of such school-section, on behalf of the majority
 of the resident householders at a public meeting called for such
 22 purpose or purposes, as provided for by the twelfth section of this
 Act: Provided always, that such Municipality may, if it shall judge
 24 expedient, grant to the Trustees of any school section, on their appli-
 cation, authority to borrow any sum or sums of money which may
 26 be necessary for the purposes herein mentioned, in respect to school
 sites, school-houses, and their appendages, or for the purchase or
 28 erection of a Teacher's residence, and cause to be levied upon the
 taxable property in such section, such sum in each year as shall be
 30 necessary for the payment of the interest thereon, and as shall be
 sufficient to pay off the principal within ten years.

To levy as-
 sessments for
 common
 school purpo-
 ses, as desired
 by trustees.

To authorize a
 loan, at its
 discretion, for
 the purchase
 and erection of
 school build-
 ings.

Secondly. To levy at its discretion, such sum or sums as it shall
 32 judge expedient for procuring the site, and for the erection and
 support of a Township Model School, and for purchasing books for
 34 a Township Library, under such regulations as shall be provided
 according to law: Provided always, that the members of the Town-
 36 ship Municipality shall be the Trustees of such Model School, and
 shall possess the powers of Common School Trustees in respect to all
 38 matters affecting such Model School; Provided also, that the
 Trustees of any one or more Common Schools shall have authority,
 40 at their discretion, and with the consent of such Council, to merge
 their school or schools into such Model School; and provided
 42 likewise, that tuition to student-teachers in such Model School
 shall be free.

To establish a
 Township
 Model School,
 at its dis-
 cretion.

Members of
 the Township
 Council to be
 Trustees of
 such Model
 School.

One or more
 Common
 Schools may
 be merged into
 the Model
 School.

Thirdly. To form portions of the Township, where no schools
 46 have been established, into school sections; to appoint a person in
 each new school section to call the first school section meeting; and
 48 to cause such person to be notified in the manner prescribed in the
 fourth section of this Act.

To form new
 school sections.

Fourthly. To alter any school section already established, and to
 50 unite two or more school sections into one, at the request of the
 majority of the resident householders in each of such sections, ex-
 52 pressed at a public meeting called by the Trustees for that purpose :

To alter and
 unite school
 sections under
 certain condi-
 tions.

First meeting for the election of trustees in an united section.

Alterations in school sections to go into effect only at the commencement of the year.

All parties concerned to be apprized of intended alterations in school sections. Privileges of altered sections secured.

Disposal and application of property of altered school sections.

Union school sections formed and altered by townreeves and local superintendents.

Copies of certain proceedings to be furnished.

May establish separate schools for Protestants, Roman Catholics and Coloured People.

Manner of electing trustees.

Provided always, that the first election of Trustees in such section consisting of two or more sections united, shall be appointed and held in the same manner as is provided for in the fourth section of this Act in respect to a new school section: Provided secondly, that any alteration in the boundaries of a school section shall not go into effect before the first of January next after the time when it shall have been made; nor shall any step be taken towards the alteration of the boundaries of any school section, nor any application be entertained for that purpose, unless it shall clearly appear that all parties affected by such alteration have been duly notified of such intended step or application: Provided thirdly, that the several parts of such united or altered school sections shall have the same claim to a share of the Common School Fund to which they would have been entitled had they not been altered or united: and provided fourthly, that any school site, or school-house, or other school property, which shall not be required in consequence of such alterations or union of school sections, shall be disposed of by sale or otherwise, in such a manner as a majority of the resident *householders* in the altered or united school sections shall think proper, at a public meeting called for that purpose, and the proceeds shall be applied to the erection of a new school house, or other Common School purposes of such united or altered sections; except that 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 disposal 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 shall have been separated: Provided fifthly, that Union School sections, consisting of parts of two or more Townships, may be formed and altered, (under the conditions prescribed in this clause in respect to alterations of other school sections,) by the Reeves and local Superintendent or Superintendents of the Townships out of parts of which such sections are proposed to be formed, at a meeting appointed for that purpose by any two of such Town Reeves; of which meeting the other party or parties authorised to act with them shall be duly notified.

Fifthly. To cause the Clerk of such Township, to furnish the local Superintendent of Schools with a copy of all the proceedings of such Council relating to the formation or alteration of school sections, all School assessments and other educational matters.

XIX. And be it enacted, That it shall be lawful for the Municipality of any Township, if it shall judge expedient, to authorise the establishment of one or more separate schools for Protestants, Roman Catholics or coloured people, and in such case it shall prescribe the limits of the divisions or sections for such schools, and shall make the same provision for the holding of the first meeting for the election of Trustees of each such separate school, as is provided in the fourth section of this Act for holding the first school meeting in a new school section: Provided always, that each such separate school shall go into operation at the same time with alterations in school sections, and shall be under the same regulations in respect to the persons for whom such school is permitted to be established, as are Common Schools generally: Provided secondly, that none but coloured people shall be allowed to vote for the election of Trustees of the separate school for their children, and none but the parties petitioning

for the establishment of, or sending children to a separate Protestant or
 2 Roman Catholic school, shall vote at the election of Trustees of such
 school: Provided thirdly, that each such separate Protestant or
 4 Roman Catholic school shall be entitled to share in the School Fund
 according to the number of children of the religious class or persuasion
 6 attending such school, as compared with the whole number of children
 of school age in the Township; and the separate school for children
 8 of coloured people shall share in the School Fund according to the
 number of such children of school age resident in such school section
 10 for coloured people, as compared with the whole number of children
 of school age resident in the Township: Provided fourthly, that the
 12 Trustees of the Common School sections within the limits of which
 such separate school section or sections shall have been formed, shall
 14 not include the children attending such separate school or schools, in
 their return of children of school age residing in their school sections.

tees in such
 separate school
 sections.
 And of appor-
 tioning school
 moneys to
 them.

Proviso: as to
 certain Re-
 turns.

16 XX. And be it enacted, That whenever the majority of the
 resident householders of the several school sections of any Township,
 18 at public meetings called by Trustees for that purpose, shall desire to
 abolish local school section divisions, and have all their schools
 20 conducted under one system, and one management, like the schools
 in Cities and Towns, the Municipality of such Township
 22 shall have authority to comply with their request thus expressed,
 by passing a By-law to that effect; and all the Common Schools
 24 of such Township shall be managed by one Board of Trustees,
 one of whom shall be chosen in and for each ward of the Township, if
 26 the Township be divided into wards, and if not then the whole number
 shall be chosen in and for the whole Township and invested with the
 28 same powers, and subject to the same obligations, as are provided
 and required in respect to Trustees in Cities and Towns by the twenty-
 30 fourth section of this Act.

May unite all
 the school
 sections in a
 township un-
 der the man-
 agement of
 one Board of
 Trustees, at
 the request of
 a majority of
 the sections
 concerned.

IV.—*Councils and Trustees in Cities, Towns and incorporated Villages, and their Duties.*

32 XXI. And be it enacted, That the Council or Common Council
 of each City or incorporated Town in Upper Canada, shall be, and
 is hereby invested, within its limits and liberties as prescribed by law,
 34 and shall be subject to the same obligations as are the Municipal
 Council of each County and the Municipality of each Township by
 36 the eighteenth and twenty seventh sections of this Act: Provided
 nevertheless, that the appointment of the local Superintendent of
 38 Schools for such City or Town, shall be made by the Board of School
 Trustees for such City or Town.

Powers of
 Municipal
 Councils in
 Cities and
 Towns.

40 XXII. And be it enacted, That in each ward into which any City
 or Town is, or shall be divided according to law, two fit and proper
 42 persons shall be elected School Trustees by a majority of all the
 resident taxable inhabitants of such ward; one of which Trustees (to
 44 be determined by lot, at the first Trustee meeting after their election)
 shall retire from office the second Tuesday of January following his
 46 election; and the second of whom shall continue in office one year
 longer, and until his successor is elected; and the persons thus
 48 elected shall form one Board of School Trustees for such City or Town.

Two trustees
 to be elected
 in each ward
 of cities and
 towns.

Mode of re-
 tiring from
 office.

Persons thus
 elected to form
 a Board of
 Trustees.

One trustee to be elected in each ward of a city or town, the second Tuesday of January in each year. Mode of holding such elections.

XXIII. And be it enacted, That on the second Tuesday in January of each year, at the time prescribed by the second section of this Act, one fit and proper person shall be elected Trustee in each ward of every City and Town, and shall continue in office two years, and until his successor is elected : Provided always, that such election shall be held at the place where the last municipal election was held for such ward, and under the direction of the same returning officer, or, in his default, of such person as the electors present shall choose ; and such election shall be conducted in the same manner as an ordinary municipal election in each ward of such City or Town.

Duties of the Board of Trustees in each city or town. To be a corporation.

XXIV. And be it enacted, That the Board of School Trustees for each City and Town, shall be a Corporation, under the name of "*The Board of School Trustees of the City (or Town) of in the County of*" (the first meeting thereof may be called in the City or Town Council room by any Trustee), and it shall be the duty of such Board

To appoint certain officers, &c.

Firstly. To appoint annually or oftener, a Chairman, Secretary, Superintendent of Schools, and one or more collectors of school rates, (if required) ; and to appoint the times and places of their meetings, 20 and the mode of calling them, of conducting and recording their proceedings, and of keeping all their School accounts. 22

To hold school property, &c.

Secondly. To take possession of all Common School property, and to accept and hold as a Corporation all property which may have been acquired or given for Common School purposes in such City or Town, by any title whatsoever ; to manage or dispose of such property, and all moneys or income for Common School purposes, until the power hereby given shall be taken away or modified by law, and to apply the same, or the proceeds, to the 30 objects for which they have been given or acquired. 32

To make all needful provisions in respect to common school premises, text-books, &c.

Thirdly. 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-house or school-houses, and its or their appendages, lands, enclosures and movable property ; for procuring suitable apparatus and text-books and for the establishment and maintenance of a school library or school libraries. 38

To determine the number and kind of schools, employ Teachers &c.

Fourthly. To determine the number, sites, kind and description of schools which shall be established and maintained in such City or Town ; the Teacher or Teachers who shall be employed, the terms of employing them, the amount of their remuneration, and the duties which they are to perform : the salary of the Superintendent of schools appointed by them and his duties ; and to adopt, at their discretion, such measures as they shall judge expedient, in concurrence with the Trustees of the County Grammar School, for uniting one or more of the Common Schools of the City or Town with such Grammar School. 48

- Fifthly.** To appoint annually, or oftener, if they shall judge expedient, for the special change, oversight, and management of each school within such City or Town, and under such regulations as they shall think proper to prescribe, a committee of not more than three persons for each school.
- Sixthly.** To prepare from time to time, and lay before the Municipal Council of such City or Town, an estimate of the sum or sums which they shall judge expedient, for paying the whole or part of the salaries of Teachers; for purchasing or renting school premises; for building, renting, repairing, warming, furnishing and keeping in order the school-houses and their appendages and grounds; for procuring suitable apparatus and text-books for the schools; for the establishment and maintenance of school libraries; and for all the necessary expenses of the schools under their charge; and it shall be the duty of the Common Council or Council of such City or Town, to provide such sum or sums in such manner as shall be desired by said Board of School Trustees.
- Seventhly.** 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 Schools in any Townships may do under the twelfth section of this Act: Provided always, that all moneys thus collected shall be paid into the hands of the Chamberlain or Treasurer of such City or Town for the Common School purposes of the same, and shall be subject to the order of the said Board of School Trustees.
- Eighthly.** To give orders to Teachers and other school officers and creditors upon the Chamberlain or Treasurer of such City or Town for the sum or sums which shall be due them.
- Ninthly.** To call and give notice of annual and special school meetings of the taxable inhabitants of such City or Town, or of any Ward in it, in the same manner and under the same regulations as are prescribed in the twelfth section of this Act for the appointment of annual and special school meetings in the school sections of Townships: Provided always, that any person elected at any special ward school meeting to fill a vacancy which shall have occurred in the Board of Trustees from any cause whatever, shall hold office only during the unexpired part of the term for which the person whose place shall have become vacant, was elected to serve.
- Tenthly.** To see that all the pupils in the schools are duly supplied with an uniform series of authorised text-books; to appoint a Librarian, and take charge of the school library or libraries whenever established.
- Eleventhly.** To see that all the schools under their charge are conducted according to the regulations authorised by law; 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 such City or Town, an annual report of their proceedings and of the progress and state of the schools under their charge; of the receipts and expenditure of all school moneys; and to prepare and transmit annually, before the fifteenth of January, to the Chief Superintendent of Schools, a report signed by a majority of the Trustees, and
- To appoint a committee of three to take the special charge of each school.
- To make an estimate of the expenses of the schools.
- The Municipal Council to provide for such expenses.
- To levy school rate bills at their discretion.
- The sums thus collected to be paid into the hands of the chamberlain or treasurer.
- To give orders for the payment of Teachers, &c.
- To call annual or special school meetings.
- Continuance in office of persons elected to fill vacancies.
- To see that the pupils are duly supplied with proper text-books, &c.
- To have their school conducted according to law.
- To prepare and publish annual school reports, &c.
- To prepare and transmit an annual report to the

chief superintendent of schools.
Contents of such report.

containing all the information required in the reports of Common School Trustees by the twelfth section of this Act, and any additional items of information which may be lawfully required, and made according to a form which shall be provided for that purpose by the Chief Superintendent of Schools.

Powers of municipal councils in incorporated villages.

XXV. And be it enacted, That the Municipality of every incorporated Village, shall possess and exercise all the powers, and be subject to all the obligations with regard to the levying and raising of moneys for Common School purposes and for the establishment and maintenance of school libraries within the limits of such incorporated Village, as are conferred and imposed by this Act upon the Municipal Corporations of Cities : Provided always, that on the second Tuesday in January, one thousand eight hundred and fifty-one, in each such incorporated Village, at the place of the then last annual election of Councillors, there shall be a meeting of the taxable inhabitants of such incorporated Village, and which meeting shall be organized and conducted in the same manner as is prescribed in the twenty-third section of this Act, for the conducting of annual school meetings in the wards of Cities and Towns ; and at such meeting, six fit and proper persons from among the resident householders, shall be elected School Trustees for such incorporated Village ; and the persons thus chosen shall be divided by lot into three classes, of two individuals each, to be numbered one, two, three ; the first class shall hold office one year, the second two years, and the third three years, and until their successors are elected, but each Trustee retiring from office shall be eligible to be re-elected with his own consent : Provided secondly, that there shall be a like school meeting annually in each such incorporated Village, at which two persons shall be chosen Trustees, in the place of the two retiring from office, and shall continue in office two years and until their successors are elected : Provided thirdly, that the first annual school meeting in each incorporated Village, shall be called by the Town-reeve of such Village, who shall cause notices to be posted in at least six public places of such Village, at least six days before the time of holding such meeting.

First election of trustees in such villages, the second Tuesday in January, 1851.

How such elections to be held and conducted.

Six trustees to be elected in each incorporated village. Mode of retirement from office.

Two trustees to be elected at each ensuing annual school meeting. Mode of calling the first annual school meeting.

The trustees thus elected in each incorporated village to succeed to all the rights, obligations, &c., of the present trustees.

To be a corporation.

Their powers, obligations and duties the same as those of trustees in cities and towns.

XXVI. And be it enacted, That the Trustees elected in each incorporated Village according to the provisions of the preceding section, shall succeed to all the rights, powers, obligations and liabilities of the present Trustees of such incorporated Village, and shall be a Corporation under the title of the "*Board of Trustees of the incorporated Village of* in the County of ;" and shall possess all the powers, and be subject to all the obligations, within the limits of such incorporated Village, as are conferred and imposed by the twenty-fourth section of this Act upon the Trustees of Cities and Towns.

V. Duties of County Municipal Councils.

Duties of county councils.

XXVII. And be it enacted, That it shall be the duty of the Municipal Council of each County :

Firstly. To cause to be levied each year upon such County collectively, or upon the several Townships separately, as it shall judge expedient, such a sum or sums of money for the payment of the salaries of legally qualified Common School Teachers as shall at least be equal (clear of all charges of collection) to the amount of school money apportioned to such County or to the several Townships thereof for such year, by the Chief Superintendent of schools, as notified by him to such Council through the County Clerk : Provided always, that the sum or sums so levied may be increased at the discretion of such Council, either to increase the County School Fund, or to give special or additional aid to new or needy school sections, on the recommendation of one or more local Superintendents: Provided also, that the sum required to be levied in such County in each year, 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*; and provided likewise, that in case of the non-payment of any part of such sum into the hands of the County Treasurer at that time, no Teacher shall, upon application, 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 any 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 make the necessary provision to enable the County Treasurer to pay the amount of such lawful order.

Secondly. To raise by assessment, such sum or sums of money, as it shall judge expedient, for the establishment and maintenance of a County Common School Libray.

Thirdly. To appoint annually, a local Superintendent of Schools for the whole County, or for any one or more Townships in such County, as it shall judge expedient; to fix (within the limits prescribed by the thirtieth section of this Act), and provide for the salary or salaries of such local Superintendent or Superintendents: Provided always, that no such local Superintendent shall have the oversight of more than one hundred Schools; and provided also, that the County Clerk shall forthwith notify the Chief Superintendent of Schools 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 such Council relating to School assessments and other educational matters.

Fourthly. To see that sufficient security be given by all officers of such Council to whom School moneys shall be entrusted; to see that no deduction be made from the School Fund by the County Treasurer or Sub-Treasurer for the receipt and payment of School moneys; to appoint, if it shall judge expedient, one or more Sub-Treasurers of Schools moneys for one or more Townships of such County: Provided always, that 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.

Fifthly. To appoint annually, or oftener, Auditors, whose duty it shall be to audit the accounts of the County Treasurer and other

To raise by assessment each year, a sum equal to the Legislative school grant apportioned to such county.

Such sum may be increased at the discretion of the council and the additional sum raised may be disposed of at the pleasure of the council to aid poor school sections or increase the county school fund.

Time for the payment of the county school assessment.

No teacher to be refused the payment of his due on account of the non-collection of any part of the county school assessment.

To appoint local superintendents of schools, and provide for their salaries.

No local superintendent to have charge of more than 100 schools.

County clerk to notify the chief superintendent of schools of the names and address of local superintendents, also of the name and address of the county treasurer.

To secure all school moneys. To see that no deduction be made from the county common school fund.

To appoint a sub-treasurer of school mo-

neys at its discretion.
To cause the school accounts to be audited, &c.
County clerk to transmit to the chief superintendent an abstract of such accounts, &c.

Trustees of the county grammar school and local superintendents to constitute a county board of public instruction.

More than one county board may be appointed in certain cases.

Three (including a superintendent) to be a quorum for the examination of teachers—five for other purposes.

Incidental expenses to be defrayed by the county council.

Duties of each county board of public instruction.

To meet quarterly, &c.

To examine and give certificates of qualification to teachers.

Proviso : Teacher must give proof of good moral character;— must be a British subject.

Certificate may be general or limited. Must have the signature of one local superintendent of schools.

To select text-books for schools, from the general authorized list.

officers to whom school moneys shall have been intrusted, and report to such Council ; and the County Clerk shall transmit to the Chief Superintendent of Schools, on or before the first day of March in each year, a certified copy of the abstract of such report, and also give any explanations relating thereto, as far as he is able, which may be required by the Chief Superintendent.

VI. Constitution and Duties of the County Boards of Public Instruction.

XXVIII. And be it enacted, That the Board of Trustees for the County Grammar School and the local Superintendent or Superintendents of Schools in each County, shall constitute a Board of Public Instruction for such County: Provided always, that where there is more than one Grammar School in a County, the County Council shall have authority to divide such County into as many circuits as there are County Grammar Schools, and the Trustees of each County Grammar School and the local Superintendent or Superintendents of Schools in each circuit, shall be a Board of Public Instruction for such circuit: Provided also, that at any lawful meeting of such Board, not less than three members, including a local Superintendent of Schools, shall constitute a *quorum* for examining and giving certificates of qualification to Common School Teachers, and not less than five members shall constitute a *quorum* for the transaction of any other business: Provided likewise, that the incidental expenses connected with the meeting and proceedings of each County Board of Public Instruction shall be provided for by the Municipal Council of such County.

XXIX. And be it enacted, That it shall be the duty of each County Board of Public Instruction :

Firstly. To meet not less than four times a year ; to determine the time and places of its own meetings, and the order of its proceedings, and the manner of recording them.

Secondly. To examine and give certificates of qualification to Teachers of Common Schools, arranging such Teachers into three classes according to their attainments and ability, as shall be prescribed in a programme of examination and instructions to be provided according to law ; also to annul any such certificate as it shall judge expedient : Provided always, that no certificate of qualification shall be given to any person as a Teacher, who shall not furnish satisfactory proof of good moral character ; nor to any person who shall not at the time of applying for such certificate of qualification be a natural born or naturalized subject of Her Majesty Provided also, that any such certificate of qualification, shall be general, as regards the County, or limited as to time or place, at the pleasure of the majority of the members of the County Board of Public Instruction present at such examination: Provided likewise, that every such certificate shall have the signature of at least one local Superintendent of Schools.

Thirdly. To select (if deemed expedient), from a list of text books recommended or authorized by the Council of Public Instruction, such books as they shall think best adapted for use in the Common Schools of such County or Circuit ; and to ascertain and recommend the best facilities for procuring such books.

Fourthly. To adopt all such lawful means in their power as they shall judge expedient, to advance the interests and usefulness of Common Schools, to promote the establishment of School Libraries, and to diffuse useful knowledge in such County or circuit.

To provide for the establishment of a county school library.
To facilitate the procuring of such books.
To promote the interests of schools and the diffusion of useful knowledge generally.

VII. Duties of Local Superintendents of Schools.

XXX. And be it enacted, That each Local Superintendent of Common Schools, appointed as provided for in the twenty-seventh section of this Act, shall be entitled annually to not less than per School placed under his charge, together with any additional remuneration or allowance which the Council appointing him shall grant; and such Superintendent shall be paid the same in quarterly instalments by the County Treasurer.

Local superintendent of schools.

XXXI. And be it enacted, That it shall be the duty of each Local Superintendent of Schools:

To be entitled to a remuneration of not less than per school superintended.
To be paid quarterly by the treasurer of the County.
Duties of local superintendents of schools.
To distribute the common school fund among the several school sections according to the ratio of attendance unless otherwise directed.

First. As soon as he shall have received from the County Clerk a notification of the amount of money apportioned to the Township or Townships within the limits of his charge, to apportion the same (unless otherwise instructed by the Chief Superintendent of Schools), among the several school sections entitled to receive it, according to the rates of the average attendance of pupils attending each Common School, (the mean attendance of pupils for both summer and winter being taken), as compared with the whole average number of pupils attending the Common Schools of such Township.

On the order of trustees to give cheques to teachers upon the county or sub-county treasurer for school moneys.
Conditions of giving such cheques.

Secondly. To give to any qualified Teacher and to no other, on the order of the Trustees of any school section, a cheque upon the County Treasurer or sub-Treasurer, for any sum or sums of money apportioned and due to such section: Provided always, that he shall not pay any such order of the Trustees of any school section, from whom no satisfactory annual School report shall have been received for the year ending the last day of the December preceding; nor unless it shall appear 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: Provided also, that the foregoing conditions shall not apply to the order or orders of Trustees in any new school section, for money apportioned and due to such section.

Such conditions not to apply to new school sections.
To visit each school at least twice a year.
Duties at such visitations.
To deliver a public lecture in each school section at least once a year.
Topics of such lecture.
Other duties.
To enforce the law.
To recommend

Thirdly. To visit each Common School within his jurisdiction at least twice a year, (once in the summer, and once in the winter), and oftener if practicable; and at the time of each such visit to examine into 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 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 shall judge proper.

Fourthly. To deliver in each school section, 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 secure the universal and sound education of the young.

the use of authorized text-books, and to facilitate the procuring of them.

To attend the meetings of the county board of public instruction.

To meet and confer with the chief superintendent of schools in his official visits to such county.

To attend arbitrations for the settlement of certain questions of dispute.

To decide upon other questions of dispute at discretion.

Or (proviso) refer them to the chief superintendent of schools.

Proviso: aggrieved or dissatisfied parties may appeal in certain cases.

To suspend certificates of qualification in certain cases.

The cancelling or suspending a teacher's certificate of qualification, to release his trustees from obligation to continue him in their employment.

To observe all lawful regulations and instructions in the discharge of his duties.

To give information to the chief superintendent when desired.

To account to the county auditors, &c. To prepare and transmit

Fifthly. 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; to acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantages of using them.

Sixthly. To attend the meetings of the County Board of Public Instruction; to meet and confer with the Chief Superintendent of Schools at such time and place as he may appoint when making an official visit to such county for the promotion of the interests of Education.

Seventhly. To attend the Arbitrations, and to meet the Town-reeves as provided for in the twelfth and eighteenth sections of this Act; to decide upon any other questions of difference which may arise between interested parties under the operation of this or any preceding Act, and which may be submitted to him: Provided always, that he may, if he shall deem it advisable, refer any such question to the Chief Superintendent of Schools: Provided also, that any aggrieved or dissatisfied party, in any case not otherwise provided for by this Act, shall have the right of appeal to the Chief Superintendent of Schools.

Eighthly. To suspend the certificate of qualification of any Teacher for any cause which shall appear to him to require it, until the next ensuing meeting of the County Board of Public Instruction, where the case shall be disposed of in such manner as a majority of the members present shall think proper: Provided always, that due notice shall be given to the Teacher suspended of such meeting of the County Board: Provided also, that 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.

Ninthly. To act in accordance with the regulations and instructions which shall be provided according to law; to give information in his power (when desired) to the Chief Superintendent of Schools 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 Sub-Treasurer for School moneys; to deliver copies of his official correspondence and all school papers in his custody, to the order of the County Council on retiring from office.

Tenthly. To prepare and transmit to the Chief Superintendent of Schools, on or before the first day of March, an annual report, which shall be in such form as shall be provided by the said Chief Superintendent and which shall state:—

1st.—The whole number of schools and school sections or parts of sections in each Township within his jurisdiction.

2nd.—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 children residing in each section or part of a section over the age of five and under the age of sixteen years.

3rd.—The length of time a school shall have been kept in each such sections or parts of sections, by a qualified Teacher;

branches taught, the number of pupils in each branch, and the books
 2 used; the average attendance of pupils, both male and female, in
 summer and in winter.

4 4th.—The amount of moneys which have been received and
 collected in each section or part of section—distinguishing the
 6 amount apportioned by the Chief Superintendent of Schools, the
 amount received from County Assessment, the amount raised by
 8 Trustees, and the amount from any other and what source or sources;
 also how such moneys have been expended, or whether any part
 10 remains unexpended, and from what causes; the annual salary of
 Teachers, male and female, with and without board.

12 5th.—The number of his and other School visits during the year;
 the number of school lectures delivered; the whole number of
 14 School-houses, their sizes, character, furniture and appendages, the
 number rented, the number erected during the year, and of what
 16 character and by what means.

6th.—The number of qualified Teachers, their standing, sex, and
 18 religious persuasion; the number, so far as he may be able to ascertain,
 of private Schools, the number of pupils and subjects taught
 20 therein; the number of Libraries, their extent, how established and
 supported; also any other information which he may possess respecting
 22 the educational state, wants and advantages in each Township of his
 charge, and any suggestions which he shall think proper to make
 24 with a view to the improvement of Schools and diffusion of useful
 knowledge.

VIII. *School Visitors and their duties.*

26 XXXII. And be it enacted, That all Clergymen recognized by
 law, of whatever denomination, Judges, Members of the Legislature,
 28 Magistrates, Members of County Councils and Aldermen, shall be
 School Visitors in the Townships, Cities, Towns, and Villages where
 30 they shall respectively reside: Provided always, that persons holding
 the Commission of the Peace for the County only, shall not be School
 32 Visitors within Towns and Cities: Provided also, that each Clergy-
 man shall be a School Visitor in any Township, Town or City where
 34 he may have pastoral charge.

XXXIII. And by it enacted, That it shall be lawful for each
 36 of said School Visitors, to visit as far as practicable all the
 Public Schools in such Township, City, Town or Village; especially
 38 to attend the quarterly examinations of Schools, and at the time
 of any such visit to examine the progress of the pupils, and the
 40 state and management of the School, and to give such advice to
 the Teachers and pupils, and any others present, as he may think
 42 advisable, in accordance with the regulations and instructions which
 shall be provided in regard to School Visitors according to law:
 44 Provided always, that a General Meeting of such Visitors may be
 held at any time or place which may be appointed by any two Visitors,
 46 on sufficient notice being given to the other Visitors in the Town-
 ship, City, Town or Village; and it shall be lawful for such Visitors
 48 thus assembled to devise such means as they may deem expedient for
 the efficient visitation of the Schools, and to promote the establishment
 50 of Libraries and the diffusion of useful knowledge.

an annual
 school report.
 Contents of
 such report.
 Number of
 schools, &c.
 Whole number
 of pupils in
 each school,
 &c.
 Whole num-
 ber of children
 of school age,
 &c.
 Time of keep-
 ing the schools
 open; bran-
 ches taught,
 &c.
 Books used,
 average at-
 tendance, &c.
 The amount
 of moneys re-
 ceived and ex-
 pended, &c.
 The number
 of school visits
 and lectures.
 Of school-
 houses, &c.
 of teachers,
 &c.,
 of private
 schools, libra-
 ries, &c.
 Who shall be
 school visitors.
 Proviso: as to
 County magis-
 trates.
 School visitors
 authorized to
 visit the
 schools, attend
 examinations,
 and examine
 into the state
 of each school,
 &c.

Proviso:
 General meet-
 ings may
 be called.
 Duties and
 objects of such
 meetings.

IX. Duties of the Chief Superintendent of Schools.

Chief superintendent of schools appointed. His salary. To account for the contingent expenses of his office. To be allowed two clerks; salary of each.

XXXIV. And be it enacted, That 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 Schools for Upper Canada, who shall hold his office during pleasure, and shall receive a salary of _____ pounds per annum; and shall be responsible to and subject to the direction of the Governor-General communicated to him through such Department of Her Majesty's Provincial Government, as by the Governor may be directed in that behalf; and shall account for the contingent expenses of his office, as provided in respect of other public offices; and shall be allowed two Clerks, the first of whom to receive _____ pounds per annum, and the second _____ pounds per annum, to commence from the first of January, one thousand eight hundred and

Duties of the chief superintendent. To apportion all moneys granted by the legislature for the support of common schools, and in what ratio.

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

Firstly. To apportion annually, on or before the first day of May, all monies granted or provided by the Legislature for the support of Common Schools in Upper Canada, and not otherwise appropriated by this Act, to the several Counties, Townships, Cities, Towns and incorporated Villages therein, according to the *ratio* of population in each as compared with the whole population of Upper Canada; or when the census or returns upon which such an apportionment is to be made, shall be so far defective, in respect to any County, Township, City, Town or Village, as to render it impracticable for the Chief Superintendent to ascertain from such *data* the share of school moneys which ought then to be apportioned to such County, Township, City, Town or Village, he shall ascertain, by the best evidence in his power, the facts upon which the *ratio* of such apportionment can be most fairly and equitably made, and make it accordingly.

To certify such apportionment to the Inspector General, and county clerks.

Secondly. To certify each apportionment made by him to the Inspector-General, so far as it relates 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 monies thus apportioned, will be payable to the Treasurer of such County, City, Town or Village.

To prepare suitable forms, &c., for executing the law, and transmit to local school officers.

Thirdly. To prepare suitable forms, and give such instructions as he shall 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 shall 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.

To cause copies of the school law, regulations, &c., to be printed and distributed as occasion may require.

Fourthly. 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.

Fifthly. To see that all moneys apportioned by him, be applied to the objects for which they were granted; and for that purpose to decide upon all matters and complaints submitted to him, (and not otherwise provided for by this Act,) which involve the expenditure of any part of the School Fund, and to direct the application of such balances of the School Fund, as may have been apportioned for any year and forfeited according to the provisions of this Act: Provided always, that such balances of the School Fund shall be expended in making up the salaries of Teachers in the County to which they shall have been apportioned.

Sixthly. To appoint one of his Clerks as his Deputy, to perform the duties of his Office in case of his absence; and to appoint one or more persons, as he shall, from time to time, deem necessary, to inspect any School or examine into any school matter in the County where such person or persons reside, and report to him: Provided, that no allowance or compensation shall be made to such special inspector or inspectors for any service or services performed by him or them.

Seventhly. To take the general superintendence of the Normal School; and to use his best endeavours to provide for and recommend the use of uniform and approved text-books in the schools generally.

Eighthly. 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 and recommend the adoption of suitable plans of school houses, with the proper furniture and appendages; and to collect and diffuse useful information on the subject of education generally, among the people of Upper Canada.

Ninthly. To submit to the Council of Public Instruction all books or manuscripts which may be placed in his hands with the view of obtaining the recommendation or sanction of such Council for their introduction as text-books or library books; 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 shall deem necessary and proper.

Tenthly. To apportion whatever sum or sums of money shall be provided by the Legislature for the establishment and support of School Libraries: Provided always, that 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.

Eleventhly. To appoint proper persons to conduct County Teachers' Institutes, and to furnish such rules and instructions as he shall judge advisable in regard to the proceedings of such Institutes and the best means of promoting their objects, in elevating the profession of school teaching and increasing its usefulness.

Twelfthly. 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 shall be required by the Governor General; and to prepare and transmit all correspondence which shall be directed or authorized by the Council of Public Instruction for Upper Canada.

To see that all school moneys apportioned by him are duly applied according to law. To direct the disposal of balances of such moneys in certain cases and under certain conditions.

To appoint a Deputy and special inspectors in certain cases.

Duties in regard to the Normal school. And text-books. School Libraries. Plans of school houses. The collection and diffusion of useful knowledge. To submit to the council of public instruction, books, manuscripts, &c.

To lay before said council, general regulations, &c.

To apportion moneys granted for the establishment of school libraries. Proviso: condition of sharing in such apportionment. To appoint persons to conduct teachers' institutes, and prepare rules and instructions for regulating their proceedings.

To account for monies, &c.

To prepare forms of Reports.

Thirteenthly. To prepare forms of annual reports for all Colleges, and Grammar Schools of Upper Canada, endowed out of the Public Lands or receiving aid from the Public Funds of this Province: Provided always, that it shall be the duty of the authorities of such Colleges and Grammar Schools, to prepare and transmit such reports according to the forms prescribed, to the Chief Superintendent of Schools on or before the first day of March in each year. 2 4 6

To report annually to the Governor, on certain matters.

Fourteenthly. To make annually to the Governor, on or before the first day of June, a report of the actual state of the University of Toronto, of the several Colleges and Grammar Schools, and of Normal, Model and Common Schools throughout Upper Canada, shewing the amount of moneys expended in connexion with each, and from what sources derived, with such statement and suggestions for improving the Grammar and Common Schools or the School laws, and promoting education generally, as he shall deem useful and expedient. 8 10 12 14

X. Constitution and duties of the Council of Public Instruction.

Council of public instruction for U. C.

XXXVI. And be it enacted, That the Governor shall have 16 authority to appoint not more than nine persons (of whom the Chief Superintendent of Schools shall be one) to be a Council of Public 18 Instruction for Upper Canada, who shall hold their office during pleasure, and shall be subject from time to time to all lawful orders 20 and directions in the exercise of their duties, which shall from time 22 to time be issued by the Governor.

Mode of providing a place and defraying the expenses of the meetings of such council; of calling the first meeting and any special meeting.

XXXVII. And be it enacted, That the Chief Superintendent of Schools shall provide a place for the meetings of the Council of 24 Public Instruction, and shall call the first meeting of the Council, and shall have authority to call a special meeting at any time by 26 giving due notice to the other members; that the expenses attending the proceedings of the said Council shall be accounted for by the 28 Chief Superintendent of Schools as part of the contingent expenses of the Education Office; that the Senior Clerk in the Education 30 Office shall be Recording Clerk to the said Council, shall enter all its proceedings in a book kept for that purpose, shall, as may be 32 directed, procure the books and stationery for the Normal and Model Schools, and shall keep all the accounts of the said Council; and 34 shall be entitled for these services to a remuneration of not less than *twenty-five* pounds per annum. 36

Senior clerk in the education office to be recording clerk to the council. His duties. And remuneration.

Duties of the council of public instruction.

XXXVIII. And be it enacted, That it shall be the duty of the said Council of Public Instruction, (five members of which at any lawful 38 meeting, shall form a *quorum* for the transaction of business):

To regulate its own proceedings.

First. To appoint a Chairman, and establish the times of its 40 meetings, and the mode of its proceedings, which Chairman shall be entitled to a second or casting vote in cases of an equality of votes 42 on any question.

To do all things necessary for the permanent establishment and efficiency of the Normal school.

Secondly. To adopt all needful measures for the permanent 44 establishment and efficiency of the Normal School for Upper Canada, containing one or more Model Schools for the instruction and training 46 of Teachers of Common Schools in the science of education and art of teaching. 48

- Thirdly.* 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 shall 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 professors, teachers, and all others who may be employed therein ; and to do all lawful things which such Council shall deem expedient to promote the objects and interests of such school.
- Fourthly.* To make such regulations from time to time as it shall deem expedient for the organization, government and discipline of Common Schools ; the classification of Teachers, and for School Libraries throughout Upper Canada.
- Fifthly.* To examine, and at its discretion, recommend or disapprove of text-books for the use of schools, or books for School Libraries : Provided always that no portion of the Legislative School Grant shall be applied in aid of any school in which any book is used that has been disapproved of by the Council, and public notice given of such disapproval.
- Sixthly.* To transmit annually, through the Chief Superintendent of Schools, 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.

To make rules for the management and government of the Normal school ; to prescribe the terms of admission. To erect or procure and furnish normal school buildings.

To appoint professors, teachers, &c. To make regulations for the organization and government of common schools generally. To examine and recommend books for schools, and for school libraries ; Proviso. To account annually.

XI. *Miscellaneous Provisions.*

- XXXIX.** And be it enacted, That a sum not exceeding fifteen hundred pounds per annum shall be allowed out of the Legislative School Grant for the salaries of officers and other contingent expenses of the Normal School ; and that a sum not exceeding one thousand pounds per annum be allowed out of the said grant to facilitate the attendance of Teachers in training at the Normal School, under such regulations as shall, from time to time, be adopted by the Council of Public Instruction.
- XL.** And be it enacted, That the sum of money apportioned annually by the Chief Superintendent of Schools to each County, Township, City, Town or Village, and at least an equal sum raised annually by local assessment, shall constitute the Common School Fund of such County, Township, City, Town, or Village, and shall be expended for no other purpose than that of paying the salaries of qualified Teachers of Common Schools : Provided always, that 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 provided also, that 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 Schools shall deduct a sum equal to the deficiency, from the apportionment to such County, City, Town or Village in the following year.

£1500 per annum, granted for the Normal School : £1000 per annum to facilitate the attendance of teachers in training.

What moneys to constitute the common school fund. Conditions of its apportionment.

Certain sums to be expended for the establishment of school libraries, &c., under certain regulations.

XLII. And be it enacted, That it may and shall be lawful for the Governor in Council, to authorize the expenditure annually, out of the share of the Legislative School Grant coming to Upper Canada, of a sum not exceeding three thousand pounds for the establishment and support of School Libraries, under such regulations as are provided for by this Act; of a sum not exceeding twenty-five pounds in any County or Riding for the encouragement of a Teacher's Institute, under the regulations hereinbefore provided; and of a sum not exceeding one hundred pounds in any one year to procure plans and publications for the improvement of School Architecture and practical Science in connexion with the Common Schools: Provided always, that the amount heretofore apportioned in aid of Common Schools to the several Counties, Cities, Towns and Villages in Upper Canada, shall not be lessened by the appropriation of such sums, but they shall be taken out of any additional amount awarded to Upper Canada out of the said Grant in consideration of the increase of its population in proportion to that of the whole Province.

Proviso: the amount heretofore apportioned in aid of common schools not to be lessened.

The moneys apportioned annually in aid of common schools to be payable the 1st of July.

XLIII. And be it enacted, That the sum of money annually apportioned in aid of Common Schools in the several Counties, Cities, Towns and Villages in Upper Canada, 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 shall from time to time direct.

Protection of the common school fund against loss.

XLIII. And be it enacted, That if any part of the Common School Fund shall be embezzled or lost through the dishonesty or faithlessness of any party to whom it shall have been entrusted, and proper security against such loss shall not have been taken, the person or persons whose duty it was to have exacted such security, shall be responsible for the sum or sums thus embezzled or lost, and the same may be recovered from them by Civil Suit in any Court of Law having jurisdiction to the amount claimed, by the party or parties entitled to receive such sum or sums, or at the suit of the Crown.

Certificates of qualification for U.C. granted to teachers under certain circumstances. Proviso.

XLIV. And be it enacted, That it may and shall be lawful for the Chief Superintendent of Schools, on the recommendation of the Professors in the Normal School, to give to any Teacher of Common Schools a certificate of qualification which shall be valid in any part of Upper Canada, until revoked according to law: Provided always, that no such certificate shall be given to any person who shall not have been a Student in the Normal School during at least one Session.

Salaries of superintendents and expenses incurred in the execution of the school law, how paid.

XLV. And be it enacted, That no part of the salaries of the Chief or Local Superintendents of Schools, nor of any other persons employed or expenses incurred in the execution of this Act, shall be paid out of the Common School Fund, which shall, wholly and without diminution, be expended in the payment of Teachers' salaries, as hereinbefore provided.

Punishment of persons disturbing meetings, &c.

XLVI. And be it enacted, That any person who shall wilfully disturb, interrupt, or disquiet the proceedings of any School Meeting authorized to be held by this Act or any school established and con-

ducted under its authority, shall for each offence, forfeit for Common
 2 School purposes, to the School Section, City, Town or Village, within
 the limits of which such offence shall have been committed, a sum of
 4 not less then *five pounds*, nor more then *ten pounds*, and may be
 prosecuted before any Justice of the Peace, by any person whatever,
 6 and convicted on the oath of one credible witness other than the
 prosecutor, and if convicted, the said penalty shall, if not forthwith
 8 paid, be levied with costs by distress and sale of goods and chattels
 of the offender, under a warrant of such Justice. and paid over by
 10 him to the School Treasurer of such Section, City, Town or Village ;
 or the said offender shall be liable to be tried and punished for the
 12 misdemeanor.

XLVII. And be it enacted, That the first election of Trustees in
 14 all the Cities and Towns of Upper Canada, as provided for in the
 twenty-second section of this Act, shall commence at ten of the clock
 16 in the forenoon of the *first Tuesday in July*, one thousand eight
 hundred and *fifty*, and that the places of election in the several
 18 Wards of each City or Town, together with the name of the
 Returning Officer for each such Ward, shall be duly notified, by
 20 causing notices to be put up in at least three public places in each
 such Ward, and not less than six days before such election, by the
 22 Mayor of each City and Town respectively. Provided always, that
 the School Trustees then elected in each City and Town, shall be
 24 subject to all the obligations which have been contracted by the
 present School Trustees of such City or Town; and shall be
 26 invested with all the powers conferred by this Act on School
 Trustees of Cities and Towns for the fulfilment of such obligations,
 28 and for the performance of all other duties imposed by this Act.

Temporary provisions for holding the first elections in cities and towns.

XLVIII. And be it enacted, That the Interpretation Act shall apply
 30 to this Act; that the word "Teacher," shall include Female as
 well as Male Teachers; and that the word "Townships" shall
 32 include Unions of Townships made for Municipal purposes.

Interpretation clause.

XLIX. And be it enacted, That the foregoing sections of this
 34 Act shall have force and effect, upon, from and after the
 and not before.

Commencement of this Act.