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No. 25

2D SESSION, 3D PARLIAMENT, 12 VICTORIA, 1849.

BILL.

An Act to amend the School Law of Lower
Canada.

Received and read first time,

Second reading,

[250 Copies.]

Honble Mr.

S. Derbshire and G. Desbarats, Queen's Printer.

B I L L .

An Act to amend the School Law of Lower Canada.

W H E R E A S it is necessary to
 amend a certain Act passed in
 the ninth year of Her Majesty's Reign, in-
 titled, "An Act to repeal certain Enact-
 ments therein mentioned, and to make
 "better provision for Elementary Instruc-
 tion in Lower Canada:" Be it therefore
 enacted, &c.,

Preamble.

Act 9 Vic. c.
27. cited.

And it is hereby enacted by the authority
 of the same, That from and after the pas-
 sing of this Act, it shall be lawful for the
 Governor in Council, from time to time,
 to alter the limits of existing School
 Municipalities, to subdivide the same, or to
 establish new ones for School purposes, of
 all which public notice shall be given by the
 Superintendent of Schools for Lower Ca-
 nada, in such manner as the Governor shall
 direct.

Governor in
Council may
alter School
Municipalities,
and make new
ones, &c.

II. And be it enacted, That from and
 after the first day of July next, the monthly
 School fees, in each School Municipality,
 shall not be demandable except for each
 child of from seven to fourteen years of age
 capable of attending School: Provided
 always, that children of from five to sixteen
 years of age residing in any School Dis-
 trict, shall have a right to attend the
 School thereof, upon payment of the said
 monthly fees.

For what
children
School fees
must be paid.
Proviso.

III. And be it enacted, That the thir-
 tenth paragraph of the twenty-first Section
 of the said above cited Act, shall be and
 the same is hereby repealed; and that here-
 after the School Commissioners shall not ex-
 act the monthly School fees from indigent
 persons, nor from any other persons for or on

Paragraph 13,
of section 21
repealed, and
certain child-
ren exempted
from School
fees.

account of children who are mentally de-
 ranged, blind, deaf and dumb, or incapable 2
 of attending School by reason of some grave 4
 and protracted illness, nor for or on account 4
 of children absent from the School Muni- 6
 cipality for their education, or attending 6
 a College or other Educational Institution, 8
 either incorporated or receiving a special 8
 allowance out of public funds other than 10
 those under the control of the School 10
 Commissioners.

The amount
 required to be
 levied by as-
 sessment may
 be paid as a
 voluntary con-
 tribution.

Payment to
 be sworn to.

Proviso: con-
 tribution not
 to be paid by
 portions: it
 shall be dealt
 with as if
 raised by
 assessment.

IV. And be it enacted, That when in 12
 any School Municipality the valuation of 12
 property shall have been duly made, and 14
 the repartition or assessment for Schools, 14
 founded upon the said valuation, shall have 16
 been established before the first of July in 16
 any year, for the then following scholastic 18
 year, it shall be lawful for the persons who 18
 shall be so assessed, or for any other of the 20
 inhabitants of such School Municipality, in 20
 the said month of July in such year, to 22
 pay, as a voluntary contribution, into the 22
 hands of the Secretary Treasurer, the sum 24
 of money required for the scholastic year 24
 then commenced, to equal the amount of 26
 public monies granted to such Municipality 26
 out of the School fund, for the said scho- 28
 lastic year; the payment of which said 28
 voluntary contribution shall be attested 30
 under oath before a Justice of the Peace, 30
 by the Secretary Treasurer and by the 32
 President, or some other of the School Com- 32
 missioners of the said Municipality, and such 34
 oath or attestation shall be transmitted to 34
 the Superintendent of Schools, before the 36
 tenth day of August: Provided always, that 36
 the said Secretary Treasurer shall not receive 38
 the amount of the said voluntary contribution 38
 by portions or otherwise than in one and 40
 the same payment; and the Secretary Treas- 40
 urer shall hold the said amount in lieu of 42
 the fund which would have been raised by 42
 assessment for the said scholastic year so 44
 commenced, and the said repartition or 44
 assessment shall thereupon be and remain 46
 inoperative for that year in such Muni- 46

pality : Provided always, that the monthly
 2 School fees and any assessment imposed for
 the erection of School Houses, shall be pay-
 4 able notwithstanding the said voluntary
 contribution.

Proviso
 as to School
 fees.

6 V. And be it enacted, That whenever
 the School Commissioners of indigent mu-
 8 nicipalities shall, in good faith, have carried
 into execution the provisions of the law,
 10 and the amount of the assessment ac-
 tually levied, shall notwithstanding fall
 12 short of the amount required by law,
 the Superintendent of Schools shall have
 14 power, upon a representation to that ef-
 fect, and upon a proof of the facts to his
 16 satisfaction, to exempt such municipalities
 or any of them, from the payment of the
 18 whole or of part of the assessment for the
 current year, and in that case he shall be
 20 authorized to grant them the amount to
 which they would otherwise be respective-
 22 ly entitled out of the Common School
 Fund; Provided always, that no such in-
 24 dulgence shall be so granted, unless the
 representation aforesaid be supported in
 26 writing by three of the School Visitors
 of the Municipality in question, (other
 28 than the School Commissioners), or of
 the neighbouring Municipalities, who shall
 30 certify that they have a personal know-
 ledge of the facts alleged, that the School-
 32 laws have been *bonâ fide* enforced in such
 Municipality, that they have themselves
 34 visited the Schools therein, and were satis-
 fied therewith.

Indigent mu-
 nicipalities
 may be exempt-
 ed in whole
 or in part from
 assessments.

Proviso: con-
 ditions of such
 exemption.

36 VI. And be it enacted, That in each
 School Municipality the Rector (*curé*), offi-
 38 ciating Curate (*desservant*), or Minister of
 the most numerous Congregation therein,
 40 according to the then last Census, shall, of
 right, be a School Commissioner in such
 42 Municipality, from and after the first day of
 July next, in addition to the number of
 44 Commissioners already elected or appointed,
 and as such shall be subject to all the obli-
 46 gations imposed upon the other Commis-

Certain Priests
 or Ministers to
 be *ex-officio*
 Commis-
 sioners.

Proviso: they may renounce the office, and may again accept it.

sioners ; Provided always, that it shall be lawful at all times for any such Rector, officiating Curate or Minister, by a notification in writing to the Secretary-Treasurer, to renounce the said office of School Commissioner ; but, by means of a new declaration to be made in the same manner, and expressing his desire to resume the said functions, he shall, *de novo*, become School Commissioner as theretofore, from and after the first day of the month of July next following such new declaration.

Secretary-Treasurers to give security ; how and to what extent.

VII. And be it enacted, That notwithstanding the provisions contained in the sixteenth Section of the said Act above cited, every Secretary-Treasurer now in office, or who may hereafter be chosen or appointed, shall be held, after the first day of July next, before continuing or entering upon his duties as such Secretary-Treasurer, to give security to the said School Commissioners, either by a Notarial Instrument, (*acte notarié*) the *minute* of which shall remain with the Notary receiving it, or by a Bond (*acte sous seing privé*) signed and acknowledged before a Justice of the Peace ; the said security to be given by at least two solvent sureties jointly and severally (*solidairement*), to the satisfaction of the President of the School Commissioners, and for the total amount of the monies for which the said Secretary-Treasurer may at any time be responsible, arising as well from the Local School Fund, or any particular contributions and donations paid into his hands for the support of Schools, as from the Common School Fund, which security shall be renewed whenever its renewal shall be required by the School Commissioners: Provided always, that whenever the said security shall be as-afore-said entered into by Bond (*acte sous seing privé*), the original thereof shall within one month after its execution be deposited in the hands of the County Registrar, who shall keep the same in his custody and deliver copies thereof, which, being certified by him to be true, shall be considered to all intents

Proviso: Bond to be deposited with the County Registrar, if sous seing privé.

and purposes as authentic; and for every
 2 such copy, the said Registrar shall be entitled
 4 to demand and receive currency for every hundred words therein: Pro-
 6 vided also, that the School Commissioners
 8 shall, at all times, have power to remove
 the Secretary-Treasurer, and to appoint
 another in his place.

Fee to Registrar.
 6d.
 Proviso.

VIII. And be it enacted, That whenever
 10 School Commissioners shall be appointed
 by the Governor in Council in all or any of
 12 the cases provided by the third section or
 by any other section of the Act herein-
 14 before cited, the School Commissioners
 antecedently in office, shall, from the
 16 date of such appointment, cease to pos-
 18 sess any power or to act as such, as also
 all Assessors, Collectors, and other Officers
 appointed by or acting under them; Pro-
 20 vided always, that it shall be lawful for the
 Governor in Council, at all times, and so
 22 often as he may deem it necessary so to do,
 to annul the appointment of Commissioners
 24 so by him made and that of the other
 officers acting under them, and to name
 26 and appoint other Commissioners in their
 stead, who shall in that case proceed to the
 28 nomination of the said Officers, to perform
 the other duties pertaining to their office,
 30 and during their incumbency in the said
 office, to do, in pursuance of the said
 32 above cited Act or of this Act, all those
 things which their predecessors may have
 34 neglected or refused to do.

As to Officers
 appointed by
 Commis-
 sioners who
 are replaced.

Proviso:
 Governor may
 remove Com-
 missioners ap-
 pointed by
 him.

IX. And be it enacted, That no person
 36 shall be entitled to vote at elections of
 School Commissioners in any School Mu-
 38 nicipality, unless he shall have previously
 paid up all contributions then due and pay-
 40 able by him for School purposes in such
 Municipality; and any person so voting
 42 in contravention to this enactment, shall
 incur a penalty of currency.

Persons voting
 must have
 paid all contri-
 butions.

£2 10s. 0d.

X. And be it enacted, That no person
 shall hereafter be capable of being elected a

Commission-
 ers must be

able to read or write. School Commissioner, unless he have attained the full age of twenty-one years, and 2 that the election of any person who shall neither be able to read or to write, 4

Exception. shall be void, unless such election shall be confirmed by the Superintendent of 6 Schools; and if any such person, so disqualified, shall accept or perform any of the func- 8 tions of the said office before his election shall have been confirmed by the Superin-10 tendent of Schools who is hereby thereunto authorized, he shall incur a penalty of

£2 10s. 0d. currency; and if the 12

They may be replaced. election of any person so disqualified be not confirmed by the Superintendent of Schools, 14 it shall be lawful for the Governor in Council to appoint another Commissioner in his 16 room and stead.

Certain vacancies may be filled by the Governor.

Proviso as to vacancies by sickness.

Appeal given to the Superintendent in certain cases.

Proviso: it must be approved by three Visitors.

XI. And be it enacted, That whenever 18 on the occurrence of a vacancy in the office of School Commissioner, in the case provided for by the fourteenth section of the said above cited Act, the election of another per- 22 son to the said office shall not have taken place within one month after the occurrence 24 of such vacancy or incapacity, it shall be lawful for the Governor in Council to fill up 26 such vacancy: Provided always, that in all cases of incapacity arising from sickness, no 28 such election or appointment to fill the said office shall take place, unless the said inca- 30 pacity shall have been established by the certificate of a Physician deposited with 32 the Secretary-Treasurer; and the vacancy arising from such incapacity shall date from 34 the day of the deposit of such certificate.

XII. And be it enacted, That whenever 36 a site for a School House shall be selected by the School Commissioners, or in the case 38 of an alteration in the limits of School Districts, or of the creation of new ones in 40 any School Municipality, an appeal shall at all times lie to the Superintendent of 42 Schools: Provided always, that no such appeal shall be brought without the appro- 44 bation in writing of three School Visitors,

other than the School Commissioners of the said Municipality.

XIII. And be it enacted, That in the event of any difficulties arising between the School Commissioners and the Secretary-Treasurer of any School Municipality, or in the event of an application in writing to the same effect, being addressed to the Superintendent of Schools by at least five of the assessed contributors to the Local School Fund of such Municipality, on the subject of the accounts, or of the rendering of the accounts of the said Secretary-Treasurer for the year ending on the first of July then preceding, the Superintendent of Schools shall have power at all times to cause the said accounts, together with the vouchers in support of the same, or copies thereof, to be laid before him, and shall upon the whole matter, render a full and explanatory judgment, which shall be entered in a Register to be by him kept for that purpose, which judgment shall have the force of a decision of arbitrators (*sentence arbitrale*) as to all parties concerned; and of such judgment copies may be given by him, which being by him certified as true, shall be taken and deemed to be authentic.

Difficulties between the Commissioners and their Secretary-Treasurer to be settled by the Superintendent.

Force and effect of his decision.

XIV. And be it enacted, That every document, or copy of a document, signed or certified by the Superintendent of Schools, shall be *prima facie* evidence of the truth of what is therein stated.

Effect of documents signed by the Superintendent.

XV. And be it enacted, That so much of the eleventh paragraph of the twenty-first section of the said above cited Act, as provides that, after the deductions therein mentioned, the School monies in any School Municipality shall be distributed in equal shares among the School Districts of such Municipality, shall be and the same is hereby repealed, from and after the first day of July next, and that from and after the last mentioned day, the amount of the School monies, after deducting the sum of

Part of paragraph 11 of section 21 repealed.

How school monies shall be divided after 1 July, 1849.

twenty pounds currency for the support of a Model School, if any such School there be, shall be divided amongst the several School Districts in such Municipality, in proportion to the number of children between seven and fourteen years of age residing therein and capable of attending School, the Girls' School established in virtue of the thirtieth section of the said above cited Act, being counted as one School District, and the Model School as another School District, without prejudice, nevertheless, to the previous grant of twenty pounds as above mentioned; and the proportion of the monies to be allotted to the said Girls' School and to the said Model School respectively, shall be determined by the number of children of the age prescribed for attending School, residing in the School District in which such Model School or Girls' School is established.

Proportion for Girls' school or model school.

Provisions where a school house ought to be built or repaired by any school District specially.

XVI. And be it enacted, That whenever it shall be necessary to purchase or to build a School House in any School District of any School Municipality, and it shall appear to the School Commissioners, from their knowledge of the circumstances of the case, that it would be just that such School House should be purchased or built by the inhabitants of the said School District specially, and not by the Municipality generally, and also, in all cases, whenever, under like circumstances, it may be necessary to repair and keep in order any School House in any particular School District, it shall be lawful for the said School Commissioners to levy, at the time and in the manner prescribed for levying assessments for the building of School Houses in general, a special assessment in each such School District, for the purchase or building, and for the repairing and keeping in order of the School House of such School District; and in such case, such School District shall for that year be exempt from any assessment for the purchase or building of School Houses, except it be for a Model

School : Provided always, that in every
 2 case of special assessment, as hereinabove
 mentioned, in any School District, or of a
 4 general assessment in the whole of the mu-
 nicipality, for the purchase or building of
 6 School Houses, other than a Model School,
 after such special assessment shall have
 8 taken place, it shall be lawful for any of
 the parties so assessed in every School
 10 District so separately assessed, to appeal
 to the Superintendent of Schools, who
 12 may set aside such assessment, or
 relieve therefrom the School Districts or
 14 any one of them so appealing, or confirm
 the same, as may to him appear most equi-
 16 table under the circumstances.

Proviso : ap-
 peal given to
 the Superin-
 tendent as to
 such special
 assessment.

XVII. And be it declared and enacted,
 18 That the School Commissioners of any
 School Municipality, may institute suits or
 20 prosecutions in the manner provided for
 in the fourteenth paragraph of the said
 22 twenty-first Section of the said above cited
 Act, as well for the Assessments for Schools
 24 or School Houses as for the said monthly
 School fees, and for all arrears of the said
 26 Assessments or monthly fees due by virtue
 of the said Act above cited, or which may
 28 hereafter become due at any time by virtue
 of the said Act or of this Act; and that all
 30 such suits or prosecutions may be instituted
 either before a Justice of the Peace in the
 32 County, or before a Circuit Court, but not
 before any other tribunal, without prejudice
 34 nevertheless to any suits or prosecutions
 now pending; Provided always, that in
 36 all such suits or prosecutions, judgment
 may be rendered with costs; and provided
 38 also, that no judgment rendered upon such
 suits or prosecutions shall be liable to
 40 be appealed from, nor shall any such suit or
 prosecution be removed by Writ of Cer-
 42 tiorari.

Commission-
 ers may sue
 for fees or
 assessments,
 and before
 what Tribu-
 nals.

Proviso as to
 costs.

Proviso : no
 appeal or
 certiorari.

XVIII. And be it enacted, That when-
 44 ever an Assessment maintained by the
 School Commissioners in any School Muni-
 46 cipality shall have been annulled or set

Provision
 where any as-
 sessment shall
 be annulled.

aside, it shall be the duty of the said Commissioners forthwith and in a summary manner, to cause a new assessment to be made, which new assessment shall be made and take effect in such Municipality for the whole time, as well passed as to come, for which the assessment so annulled or set aside would have been in operation and in force if it had been valid; Provided always, that such annulling, avoidance or setting aside of the said assessment as aforesaid, shall not have the effect of invalidating any payments made under the authority of the assessment so annulled or set aside, which payments shall go towards the discharge of the new assessment for the period for which they shall have been made, the assessment so annulled or set aside being hereby declared invalid for the future only, and not with regard to such payments, nor with regard to any judgments already rendered to enforce such payments. 22

Proviso as to suits commenced or payments made before the annulling thereof.

Trustees of dissentient Schools may acquire the right of themselves collecting their share of the assessments.

XIX. 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, 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, addressed to the President of the School-Commissioners before the first day of 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 before the

first day of July in any year; and the
 2 said Trustees shall, in such case, be entitled
 to obtain a copy of the assessment in force,
 4 of the lists of Children capable of attend-
 ing School, and of other documents in the
 6 hands of the School Commissioners or of the
 Secretary-Treasurer, and connected with the
 8 future government of dissentient Schools;
 the said Trustees may and shall also receive
 10 the amount of the monthly fees payable in
 respect of the Children of such dissentient
 12 parents or masters, and may institute all
 suits or prosecutions, and do all other things
 14 necessary for the recovery of the said assess-
 ments and monthly fees; and they, the said
 16 Trustees, shall have the same rights and
 shall be subject to the same duties and
 18 penalties as the said School Commissioners,
 in respect of the collection and application
 20 of the monies by them received, of the
 rendering and examination of their accounts,
 22 and of all other matters whatever in refer-
 ence thereto, and may be removed and others
 24 appointed by the Governor in Council, or by
 the Superintendent of Schools in all those
 26 cases in which School Commissioners are
 liable to be so dealt with; Provided always,
 28 that if after such declaration of separate
 management, there should be no subsisting
 30 assessment, or if the assessment should not
 appear to them a proper one, the said Trus-
 32 tees may in the months of July and August
 in each year, proceed to make such assess-
 34 ment for the future, conformably to the said
 Act, upon the inhabitants so dissentient as
 aforesaid.

And obtain
copies of cer-
tain papers.

And receive
the School
fees, &c.

Their general
rights and
duties.

They may
make an as-
sessment if
there be none,
&c.

36
 XX. And be it enacted, That notwith-
 38 standing the provisions contained in the
 twenty-seventh section of the said above
 40 cited Act, the School allowance may be
 granted in every School Municipality, in
 42 respect of every School in the School
 District whereof the number of Children
 44 of the age required for attending such School
 shall amount to at least fifteen, although it
 46 shall not have been actually attended by
 that number throughout the Scholastic year,
 whenever the School Commissioners shall

School allow-
ance may be
paid in certain
cases, non-
obstant section
27 of 9. V. c.
27.

And the
Teacher may
be paid.

have endeavoured in good faith to carry out the law ; so also the School Commissioners who shall have *bonâ fide* engaged a Master or a Mistress for any School District, may pay to the said Master or Mistress the remuneration agreed upon, although the number of Children who shall have regularly attended the School should not have been sufficient according to the provisions of the said twenty-seventh section. 2
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Superintendent may refuse allowance to any Municipality if proper accounts have not been there-
tofore rendered.

XXI. And be it enacted, That the Superintendent of Schools shall have power to refuse the School allowance, for any year, to any Municipality the School Commissioners of which shall not have rendered sufficient accounts, accompanied by vouchers, of the application of the School monies for the years preceding or for any one of them, whatever be the source whence those monies were derived. 12
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The fees in certain Schools not to form part of the School fund.

XXII. And be it enacted, That the monthly fees hereinbefore mentioned payable on account of Children attending a Model School, or a separate Girl's School, or a School kept by some religious Community, forming a School District according to the provisions of the said above cited Act or of this Act, shall form no part of the School fund ; but such Monthly fees, to the amount established for the other Children in the Municipality, shall be payable directly to the Teacher, and be for his or her use, unless different monthly fees shall have been agreed upon. 22
24
26
28
30
32
34

Secretary-Treasurer's allowance may be increased.

XXIII. And be it enacted, That the Secretary-Treasurer, may, in the discretion of the School Commissioners, receive a remuneration of four per cent instead of two and a half per cent, in the manner and for the purposes mentioned in the thirty-first Section of the said above cited Act. 36
38
40

A Deputy may be appointed to act for the Superintendent

XXIV. And be it enacted, That in any case in which difficulties of a grave nature, on the subject of Schools, shall have occur- 42
44

ed in any School Municipality, and whenever
 2 in consequence thereof it shall become neces- in certain ca-
 sary that the Superintendent of Schools ses.
 4 should repair to the spot, to correct the evil,
 or to obtain information, and he shall be
 6 unable so to repair to the spot, by reason
 of the other duties of his office, or of sick-
 8 ness, or some other cause, it shall be lawful
 for the Governor to appoint, whenever
 10 need shall be, upon a representation in
 that behalf from the Superintendent of
 12 Schools, a proper person in the stead of the
 said Superintendent of Schools, to act in
 14 relation to such difficulties, and with all the
 powers of the said Superintendent, unless
 16 those powers be otherwise defined and limit-
 ed in the order containing the nomination
 18 of such Deputy.

Powers of
 such deputy.

XXV. And be it enacted, That if there
 20 should be no existing property-valuation,
 either for the County or for the particular
 22 Municipality in question, upon which a repar-
 ition or assessment for Schools can be based,
 24 or if the persons in whose hands such valua-
 tion shall be deposited, should refuse, or ne-
 26 glect, after having been thereunto required by
 ten days' notice in writing, to deliver to the
 28 School Commissioners of a School Muni-
 cipality entitled thereto, or to their Secreta-
 30 ry-Treasurer, the original of the said valua-
 tion, or a certified copy thereof, (which
 32 copy being so certified to be true, by the
 person so having the custody of the origin-
 34 al, shall be *prima facie* evidence of the
 truth of what is therein stated) the said
 36 School Commissioners shall have the power,
 at all times, after such refusal or neglect, to
 38 cause such property-valuation to be made
 by three Assessors to be appointed and au-
 40 thorized by them for that purpose; and if
 the said Commissioners neglect to give,
 42 within one month after their election or
 appointment, the notice hereinabove re-
 44 quired, to obtain either the original or a
 copy of the said valuation, or if they should
 46 neglect to cause the said valuation to be
 made in their School Municipality, within

When there is
 no valuation of
 property or the
 Commissioners
 cannot obtain
 it, they may
 cause a valua-
 tion to be
 made.

Penalty on
 Commissioners
 neglecting
 their duty in
 this behalf.

three months next after their said election or appointment, in the cases hereinabove 2 in this Section mentioned, each of the said Commissioners shall be liable to a penalty 4 of currency, for having neglected to give the said notice, 6 and to a further penalty of currency, for each and every day that the 8 said Commissioners shall have been in default in causing the said valuation to be 10 made, as required in the case hereinbefore mentioned: Provided always, that when a 12 valuation, applicable to the levying of the said repartition or assessment for Schools, 14 shall be in existence, and the persons who shall be in possession thereof, shall re- 16 fuse or neglect to hand over and deliver, as aforesaid, either the said original or the 18 said copy so certified, within ten days after being thereunto required by notice as afore- 20 said, every such person, shall, for such refusal or neglect, incur a penalty of 22 currency; and for every such copy so duly certified and delivered, such 24 person shall be entitled to receive from the said School Commissioners the sum of 26 currency, and no more: Pro- 28 vided also, that whenever the valuation to be copied shall comprise a larger territo- 30 rial extent, a copy of so much thereof as re- 32 lates to such School Municipality shall be deemed sufficient.

£2 10s 0d.

5s.

Proviso:
Penalty for
refusing a
copy of any
existing
valuation.

£5.

Fee for such
copy.

£2.

Proviso.

Power of the
persons em-
ployed to make
such valuation.

XXVI. And be it enacted, That the per- 34 sons authorized to make the property-va- luation upon the basis of which the repartition or assessment for Schools in any School 36 Municipality, may be established, shall, at all times, hereafter, have the right to enter 38 in and upon any property whether in the possession of the proprietor or of any other 40 occupant, to inspect the said property, and to require from such proprietor or occupant 42 any and every information calculated to aid in the making and completing of the said 44 valuation; and in case of any obstruction or refusal to allow the said persons or any 46 of them to effect such valuation, in man-

ner aforesaid, or to give them such information as aforesaid, every person so refusing or obstructing them shall incur a penalty of 4 currency.

Penalty for obstructing them, &c.

&£ 10s.0d.

XXVII. And be it enacted, That when 6a property-valuation, upon the basis of which the repartition or assessment for 8 Schools may be established as aforesaid, in any School Municipality, shall hereafter 10 be made, it shall be amended by that authority only, by which it shall have been 12 ordered to be made; and the repartition or assessment based on such valuation, shall 14 not be amended except by the School Commissioners only; and the same may be 16 amended by the said School Commissioners, in the manner and at the time prescribed 18 by the said above cited Act, or at any other time during their incumbency in the said 20 office.

By what authority only any valuation or assessment may be amended.

And within what time.

XXVIII. And be it enacted, That the 22 balance remaining unexpended or unclaimed out of the portion of the Common School Fund belonging to Lower Canada, shall be appropriated by the Superintendent of Schools, under the authority of the Governor in Council, in aiding to 28 finish School Houses actually commenced or to build new ones, or to make extensive repairs to old ones, in such manner as he shall deem most conducive to the 32 advancement of Elementary Education.

Balance of School fund coming to L. C. how to be appropriated.

XXIX. And be it enacted, That the fifty- 34 first section of the said above cited Act shall be, and the same is hereby repealed, 36 and that from and after the passing of this Act, any person who shall act as Assessor 38 to make a property-valuation upon the basis of which the repartition or assessment for 40 Schools may be established, as aforesaid, without being a proprietor of real or personal property in the Municipality in which he shall so act, to the amount of one hundred pounds currency, shall incur a penalty 44 of currency, unless

Section 51 of 9 V. c. 27 repealed.

Qualification of Valuers and penalty for acting without it.

&£ 10s. 0d.

such Assessor be otherwise exempt by law from possessing such qualification. 2

Teachers to undergo examination under sec. 50 of V. c. 27. in 1852.

XXX. And be it enacted, That any thing contained in the tenth paragraph of the fiftieth Section of the said above cited Act to the contrary notwithstanding, the School Teachers bound by the provisions thereof to undergo an examination before the Board of Examiners, and to be provided with a Certificate of qualification on or before the first day of July one thousand eight hundred and fifty-six, shall be bound to comply with the same formalities and obligations immediately after the first day of July, one thousand eight hundred and fifty-two. 16

Salary of Secretary and Clerk to Superintendent.

XXXI. And be it enacted, That reckoning from the first day of July last, the sum to be allowed to the Superintendent of Schools for a Secretary shall be currency, 20 and for a Clerk currency, per annum, in lieu of the allowances for the like purposes in the above cited Act mentioned. 24

Fines and penalties how recoverable.

XXXII. And be it enacted, That all fines and penalties imposed by this Act, and by the said above cited Act, shall be prosecuted and recovered with costs before a Justice of the Peace in the County, or before a Circuit Court, and not before any other Tribunal, without prejudice nevertheless to any suits or prosecutions now pending; and that the amount of the same shall form part of the local School Fund as provided for in the said above cited Act, in the School Municipality where the said fines and penalties shall have been incurred. 36

Act to apply only to L. C.

XXXIII. And be it enacted, That this Act shall apply only to Lower Canada. 38