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NEWFOUNDLAND.

A BILL,
For the encouragement of Education
in this Colony.

[MR. BARNES.]

Read 1st time, February 22, 1843.
[To be read 2nd time, 11th March.]

*Printed by Order of the Honorable
the General Assembly,
February 22, 1843.*

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NEWFOUNDLAND.

A BILL for the encouragement of Education in this Colony.

[Words in Italics, and Sums in Figures, to be filled up in Committee.]

WHEREAS, for the encouragement of Education, it is expedient that several sums of Money should be granted for the establishment and support of Elementary Schools throughout this Island, and that Regulations should be made for the proper expenditure of such Monies, and the management of the said Schools.

I.—Be it therefore enacted, by the Governor and Assembly, in General Assembly convened, that from and out of such Monies as shall from time to time remain in the hands of the Colonial Treasurer, unappropriated, there be granted to Her Majesty, her heirs and successors, annually, for the period of Years, from and after the passing of this Act, the sum of £4985; which said sum of money shall be annually distributed, one part in the support of Schools appropriated to the instruction of the children of Members of the *several* Reformed Churches, and the remaining part in the support of Schools appropriated to the instruction of the children of Members of the Roman Catholic Church.

£4985 annually granted for purposes of education.

To be divided between Protestants and Catholics.

II.—And be it further enacted, that the said sum of £4985 shall be applied and expended under the superintendence of Boards of Education, to be appointed as hereinafter prescribed, in the several Educational Districts hereinafter named, in the proportions following; that is to say:—In the District of St. John's, £1250,—of which £320 shall be at the disposal of the Protestant Board, and £930 at the disposal of the Roman Catholic Board;—In the District of Brigus, the sum of £375,—of which £155 shall be at the disposal of the Protestant Board, and £220 at the disposal of the Roman Catholic Board;—In the District of Harbor Grace, the sum of £560,—of which £360 shall be at the disposal of the Protestant Board, and £200 at the disposal of the Roman Catholic Board;—In the District of Carbonear, the sum of £600,—of which £350 shall be at the disposal of the Protestant Board,—and £250 at the disposal of the Roman Catholic Board;—In the District of Trinity Bay, North, £250,—of which £200 shall be at the disposal of the Protestant Board, and £50 at the disposal of the Roman Catholic Board; In the District of Trinity Bay, South, the sum of £210,—of which £185 shall be at the disposal of the Protestant Board, and £25 at the disposal of the Roman Catholic Board;—In the District of Bonavista Bay, South, £230,—of which £155 shall be at the disposal of the Protestant Board, and £75 at the disposal of the Roman Catholic Board;—In the District of Bonavista Bay, North, £125,—of which £115 shall be at the disposal of the Protestant Board, and £10 at the disposal of the Roman Catholic Board;—In the District of Fogo, the sum of £115,—of which £75 shall be at the disposal of the Protestant Board, and £40 at the disposal of the Roman Catholic Board;—In the District of Twillingate, the sum of £205,—of which £190 shall be at the disposal of the Protestant Board, and £15 at the disposal of the Roman Catholic Board;—In the District of Bay Bulls, the sum of £140, to be at the disposal of the Roman Catholic Board, —there being no Protestant Board required in that District;—In the District of Ferryland, the sum of £205,—of which £180 shall be at the disposal of the Roman Catholic Board, and £25 at the disposal of the Protestant Board;—In the district of St. Mary's £75, to be at the disposal of the Roman Catholic Board,—there being no Protestant Board required in that District;—In the District of Placentia, £230,—of which £185 shall be at the disposal of the Roman Catholic Board, and £45 at the disposal of the Protestant Board;—In the District of Burin, £205,—of which £115 shall be at the disposal of the Protestant Board.

Appropriation of Money to the several districts.

10/6

and £90 at the disposal of the Roman Catholic Board ;—In the District of Fortune Bay, the sum of £210,—of which £185 shall be at the disposal of the Protestant Board, and £25 at the disposal of the Roman Catholic Board.

Division of educational districts.

III.—And be it further enacted, that the present Electoral District of St. John's shall be the Educational District of St. John's ; that the Educational District of Brigus, aforesaid, shall consist of and include all that part of the Electoral District of Conception Bay, lying between the South Side of Northern Gut, in Port-de-Grave Salmon Cove, and Topsail Head ; the District of Harbor Grace aforesaid shall consist of and include all that part of the Electoral District of Conception Bay, lying between the North Point of Musquito, and the North Side of Northern Gut, in Port-de-Grave Salmon Cove ; the District of Carbonar, aforesaid, (10) shall consist of and include all that part of the Electoral District of Conception Bay, lying between the North Point of Musquito and Split Point ;—the District of Trinity Bay, South, shall consist of and include all that part of the Electoral District of Trinity, lying between Split Point and Tickle Harbor Point ;—the District of Trinity Bay, North, shall consist of and include all that part of the Electoral District of Trinity Bay lying between Tickle Harbor Point and Capo Bonavista ; the District of Bonavista, South, aforesaid, shall consist of and include all that part of the Electoral District of Bonavista, lying between Cape Bonavista and Salvage inclusive ; the District of Bonavista, North, aforesaid shall consist of, and include all that part of the Electoral District of Bonavista, lying between Salvage and Cape Freels, including all Islands within the said limits ; the District of Fogo, (20) aforesaid, shall consist of, and include, all that part of the Electoral District of Fogo, lying between Capo Freels and Change Islands inclusive, including the Island of Fogo, and all other Islands within the said limits ; the District of Twillingate, aforesaid, shall consist of, and include, all that part of the Electoral District of Fogo, lying between Change Islands and Cape St. John, including the Island of Twillingate, and all Islands within the said limits ; the District of Bay Bulls, aforesaid, shall consist of, and include, all that part of the Electoral District of Ferryland, lying between the South Head of Petty Harbor and the La Manche River ; the District of Ferryland, aforesaid, shall consist of, and include, all that part of the Electoral District of Ferryland lying between the La Manche river and Capo Race ; the District of St. Mary's, aforesaid, shall consist of, and include, all that part of the Electoral District of Placentia and St. Mary's, lying between Cape Race and Point Lance ; the District of Placentia, aforesaid, shall consist of and include all that part of the said Electoral District of Placentia and St. Mary's, lying between Point Lance and Rashoon, including all the Islands within the said limits ; the District of Burin, aforesaid, shall consist of and have the same limits as the present Electoral District of Burin ; and the District of Fortune Bay, aforesaid, shall consist of and have the same limits as the present Electoral District of Fortune Bay. (30)

Protestant Boards of Education to be appointed.

IV.—And be it further enacted, that immediately after the passing of this Act it shall and may be lawful for the Governor or administrator of the Government for the time being, by warrant under his hand and seal, to nominate and appoint, in each of the Educational Districts aforesaid, except as is hereinafter otherwise provided, Seven Persons to form and be a Protestant Board of Education for such District, in which Board shall be included the Senior or Superior Clergyman or Missionary actually resident or officiating within such District, of every religious denomination of Protestants therein, and the remainder of the said Board shall consist of Protestants of whom a majority shall be of the same religious persuasion as the majority of Protestants resident within the said District : Provided that it shall not be necessary to appoint a Protestant Board in any District where the amount hereinbefore appropriated to the Protestant part of such District shall be less than £40 ; but that in every such case it shall be lawful for the Governor or administrator of the Government for the time being, to authorize the Protestant Board most contiguous to such District to expend the sum appropriated for such District, in such Educational purposes as shall be most for the advantage of the same. (40) (50)

Proviso.

V.—And be it further enacted, that immediately after the passing of this Act it shall and may be lawful for the Governor or Person administering the Government for the time being, by warrant under his hand and seal, to nominate and appoint, in each of the Educational Districts aforesaid, except as is hereinafter otherwise provided, Seven Persons, of the Roman Catholic Church, to form and be a Catholic Board of Education for such District; in which Board shall be included the Senior or Superior Clergyman of the said Church, actually resident or officiating within such District. Provided; that it shall not be necessary to appoint a Roman Catholic Board in any District where the amount hereinbefore appropriated to the Catholic part of such District shall be less than £40; but that in every such case it shall be

(10) lawful for the Governor or administrator of the Government for the time being, to authorize the Catholic Board most contiguous to such District to expend the sum appropriated for such District in such Educational purposes as shall be most for the advantage of the same.

Catholic Boards of Education to be appointed.

Proviso.

VI.—And be it further enacted, that whenever any vacancy shall arise in any of the said Boards of Directors, by the death, resignation, or absence from the Colony, for Twelve Months, of any Member, it shall and may be lawful for the Governor, or Administrator of the Government for the time being, by Warrant under his hand and seal to nominate and appoint a fit and proper person to fill such vacancy, either permanently, or for a time only, as may be deemed most expedient.

Provision for supplying vacancies.

VII.—And be it further enacted, that such Boards of Education, Catholic and Protestant,

(20) shall respectively have full power and authority, so soon as may be after they shall have been respectively constituted, to assemble together in their respective Districts, and thereon to make and adopt Bye-Laws, Rules, and Regulations, for the establishment and management of Schools within their respective Districts, and for the appropriation of the respective Sums of Money hereinbefore granted, and of such Sums as may from time to time be hereafter granted for the maintenance of such Schools; Provided always, that Five, at the least, of the Members of any Board shall be present at the transaction of any business by the said Board, and that Four, at the least, of the Members of any Board, shall consent to the adoption of any Bye-Law, Rule, or Regulation, to be made as aforesaid; Provided nevertheless, that no such Bye-Law, Rule, or Regulation, shall be of any force or effect

(30) until the same shall have received the sanction of the Governor, or Person Administering the Government for the time being.

Power of Boards,

Quorum &c.

VIII.—And be it further enacted, that an annual meeting of each respective Board of Education shall be holden on the first Wednesday in July in each year, for the purpose of choosing a Chairman and other Officers, and of auditing accounts, and of transacting such other business as may then be necessary; and that the Chairman of each Board shall, as soon thereafter as may be, transmit to the Governor, or administrator of the Government for the time being, for the information of the Legislature, a report of the proceedings of such Board and a statement of the number of Schools and Children under its management, and of the cost and expenditure attending the same.

Annual meeting of Boards.

Annual report to Governor.

IX.—And be it further enacted, that the Annual and General Meetings of the said Boards, respectively, shall be holden at the following places, that is to say,—at the town of St. John's, for the District of St. John's; at Brigus, for the District of Brigus; at Harbour Grace, for the District of Harbour Grace; at Carbonear, for the District of Carbonear; at Old Perlican, for the District of Trinity Bay South; at Trinity, for the District of Trinity Bay North; at Bonavista, for the District of Bonavista Bay South; at Greenspond, for the

places where Boards shall meet.

District of Bonavista Bay North ; at Fogo, for the District of Fogo ; at Twillingate, for the District of Twillingate ; at Bay Bulls, for the District of Bay Bulls ; at Ferryland, for the District of Ferryland ; at St. Mary's, for the District of St. Mary's ; at Great Placentia, for the District of Placentia ; at Burin, for the District of Burin ; and at Harbour Britain, for the District of Fortune Bay ; and that General Meetings of the said Boards of Education, respectively, may be held at any time, on the requisition, to the Chairman, of any three or more Members.

No sectarian books to be used in the schools.

X.—And be it further enacted, that no Book or Books shall be used in any School or Schools established, or to be established, supported or to be supported, by any Board or Boards of Education appointed, or to be appointed, under this Act, but such as shall be chosen (10) and selected by the Board or Boards of Education as aforesaid having the superintendance or management of the said School or Schools ; Provided always, that no Board or Boards of Education constituted or appointed as aforesaid, shall, on any pretence, choose or select, for the use of such School or Schools, any Book or Books of a character or having a tendency to teach or inculcate the doctrines or peculiar tenets of any particular or exclusive Church or Religious Society whatever.

Old Boards to transfer property, &c. to schools under this Act.

XI.—And be it further enacted, that as soon as the said Boards of Education in the aforesaid Districts shall have been respectively constituted as hereinbefore provided, the several Boards of Education acting under any previous Acts for the encouragement of Educa- (20) tion, shall respectively transfer and pay over to the several Boards of Education to be appointed under this Act, all School-houses, Lands, Chattels, and Monies, obtained and held by them by virtue of any such previous Acts as aforesaid, remaining in their power or under their control respectively, first deducting thereout sufficient to defray any amount for which the said Boards respectively may, in the discharge of their functions, have become liable ; and the said School-houses, Lands, Chattels, and Monies, shall be held by the Boards to be appointed as hereinbefore provided, to be by them applied for the purposes of this Act.

Appropriation of school houses to Protestant Boards.

XII.—And be it further enacted, that the following School-houses, built by Boards of Education appointed under such previous Acts as aforesaid, shall be under the management of the several Protestant Boards of Education to be appointed under this Act,—that is to say,— (30) in the District of St. John's two Schools, one at Broad Cove and one at Quidi Vidi ;—in the District of Conception Bay, one School at each of the following places, that is to say Lower Island Cove, Western Bay, Crocker's Cove, Bay Roberts, and Brigus ; In the District of Trinity, one School at each of the following places, that is to say, the North Side of Trinity Harbour, Catalina, New Harbour, Hants Harbour, and Old Pelican ; And that in all other Districts where the majority of the Inhabitants shall be of the Protestant denomination, all Schools erected therein under the provisions of such previous Acts as aforesaid, shall be under the management of the Protestant Boards for such Districts respectively.

Appropriation of school houses to Catholic Boards.

XIII.—And be it further enacted, that the following School Houses, built as aforesaid, shall be under the management of the several Roman Catholic Boards of Education to be (40) appointed under this Act,—that is to say,—in the District of St. John's, Four Schools,—viz. One at Brookfield, One at Outer Cove, One at Logy Bay, and One at Windsor Lake : In Conception Bay, Four Schools,—that is to say,—One at Harbour Main, One at Musquito, One at Holyrood, and One at Harbour Grace : And that in all other Districts where the majority of the inhabitants shall be of the Roman Catholic denomination, all Schools erec-

ted therein under the provisions of such previous Acts as aforesaid, shall be under the management of the Roman Catholic Boards for such Districts respectively.

(10) XIV.—And be it further enacted, that the following Rates of Fees shall be paid by Pupils attending the several Schools to be established under the provisions of this Act, to be appropriated towards the Salaries of the Masters of such Schools;—that is to say,—the Sum of 5s. annually for every Pupil learning Reading and Writing only, and the Sum of 7s. 6d. annually for each Pupil instructed in Reading, Writing, and Arithmetic: Provided that nothing therein contained shall be construed to prevent the Children of such persons who are unable, from poverty, to pay such Fees as aforesaid, from being instructed gratuitously in the said Schools.

Fees to be paid by pupils.
Proviso.

(20) XV.—And be it further enacted, that it shall and may be lawful for the Protestant Boards in the undermentioned Districts, each year, respectively, out of the Monies hereinbefore appropriated to such Boards, to contribute to the support of Schools of the Newfoundland School Society, within the said several Districts, to the amounts following, respectively,—that is to say,—The Board for the District of St. John's, to an amount not exceeding £75; The Board for the District of Brigus, an amount not exceeding £25; The Board for the District of Harbour Grace, an amount not exceeding £100; The Board for the District of Carbonear, an amount not exceeding £25; The Board for the District of Trinity Bay, South, an amount not exceeding £30; The Board for the District of Trinity Bay, North, an amount not exceeding £60; The Board for the District of Bonavista, South, an amount not exceeding £25; The Board for the District of Bonavista, North, an amount not exceeding £25; The Board for the District of Fogo, an amount not exceeding £25; The Board for the District of Twillingate, an amount not exceeding £60; The Board for the District of Fortune Bay, an amount not exceeding £50; Provided always, that the said Society has, at the time such Sums may be granted, good Schools, or Branch Schools, in operation within such Districts respectively.

Protestant Boards, in certain districts to appropriate certain monies to support of Newfoundland School Societies.
Proviso.

(30) XVI.—And be it further enacted, that it shall and may be lawful for the Protestant Boards in the Districts of St. John's, Brigus, Harbour Grace, Carbonear, Trinity Bay North, Trinity Bay South, and Burin, respectively, out of the Sums hereinbefore appropriated to them in each year, to contribute to the support of the Wesleyan Methodist Schools, in their several Districts, the Sums following,—that is to say,—The Board for St. John's, £25; The Board for Brigus, £25; The Board for Carbonear, £50; The Board for Trinity Bay, North, £25; The Board for Trinity Bay, South, £25; The Board for Burin, £25; And the Board for Harbour Grace, £25: Provided always, that there be under the management of the Wesleyan Methodists, at the time such sums may be granted, good Schools or Branch Schools, in operation within such Districts respectively.

Protestant boards in certain districts to appropriate monies to support of Wesleyan Schools.
Proviso.

(40) XVII.—And be it further enacted, that it shall and may be lawful for the Catholic Board for the District of St. John's, to appropriate the Sum of £150 per annum to the support of the Orphan Asylum School, and the Sum of £150 per annum to the support of the Nunnery School, in the said District, out of the amount hereinbefore appropriated to such District; and for the Catholic Board for the District of Harbour Grace to appropriate the Sum of £50 per annum to the support of the St. Patrick's Free School, in the said District, out of the amount hereinbefore appropriated to such District.

Catholic Boards to appropriate certain monies to support of certain Catholic schools.

Monies how
paid.

XVIII.—And be it further enacted, that the Sums of Money granted by this Act shall be paid by the Treasurer of the Colony, in discharge of such Warrants as may from time to time be issued by the Governor, or Administrator of the Government for the time being, in favour of any person or persons, to be applied to the purposes of this Act.

Treasurer to
raise money by
loan.

XIX.—And be it further enacted, that the Colonial Treasurer shall be, and he is hereby, empowered to raise by loan, from such person or persons, body corporate or politic; as will advance the same, a Sum not exceeding in the whole £5000, for the purposes of this Act: such Sum to be chargeable upon, and to be repaid out of, the Public Funds of this Colony, together with interest at a rate not exceeding Six per cent. per annum thereon, in annual instalments of not more than _____ in the manner hereinafter provided. (10)

By Debentures.

XX.—And be it further enacted, that the said Treasurer shall be, and he is hereby authorized and empowered to grant and issue to the respective persons who shall so lend and advance Money for the purposes of this Act, one or more Debenture or Debentures, in the form and to the effect hereinafter set forth; which Debentures shall be issued for Sums of not less than One Hundred Pounds respectively, and shall express therein the Rate of Interest agreed to be paid, and the Day of the Month, and Year, in which they shall be respectively issued, and shall be numbered in succession from One upwards, and shall be signed by the said Treasurer and counter-signed by the Colonial Secretary, and shall be assignable and transferable by indorsement thereof. (20)

Interest when
payable.

XXI.—And be it further enacted, that the Interest on the said Debentures shall be payable half yearly, on the last days of June and December, in each Year, at the Office of the said Treasurer; and the said Treasurer shall not be required to commence the payment of the Instalments hereinbefore mentioned, until after One Year from the date of the said Debentures respectively.

Governor a visi-
ter of schools.

XXII.—And be it further enacted, that the Governor, or Administrator of the Government for the time being, shall be a Visitor of the several Schools, to be established under and by virtue of the provisions of this Act.

FORM OF DEBENTURE.

No.

Form of Deben-
ture.

By virtue of the provisions of an Act of the General Assembly, passed in the Sixth Year of the Reign of Her Majesty, Queen Victoria, entitled "An Act for the encouragement of Education in this Colony," I, the Treasurer of the Island of Newfoundland, do hereby certify and declare, that, by virtue of the power and authority in and by the said Act vested in me, I have borrowed and received, by way of loan, from (name and description of Lender) the Sum of _____ Pounds, bearing Interest from the date hereof at the Rate of _____ per Cent, per annum, which Interest is payable half-yearly, on the last days of _____ in every year; and I do declare that the said sum has been paid, and has been received by me, towards the purposes of the above mentioned Act: And I further certify that the said Principal Money and Interest will be paid and payable to the said (Lender's name) or his assigns or indorsee, on the production of this Debenture, at my Office, in St. John's, at the time and in the proportions provided in the said Act.

Given under my Hand, at St. John's, Newfoundland, this _____ day of _____
A. D.