

[No. 222.]

4th Session, 8th Parliament, 29 Victoria, 1865.

B I L L.

**An Act for the further improvement of
Grammar Schools in Upper Canada.**

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September, 1865.

Second reading, Thursday, 7th September,
1865.

Hon. Mr. McDougall.

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An Act for the further improvement of Grammar Schools in Upper Canada.

WHEREAS it is expedient to make further provision for the improvement of Grammar Schools in Upper Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Each city shall, for all Grammar School purposes, be a county ; and its Municipal Council shall be invested with all the Grammar School powers now possessed by County Councils.
2. Each County Council at its first session, to be held after the first day of January next, shall select and appoint as Trustees of each Grammar School situated in a town or incorporated village and within its jurisdiction, three fit and proper persons as Trustees of such Grammar School ; and the corporation of the town or incorporated village municipality, within the limits of which such Grammar School is or may be situated, shall, also at its first session in January next, appoint three fit and proper persons as Trustees of such Grammar School, one of whom, in the order of their appointment, in each case, shall annually retire from office on the thirty-first day of January in each year (but may be re-appointed) ; and, on the incorporation hereafter of any village in which a Grammar School is established, the county and village council shall at their first meeting in January next thereafter, appoint trustees in like manner as aforesaid for the Grammar School in such incorporated village ; and the vacancy occasioned by the annual retirement of trustees, as also any occasional vacancy in their number, arising from death, resignation, removal from the municipality, or otherwise, shall be filled up by such County, town or village Council, as the case may be, provided that the person appointed to fill such occasional vacancy shall hold office only for the unexpired part of the term for which the person whose place shall have become vacant was appointed to serve.
3. The Trustees appointed as aforesaid shall be a corporation, and shall succeed to all the rights, names, powers and obligations conferred or imposed upon Trustees of Grammar Schools by chapter sixty-three of the Consolidated Statutes for Upper Canada, and by this Act.

Cities to be as counties for Grammar School purposes.

Appointment of Trustees by County and local municipalities.

As to villages hereafter incorporated.

Filling vacancies.

Trustees to be a corporation ; powers.

Grammar School property vested in Trustees.

4. All property heretofore given or acquired in any municipality and vested in any person or persons, or corporation for Grammar School purposes, or which may hereafter be so given or acquired, shall vest absolutely in the corporation of Grammar School Trustees having the care of the same, subject to such trusts as may be declared in the deed or instrument under which such property is held. 5

Case of Union of Grammar and Common School Trustees, provided for.

5. In all cases of the union of Grammar and Common School Trustee Corporations, all the members of both Corporations shall constitute the joint Board, seven of whom shall form a quorum; but such union may be dissolved at the end of any year by resolution of a majority present at any lawful meeting of the joint Board called for that purpose; On the dissolution of such union between any Grammar and Common School, or department thereof, the school property held or possessed by the joint Board shall be divided or applied to public school purposes, as may be agreed upon by a majority of the members of each Trustee Corporation; or if they fail to agree within the space of six months after such dissolution, then by the Municipal Council of the city, town or incorporated village within the limits of which such Schools are situated, and, in the case of unincorporated villages, by the County Council. 10 15 20

And case of dissolution of such union.

Condition of share in Grammar School Fund.

6. No Grammar School shall be entitled to share in the Grammar School fund, unless a sum shall be provided, from local sources, exclusive of fees, equal at least to half the sum apportioned to such school, and expended for the same purpose as said fund. 25

Basis of apportionment to Grammar Schools.

7. The apportionment payable half yearly to the Grammar Schools shall be made to each School conducted according to law upon the basis of the daily average attendance at such Grammar School of pupils in the programme of studies prescribed according to law for Grammar Schools; such attendance shall be certified by the Head Master and Trustees and verified by the Inspector of Grammar Schools. 30 35

Condition on which a county may have an additional Grammar School.

8. No additional Grammar School shall be established in any county unless the Grammar School fund shall be sufficient to allow of an apportionment at the rate of three hundred dollars per annum to be made to such additional school, without diminishing the fund which may have been available for Grammar Schools during the then next preceding year. 40

Differences between Trustees and Masters as to salary, &c., how to be settled.

9. All differences between Boards of Trustees and Head Masters and Teachers of Grammar or Common Schools in cities, towns and incorporated villages, in regard to salary, sums due, or any other such matter in dispute between them, shall be settled by arbitration according to the provisions of the Common School law relating to such arbitrations; and in 45

cities, towns and incorporated villages the Local Superintendent, (being an officer of the Board concerned, and having no jurisdiction in the case of Grammar Schools,) shall not act as an arbitrator; but in the event of a difference of opinion on the part of the two arbitrators, they shall themselves choose a third arbitrator, and the decision of a majority of the arbitrators thus chosen shall be final.

10 **10.** Each of the Grammar School Meteorological stations, at which the daily observations are made, as required by law, shall be entitled to an additional apportionment out of the Grammar School fund, at a rate not exceeding fifteen dollars per month for each consecutive month during which such duty is performed and satisfactory monthly abstracts thereof are furnished to the Chief Superintendent, according to the form and regulations provided by the Department of Public Instruction; but the number and locality of such meteorological stations shall be designated by the Council of Public Instruction with the approval of the Governor in Council.

Additional allowance for meteorological stations.
Number, &c., of such stations, how fixed.

20 **11.** After the passing of this Act no person (except those now by law entitled) shall be deemed to be legally qualified to be appointed Head Master of a Grammar School, unless he be a graduate of some University within the British Dominions.

Qualification of Head Masters.

25 **12.** The provisions of the Acts relating to Grammar and Common Schools shall apply to the town of Richmond, in the county of Carleton, the same as to any other towns or incorporated villages.

School Acts to apply to Town of Richmond.

30 **13.** It shall be lawful for the Council of Public Instruction, with the sanction of the Governor in Council, to make regulations for giving to meritorious Common School Teachers, certificates of qualification which shall be valid in any part of Upper Canada until revoked.

Certificates to meritorious Teachers.

14. So much of the Grammar and Common School Acts of Upper Canada, as are inconsistent with the provisions of this Act, are hereby repealed.

Inconsistent enactments repealed.