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THE LAWS

RELATING TO

Roman Catholic Separate Schools

IN

UPPER CANADA,

AND

Dissentient Schools

IN

LOWER CANADA,

ARRANGED IN PARALLEL COLUMNS.

TORONTO:

LOVELL & GIBSON, PRINTERS, YONGE STREET

THE LAW

RELATING TO

ROMAN CATHOLIC SEPARATE SCHOOLS IN UPPER CANADA

AND TO

DISSENTIENT SCHOOLS IN LOWER CANADA,

(Arranged in parallel columns, with references to identical or analogous passages in each.)

EXPLANATION OF ABBREVIATED REFERENCES:

"L. C. Act."—Lower Canada Act relating to Dissentient Schools.
"U. C. Act."—Upper Canada Roman Catholic Separate School Act of 1855.

"L. C. Cir."—Lower Canada Circular.
"U. C. Cir."—Upper Canada Circular.
"U. C. Dep. Reg."—Upper Canada Departmental Regulations.

*** The figures refer to the parts of the Lower Canada School Act, Circular, &c., which have been numbered for convenience of reference.

AN ACT TO AMEND THE LAWS RELATING TO ROMAN CATHOLIC SEPARATE SCHOOLS IN UPPER CANADA.

18 VICTORIA, CHAPTER 131.

[Received Royal Assent, 30th May, 1855.]

WHEREAS it is expedient to amend the laws relating to separate schools in Upper Canada so far as they affect the Roman Catholic inhabitants thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to amend the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same as follows:

Acts repealed.

I. The nineteenth section of "the Upper Canada School Act of 1850," and the fourth Section of "the Upper Canada Supplementary School Act of 1853," and all other provisions of the said acts or of any other act, inconsistent with the provisions of this act, are hereby repealed so far only as they severally relate to the Roman Catholics of Upper Canada. [13 & 14 Vic., ch. 48, § xix. 14 & 15 Vic., ch. 111. 16 Vic., ch. 185, § iv, repealed.]

Five Heads of Families may call Meeting.

II. Any number of persons not less than five heads of families being freeholders or householders resident within any school section of any township or within any ward of any city or town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school for Roman Catholics in such school section or ward for the election of trustees for the management thereof.

Majority present to elect three Trustees.

III. A majority of the persons present, not less than ten in number, being freeholders or householders, and being Roman Catholics, at any such meeting may elect three persons resident within such section to act as trustees for the management of such separate school, and any person, being a British subject, may be elected as such trustee whether he be a freeholder, or householder, or not:

(See left hand column, 2nd page.)

THE LAW RELATING TO DISSENTIENT SCHOOLS IN LOWER CANADA.

(Taken from the School Acts.)

9th Victoria, chapter 27.

How to establish Dissentient Schools.

XXVI. And be it enacted, (1) That when in any [Sch.] municipality the regulations and arrangements made by the School Commissioners for the conduct of any school, shall not be agreeable to any number whatever of the inhabitants professing a religious faith different from that of the majority of the inhabitants of such municipality, the inhabitants so dissentient may collectively signify such dissent in writing to the Chairman of the said Commissioners, (2) and give in the names of three Trustees, chosen by them for the purposes of this Act; (3) and such Trustees shall have the same powers and be subject to the same duties as School Commissioners, (4) but for the management of those schools only which shall be under their control; (5) and such dissentient inhabitants may, by the intervention of such Trustees, establish in the manner provided with regard to other schools, one or more schools, (6) which shall be subject to the same provisions, duties and supervision, (7) and they shall be entitled to receive from the Superintendent (a) or from the School Commissioners, such sum out of the general (b) or local school fund as shall be proportionate to the dissentient population they represent: (8) Provided always, that whenever the majority of the children attending any school now in operation, and the school-house, shall belong to or be occupied by such dissentients, the said school-house shall continue to be occupied by them so long as the number of children taught in such school shall amount to the number required by this act to form a School District (9) and the entire amount of moneys raised by assessment on such dissentients shall be paid to the Trustees of such school, together with a due proportion of the building fund.

Conditions of receiving aid.

XXVII. And be it enacted, (10) That to entitle any school to its allowance out of the general or local school fund, it shall be requisite and sufficient that such school has been under the management of School Commissioners or [Dissentient] Trustees appointed in the manner provided by

(See right hand column, 2nd page.)

References to
Lower Canada
Acts, Circulars,
& Instructions.

References to
Upper Canada
Acts, Circulars,
& Instructions.

1 and 2 not
in U.C. Act.

3, 4, 5, and
part of 6 in
U.C. Act.
§ viii.

"Supervi-
sion" (6) not
in U.C. Act.

7 (in part)
and 8, not in
U.C. Act.

a In U.C.
Act, § xiv.

b In U.C.
Sch. § xiii.

9 in U.C.
Act § viii,
power to tax
vested in E.
C. Trustees.

10 in U.C.
Act, § xiii.

See L.C. Cir.
No. 56.

L. C. Act,
No. 1.

L. C. Act,
No. 2.

L. C. Act,
No. 2, Cir 50.

L. C. Act,
No. 47.

UPPER CANADA R. C. SEPARATE SCHOOL ACT.—Continued.

Notice of establishment of Separate School.

IV. A notice addressed to the reeve, or to the chairman of the board of common school trustees, in the township, city or town in which such section is situate, may be given by all persons resident within such section being freeholders or householders, and being Roman Catholics, favourable to the establishment of such separate school, whether they were present at such meeting or not, declaring that they desire to establish a separate school in such school section, and designating by their names, professions and places of abode the persons elected in the manner aforesaid as trustees for the management thereof.

V. Every such notice shall be delivered to the proper officer by one of the trustees so elected, and it shall be the duty of the officer receiving the same to endorse thereon the date of the reception thereof, and to deliver a copy of the same, so endorsed and duly certified by him, to such trustee.

Effect of such notice.

VI. From the day of the date of the reception of every such notice, the trustees therein named shall be a body corporate under the name of "The Trustees of the Roman Catholic Separate School for the section number _____, in the township (city or town as the case may be), in the county of _____."

Union of Separate Schools in Cities and Towns.

VII. If a separate school or separate schools shall have been established in more than one ward of any city or town, the trustees of such separate schools may, if they think fit, form an union of such separate schools, and, from the day of the date of the notice in any public newspaper, published in such city or town announcing such union, the trustees of the several wards shall together form a body corporate under the title of "The Board of Trustees of the Roman Catholic United Separate Schools for the city (or town) of _____, in the county of _____."

Powers and obligations of Trustees.

VIII. All trustees elected and forming a body corporate under this act shall have the same power to impose, levy and collect school rates or subscriptions upon and from persons sending children to, or subscribing towards the support of separate schools, and all other powers in respect of separate schools, as the trustees of common schools have and possess under the provisions of the acts hereinbefore cited in respect of common schools; and they shall also be bound to perform all duties required of, and shall be subject to all penalties provided against the trustees of common schools; and teachers of separate schools shall be liable to all penalties provided against teachers of common schools.

Trustees' period of office and re-election.

IX. All trustees elected under this act shall remain in office until the second Wednesday of the month of January next following their election, on which day in each year an annual meeting shall be held, commencing at the hour of ten of the clock in the forenoon, for the election of trustees for separate schools theretofore established; but no trustee shall be re-elected at any such meeting without his consent, unless after the expiration of four years from the time when he went out of office.

Children from adjoining sections may attend.

X. All trustees elected under this act shall allow children from other school sections to be received into any separate school under their management, at the request of the parents or

(See left hand column, page 3.)

LOWER CANADA ACT.—Continued.

the next preceding section,—(11) that it has been in actual operation during at least eight calendar months,—(12) that it has been attended by at least fifteen children (periods of epidemic or contagious diseases excepted),—(13) that the returns have been certified to the School Commissioners or Trustees by the Master, Mistress or Teacher, and at least two of the Commissioners or Trustees,—(14) that a public examination of the schools has taken place,—(15) that a report signed by the majority of the School Commissioners or Trustees, and by the Master has been transmitted to the Superintendent of Schools, according to the form prescribed by him for that purpose, every six month, that is to say, before the first day of July, and the first day of January, in each year,—(16) and finally, that a sum equal to the allowance made by the Legislature for the Municipality has been raised as hereinbefore provided.

Penalties for false returns.

XXVIII. And be it enacted, (17) That if any School Commissioner or [Dissentient] Trustee, or other person, shall make any false certificate or return, by means of which he may have fraudulently obtained or sought fraudulently to obtain money from the public School Fund, such Commissioner, Trustee or other person, shall not only restore the money so obtained, but shall also incur a penalty not exceeding ten pounds currency, nor less than two pounds ten shillings, which shall go to the local school fund, and which shall be recoverable at the suit of any person having an interest in the right administration of the Common Schools, on the oath of one credible witness, and before any Justice of the Peace; (18) and if such penalty be not paid within ten days after judgment, it shall be levied, with the costs of suit and of sale, by seizure and sale of the goods and chattels of the defendant under the warrant of such Justice of the Peace, and in default of sufficient goods and chattels, the defendant may be committed to the common gaol, and detained therein one day for each three shillings of the amount of the fine and costs, or of the balance which may be due.

Election restrictions—Children from other districts.

XXIX. And be it enacted, (19) That the Trustees of dissentient minorities shall also be elected for three years, (20) except that at the end of each of the two first years one of the Trustees shall retire and be replaced or re-elected by such dissentients; (21) children from other School Districts, of the same faith as the dissentients for whom the school was established, may attend the same whenever such dissentients shall not be sufficiently numerous in any District to support a school alone: (22) Provided that the individuals of the dissentient minority shall not be elected nor serve as School Commissioners, (23) nor vote at the election of the School Commissioners; (24) and that in like manner the individuals of the majority shall not be elected nor serve as School Trustees, (25) nor vote at their election.

Restriction as to Visitors.

XXXIII. (26) No Priest, Minister or Ecclesiastic shall be entitled to visit any school belonging to any inhabitants not of his own persuasion, except with the consent of the Commissioners or Trustees of such school.

School Corporations in Quebec and Montreal.

XLII. And be it enacted, (27) That in Quebec and Montreal the Corporation shall appoint twelve School Commissioners (if they have not

11 not in U. C. Act.

12 in U. C. Act, § xiii.

13 & 14 not in U. C. Act.

15 in U. C. Act, § xiv.

16 not in U. C. Act.

17 in U. C. Act, § xii.

18 not in U. C. Act.

19 & 20 not in U. C. Act. See § ix.

21 in U. C. Act, § x.

22 not in U. C. Act.

23 in U. C. Act, § xvi.

24 & 25 in U. C. Comm. School Act.

26 in U. C. Comm. Sch. Act by Dept. Construction.

27 not in U. C. Act, but § vii authorizes City Boards.

(See right hand column, page 3.)

UPPER CANADA R. C. SEPARATE SCHOOL ACT.—Continued.

lawful guardians of such children, provided such children or their parents or guardians are Roman Catholics; and no children attending such school shall be included in the return hereafter provided to be made to the Chief Superintendent of Schools unless they shall be Roman Catholics.

Teachers' Certificate. Disposal of moneys.

XI. A majority of the trustees in any township or village or of the board of trustees in any town or village elected under this act, shall have power to grant certificates of qualification to teachers of separate schools under their management, and to dispose of all school funds of every description coming into their hands for school purposes.

L. C. Act,
No. 29.

Condition of Municipal Exemption from school rates.

XII. Every person paying rates, whether as proprietor or tenant, who, on or before the first day of February of any year, shall have given notice to the clerk of the municipality in which any separate school is situated, that he is a Roman Catholic and a supporter of such separate school, shall be exempted from the payment of all rates imposed within such ward or school section for the support of common schools and of common school libraries for the year then next following, and every clerk of a municipality, upon receiving any such notice, shall deliver a certificate to the person giving the same, to the effect that such notice has been given, and shewing the date of such notice; but any person who shall fraudulently give any such notice, or shall wilfully make any false statement therein, shall not secure any exemption thereby, but shall, on the contrary, be liable to a penalty of ten pounds currency, recoverable, with costs, before any Justice of the Peace at the suit of the municipality interested: Provided always, that nothing herein contained shall exempt any such person from paying any rate for the support of common schools or common school libraries, or for the erection of a school-house or school-houses, which shall have been imposed before such separate school was established.

L. C. Act,
No. 32.

L. C. Act,
No. 17.

L. C. Act,
No. 13.

Conditions of receiving aid from Legislative Grant.

XIII. Every separate school established under this Act shall be entitled to a share in the fund annually granted by the legislature of this Province for the support of common schools, according to the average number of pupils attending such school during the twelve next preceding months or during the number of months which may have elapsed from the establishment of a new separate school as compared with the whole average number of pupils attending school in the same city, town, village or township: Provided always, that no separate school shall be entitled to a share in any such fund unless the average number of pupils so attending the same be fifteen or more, (periods of epidemic or contagious diseases excepted): Provided also, that nothing herein contained shall entitle any such separate school within any city, town, village or township, to any part or portion of school moneys arising or accruing from local assessment for common school purposes within any such city, town, village or township, or the county or union of counties within which such town, village or township is situate: Provided also, that if any separate school shall not have been in operation for a whole year at the time of the apportionment, it shall not receive the sum to which it would have been entitled for a whole year, but only an amount proportional to the time during which it has been kept open.

L. C. Act,
Nos. 7 & 11.

L. C. Act,
No. 12.

By L. C.
Act 32, Dis-
sident
schools only
receive the
rates of Dis-
sidents.

(See left hand column, 4th page.)

LOWER CANADA ACT.—Continued.

already been named under the authority of the Act passed in the last Session of the Provincial Parliament concerning Elementary Education), six of whom shall be Roman Catholics and six Protestants; and such Commissioners shall form two separate and distinct Corporations, the one for Roman Catholics, and the other for the Protestants, and one half of each of the said Corporations shall be renewed annually by the said Corporation.

Examiners in Quebec and Montreal for granting Certificates.

L. And be it enacted, (28) That there shall be in each of the Cities of Quebec and Montreal, a Board of Examiners composed of fourteen persons chosen in as fair and equitable a manner as possible from among the different religious denominations, the members of which Board shall be appointed by the Governor in Council, through the Superintendent of Schools, and of whom one half shall consist of Roman Catholics, and one half of Protestants, and who shall compose a Board of Examiners, (29) to examine Teachers, and to deliver or refuse to each, as the case may require, a license or certificate of qualification, after due examination; (30) and the said Board shall be divided into two divisions, one of which shall be composed of seven Roman Catholics, and the other of seven Protestants, each of which division shall separately perform the duties hereinafter imposed upon them: (31) Provided nevertheless, that every Priest, Minister, Ecclesiastic, or person forming part of a religious community instituted for Educational purposes, and every person of the female sex, shall be in every case exempt from undergoing an examination before any of the said Boards; and provided also, that neither the possession of a certificate of examination before one of the said Board, nor any exemption from examination, shall oblige the School Commissioners or Trustees to accept a Teacher who does not suit them. [These Boards have been since increased]

*12th Victoria, Chap. 50.**Assessment for dissentient schools, fees, grant, &c.*

XVIII. And be it enacted, That any thing in the twenty-sixth section of the said above cited Act, or in any other part of the said Act contained to the contrary notwithstanding, (32) whenever the Trustees of dissentient Schools shall have been chosen and shall have established one or more dissentient schools, in any School Municipality, and the said Trustees shall not be satisfied with the arrangements antecedently made by the School Commissioners of the said Municipality relative to the recovery and the distribution of the assessment, they may, by a written declaration to that effect, address to the President of the School Commissioners, at least one month before the first day of January or July, in any year, acquire the right of receiving themselves, for the following and all future years during which they shall continue to be such Trustees of dissentient schools, according to law, the assessment levied on the inhabitants so dissentient, who shall have signified their dissent in writing conformably to the said above cited Act, or who shall hereafter signify the same at the times and the manner hereinbefore provided, (33) and the said Trustees shall in such case be entitled to obtain a copy of the assessment in force, of the list of children capable of attending School, and of other documents in the hands of the School Commissioners or of the Secretary-Treasurer, and connected with the future Gov-

28 not in U.
C. Act, but
§ xi and o-
rises licen-
sing of
teachers.

29 in U. C.
Act, § xi.

30 not in U.
C. Act, but
provided for
in § xi.

31 not in U.
C. Act, but
such exami-
nation may
be dispensed
with under
§ xi.

32 not in U.
C. Act, but
virtually
provided for
in § viii, and
xii.

§ xii points
out how R.
Catholics
can be ex-
empted
from Com.
school rates
which by §
viii, the
R. C. Trus-
tees can col-
lect.

33 in U. C.
Com. Sch.
Act, and by
§ viii appli-
cable to R.
Cath. Sep.
Sch. Act.

(See right hand column, 4th page.)

UPPER CANADA R. C. SEPARATE SCHOOL ACT.—Continued.

Apportionment based on half yearly returns.

XIV. The trustees of each separate school shall on or before the thirtieth day of June and the thirty-first day of December of each year, transmit to the Chief Superintendent of Schools for Upper Canada a correct statement of the names of the children attending such school, together with the average attendance during the six next preceding months, or during the number of months which may have elapsed since the establishment thereof, and the number of months it shall have been so kept open, and the Chief Superintendent shall thereupon determine the proportion which the trustees of such separate schools will be entitled to receive out of such legislative grant, and shall pay over the amount thereof to such trustees, and every such statement shall be verified under oath before any Justice of the Peace for the county or union of counties within which such separate school is situate by at least one of the trustees making the same.

L. C. Act,
Nos. 15 & 42.L. C. Act,
Nos. 37, 42,
& 49.L. C. Act,
No. 42.*Trustee's election void in certain cases*

XV. But the election of any trustee or trustees made under this act shall become void unless a separate school be established under his or their management within two months from the election of such trustee or trustees.

Restriction as to voting at C. S. elections.

XVI. And no person subscribing towards the support of a separate school or sending children thereto shall be allowed to vote at the election of any trustee for a common school in the city, town, village or township in which such separate school is situate.

L. C. Act,
No. 23.FROM THE COMMON SCHOOL ACT, 13
& 14 VICTORIA, CHAP. 48.*Election of Trustees—No restriction in the selection.*

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 freeholders or householders of such section, present at such meeting, or a majority of them,—

Thirdly. (A) 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.*

L. C. Act,
No. 47.*Foreign Books—Religious Instruction.*

XIV. And be it enacted, (B) 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; (C) 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.

L. C. Act,
No. 44.L. C. Act,
No. 44.

(See left hand column, 5th page.)

* By the fourteenth section of the Supplementary Act, no Local Superintendent can be a Trustee in a school section; and by the sixth proviso in the fourth section of the same Act, supporters of separate schools are ineligible as Trustees of public common schools.

LOWER CANADA ACT.—Continued.

ernment of dissentient Schools; (34) the said Trustees may and shall also receive the amount of the monthly fees, payable in respect of the children of such dissentient parent or masters, (35) and may institute all suits or prosecutions, and do all other things necessary for the recovery of the said assessments and monthly fees; and they, (36) the said Trustees, shall be a Corporation for the purposes of their own dissentient schools and School District, (37) and shall be entitled to receive from the Superintendent shares of the General School Fund bearing the same proportion to the whole sums allotted from time to time to such Municipality as the number of children attending such dissentient schools bears to the entire of children attending school in such Municipality, at the same time, and a similar share of the Building Fund; (38) and the said Trustees shall have the right to constitute their own School Districts independently of the School Districts established by the Commissioners aforesaid, (39) and shall have the same rights and shall be subject to the same duties and penalties as the said School Commissioners, in respect of the collection and application of the moneys by them received, of the rendering and examination of their accounts, and of all other matters whatever in reference thereto, (40) and may be removed and others appointed by the Governor in Council, or by the Superintendent of Schools in all those cases in which School Commissioners are liable to be so dealt with; (41) Provided always, that if after such declaration of separate management, there should be no subsisting assessment, or if the assessment should not appear to them a proper one, the said Trustees may, in the months of July and August in each year, proceed to make such assessment for the future, conformably to the said Act upon the inhabitants so dissentient as aforesaid; (42) And provided also, that the said Trustees shall be, and they are hereby held to furnish to the Superintendent a written statement, under the oath of at least two of them, of the number of children attending such dissentient Schools at least one month previous to the said first days of January and July, to enable the said Superintendent to make the proper apportionment of the said General and Building Funds.

13 & 14 Victoria, Chap. 97.

Government Inspectors of Schools.

III. That it shall be lawful for the Governor to appoint, from time to time, and for such period as he shall deem necessary, in each of the Districts of Lower Canada, one or more competent persons as Inspectors of Common Schools therein, whose duty shall be to visit each School Municipality in the District or section of a District for which he shall be appointed, (43) to examine the Schools, School Teachers and School Houses therein,—to inspect the Accounts of the Secretary-Treasurer and the Register of the School Commissioners of every such Municipality,—and generally to ascertain whether the provisions of the existing School Laws are there carried out and obeyed. &c.

Municipal aid to Schools in Quebec and Montreal.

IX. (44) That in the Cities of Quebec and Montreal, no Rate shall be imposed or levied for the purpose of common Schools, but that the City Treasurer of each of the said Cities, shall, out of the moneys in his hands forming part of

34 included
in U. C. Act
§ viii.35 in U. C.
Act, § viii.36 in U. C.
Act, § vi.37 in U. C.
Act, § xiv.No Build-
Fund in U
C.38 not in U
C. Act.39 in U. C
Act, § viii.40 not in U
C. Act.41 not in U
C. Act, but
§ viii autho-
rises neces-
sary rates to
be levied by
R. C. trust-
tees.42 in U. C
Act, § xiv.No building
fund in U. C.III- not in
U. C. Act.See L. C.
Instruc-
tions, Nos.
58 and 60.43 not in U.
C. Act.44 not in U.
C. Act. The
power of col-
lecting rates
is vested
in the R. C.
Trustees,
§ viii.

(See right hand column, 5th page.)

UPPER CANADA R. C. SEPARATE SCHOOL ACT.—Continued.

Authorized Text Books.

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

Thirdly. (D) 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 the use of the Common Schools of such County or Circuit; and to ascertain and recommend the best facilities for procuring such books.*

L. C. Act,
No. 45.

DEPARTMENTAL REGULATIONS ON THE SUBJECT OF ROMAN CATHOLIC SEPARATE SCHOOLS.

1. When a Roman Catholic Separate School is established, as provided in the R. C. Separate School Act of 1855, 18 Vict., chap. 131, it will be necessary for the Trustees to transmit the notice of its establishment, having the Certificate and Endorsement of the Reeve of the Township, or of the Chairman of the Board of School Trustees of the city, town or village, to the Chief Superintendent of Schools, so that the Department may be apprized of the legal existence of the school, and be enabled to transmit to the Trustees the necessary blanks, and also reserve a portion of the Legislative School Grant for the school.

L. C. Cir.,
No. 52.

2. When the Separate Schools in the wards of a city or town become united under one Board, as provided for in the 7th section of the said Act, the Board of Trustees should send a copy of the newspaper containing such notice to the Chief Superintendent of Schools.

L. C. Cir.,
No. 52.

3. The Educational Department will not be able to recognize any Roman Catholic Separate School neglecting to comply with the foregoing regulations in regard to the establishment and union of such schools.

L. C. Cir.,
No. 57.

4. Nor will any such separate school be entitled to share in the Legislative School Grant, unless the half-yearly returns, required by the 14th section of the said Act, be transmitted to the Chief Superintendent of Schools within a month after the expiration of the half year to which they refer.

L. C. Act,
No. 15.

CIRCULAR FROM THE CHIEF SUPERINTENDENT OF SCHOOLS TO TRUSTEES OF R. C. SEPARATE SCHOOLS IN U. C.

Dated the 18th June, 1855.

GENTLEMEN,—You will herewith receive a copy of "An Act to amend the Laws relating to Roman Catholic Separate Schools in Upper Canada." For the provisions of this Act, I am not entitled to either praise or blame, as I never saw it until it appeared in print, after its introduction into the Legislature. I have ever believed and maintained that the provisions of the law as previously existing in respect to separate schools, were conceived in a kindly feeling, and were equitable and liberal. I am so persuaded still. But these provisions of the law having been complained of by Bishops of the Roman Catholic Church, the new Separate School act is the result—an act, which, while it maintains our public school system inviolate and even places it upon a firmer and broader foundation than

18 V., c. 181.

(See left hand column, 6th page.)

* The authorised text-books are those published under the direction of the Commissioners of National Education in Ireland—prepared by practical and experienced Masters.—See L. C. Cir., No. 48.

LOWER CANADA ACT.—Continued.

the funds of the Corporation of such City, from whatever source such moneys are derived, (all Laws or Rules or By-laws of the Council of such Corporation to the contrary notwithstanding,) pay to the respective Boards of School Commissioners of such City, and in proportion to the population of the religious persuasion represented by such Boards respectively, a sum equal in amount to that apportioned to such City out of the Common School Fund, to be employed by and for the purposes of the Common Schools, under the direction of such Boards of School Commissioners respectively, &c.

*9th Victoria, Chap. 27.**Text Books—Religious Instruction.*

XXI. And be it enacted, That it shall be the duty of the School Commissioners in each Municipality—

Fifthly. (45) To regulate the course of study to be followed in each School,—to provide that no other books be used in the Schools under their jurisdiction but those approved and recommended by the Board of Examiners hereinafter established,—and to establish general rules for the management of the Schools, and to communicate them in writing to the respective Teachers,—to fix the time of the annual public examination, and to attend at the same: (46) Provided that the Curé, Priest, or officiating Minister shall have the exclusive right of selecting the books having reference to religion or morals, for the use of the Schools for children of his own religious faith.

45 in U. C. Com. Sch. Act, sec. xiv. at B.

46 not in U. C. Act, but Sect. 209 Com. Sch. Act, sec. C includes it.

*12th Victoria, Chap. 50.**Eligibility of Clergymen as Trustees.*

VI. And be it enacted, (47) That the Clergymen of all religious denominations in each School Municipality shall be eligible to be such Commissioners without any property qualification; any law or statute to the contrary notwithstanding.

47 not in U. C. Act, but Sect. vi. A. places no restriction on the choice of the electors.

CIRCULAR OF THE SUPERINTENDENT OF EDUCATION FOR L. C.

Dated the 15th June, 1846

(48) In those localities where a difference of religious belief exists, it is of importance that the books employed for the purpose of inculcating principles of morality and religion, should contain nothing having relation to any faith in particular. I conceive it, therefore, my duty to recommend the adoption for the use of schools of the books which, under similar circumstances are employed in the schools in Ireland. These are certainly according to general belief the best books that could be used in the Common Schools for the purpose of imparting to children of different religions, the requisite degree of instruction.

48 provided for in U. C. Com. Sch. Act, Sect. xxix, at D.

L. C. Cir. 2.

(49) It must be understood that dissentient schools are only entitled to a share of the school grant proportionate to the number of children between the ages of 5 and 16 years, who have attended to school and belonged to dissentient inhabitants residing in the Scholastic Municipality. See 18th clause of the Act 12 Vic. ch. 50.

49 in U. C. Act, § xiv.

(50) Dissentient Schools should in all cases governed by three Trustees named for the purpose by the dissentient inhabitants, as was done under the last Act. There ought to be but one body of Trustees for all the dissentient schools in each scholastic Municipality.

50 in U. C. Act § iii.

(See right hand column, 6th page.)

UPPER CANADA CIRCULAR.—Continued.

that upon which it rested before, yet confers upon members of the Roman Catholic persuasion, powers and distinctions which are not possessed by any class of Protestants in Upper Canada, and which their own Representatives would never consent to confer upon them.

2. While in our public schools, the religious rights and faith of pupils of all persuasions are equally protected, and while I am persuaded of the superior advantages of those schools in respect to both economy and all the appliances of instruction, I shall, on this very account, in addition to the obligations of official duty, do all in my power to lessen the disadvantages of those who prefer separate schools, and secure to them every right and advantage which the Separate School act confers.

3. I have prepared blank forms of semi-annual returns, which you are to make to me, and on the receipt of which I will determine and pay half-yearly the sums from the Legislative school grant to Roman Catholic separate schools. To enable me to do so the more readily it will be necessary for you to appoint some person in this city to receive and give duplicate receipts for the sums payable to your school according to law. The blank power of attorney enclosed in duplicate can therefore be filled up and presented by your agent to this Department. The enclosed semi-annual returns for Roman Catholic separate schools are precisely the same as those required of the trustees of our public schools. The annual reports required from trustees of Roman Catholic separate schools, are also the same as those required from trustees of the public schools.

4. On application, I will furnish you with school registers, and herewith transmit to you also, blank returns for the first six months of the current year. I will also supply your school with maps, apparatus and libraries upon the same terms as the public schools; that is, I will add one hundred per cent. to whatever sum or sums you may forward for such maps, apparatus, or library books as you may select from the descriptions and general catalogues of the department.

5. The several clauses of the Separate School Act are clearly and simply expressed; but should any doubts arise as to your duties or proceedings, I shall be happy to give you every information in my power.

6. As the 14th section of the Act referred to, requires me to base the apportionment of each six months, upon the semi-annual returns of the previous year, and as I am anxious to ensure the utmost correctness in making the apportionment for the current year, I will thank you to have the kindness to fill up and return, to this Department, the enclosed blank return, relative to school attendance of last year. The information is not in the possession of this Department, but it can be easily compiled from the school records in your possession.

LOWER CANADA CIRCULAR.—Continued.

(5.) The Trustees of dissentient Schools have the same duties to fulfil and the same powers to exercise as the Commissioners for the government of Schools under their control. See 26th clause of the Act 9 Vict. ch. 27, and the 18th of the Act 12 Vict. ch. 50.

(52) They ought to report to this office respecting the schools under their control at the same period as is designated by the law for the performance of that duty by the School Commissioners.

(53) They ought also to render an account of the manner in which they have expended that part of the Government Grant placed at their disposal.

(54) They should exact from the Teachers the keeping of a Journal similar to that required from the Teachers of Schools under the control of the Commissioners.

(55) It will be observed, however, that the 21st clause of the Act 9 Vict. ch. 27, placing at the disposition of School Commissioners all the lands and School Houses acquired, given to, or erected under the authority of formal Education acts or of the present Act, gives no power or right to the Trustees of dissentient schools to demand the use or possession of the like property, unless they were in possession of the same at the time of the passing of this Act.

(56) The present Act authorizes the establishment of dissentient schools only upon the ground of religious difference, and to the inhabitants only forming the minority.

(57) In all their communications with this office, the Trustees of dissentient Schools will be governed by the same rules as the School Commissioners.

Instructions to Inspectors of Schools.

(58) The School Inspectors, according to the true intent of the Act 14 and 15 Vict., cap. 97, will visit all the schools in operation in the School Municipalities within the limits of their respective jurisdiction.

3. (59) The Inspectors will also specify whether the schools are held under the control of the School Commissioners, or under that of the Dissenting Trustees, if they are Common Schools frequented by children both of Catholic and Protestant parentage, if they are mixed schools frequented by children of both sexes, without distinction either of origin or religion.

17. (60) The Inspectors will visit all the school-houses built under the control of the Commissioners of Schools, or of the Dissenting Trustees, as well as the lands upon which they are situated, &c.

J. G. H.,
D^y.

EDUCATION OFFICE, Toronto, March, 1856.