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JOURNAL OF EDUCATION

FOR

Upper Canada.

VOL. III.

TORONTO, JULY, 1850.

No. 7.

AN ACT

FOR THE BETTER ESTABLISHMENT AND MAINTENANCE OF COMMON SCHOOLS IN UPPER CANADA,

13th and 14th Victoria, chapter 9.

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[24th July, 1850.]

Enacted.

WHEREAS it is expedient to make provision for the better establishment and maintenance of Common Schools in the several Villages, Towns, Cities, Townships and Counties of Upper Canada: Be it therefore enacted, 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 intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada.* And it is hereby enacted by the authority of the same, that the Act of the Parliament of this Province, passed in the seventh year of Her Majesty's reign, intitled "An Act for the better Establishment and Maintenance of Common Schools in Upper Canada," and also the Act passed in the twelfth year of Her Majesty's reign, ch. 83, and intitled "An Act for the better Establishment and Maintenance of Public Schools in Upper Canada, and for repealing the present School Act," shall be, and the same are hereby repealed: Provided always, nevertheless, firstly, that no Act or part of an Act repealed by either of the Acts hereby repealed, shall be revived by the passing of this Act: And provided also, secondly, that the repeal of the said Acts shall not extend or be construed to extend to any act done, any penalty incurred, or any proceeding had under the said Acts, or either of them: And provided also, thirdly, that all School Sections or other School divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, made under the authority of the said Acts, or of any preceding Act, and not annulled by the said Acts or by this Act, or by any of them, shall be valid and in full force and binding upon all parties concerned, as if made under the authority of this Act, and shall so continue until altered, modified, or superseded, according to the provisions of this Act: And provided also, fourthly, that nothing herein contained shall affect the liability of any District, County, City, Town, or Township Superintendent of Common Schools, to the Municipal Corporation to which he would otherwise be responsible for the same, for any moneys received by him under any of the said Acts; but the liabilities of every such

Superintendent for such moneys shall be and remain as if this Act had not been passed: And provided also, fifthly, that nothing in the said Act secondly above recited, contained, shall extend, or be construed to extend, to have repealed any Act of the Parliament of this Province, whereby provision was made for the appropriation of money from the consolidated revenue fund of this Province, for or towards the establishment and maintenance of Common Schools in this Province, or in any part thereof.

I. ELECTION AND DUTIES OF SCHOOL TRUSTEES.

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

III. And be it enacted, That in all School divisions (except in Cities, Towns, and Incorporated Villages) which have been established according to law, and which have been called "School Sections," and in which there shall be three Trustees in office at the time this Act shall come into force, one Trustee shall be elected to office at each ensuing annual school meeting, in place of the one who shall have been three years in office: Provided always, that the same individual, if willing, may be re-elected: And provided also, that no School Trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

IV. And be it enacted, That whenever any school section shall be formed in any Township, as provided in the eighteenth section of this Act, the Clerk of the Township shall communicate to the person appointed to call the first school meeting for the election of Trustees, the description and number of such school section; and such person shall, within twenty days thereafter, prepare a notice in writing, describing such section, and appointing a time and place for the first school section meeting, and shall cause copies of such notice to be posted in at least three public places in such school section, at least six days before the time of holding such meeting.

V. And be it enacted, That at every such first school section meeting, the majority of the freeholders or householders of such school section present, shall elect one of their own number to preside over the proceedings of such meeting, and shall also appoint a Secretary, whose duty it shall be to record all the proceedings of such meeting; and the Chairman of such meeting shall decide all questions of order, subject to an appeal to the meeting, and shall give the casting vote in case of an equality of votes, and shall have no vote except as Chairman, and shall take the votes in such manner as shall be desired by the majority of the electors present, and shall, at the request of any two electors, grant a poll for recording the names of the voters by the Secretary: and it shall be the duty of the electors present at such meeting, or a majority of them, to elect from the freeholders or householders in such section, three Trustees, who shall respectively continue in office as follows:—

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

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

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

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

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

Election of Chairman and Secretary.

Duty of the Secretary.

Duty of the Chairman.

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

Three Trustees to be elected.

Order of retiring from office.

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

Proceedings and duties of annual School section meetings.

Election and duties of Chairman and Secretary.

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

To elect one or more Trustees.

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

Mode of challenging voters at School meetings.

Declaration required.

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

Mode of recovering such penalty and its application.

Penalty for refusing to serve as School Trustee.

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

Penalty for not giving due notice of annual school meeting.

Mode of recovering and applying such penalty.

section, before that in the default of the holding of any school section meeting, as hereinbefore authorized by this Act, for want of the proper notice,

the last person elected shall continue in office until the next ensuing annual school meeting in such section, and until his successor is elected; the second person elected, one year, and the first person elected, two years, from such next ensuing annual school meeting, and until their successors are elected respectively: Provided always, that a correct copy of the proceedings of such first school section meeting, and of every annual school section meeting, signed by the Chairman and Secretary, shall be forthwith transmitted by the Secretary to the Local Superintendent of Schools.

VI. And be it enacted, That at every annual school section meeting in any Township, as authorized 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,—

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

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

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

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

VII. And be it enacted, That if any person offering to vote at an annual or other school section meeting, shall be challenged as unqualified by any legal voter in such section, the Chairman presiding at such meeting shall require the person so offering, to make the following declaration:—

“I do declare and affirm that I am a freeholder [or “householder”] in this school section, and that I am legally qualified “to vote at this meeting.” And every person making such declaration, shall be permitted to vote on all questions proposed at such meeting; but if any person shall refuse to make such declaration, his vote shall be rejected: Provided always, that every person who shall wilfully make a false declaration of his right to vote, shall be deemed guilty of a misdemeanor, and punishable by fine or imprisonment, at the discretion of any Court of Quarter Sessions, or by a penalty of not less than one pound five shillings, or more than two pounds ten shillings, to be sued for and recovered, with costs, by the Trustees of the school section, for its use, before any Justice of the Peace, having jurisdiction within such school section.

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

IX. And be it enacted, That in case no annual or other school section meeting be held for want of the proper notice, the Trustees or other person whose duty it was to give such notice, shall respectively and individually forfeit the sum of one pound five shillings, to be sued for and recovered for the purposes of such school section, on the complaint of any resident in such section, before any such Justice of the Peace: Provided always, that in the default of the holding of any school section meeting, as hereinbefore authorized by this Act, for want of the proper notice,

then any two freeholders or householders in such section, are hereby authorized, within twenty days after the time at which such meeting should have been held, to call such meeting by giving six days' notice, to be posted in at least three public places, in such school section; and the meeting thus called shall possess all the power, and perform all the duties of the meeting, in the place of which it shall have been called.

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

Duties and powers of such meeting.

Trustees to be a Corporation.

X. And be it enacted, That the Trustees in each school section shall be a Corporation, under the name of “The Trustees of School Section, Number —, in the Township of —, in the County of —;” Provided

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

Proviso: Such Corporation not to cease for want of Trustees

Mode of electing new Trustees, if necessary.

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

Mode of deciding on the site of a school-house.

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

Duties of Trustees.

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

To appoint a Secretary-treasurer: his duties.

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

To appoint a Collector: his duties.

His remuneration.

Collector to give security.

Collector's powers.

Thirdly. To take possession and have the custody and safe keeping of all Common School property, which may have been acquired or given for Common School purposes in such section, and to acquire and hold as a Corporation, by any title whatsoever, any land, moveable property, moneys or income for Common School purposes, until the power hereby given shall be taken away or modified, according to law, and to apply the same according to the terms of acquiring or receiving them.

Trustees to have the possession and safe keeping of all the Common School property in their section.

Fourthly. To do whatever they may judge expedient with regard to the building, repairing, renting, warming, furnishing and keeping in order the section school-house, and its appendages, wood-house, privies, enclosures, lands, and moveable property, which shall be held by them, and for procuring

Providing school premises.

School apparatus and books. apparatus and text-books for their School; also, to rent, repair, furnish, warm, and keep in order a school-house, and its appendages, if there be no suitable school-house belonging to such section, or if a second school-house be required.

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

To give orders to Teachers for school moneys, but to none but qualified Teachers. *Sixthly.* To give the Teacher or Teachers employed by them, the necessary order or orders upon the Local Superintendent for the School Fund apportioned and payable to their school section: Provided always, that the Trustees of any school section shall not give such order in behalf of any Teacher who does not, at the time of giving such order, hold a legal certificate of qualification.

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

To make out a rate-bill list and warrant for the Collector. *Eighthly.* To make out a list of the names of all persons rated by them for the School purposes of such section, and the amount payable by each, and to annex to such list a Warrant, directed to the Collector of the school section, for the collection of the several sums mentioned in such list: Provided always, that any school-rate imposed by Trustees, according to this Act, may be made payable monthly, quarterly, half-yearly, or yearly, as they may think expedient.

Proviso: Such rate-bill to be payable monthly, quarterly, half-yearly, or yearly. *Ninthly.* To apply to the Municipality of the Township, or employ their own lawful authority, as they may judge expedient, for the raising and collecting of all sums authorized in the manner hereinbefore provided, to be collected from the freeholders and householders of such section, by rate, according to the valuation of taxable property, as expressed in the Assessor or Collector's Roll; and the Township Clerk or other officer having possession of such roll, is hereby required to allow any one of the Trustees or their authorized Collector, to make a copy of such roll, as far as it shall relate to their school section.

Duty of Township Clerk or other officer in certain cases. *Tenthly.* To exempt wholly or in part, from the payment of school rates, such indigent persons as they shall think proper, and the amount of the same shall be a charge upon the other rateable inhabitants of the school section, and shall not be deducted from the salary of a Teacher.

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

Teacher's salary not to be lessened thereby. *Twelfthly.* To appoint the place of each annual school meeting, and to cause notices to be posted in at least three public places of such section, at least six days before the time of holding such meeting: to call and give like notice of any special meeting of the freeholders or householders of such section, for the filling up of any vacancy in the Trustee Corporation, occasioned by death, removal, or any other cause whatever, or for the selection of a new school site, or for any other school purpose, as they may think proper;

to specify the object or objects of such meeting; which meeting shall be organized, and its proceedings recorded in the same manner, as those of an annual school meeting; and a copy of them, in like manner, shall be transmitted to the Local Superintendent: Provided always, that in case of a vacancy in the office of any of the Trustees, during the period for which they shall have been respectively elected, the person or persons chosen to fill such vacancy, shall hold office only for the unexpired term.

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

Copy of the proceedings to be sent to the local Superintendent of schools. *Fourteenthly.* To visit the school from time to time, and see that it is conducted according to the regulations authorized by law.

Continuance in office of persons elected to fill vacancies. *Fifteenthly.* To see that no authorized books are used in the school, but that the pupils are duly supplied with an uniform series of text books, sanctioned and recommended according to law; and to procure, annually, for the benefit of their school section, some periodical devoted to education.

To admit persons from 5 to 21 years of age to attend the school, on certain conditions. *Sixteenthly.* To exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them; and in case any of the Trustees shall wilfully neglect or refuse to exercise such powers, he or they shall be personally responsible for the fulfilment of such contract or agreement.

Exception in certain cases. *Seventeenthly.* To appoint a Librarian, and to take such steps as they may judge expedient, and as may be authorized according to law, for the establishment, safe-keeping, and proper management of a school library, whenever provision shall have been made and carried into effect for the establishment of school libraries.

To visit the school &c. *Eighteenthly.* To ascertain the number of children between the ages of five and sixteen years residing in their section on the thirty-first day of December in each year; and to cause to be prepared and read at the annual meeting of their section, their annual school report for the year then terminating, which report shall include, among other things prescribed by law, a full and detailed account of the receipts and expenditures of all school moneys received and expended in behalf of such section, for any purpose whatsoever, during such year; and if such account shall not be satisfactory to a majority of the freeholders or householders present at such meeting, then a majority of the said freeholders or householders shall appoint one person, and the Trustees shall appoint another; and the two arbitrators thus appointed shall examine the said account, and their decision respecting it shall be final: or, if the two arbitrators thus appointed shall not be able to agree, they shall select a third, and the decision of the majority of the arbitrators so chosen shall be final; and such arbitrators, or a majority of them, shall have authority to collect, or cause to be collected, whatever sum or sums may be awarded against any person or persons by them, in the same manner and under the same regulations as those according to which Trustees are authorized by the twelfth section of this Act to collect school rates; and the sum or sums thus collected shall be expended in the same manner as are other moneys for the Common School purposes of such section.

To prohibit improper, and provide proper books for the school. *Nineteenthly.* To prepare and transmit, or cause to be prepared and transmitted annually, before the fifteenth day of January, a report to the Local Superintendent; which report shall be signed by the majority of the Trustees, and made according to a form provided by the Chief Superintendent of Schools, and shall specify:

To be personally responsible in the case of refusing or neglecting to exercise corporate powers for the fulfilment of contracts. *To prepare and transmit, before the 15th January, the annual school report to the local Superintendent of Schools.*

To appoint a Librarian, and provide for the establishment and support of a school library. *To prepare and transmit, before the 15th January, the annual school report to the local Superintendent of Schools.*

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

Amount of moneys received, and from what sources, and how expended.

Number of resident children of School age.

Attendance of pupils in winter and summer.

Average attendance, both winter and summer.

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

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

Foreign books to be used only in certain cases.

Parental and religious rights protected.

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

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

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

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

XIII. And be it enacted, That every Trustee of a Common School who shall knowingly sign a false report, and every Teacher of a Common School who shall keep a false school register, or make a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such Common School, shall, for each offence, forfeit to the Common School Fund of the Township, the sum of five pounds, and may be prosecuted before any such Justice of the Peace, by any person whatever, and convicted on the oath of any one credible witness other than the prosecutor, and if convicted, the said penalty shall, if not forthwith paid, be levied with costs, by distress and sale of the goods and chattels of the offender, under warrant of such Justice, and paid over by him to the said Common School Fund, or the said offender shall be liable to be tried and punished for the misdemeanor.

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

II. COMMON SCHOOL TEACHERS, AND THEIR DUTIES.

A qualified Teacher defined.

XV. And be it enacted, That no Teacher shall be deemed a qualified Teacher within the meaning of this Act, who shall not, at the time of his engaging with the Trustees, and applying for payment from the School Fund, hold a Certificate of qualification, as hereinafter provided by this Act; Provided always, that Certificates of qualification given by local Superintendents, shall be in force until the first of January, one thousand eight hundred and fifty-one.

Duties of Teachers. XVI. And be it enacted, That it shall be the duty of every Teacher of a Common School,—

To act according to law and agreement.

Firstly. To teach diligently and faithfully all the branches required to be taught in the School, according to the terms of his engagement with the Trustees, and according to the provisions of this Act.

To keep registers.

To maintain discipline.

Secondly. To keep the daily, weekly, and monthly or quarterly registers of the School; to maintain proper order and discipline therein, according to the forms and regulations which shall be provided ac-

ording to law; also to keep a Visitors' book (which the Trustees shall cause to be provided for that purpose,) and he shall enter therein the visits made to his school, and shall present such book to each Visitor, and request him to make such remarks as may have been suggested by such visit.

To keep a Visitors' book, &c.

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

To have quarterly examinations, &c.

Fourthly. To furnish to the Local or Chief Superintendent of Schools, when desired, any information which it may be in his power to give respecting any thing connected with the operations of his school, or in anywise affecting its interest or character.

To give information to the Local or Chief Superintendent.

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

To deliver papers, &c.

Proviso.

XVII. And be it enacted, That any Teacher shall be entitled to be paid at the same rate mentioned in his agreement with the Trustees, even at the expiration of the period of his agreement, until the Trustees shall have paid him the whole of his salary, as Teacher of the school, according to their engagement with him: Provided always, that in case of any difference between Trustees and a Teacher in regard to his salary, the sum due to him, or any other matter in dispute between them, it shall be lawful to submit such matter in dispute to arbitration, and each party shall choose one Arbitrator, and in case either party in the first instance shall neglect or refuse to name and appoint an Arbitrator on his behalf, it shall be lawful for the party requiring such arbitration, by a notice in writing to be served upon the party so neglecting or refusing to make such appointment, to require the opposite party within three days inclusive of the day of the service of such notice, to name and appoint an Arbitrator on his behalf, which notice shall name the Arbitrator of the party serving such notice; and in case the party upon whom such notice is served shall not, within the three days mentioned in such notice, name and appoint such arbitrator, then the party requiring such arbitration shall and may nominate and appoint the second arbitrator, and the two Arbitrators in either way chosen, and the Local Superintendent, or any person chosen by him to act on his behalf, in case he cannot attend, or any two of them, shall have full authority to make an award between them, and such award shall be final: Provided always, that, so often as any such submission shall fall through, it shall be lawful to re-submit the matters in dispute until a final award shall be made between them.

Protection of teachers in case of dismissal.

Mode of settling any difference in financial matters between Trustees and Teachers.

III. DUTIES OF TOWNSHIP COUNCILS.

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

Duties of Township Councils.

Firstly. To levy such sum, by assessment, upon the taxable property in any school section, for the purchase of a school-site, the erection, repairs, renting and furnishing of a school-house, the purchase of apparatus and text-books for the school, books for the library, salary of the Teacher, as shall be desired by the Trustees of such school-section, on behalf of the majority of the freeholders or householders at a public meeting called for such purpose or purposes, as provided for by the twelfth section of this Act: Provided always, that such Municipality may, if it shall judge expedient, grant to the Trustees of any school section, on their application, authority to borrow any sum or sums of money which may be necessary for the purposes herein mentioned, in respect to school-sites, school-houses and their appendages, or for the purchase or erection of a Teacher's residence, and cause to be levied upon the taxable proper-

To levy assessments for common school purposes, as desired by trustees.

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

ty in such section, such sum in each year as shall be necessary for the payment of the interest thereon, and as shall be sufficient to pay off the principal within ten years.

To establish a Township Model School, at its discretion.

Model School, and for purchasing books for a Township Library, under such regulations as shall be provided according to law: Provided

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

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

Council, to merge their school or schools, into such Model School; and provided likewise, that tuition to student-teachers in such Model School shall be free.

To form new school sections.

to appoint a person in each new school section to call the first school section meeting; and to cause such person to be notified in the manner prescribed in the fourth section of this Act.

To alter and unite school sections under certain conditions.

holders or householders in each of such sections, expressed at a public meeting

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

is provided for in the fourth section of this act in respect to

Alterations in school sections not to go into effect before the 25th December, after alteration.

All parties concerned to be apprised of intended alterations in school sections.

Privileges of altered sections secured.

Disposal and application of property of altered school sections.

in consequence of such alterations or union of school sections, shall be disposed of, by sale or otherwise, in such a manner as a majority of the freeholders or householders in the altered or united school sections shall think proper, at a public meeting called for that purpose, and the proceeds shall be applied to the erection of a new school-house, or other Common School purposes of such united or altered sections; except that the inhabitants transferred from one school section to another, shall be entitled, for the Common School purposes of the section to which they are attached, to such a proportion of the proceeds of the disposal of such school house or other Common School property, as the assessed value of their property bears to that of the other inhabitants of the school section from which they shall have been separated: Provided fifthly, that Union

Union school sections formed and altered by Townreeves and local Superintendents.

Local Superintendent or Superintendents of the Townships out of parts of which such sections are proposed to be formed, at a meeting appointed for that purpose by any two of such Town Reeves; of which meeting the other party or parties authorized to act with them shall be duly notified; Provided, sixthly, that each union school section composed of portions of adjoining Townships, shall, for all purposes of Trustee elections and control, be deemed one school section, and shall be considered, in respect to superintendence and taxing for the erection of a school house, as belonging to the Township in which the school house may be situated.

Secondly. To levy, at its discretion, such sum or sums as it shall judge expedient for procuring the site and for the erection and support of a Township Model School, and for purchasing books for a Township Library, under such regulations as shall be provided according to law: Provided always, that the members of the Township Municipality shall be the Trustees of such Model School, and shall possess the powers of all Common School Trustees in respect to all matters affecting such Model School; Provided also, that the Trustees of any one or more Common Schools shall have authority, at their discretion, and with the consent of such

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

Fourthly. To alter any school section already established, and to unite two or more school sections into one, at the request of the majority of the freeholders or householders in each of such sections, expressed at a public meeting called by the Trustees for that purpose: Provided always, that the first election of Trustees in such section, consisting of two or more sections united, shall be appointed and held in the same manner as is provided for in the fourth section of this act in respect to a new school section: Provided secondly, that any alteration in the boundaries of a school section shall not go into effect before the twenty-fifth day of December next after the time when it shall have been made; nor shall any step be taken towards the alteration of the boundaries of any school section, nor any application be entertained for that purpose, unless it shall clearly appear that all parties affected by such alteration have been duly notified of such intended step or application: Provided thirdly, that the several parts of such united or altered school sections shall have the same claim to a share of the Common School Fund, to which they would have been entitled, had they not been altered or united: and provided fourthly, that any school site, or school-house, or other school property which shall not be required

of such alterations or union of school sections, shall be disposed of, by sale or otherwise, in such a manner as a majority of the freeholders or householders in the altered or united school sections shall think proper, at a public meeting called for that purpose, and the proceeds shall be applied to the erection of a new school-house, or other Common School purposes of such united or altered sections; except that the inhabitants transferred from one school section to another, shall be entitled, for the Common School purposes of the section to which they are attached, to such a proportion of the proceeds of the disposal of such school house or other Common School property, as the assessed value of their property bears to that of the other inhabitants of the school section from which they shall have been separated: Provided fifthly, that Union

school sections, consisting of parts of two or more Townships, may be formed and altered, (under the conditions prescribed in this clause in respect to alterations of other school sections,) by the Reeves and Superintendents of the Townships out of parts of which such sections are proposed to be formed, at a meeting appointed for that purpose by any two of such Town Reeves; of which meeting the other party or parties authorized to act with them shall be duly notified; Provided, sixthly, that each union school section composed of portions of adjoining Townships, shall, for all purposes of Trustee elections and control, be deemed one school section, and shall be considered, in respect to superintendence and taxing for the erection of a school house, as belonging to the Township in which the school house may be situated.

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

Copies of certain proceedings to be furnished

XIX. And be it enacted, That it shall be the duty of the Municipal Council of any Township, and of the Board of School Trustees of any City, Town, or incorporated Village, on the application in writing of twelve or more resident heads of families, to authorize the establishment of one or more separate schools for Protestants, Roman Catholics or coloured people, and, in such case, it shall prescribe the limits of the divisions or sections for such schools, and shall make the same provision for the holding of the first meeting for the election of Trustees of each such separate school or schools, as is provided in the fourth section of this Act for holding the first school meeting in a new school section: Provided always, that each such separate school shall go into operation at the same time with alterations in school sections, and shall be under the same regulations in respect to the persons for whom such school is permitted to be established, as are Common Schools generally: Provided secondly, that none but coloured people shall be allowed to vote for the election of Trustees of the separate school for their children, and none but the parties petitioning for the establishment of, or sending children to a separate Protestant or Roman Catholic school, shall vote at the election of Trustees of such school: Provided thirdly, that each such separate Protestant, or Roman Catholic, or coloured school shall be entitled to share in the school fund according to the average attendance of pupils attending each such separate school, (the mean attendance of pupils for both summer and winter being taken,) as compared with the whole average attendance of pupils attending the Common Schools in such City, Town, Village or Township: Provided fourthly, that no Protestant separate school shall be allowed in any school division except when the Teacher of the Common School is a Roman Catholic, nor shall any Roman Catholic separate school be allowed except when the Teacher of the Common School is a Protestant. Provided fifthly, that the Trustees of the

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

Manner of electing Trustees in such separate school sections.

And of apportioning school moneys to them.

Provido as to certain returns.

Common School sections within the limits of which such separate school section or sections shall have been formed, shall not include the children attending such separate school or schools, in their return of children of school age residing in their school sections.

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

May unite all the school sections in a Township under the management of one Board of Trustees, at the request of a majority of the sections concerned.

IV. COUNCILS AND TRUSTEES IN CITIES, TOWNS, AND INCORPORATED VILLAGES, AND THEIR DUTIES.

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

Powers of Municipal Councils in Cities & Towns.

XXII. And be it enacted, That in each ward into which any City or Town is, or shall be divided according to law, two fit and proper persons shall

Two Trustees to be elected in each ward of Cities and Towns.

be elected School Trustees by a majority of all the taxable inhabitants of such ward ; one of which Trustees (to be determined by lot, at the first Trustee meeting after their election) shall retire from office the second Wednesday of January following his election ; and the second of whom shall continue in office one year longer, and until his successor is elected ; and the persons thus elected shall form one Board of School Trustees for such City or Town.

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

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

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

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

Thirdly. To do whatever they may judge expedient with regard to purchasing or renting school sites and premises ; building, repairing, furnishing, warming and keeping in order the school-house or school-houses, and its or their appendages, lands, enclosures and movable property ; for procuring suitable apparatus and text-books ; and for the establishment and maintenance of a school library or school libraries.

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

Fifthly. To appoint annually, or oftener, if they shall judge expedient, for the special charge, oversight, and management of each school within such City or Town, and under such regulations as they shall think proper to prescribe, a committee of not more than three persons for each school.

Sixthly. To prepare from time to time, and lay before the Municipal Council of such City or Town, an estimate of the sum or sums which they shall judge expedient, for paying the whole or part of the salaries of Teachers ; for purchasing or renting school premises ; for building, renting, repairing warming, furnishing and keeping in order the school-houses

and their appendages and grounds ; for procuring suitable apparatus and text-books for the schools ; for the establishment and maintenance of school libraries ; and for all the necessary expenses of the schools under their charge ; and it shall be the duty of the Common Council or Council of such City or Town, to provide such sum or sums in such manner as shall be desired by said Board of School Trustees.

Seventhly. To levy at their discretion, any rates upon the parents or guardians of children attending any school under their charge ; and to employ the same means for collecting such rates, as Trustees of Common Schools in any Township may do under the twelfth section of this Act : Provided always, that all moneys thus collected shall be paid into the hands of the Chamberlain or Treasurer, of such City or Town for the Common School purposes of the same, and shall be subject to the order of the said Board of School Trustees.

Eighthly. To give orders to Teachers and other school officers and creditors upon the Chamberlain or Treasurer of such City or Town, for the sum or sums which shall be due them.

Ninthly. To call and give notice of annual and special school meetings of the taxable inhabitants of such City or Town, or of any Ward in it, in the same manner and under the same regulations as are prescribed in the twelfth section of this Act, for the appointment of annual and special school meetings in the school sections of Townships : Provided always, that any person elected at any special ward school meeting, to fill a vacancy which shall have occurred in the Board of Trustees, from any cause whatever, shall hold office only during the unexpired part of the term for which the person whose place shall have become vacant, was elected to serve.

Tenthly. To see that all the pupils in the schools are duly supplied with an uniform series of authorized text-books ; to appoint a Librarian, and take charge of the school library or libraries, whenever established.

Eleventhly. To see that all the schools under their charge are conducted, according to the regulations authorized by law ; and, at the close of each year, to prepare and publish, in one or more of the public papers, or otherwise, for the information of the inhabitants of such City or Town, an annual report of their proceedings, and of the progress and state of the schools under their charge ; of the receipts and expenditure of all school moneys ; and to prepare and transmit annually, before the fifteenth of January, to the Chief Superintendent of Schools, a report, signed by a majority of the Trustees, and containing all the information required in the report of Common School Trustees, by the twelfth section of this Act, and any additional items of information which may be lawfully required, and made according to a form which shall be provided for that purpose by the Chief Superintendent of Schools.

XXV. And be it enacted, That the Municipality of every incorporated Village, shall possess and exercise all the powers, and be subject to all the obligations with regard to the levying and raising of moneys for Common School purposes, and for the establishment and maintenance of school libraries, within the limits of such incorporated Village, as are conferred and imposed by this Act upon the Municipal Corporations of Cities : Provided always, that on the second Wednesday in January, one thousand eight hundred and fifty-one, in each such incorporated Village, at the place of the then last annual election of Councilors, there shall be a meeting of the taxable inhabitants of such incorporated Village, and which meeting shall be organized and conducted in the same manner as is prescribed in the twenty-third section of this Act, for the conducting of annual school meetings in the wards of Cities and Towns ; and at such meeting, six fit and proper persons, from among the resident freeholders or householders, shall be elected School Trustees for

The Municipal Council to provide for such expenses.

To levy school rate bills at their discretion.

The sums thus collected to be paid into the hands of the Chamberlain or Treasurer.

To give orders for the payment of Teachers, &c.

To call annual or special school meetings.

Continuance in office of persons elected to fill vacancies.

To see that the pupils are duly supplied with proper text-books, &c.

To have their school conducted according to law.

To prepare and publish annual school reports, &c.

To prepare and transmit an annual report to the Chief Superintendent of Schools.

Contents of such report.

Powers of Municipal Councils in incorporated villages.

First election of trustees in such villages, the 2nd Wednesday in January, 1851.

How such elections to be held and conducted.

Six Trustees to be elected in each incorporated village.

Mode of retirement from office.

two individuals each, to be numbered one, two, three; the first class shall hold office one year, the second, two years, and the third, three years, and until their successors are elected; but each Trustee retiring from office shall be eligible to be re-elected with his own consent:

Two Trustees to be elected at each ensuing annual school meeting.

in the place of the two retiring from office, and shall continue in office two years, and until their successors are elected: Provided thirdly, that the first annual school meeting in each incorporated Village, shall be called by the Town-reeve of such Village, who shall cause notices to be posted in at least six public places of such Village, at least six days before the time of holding such meeting.

Mode of calling the first annual school meeting.

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

To be a corporation.

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

such incorporated Village; and the persons thus chosen shall be divided by lot into three classes, of two individuals each, to be numbered one, two, three; the first class shall hold office one year, the second, two years, and the third, three years, and until their successors are elected; but each Trustee retiring from office shall be eligible to be re-elected with his own consent: Provided secondly, that there shall be a like school meeting annually in each such incorporated Village, at which two persons shall be chosen Trustees, in the place of the two retiring from office, and shall continue in office two years, and until their successors are elected: Provided thirdly, that the first annual school meeting in each incorporated Village, shall be called by the Town-reeve of such Village, who shall cause notices to be posted in at least six public places of such Village, at least six days before the time of holding such meeting.

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

V. DUTIES OF COUNTY MUNICIPAL COUNCILS.

Duties of county councils.

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

to the amount of school money apportioned to the several Townships thereof for such year, by the Chief Superintendent of Schools, as notified by him to such Council, through the County Clerk: Provided

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

Time for the payment of the county school assessment.

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

County School assessment; and the County Council shall make the necessary provision to enable the County Treasurer to pay the amount of such lawful order.

To raise money for County Common School Library.

To appoint local Superintendents of Schools, and provide for their salaries.

by the thirtieth section of this Act), and provide for the salary or salaries of such Local Superintendent or Superintendents: Provided

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

Firstly. To cause to be levied each year upon the several Townships of such County, such sum or sums of money for the payment of the salaries of legally qualified Common School Teachers as shall at least be equal (clear of all charges of collection) to the amount of school money apportioned to the several Townships thereof for such year, by the Chief Superintendent of Schools, as notified by him to such Council, through the County Clerk: Provided always, that the sum or sums so levied, may be increased at the discretion of such Council, either to increase the County School Fund, or to give special or additional aid to new or needy school sections, on the recommendation of one or more Local Superintendents: Provided also, that the sum required to be levied in such County in each year, for the salaries of legally qualified Teachers, shall be collected and paid into the hands of the County Treasurer, on or before the Fourteenth day of December; and provided likewise, that in case of the non-payment of any part of such sum into the hands of the County Treasurer at that time, no Teacher shall, upon application, be refused the payment of the sum to which he may be entitled from such year's County School Fund, but the County Treasurer shall pay any local Superintendent's lawful order in behalf of such Teacher, in anticipation of the payment of the

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

Thirdly. To appoint annually, a Local Superintendent of Schools for the whole County, or for any one or more Townships in such County, as it shall judge expedient; to fix (within the limits prescribed by the thirtieth section of this Act), and provide for the salary or salaries of such Local Superintendent or Superintendents: Provided

always, that no such Local Superintendent shall have the oversight of more than one hundred Schools; and provided also, that the County Clerk shall forthwith notify the Chief Superintendent of Schools of the appointment and address of each such Local Superintendent, and of the County Treasurer: and shall likewise furnish him with a copy of all proceedings of such Council, relating to School assessments and other educational matters.

Fourthly. To see that sufficient security be given by all officers of such Council to whom School moneys shall be entrusted; to see that no deduction be made from the School Fund by the County Treasurer or Sub-treasurer, for the receipt and payment of School moneys; to appoint, if it shall judge expedient, one or more Sub-treasurers of School moneys, Townships of such County: Provided always, that each such Sub-treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for School moneys and the payment of lawful orders for such moneys given by any Local Superintendent within the parts of the County for which he is appointed Sub-treasurer, as are imposed by this Act upon each County Treasurer, in respect and accounting for School moneys.

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

VI. CONSTITUTION AND DUTIES OF THE COUNTY BOARDS OF PUBLIC INSTRUCTION.

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

No local Superintendent to have charge of more than 100 schools. County clerk to notify the Chief Superintendent of schools of the names and address of local Superintendents, also of the name and address of the county Treasurer.

To secure all school moneys.

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

for one or more

To appoint a sub-treasurer of school moneys at its discretion.

as are imposed to the paying

To cause the school accounts to be audited, &c.

County clerk to transmit to the Chief Superintendent an abstract of such accounts, &c.

Trustees of the county grammar school and local superintendents to constitute a county board of public instruction. More than one county board may be appointed in certain cases.

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

Incidental expenses to be defrayed by the county council.

Duties of each county board of public instruction

To meet quarterly, &c.

To examine and give certificates of qualification to teachers.

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

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

Secondly. To examine and give certificates of qualification to Teachers of Common Schools, arranging such Teachers into three classes according to their attainments and ability, as shall be prescribed in a programme of examination and instructions to be provided according to law; also to annul any such certificate as it shall judge expedient.

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

at the time of applying for such certificate of qualification, be a natural born or naturalized subject of Her Majesty, or who shall not, produce a certificate of having taken the oath of allegiance to Her Majesty, before some one of Her Majesty's Justices of the Peace for the County in which he shall be a resident ; and all Justices of the Peace are hereby authorized to administer such oath of allegiance :

Certificate may be general or limited.

Provided also, that any such certificate of qualification, shall be general, as regards the County, or limited as to time or place, at the pleasure of the majority of the members of the County Board of Public Instruction present at such examination : Provided likewise, that every such certificate shall have the signature of at least one local Superintendent of Schools.

Must have the signature of one local Superintendent of Schools.

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

they shall think

To facilitate the procuring of such books.

To provide for the establishment of a county school library.

To promote the interests of schools and the diffusion of useful knowledge generally.

Thirdly. To select (if deemed expedient), from a list of text-books recommended or authorized by the Council of Public Instruction, such books as 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.

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

VII. DUTIES OF LOCAL SUPERINTENDENTS OF SCHOOLS.

Local Superintendent of Schools. To be entitled to a remuneration of not less than one pound per school under his charge.

together with

To be paid quarterly by the treasurer of the county.

Duties of Local Superintendents of Schools.

To distribute the common school fund among the several school sections according to the ratio of attendance, unless otherwise directed.

sections entitled

attendance of pupils attending each Common School, (the mean attendance of pupils for both summer and winter being taken), as compared with the whole average number of pupils attending the Common Schools of such Township.

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

Conditions of giving such cheques.

appear by such report, that a school has been kept by a qualified

Teacher in such section for at least six months during the year ending at the date of such report :

Such conditions not to apply to new school sections.

To visit each school at least once a-quarter.

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

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

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

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

Teacher in such section for at least six months during the year ending at the date of such report : Provided also, that the foregoing condition shall not apply to the order or orders of Trustees in any new school section, for money apportioned and due to such section.

Thirdly. To visit each Common School within his jurisdiction, at least once in each quarter ; and

at the time of each such visit to examine into the state and condition of the School, as respects the progress of the pupils in learning, the order and discipline observed, the system of instruction pursued, the mode of keeping the school registers, the average attendance of pupils, the character and condition of the building and premises, and to give such advice as he shall judge proper.

Duties at such visitations.

Fourthly. To deliver in each school section, at least once a-year, a public lecture on some subject connected with the objects, principles, and means of of practical education ; and to do all in his power to persuade and animate parents, guardians, Trustees and Teachers, to improve the character and efficiency of the Common Schools, and secure the universal and sound education of the young.

To deliver a public lecture in each school section at least once a-year.

Topics of such lecture. Other duties.

Fifthly. To see that all the schools are managed and conducted according to law ; to prevent the use of unauthorized, and to recommend the use of authorized books in each school ; to acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantages of using them.

To enforce the law.

To recommend the use of authorized text-books ; and to facilitate the procuring of them.

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

To attend the meetings of the county Board of Public Instruction. To meet and confer with the Chief Superintendent of Schools in his official visits to such county.

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

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

To decide upon other questions of dispute at discretion.

Or (proviso) refer them to the Chief Superintendent of Schools.

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

Eighthly. To suspend the certificate of qualification of any Teacher, for any cause which shall appear to him to require it, until the next ensuing meeting of the County Board of Public Instruction, shall be disposed of in such manner as a majority of present shall think proper : Provided always, that due notice shall be given to the Teacher suspended, of such meeting of the County Board : Provided also, that the cancelling or suspension of a Teacher's certificate of qualification, shall release his School Trustees from any obligation to continue him in their employment.

To suspend certificates of qualification in certain cases.

where the case of the members

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

Ninthly. To act in accordance with the regulations and instructions which shall be provided according to law ; to give any information in his power, (when desired) to the Chief Superintendent of Schools respecting any Common School matter within his jurisdiction ; to furnish the County Auditors, when required, with the Trustees' orders as the authority for his cheques upon the County or Sub-Treasurer for School moneys ; to deliver copies of his official correspondence and all school papers in his custody, to the order of the County Council on retiring from office.

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

To give information to the Chief Superintendent when desired.

To account to the county auditors, &c.

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

To prepare and transmit an annual school report to the Chief Superintendent.

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

Contents of such report.

Number of schools, &c. 2nd.—The number of pupils taught in each school over the age of five and under the age of sixteen years; the number between the ages of sixteen and twenty-one years; the whole number of children residing in each section, or part of a section, over the age of five and under the age of sixteen years.

Time of keeping the schools open; branches taught, &c. 3rd.—The length of time a school shall have been kept in each such section or parts of sections, by a qualified Teacher; the branches taught, the number of pupils in each branch, and the books used; the average attendance of pupils, both male and female, in summer and in winter.

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

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

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

VIII. SCHOOL VISITORS AND THEIR DUTIES.

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

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

IX. DUTIES OF THE CHIEF SUPERINTENDENT OF SCHOOLS.

Chief Superintendent of Schools appointed. XXXIV. And be it enacted, That the Governor may, from time to time, by Letters Patent under the Great Seal of the Province, appoint a fit and proper

person to be Chief Superintendent of Schools for Upper Canada, who shall hold his office during pleasure, and shall receive a salary of the same amount as that now provided by law, or as may hereafter be provided by law, for the Superintendent of Education in Lower Canada; and shall be responsible to, and subject to the direction of, the Governor-General, communicated to him through such Department of Her Majesty's Provincial Government, as by the Governor may be directed in that behalf; and shall account for the contingent expenses of his office, as provided in respect of other public offices; and shall be allowed two Clerks, who shall receive the same salaries as are or shall be by law attached to similar offices in the education law of Lower Canada, to commence from the first of July, one thousand eight hundred and fifty.

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

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

Secondly. To certify such apportionment made by him, to the Inspector-General, so far as it relates to the several Counties, Cities, Towns and incorporated Villages in Upper Canada, and to give immediate notice thereof to the Clerk of each County, City, Town and Village interested therein, stating the time when the amount of moneys thus apportioned, will be payable to the Treasurer of such County, City, Town or Village.

Thirdly. To prepare suitable forms, and to give such instructions as he shall judge necessary and proper, for making all reports, and conducting all proceedings under this Act, and to cause the same with such general regulations, as shall be approved of by the Council of Public Instruction, for the better organization and government of Common Schools, to be transmitted to the officers required to execute the provisions of this Act.

Fourthly. To cause to be printed from time to time, in a convenient form, so many copies of this Act, with the necessary forms, instructions, and regulations to be observed in executing its provisions, as he may deem sufficient for the information of all officers of Common Schools, and to cause the same to be distributed for that purpose.

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

Sixthly. To appoint one of his Clerks as his Deputy, to perform the duties of his Office in case of his absence; and to appoint one or more persons, as he shall, from time to time, deem necessary, to inspect any school, or inquire into any school matter, in the County where such person or persons reside, and

His salary.

To account for the contingent expenses of his office.

To be allowed two clerks; their salaries.

Duties of the Chief Superintendent.

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

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

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

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

To see that all school moneys apportioned by him are duly applied according to law.

To direct the disposal of balances of such moneys in certain cases and under certain conditions.

To appoint a Deputy and special inspectors in certain cases.

report to him : Provided, that no allowance or compensation shall be made to such special inspector or inspectors for any service or services performed by him or them.

Duties in regard to the Normal School.

And text-books.

School libraries.

Plans of school-houses.

The collection and diffusion of useful knowledge.

To submit to the Council of Public Instruction, books manuscripts, &c.

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

To apportion moneys granted for the establishment of school libraries.

Proviso: Condition of sharing in such apportionment.

To appoint persons to conduct teachers' institutes, and prepare rules and instructions for regulating their proceedings.

To account for moneys, &c.

To report annually to the Governor on certain matters.

Schools throughout Upper Canada, showing the amount of moneys expended in connexion with each, and from what sources derived, with such statements and suggestions for improving the Common Schools and the Common School laws, and promoting education generally, as he shall deem useful and expedient.

X. CONSTITUTION AND DUTIES OF THE COUNCIL OF PUBLIC INSTRUCTION.

Council of Public Instruction for U. C.

To consist of 9 persons including the Chief Superintendent.

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

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

Eighthly. To employ all lawful means in his power to procure and promote the establishment of School Libraries for general reading, in the several Counties, Townships, Cities, Towns, and Villages; to provide and recommend the adoption of suitable plans of school-houses, with the proper furniture and appendages; and to collect and diffuse useful information on the subject of education generally, among the people of Upper Canada.

Ninthly. To submit to the Council of Public Instruction all books or manuscripts which may be placed in his hands with the view of obtaining the recommendation or sanction of such Council, for their introduction as text-books or library books; and to prepare and lay before the Council of Public Instruction for its consideration, such general regulations for the organization and government of Common Schools, and the management of School Libraries as he shall deem necessary and proper.

Tenthly. To apportion whatever sum or sums of money shall be provided by the Legislature for the establishment and support of School Libraries: Provided always, that no aid shall be given towards the establishment or support of any School Library unless an equal amount be contributed and expended from local sources for the same object.

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

Twelfthly. To be responsible for all moneys paid through him in behalf of the Normal and Model Schools, and to give such security for the same as shall be required by the Governor; and to prepare and transmit all correspondence which shall be directed or authorized by the Council of Public Instruction for Upper Canada.

Thirteenthly. To make annually to the Governor, on or before the first day of July, a report of the actual state of the Normal, Model and Common Schools throughout Upper Canada, showing the amount of moneys expended in connexion with each, and from what sources derived, with such statements and suggestions for improving the Common Schools and the Common School laws, and promoting education generally, as he shall deem useful and expedient.

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

XXXVII. And be it enacted, That the Chief Superintendent of Schools shall provide a place for the meetings of the Council of Public Instruction, and shall call the first meeting of the Council, and shall have authority to call a special meeting at any time by giving due notice to the other members;

that the expenses attending the proceedings of the said Council shall be accounted for by the Chief Superintendent of Schools as part of the contingent expenses of the Education Office; that the Senior Clerk in the Education Office shall be Recording Clerk to the said Council, shall enter all its proceedings in a book kept for that purpose, shall, as may be directed, procure the books and stationery for the Normal and Model Schools, and shall keep all the accounts of the said Council.

Senior clerk in the Education Office to be Recording Clerk to the council. His duties.

XXXVII. And be it enacted, That it shall be the duty of the said Council of Public Instruction, (three members of which, at any lawful meeting, shall form a quorum for the transaction of business);

Duties of the Council of Public Instruction.

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

To regulate its own proceedings, or casting vote

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

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

Thirdly. To make from time to time, the rules and regulations necessary for the management and government of such Normal School; to prescribe the terms and conditions on which students shall be received and instructed therein; to select the location of such school, and erect or procure and furnish the buildings therefor; to determine the number and compensation of teachers, and all others who may be employed therein; and to do all lawful things which such Council shall deem expedient to promote the objects and interests of such school.

To make rules for the management and government of the Normal School; to prescribe the terms of admission.

To erect or procure and furnish Normal School buildings. To appoint teachers, &c.

Fourthly. To make such regulations from time to time as it shall deem expedient for the organization, government and discipline of Common Schools; the classification of Schools and Teachers, and for School Libraries throughout Upper Canada.

To make regulations for the organization and government of common schools generally.

Fifthly. To examine, and, at its discretion, recommend or disapprove of text-books for the use of schools, or books for School Libraries: Provided always that no portion of the Legislative School Grant shall be applied in aid of any school in which any book is used that has been disapproved of by the Council, and public notice given of such disapproval.

To examine and recommend books for schools, and for school libraries; Proviso:

Sixthly. To transmit annually, through the Chief Superintendent of Schools, to the Governor, to be laid before the Legislature, a true account of the receipt and expenditure of all moneys granted for the establishment and support of the Normal School.

To account annually.

XI. MISCELLANEOUS PROVISIONS.

XXXIX. And be it enacted, That a sum not exceeding fifteen hundred pounds per annum shall be allowed out of the Legislative School Grant for the salaries and other contingent expenses of the Normal School; and that a sum not exceeding one thousand pounds per annum be allowed out of the said grant to facilitate the attendance of Teachers in training at the Normal School, under such regulations as shall, from time to time, be adopted by the Council of Public Instruction.

£1500 per annum, granted for the Normal School: salaries of officers

£1000 per annum to facilitate the attendance of teachers in training.

XL. And be it enacted, That the sum of money apportioned annually by the Chief Superintendent of Schools to each County, Township, City, Town or Village, and at least equal sum raised annually by local assessment, shall constitute the Common School Fund of such County, Township, City, Town, or Village, and shall be expended for no other purpose than that of paying the salaries

What moneys to constitute the common school fund.

Conditions of its apportionment.

of qualified Teachers of Common Schools : Provided always, that no County, City, Town or Village shall be entitled to a share of the Legislative School Grant without raising by assessment, a sum at least equal (clear of all charges for collection) to the share of the said School Grant apportioned to it : and provided also, that should the Municipal Corporation of any County, City, Town or Village, raise in any one year a less sum than that apportioned to it out of the Legislative School Grant, the Chief Superintendent of Schools shall deduct a sum equal to the deficiency, from the apportionment to such County, City, Town or Village in the following year.

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

XLI. And be it enacted, That it may and shall be lawful for the Governor in Council, to authorize the expenditure annually, out of the share of the Legislative School Grant coming to Upper Canada, of a sum not exceeding three thousand pounds, for the establishment and support of School Libraries, under such regulations as are provided for by this Act ; of a sum not exceeding twenty-five pounds in any County or Riding for the encouragement of a Teachers' Institute, under the regulations hereinbefore provided ; and of a sum not exceeding two hundred pounds in any one year to procure plans and publications for the improvement of School Architecture and

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

practical Science in connexion with the Common Schools : Provided always, that the amount heretofore apportioned in aid of Common Schools to the several Counties, Cities, Towns and Villages in Upper Canada, shall not be lessened by the appropriation of such sums, but they shall be taken out of any additional amount awarded to Upper Canada, out of the said Grant, in consideration of the increase of its population in proportion to that of the whole Province.

The moneys apportioned annually in aid of common schools to be payable the first day of July.

XLII. And be it enacted, That the sum of money annually apportioned in aid of Common Schools in the several Counties, Cities, Towns and Villages in Upper Canada, shall be payable on or before the first day of July, in each year, to the Treasurer of each County, City, Town and Village, in such way as the Governor in Council shall from time to time direct.

Protection of the common school fund against loss.

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

Prviso. Provided always, That if any Secretary-treasurer appointed by the School Trustees of any school division, or any person having been such Secretary-treasurer, and having in his possession any books, papers, chattels, or moneys, which shall have come into his possession, as such Secretary-treasurer, shall wrongfully withhold or refuse to deliver up, or to account for and pay over the same or any part thereof to such person, and in such manner as he may have been lawfully directed by any majority of the School Trustees for such School division then in office, such withholding or refusal shall be a misdemeanor ; and upon the application of the majority of such Trustees, supported by affidavit of such wrongful withholding or refusal made by them before some justice of the Peace to the Judge of the County Court, such Judge shall thereupon make an order that such Secretary-treasurer or person having been such, do appear before such Judge at a time and place to be appointed in such order, which shall, by a Bailiff of any Division Court, be personally served on the party complained against, or left with a grown up person at his residence, and at the time and place so appointed, the Judge being satisfied that such service has been made, shall in a summary manner and whether the party complained of do or do not appear, hear the complaint ; and if he shall be of opinion that the complaint is well founded, he shall order the party complained of to deliver up, account for and pay over the books papers chattels or moneys as aforesaid by a certain day, to

be named by the Judge in such order, together with reasonable costs incurred in making such application, as the Judge may tax, and in the event of a noncompliance with the terms specified in the said order or any or either of them, then to order the said party to be forthwith arrested by the Sheriff of any County in which such party shall be found, and be by him committed to the Common Gaol of his County, there to remain without bail or mainprize until such Judge shall be satisfied that such party has delivered up, accounted for or paid over the books, papers, chattels, or moneys in question in the manner directed by the majority of the Trustees as aforesaid, upon proof of his having done which, such Judge shall make an order for his discharge, and he shall be discharged accordingly ; provided always, that no proceeding under this proviso shall be construed to impair or affect any other remedy which the said Trustees may have against such Secretary-treasurer, or person having been such, or his sureties.

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

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

Prviso.

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

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

XLVI. And be it enacted, that any person who shall wilfully disturb, interrupt, or disquiet the proceedings of any school meeting authorized to be held by this act or any school established and conducted under its authority, shall for each offence, forfeit for Common School purposes, to the School Section, City, Town or Village, within the limits of which such offence shall have been committed, a sum not exceeding five pounds, and may be prosecuted before any Justice of the Peace, by any person whatever, and convicted on the oath of one credible witness other than the prosecutor, and if convicted, the said penalty shall, if not forthwith paid, be levied with costs by distress and sale of goods and chattels of the offender, under a warrant of such Justice, and paid over by him to the School Treasurer of such Section, City, Town or Village ; or the said offender shall be liable to be indicted and punished for the same as a misdemeanor.

Punishment of persons disturbing meetings, &c. by this act or

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

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

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

Interpretation clause.

FORMS AND INSTRUCTIONS

FOR EXECUTING THE PROVISIONS OF THE NEW COMMON SCHOOL ACT, 13th and 14th Victoria, chapter 9.

BY THE CHIEF SUPERINTENDENT OF SCHOOLS.

Authorized and required by the third clause of the Thirty-fifth section of said Act.

CHAPTER I.

FORMS FOR TRUSTEES, AND FOR THE CALLING OF SCHOOL SECTION MEETINGS, &c.,

In conformity with the Common School Act, 13th and 14th Vict., chap. 9, Section 4-14.

SECTION 1. Form of Notice of a FIRST School Section Meeting.

SCHOOL NOTICE.

The undersigned inform the Freeholders and Householdors concerned, that the Municipal Council of this Township has formed a part of the Township into a School Section, to be designated School Section, No. —, and to be limited and known as follows:— [Here insert the Description of the Section.]

The undersigned having been authorized and required by the Municipal Council to appoint the time and place of holding the first meeting, for the election of Trustees for the School Section above described, hereby notifies the Freeholders and Householdors of said School Section, that a Public Meeting will be held at — on — day, the — of —, at the hour of 10 o'clock, in the forenoon, for the purpose of electing three fit and proper persons as School Trustees of the said Section, as required by the School Act, 13th and 14th Vict. chap. 9, sect. 4.

Given under my hand, this — day of —, 18—. [Name.]

REMARKS. Should the person authorized and appointed by the Municipal Council to call the first School Section Meeting refuse or neglect to do so, he subjects himself to a penalty of one pound five shillings, recoverable for the purposes of such School Section; and, then, any two Householdors are authorized, within twenty days, on giving six days' notice, to call a meeting for the election of Trustees. The form of their notice—to be posted in, at least, three public places in the School Section concerned, and at least, six days before the time of holding such meeting—should be as follows:—

SCHOOL NOTICE.

In conformity with the 9th section of the Common School Act, 13th and 14th Vict., chap. 9, the undersigned, Householdors of School Section, No. —, in the Township of —, hereby give notice to the Freeholders and Householdors of said School Section, that a Public Meeting will be held at —, on — day, the — of —, at the hour of 10 o'clock, in the forenoon, for the purpose of electing School Trustees for the said Section.

Dated this — day of — 18—. A. B. } Householdors. C. D. }

SECTION 2. Form of Notice, signed by the Chairman and Secretary of a School Section Meeting, to be transmitted by the Secretary to the Local Superintendent of Schools intimating the election of one or more persons as Trustee or Trustees.

Sir,—In conformity with the Common School Act, 13th and 14th Vict., chap. 9, sect. 5, we have the honor to inform you, that, at a meeting of the Freeholders and Householdors of School Section, No. —, in the Township of —, held according to law on the — day of —, [Here insert the name or names or address of the person or persons elected] — chosen School [Trustee or Trustees] of said Section.

We have the honor to be, Sir, Your obedient Servants, D. E., Chairman, F. A., Secretary.

To the Local Superintendent of Schools For the — Township of —

SECTION 3. Form of a Notice of an ordinary ANNUAL School Section Meeting, pursuant to the 12th clause of the 12th section of the School Act, 13th and 14th Vict., chap. 9.

SCHOOL NOTICE.

The undersigned Trustees of School Section, No. — in the Township of —, hereby give notice to the Freeholders and Householdors of said School Section, that a Public Meeting will be held at —, on the second Wednesday in January, 18—, at the hour of Ten of the clock, in the forenoon, for the purpose of electing a fit and proper person as a School Trustee for said Section.

Dated this — day of —, 18—. A. B. } Trustees of C. D. } School Section, E. F. } No. —

REMARKS. The above notice should be signed by a majority of the existing or surviving Trustees, and posted in, at least, three public places of the School Section, at least six days before the holding of the meeting. The manner of proceeding at the Annual Meeting is prescribed in the 6th section of the Act.

Should the Trustees neglect to give the prescribed notice of the Annual Section Meeting, they forfeit, each, the sum of one pound five shillings, recoverable for the purposes of the School Section, and then any two Householdors of the School Section are authorized within twenty days' notice, to call such meeting. Their form of notice should be as follows:—

SECTION 4. Form of Notice of an ANNUAL School Section Meeting to be given by two Householdors.

SCHOOL NOTICE.

The Trustees of School Section, No. —, in the Township of —, having neglected to give notice of the Annual School Section Meeting, as prescribed by the 12th clause of the 12th section of the Common School Act, the undersigned hereby give notice to the Freeholders and House-

holders of the said School Section, that a Public Meeting will be held at —, on —, the — day of —, at 10 of the clock in the forenoon, for the purpose of electing a fit and proper person as Trustee, as directed by law. Dated this — day of —, 18—. A. B. } Householdors, C. D. } School Section, No. —.

REMARK. The mode of proceeding, at a School Meeting thus called, is prescribed in the 6th section of the Act.

SECTION 5. Form of Notice of a School Meeting, to FILL UP A VACANCY created by the death, permanent absence, incapacity from sickness, refusal to serve, resignation, &c., on the part of a Trustee.

SCHOOL NOTICE.

Notice is hereby given to the Freeholders and Householdors of School Section, No. —, in the Township of —, that a Public Meeting will be held at —, on the — day of —, at the hour of Ten of the clock, in the forenoon, for the purpose of electing a fit and proper person as School Trustee, in the place of —, [deceased, removed, incapacitated from sickness, absent, resignation, or who has refused to serve, as the case may be.]

Dated this — day of —, 18—. A. B. } Surviving Trustees, or Trustee, C. D. } (as the case may be.)

REMARKS. A Trustee who refuses to serve when elected, forfeits the sum of one pound five shillings, but having accepted office, if he shall at any time refuse or neglect to perform the duties of that office he shall forfeit the sum of five pounds, recoverable for the purposes of the School Section; but a Trustee cannot be re-elected without his own consent. (See 8th section of the Act.) The mode of proceeding at a meeting called as above is the same as at an ordinary Annual School Section Meeting, and is prescribed in the 6th section of the Act.

SECTION 6. Form for Trustees calling SPECIAL Meetings.

REMARKS. It belongs to the office of Trustees to estimate and determine the amount of the Teacher's salary and all expenses connected with the school; but it appertains to the majority of the Freeholders and Householdors of each School Section, at a public meeting called for the purpose, to decide as to the manner in which such expenses shall be provided for, whether by voluntary subscription, by rate-bill on parents or guardians sending children to the school, or by rate on all the Freeholders and Householdors of the School Section according to property. But should not a sufficient sum be thus provided to meet the expenses incurred for school purposes, the Trustees are authorized by the latter part of the 7th clause of the 12th section, to provide the balance in such manner as they may think proper. But for all the money received and expended by them, the Trustees must account annually to their constituents as prescribed in the 12th clause of the 12th section. Besides calling Annual School Section Meetings, Trustees are authorized to call Special Meetings to consider the site and erection of a school-house, the mode of raising a teacher's salary, or for any school purpose whatever. The object or objects of each school meeting should be invariably stated in the notices calling it; and the notices calling any school meeting, should in all cases be put up six days before holding such meeting. One form is sufficient for calling a special school section meeting of any kind.

SPECIAL SCHOOL NOTICE.

Notice is hereby given to the Freeholders and Householdors of School Section No. —, in the Township of —, that a Public Meeting will be held at —, on the — day of — at the hour of — of the clock in — for the purpose [Here state the object or objects of the meeting.]

Dated this — day of —, 18—. A. B. } C. D. } Trustees. E. F. }

SECTION 7. Form of Agreement between Trustees and Teacher.

WE, the undersigned, Trustees of School Section, No. —, in the Township of —, by virtue of the authority vested in us by the 5th clause of the 12th section of the School Act, 13th and 14th Vict., chap. 9, have chosen [Here insert the Teacher's name] who holds a certificate of qualification, to be a Teacher in said School Section; and WE do hereby contract with and employ him, at the rate of [here insert the sum in words, in currency.] per annum, from and after the day hereof; and we further bind and oblige ourselves, and our successors in office, faithfully to employ the powers with which we are legally invested by the said section of said Act, to collect and pay the said Teacher, during the continuance of this agreement, the sum for which we hereby become bound—the said sum to be paid to the said Teacher [quarterly, &c., as the case may be.] And the said Teacher hereby contracts and binds himself to teach and conduct the School, in said School Section, according to the regulations provided for by the said School Act. This agreement to continue [here insert the period of agreement] from the date thereof.

Dated this — day of —, 18—. A. B. } C. D. } Trustees. E. F. } G. H., Teacher. (Witness) O. K.

REMARKS. This agreement should be signed by, at least, two of the Trustees, and the Teacher, and should be entered in the Trustees' book, and a copy of it given to the Teacher. The Trustees being a Corporation, their agreement with their Teacher is binding on their Successors in office; and should they refuse or willfully neglect to exercise the corporate powers vested on them, they would be personally liable for the amount due a Teacher—see 16th clause of the 12th section. As to the mode of settling disputes between Trustees and a Teacher, see the 17th Section. And, on the other hand, the Teacher is equally bound to faithfulness in the performance of his duties according to law. See section 10; and clause 8, of section 31.

SECTION 8. Form of Warrant for the Collection of School Fees.

WE, the undersigned, Trustees of School Section, No. —, in the Township of — in the County of —, by virtue of the authority vested in us by the 8th clause of the 12th sect. of the Act, 13th and 14th Vict., chap. —, hereby authorize and require you [here insert the name and residence of the person appointed to collect the Rate Bill,] after ten days from the date hereof, to collect from the several individuals in the annexed Rate Bill, for the period therein mentioned, the sum of money opposite their respective names, and to pay, within thirty days from the date hereof, the amount so collected, after retaining your own fees, to the Secretary-Treasurer, whose discharge shall be your acquittance for the sum so paid. And in default of payment on demand by any person so rated, you are hereby authorized and required to levy the amount by distress and sale of the goods and chattels of the person or persons making default.

Given under our hands this — day of —, 18—. A. B. } C. D. } Trustees. E. F. }

To the Collector of the School Section No. —, Township of —

Form of Rate Bill, as authorized by the second and eighth clauses of the 12th section of the Act—to be annexed to the foregoing Warrant.

RATE BILL of persons liable for School Fees, in School Section, No.—, in the Township of —, for the [Month or Quarter, &c.], commencing the — day of —, and ending the — day of —, 18—.

NAMES OF PARENTS OR GUARDIANS.	Number of Children attending School.	Amount of Rate Bill per [month or quarter,] &c., for Tuition.			Amount of Rate Bill per [month or quarter,] for Fuel, Rent, &c.			Amount of Collector's Fees, at five per cent.			Total Amount of Rate Bill for the [month or quarter, &c.]			
		£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	

Given under our hands, this — day of —, 18—. A. B., } Trustees.
W. D., }
E. F., }

SECTION 9. Form of Receipt to be given by the Collector, on receiving the amount named in the Rate Bill.

RECEIVED from [here insert the person's name.] the sum of [here write the sum in words,] being the amount of his [or her] Rate Bill, for the [Month or Quarter, &c.] ending on the — day of — 18—. Dated this — day of — 18—. A. B., Collector.

EXPLANATORY REMARKS on the Imposition and Collection of Rate Bills, &c.—
1. The Collector should take a Receipt from the Secretary-treasurer, for all moneys paid him. The Secretary-treasurer should also take a Receipt from the Teacher for all moneys paid him. The taking and giving receipts for money paid and received will prevent errors and misunderstandings.

2. The Trustees can raise the School fees by voluntary subscriptions, if they please. They can also appoint the School Teacher to act as Collector, if he chooses to accept of the appointment, and to give the required security. The Trustees can also, if they judge it expedient, impose any Rate Bill which they may think necessary for renting, and repairing and furnishing a School-house, or for the Teacher's salary, upon the inhabitants of their School Section, or they can apply to the Municipality of their Township to impose and collect such rate for those purposes.

3. As the School Accounts of each year must be kept separate by the Chief Superintendent of Schools, so must the Rate Bills. The Rate Bills and the Warrants can be made out for a month, or for one or more Quarters of a year, at the same time, as the Trustees may think expedient.

4. Those parents and guardians who pay the Rate Bills to the Secretary-treasurer, or Collector, within ten days from the date of such Rate Bill, and without being called upon for it, will be exempt from paying the Collector's Fees.

5. The Collector, by virtue of the Warrant from the Trustees, can enforce payment of the Rate Bill by distress and the sale of goods, from any person who resides, or has goods and chattels within the limits of the School Section. For the mode of proceeding by the Trustees in case of persons rated, who may not at the time of collecting the Rate Bill reside or have goods and chattels within the limits of the School Section, see eleventh division of the 12th Section of the Act.

6. The Trustees should make the apportionment for Fuel in money, as one item in the Rate Bill, and then exercise their own discretion as to whether the item for fuel should be paid in money or wood—fixing the price per cord, to be allowed for the wood, describing the kind of wood, and the manner in which it should be prepared for the School. In case any person should fail to pay the amount of his wood-bill, in the manner and at the time prescribed by the Trustees, the payment should, of course, be enforced in the same manner as that of the School Teacher's wages, and the amount, thus collected, paid for the purchase of wood.

SECTION 10. Form of Trustees' Order upon the Local Superintendent.

To the Local Superintendent of Schools for the Township of —
PAY to [here insert the Teacher's name] or Order, out of the School Fund apportioned to School Section, No.—, in the Township of —, the sum of [here write the sum in words] £. A. B., } Trustees.
Dated this — day of —, 18—. C. D., }
E. F., }

REMARKS. No part of the School Fund is allowed to be paid for any other purpose than for the salary of the Teacher; and the Local Superintendent is not authorized to give a cheque upon the County Treasurer or Sub-treasurer to pay the School Fund moiety of a Teacher's salary to any other than the Teacher interested, or to some person authorized by the Teacher to receive it.

SECTION 12. Form of Deed for the Site of the Common School House, Teacher's Residence, &c.

This Indenture, made the — day of —, in the year of our Lord one thousand eight hundred and —, in pursuance of the Act to facilitate the conveyance of Real Property, between —, of the Township [Town or City] of —, in the County of —, and Province of Canada, of the first part, and the Trustees of School Section Number —, in the Township of —, in the County of —, and Province aforesaid, of the second part,

Witnesseth, that in consideration of —, of lawful money of Canada, now paid by the Trustees of the School Section aforesaid to the said party of the first part, who hereby grants unto the Trustees of the School Section aforesaid, their Successors and Assigns for ever, all that Parcel of Land, &c.

In TRUST for the use of a Common School, in and for School Section Number —, in the Township of —, and in the County and Province aforesaid.

THE said — COVENANTS with the Trustees of the School Section aforesaid, that he hath the right to convey the said Lands to the Trustees of the School Section aforesaid. And that the Trustees of the School Section aforesaid shall have quiet possession of the said Lands: FREE FROM INCUMBRANCES. And the said — COVENANTS with the Trustees of the School Section aforesaid, that he will execute such further assurances of the said Lands as may be requisite.

In witness whereof, the said parties hereto have hereunto set their hands and seals in the day and year before mentioned.

J. D. (seal.)
F. H. (seal.)
S. M. (seal.) } Trustees.
I. B. (seal.) }

Signed, Sealed and Delivered in presence of

J. G. } Witnesses.
F. R. }

REMARKS. 1. If the Grantor be a married man, his wife's name must be inserted in the Deed, and this phrase added after the word "requisite": "And —, wife of the said —, hereby bars her dower in the said Lands.

2. When, however, the land has descended to the wife in her own right, she must, besides joining with her husband in the Conveyance, appear before two Justices of the Peace, to declare that she has parted with her estate in the land intended to be conveyed without any coercion or fear thereof by or on the part of her husband; and the Certificates of such Justices must appear on the back of the Conveyance the day of its execution. The form of the Certificate is as follows:—"We the undersigned Justices of the Peace for —, do hereby certify that on this — day of —, 18—, at —, the within Deed was duly executed in the presence of —, by —, wife of —, one of the Grantors therein named; and that the said —, at the said time and place, being examined by us, apart from her husband, did appear to give her consent to depart with her estate in the lands mentioned in the said Deed, freely and voluntarily, and without coercion or fear of coercion on the part of her husband, or of any other person or persons whatsoever."
"R. W., J. P."
"A. M., J. P."

3. If the Deed be for the Site of a School-house in a City, Town or Incorporated Village, the words, Board of School Trustees for such City, Town or Village should be inserted instead of the words "Trustees of School Section Number —, &c., in the foregoing form. See the 24th and 26th Sections of the Act.

SECTION 13. Form of the Annual Report of School Trustees to the Local Superintendent of Schools.

Note. A copy of a blank form of the Annual School Report to be filled up and forwarded to the Local Superintendent before the 15th of January in each year, will be furnished to each set of Trustees. For the items of information to be included in the Report, see the 19th clause of the 12th Section of the Common School Act, 13th and 14th Vict., chap. 9.

According to the thirteenth section of the Act, any Trustee wilfully signing a false report, will render himself liable to a severe penalty; and also, according to the sixteenth clause of the twelfth section, in the event of his refusing or wilfully neglecting, at any time, to perform his duty.

N. B. Remarks on the Duties of Trustees will be found in the General Regulations, chapter VI, section 2. The of School Books authorized by the Council of Public Instruction for Upper Canada, 2d. The National Books, Lennie and Kirkham's Grammar, and Morse's Geography.

It is to be observed, that, according to the fifteenth clause of the twelfth section, it is the duty of each Corporation of Trustees to procure annually, "for the benefit of their School Section, some periodical devoted to Education." The price of such a periodical is, of course, to be charged by the Trustees to the contingent expenses of their School Section, and included in the School Rate.

CHAPTER II.

FORMS FOR TEACHERS OF COMMON SCHOOLS.

SECTION 1. Form of a Teacher's Receipt.

1. Form of a Receipt to Parents or Guardians on the payment of their Rate Bill.

RECEIVED from [here write the name of the Pupil or person paying] the sum of [here write the sum in words] currency, in payment of the Rate Bill due from [here write the name of the person in whose behalf payment is made] to School Section No.—, in the Township of —, for the [month or quarter] ending the — day of —, 18—. A. B., Teacher.

REMARKS. When the payment of the Rate Bill is made by the Parent or Guardian concerned, the receipt should state it accordingly.

The payment of the Rate Bill to the Teacher, within the time which may be prescribed by the Trustees, will exempt the person thus paying it from the payment of the Collector's fees. The Teacher should, of course, apprise the Collector of all payments made to him, so that the Collector may not be at the trouble of calling upon such persons; and should the Teacher not inform the Collector of such payments within the time prescribed by the Trustees, he should be liable to pay the Collector the usual Fees for the unnecessary trouble imposed upon him by such Teacher's neglect.

2. Form of a Receipt to Trustees.

RECEIVED from the Trustees of School Section No. —, in the Township of —, the sum of [here write the sum in words] currency, in payment of my salary in part [or in full] for the [month or quarter,] ending the — day of —, 18—. A. B., Teacher.

SECTION 2. Form of Teacher's Circular Notice of the Quarterly Examination of his School.

School Section No. —, 18—.

SIR,—In conformity with the 3rd clause of the 16th Section of the Common School Act, 13th and 14th Vict., Chapt. —, the Quarterly Examination of the School Section No. —, will be held on — day, the — of —, when the pupils of this School will be publicly examined in the several subjects which they have been taught during the quarter now closing. The Exercises will commence at 9 o'clock, A. M., and you are respectfully requested to attend them.

I am, Sir, your obedient Servant,

To C. D., School Trustee, or Visitor. A. B., Teacher.

REMARKS. A copy of the above Notice ought to be sent to each of the Trustees, and to as many Visitors of the School Section as possible. Clergymen are School Visitors of any Township in which they have pastoral charge; all Judges, Members of the Legislature, Members of the County Council and Justices of the Peace, are School Visitors of the Township in which they reside. The Teacher should address a circular notice to those of them who reside within two or three miles of his School; he is, also, required to give notice, through his pupils, to their Parents and Guardians and to the neighbourhood, of the Examination.

For Holidays and Vacations, see General Regulations, Chapter VI, Section 1. For Remarks on the Duties of Teachers, see the same Chapter, Section 3.

SECTION 3. Form of a Teacher's School Register.

[The form at present in use to be continued.]

NOTE. As the first clause of the thirty-first Section of the Act contemplates the distribution of the School money to the several sections of a Township according to the attendance of pupils at School, and not according to School population, the Teacher who fails to keep a full and accurate account of the attendance of pupils at his school, lessens the resources of the School Section. No Teacher is entitled to his salary who neglects to keep a full and accurate School register. On the other hand, according to the thirteenth Section of the Act, any Teacher who shall keep a false School Register, or make a false School return, will render himself liable to a severe penalty.

N. B. The order of the Trustees delivered to a Local Superintendent will be the Superintendent's authority and receipt for the cheque upon the County or Sub-Treasurer, and that cheque will be the Treasurer's receipt for the amount specified on the face of it.

CHAPTER III.

FORMS FOR TOWNSHIP COUNCILS.

SECTION 1. *Form of Notice to be given by the Township Clerk to the person designated by the Municipal Authority to appoint the time and place of the first School Section Meeting.*

TOWNSHIP CLERK'S OFFICE,
18--

SIR,—I have the honour to inform you, that in conformity with the 3rd clause of the 18th section of the Common School Act, 13th and 14th Vict., Chap. 9, the Municipal Council of this Township has authorized and required you, within twenty days after receiving this notice, to appoint the time and place of holding the first School Meeting for the election of three Trustees for School Section No. —, which School Section is bounded and may be known as follows: [Here insert the description of it.] Copies of your Notice are to be posted, in at least three public places in the School Section above described, at least six days before the time of holding such meeting.

I am, Sir,
Your obedient Servant,
A. B., Township Clerk.

REMARKS. In notifying the formation of several School Sections, or the formation of parts of Sections, the phraseology of the notices should be varied, at the discretion of the Township Clerk, and in accordance with the proceedings and directions of the Council.

The Notices of *School Assessments*, and Assessments for the *erection and furnishing of School-houses*, for the *purchasing of School Sites*, &c., may be given in such a manner as the Council shall direct.

For *Form of Deed for a School Site*, &c., see Chapter I, Section 12.

SECTION 2. *Form of intimating to Trustees the alteration of their School Section.*

TOWNSHIP CLERK'S OFFICE,
18--

SIR,—In conformity with the 4th clause of the 13th section of the Common School Act, 13th and 14th Vict., chap. 9, I have to acquaint you that the Municipal Council of this Township has altered the School Section of which you are Trustee, in the following manner: [Here insert the changes which have been made, and the description of the new School Section.] These changes will go into effect from and after the twenty-fifth day of next December, according to the 4th clause of the 13th Section of the Act. You will please communicate this notice to the other Trustees of your School Section.

I am, Sir,
Your obedient Servant,
A. B., Township Clerk.

To D. E.,
Trustee of School Section No.—, Township of ———

REMARK. In giving notice of the formation of Union School Sections, see the remarks at the end of the following section 3.

SECTION 3. *Form of intimating to the Local Superintendent of Schools the alteration of a School Section.*

TOWNSHIP CLERK'S OFFICE,
18--

SIR,—In conformity with the 4th clause of the 18th Section of the Common School Act, 13th and 14th Vict. Chap. 9, I have to acquaint you that the Municipal Council of this Township has altered School Section, No. —, in the following manner: [Here insert the changes which have been made, and the description of the new School Section.] These changes go into effect from and after the twenty-fifth day of next December, according to the 4th clause of the 18th Section of the Act.

I am, Sir,
Your obedient Servant,
A. B., Township Clerk.

The Local Superintendent of Schools
for the County or Township of ———.

N. B. When the Union School Section is formed or altered, as authorized by the 5th proviso of the 4th clause of the 18th Section, the Clerk of the Township in which the School-house of such Union Section is situated, should communicate the requisite notices to the parties concerned. See 6th proviso of the 4th clause of the 18th Section, compared with the 4th Section of the Act.

CHAPTER IV.

FORMS AND INSTRUCTIONS FOR COUNCILS AND TRUSTEES IN CITIES, TOWNS, AND INCORPORATED VILLAGES.

1. The *forty-seventh* and *twenty-fifth* sections of the Act require the Mayors of Cities and Towns and the Town Reeves of Incorporated Villages to call the first School Meetings in their respective Municipalities for the election of Trustees. The sections of the Act referred to are so explicit as to the manner in which such notices should be given, that it would be superfluous to insert any form for them in this place.

2. According to the *twenty-sixth* section and the *ninth clause* of the *twenty-fourth* section, the *annual* and *special* meetings for the election of Trustees, and for any other school purpose, are to be called by the Board of School Trustees of each City, Town, or Incorporated Village. The notices in every such case should be signed, in behalf of the Board of Trustees, by the *Chairman* or *Secretary*,—should be given to the *taxable inhabitants* of the city, town, ward, or village concerned, and should specify the object of the meeting called. With these remarks,

the forms for calling annual and special school meetings in townships by School Trustees, given in the *first chapter* of these Forms and Instructions, will afford a sufficient directory to Trustees in Cities, Towns and Incorporated Villages for calling similar meetings. The same reference may be made in respect to the forms of School Rate-bills and agreements with Teachers, as far as it may be thought expedient to adopt them.

3. School Trustees of Cities, Towns and Incorporated Villages, will also adopt such forms as they may think proper, in laying, from time to time, before their respective Councils estimates of the sums required by them for Common School purposes; likewise in preparing for publication the annual reports of their proceedings, as required by the *eleventh clause* of the *twenty-fourth* section. To facilitate the performance of the duty required by the latter part of the same clause, a *blank annual report* will be prepared and transmitted to the Board of Trustees in each City, Town and incorporated Village. This remark does not, of course, apply to incorporated Villages the current year (1850), until the end of which their present School Section divisions and Trustees remain unchanged, and will report as heretofore by filling up the blank reports provided for them.

4. The School Registers and Visitors' books kept in each Common School of any City, Town, or incorporated Village, are the same as those required to be kept in each Common School of a township; respecting which, see remarks in chapter I of these Forms and Instructions.

CHAPTER V.

FORMS AND INSTRUCTIONS FOR COUNTY COUNCILS, COUNTY BOARDS OF PUBLIC INSTRUCTION, AND LOCAL SUPERINTENDENTS OF SCHOOLS.

1. The *Duties of County Councils*, or the Councils of Unions of Counties, (see 48th section) are so clearly stated in the several clauses of the *twenty-seventh* Section of the Act, that it is needless to make any explanatory remarks in reference to them; nor is it necessary to furnish any forms for bonds of security required of County Treasurers or Sub-Treasurers of School moneys, or forms of notices required of each County Clerk to each Local Superintendent of his appointment and of the amount of money apportioned to the Township or Townships of his charge, and to the Chief Superintendent of the name and address of the County Treasurer and of each Local Superintendent of Schools in the County, and also transmitting to the Chief Superintendent a copy of all the proceedings of the County Council on School matters, and an abstract of the auditors' annual report to the Council.

The Treasurer of each County, City or Town (see section 42) should either apply personally, or appoint some person at the Seat of Government, to apply and receive the Legislative School Grant apportioned to such County, City or Town. The proper form of a Power of Attorney for that purpose must be familiar to every officer concerned; also that each such Power of Attorney must be witnessed, signed, and forwarded in duplicate.

2. On the *fidelity and ability with which County Boards of Public Instruction* fulfil the functions assigned to them in the 29th section of the Act, depend the character and efficiency of the Schools as affected by the character and qualifications of the Teachers. Much has been said about incompetent Trustees and their employment of incompetent Teachers; but Trustees cannot employ such Teachers by means of the *School Fund*, unless such Teachers are licensed to teach. It therefore remains with the County Boards (chiefly with the Local Superintendents) to say whether a penny of the School Fund shall be misapplied in payment of any intemperate, immoral, or incompetent Teacher. In giving certificates of qualification, County Boards should not, therefore, regard individual applicants, but the interests of youth, the destinies of the rising and future generations of the country. As the *fifteenth* Section of the Act recognizes the validity of Local Superintendents' certificates of qualifications until the expiration of the current year (1850,) the functions of County Boards in this respect will hardly commence until the year 1851, before which time a Programme of Examination and Instructions, as authorized by the *twenty-ninth* Section of the Act, will be provided, according to which the future examinations and classification of Teachers will be conducted and determined.

3. No Local Superintendent will need a form for notifying the Trustees of each School Section within his jurisdiction of the amount of the School Fund apportioned to such Section for any one year; or of a form of cheque upon the County Treasurer or Sub-Treasurer for school moneys in behalf of legally qualified Teachers. No explanation can make the important duties of each Local Superintendent plainer than the several clauses of the *thirty-first* Section of the Act; and the form of conducting the correspondence which the duties of his office requires, is left to his own judgment. The Chief Superintendent of Schools will furnish each Local Superintendent with a *blank annual report* for himself and for the Trustees of each School Section within his charge.

MISCELLANEOUS REMARKS.

1. *Appeals to the Chief Superintendent of Schools, &c.*—All parties concerned in the operation of the Common School Act have the right of appeal to the Chief Superintendent of Schools; and he is authorised to decide on such questions as are not otherwise provided for by law. But for the ends of justice—to prevent delay, and to save expense, it will be necessary for any party thus appealing to the Chief Superintendent: 1. To furnish the party against whom they may appeal, with a correct copy of their communication to the Chief Superintendent, in order that the opposite party may have an opportunity of transmitting, also, any explanation or answer that such party may judge expedient. 2. To state expressly, in the appeal to the Chief Superintendent, that the opposite party has thus been notified of it. It must not be supposed that the Chief Superintendent will decide, or form an opinion, on any point affecting different parties, without hearing both sides—whatever delay may at any time be occasioned in order to secure such a hearing.

2. The foregoing directions do not, of course, refer to communications asking for advice on doubtful points, or prudential measures of a local or general character.

3. *Communications generally.*—The parties concerned are left to their own discretion as to the forms of all communications, relating to Common Schools, for which specific Forms are not furnished in the foregoing pages.

4. All communications with the Government, relating to Schools conducted under the authority of the Common School Act, 13th and 14th Victoria, Chapter 9, should be made through the Education Office, Toronto.

5. Communications with the Government, not so made, are referred back to the Education Office, to be brought before His Excellency through the proper Department—which occasions unnecessary delay and expense.

CHAPTER VI.

GENERAL REGULATIONS FOR THE ORGANIZATION, GOVERNMENT AND DISCIPLINE OF COMMON SCHOOLS IN UPPER CANADA;

Adopted after mature consideration, by the Council of Public Instruction, as authorized by the Act, 13th and 14th Victoria, Chapter 9, Section 38.

SECTION 1. Hours of Daily Teaching, Holidays and Vacations.

1. The hours of teaching each day shall not exceed six, exclusive of all the time allowed at noon for recreation. Nevertheless, a less number of hours for daily teaching may be determined upon in any school, at the option of the Trustees.

2. Every alternate Saturday shall be a holiday in each school.

3. There shall be three vacations during each year; the first, eight days, at Easter; the second, the first two weeks in August; the third, eight days, at Christmas.

4. All agreements between Trustees and Teachers shall be subject to the foregoing regulations; and no Teacher shall be deprived of any part of his salary on account of observing allowed Holidays and Vacations.

SECTION 2. Duties of Trustees.

1. The full and explicit manner in which the duties of Trustees are enumerated and stated in the several clauses of the twelfth section of the Act, renders it unnecessary to do more, in this place, than make some expository remarks on the nature of the general duties of Trustees, and the relations subsisting between them and the Teachers whom they employ. The law invests Trustees with most important functions; they are a corporation, and as such, the ownership and control of the School Site, School-house, and all the property attached thereto, is vested in them; they are to provide and furnish the School-house and premises, and apparatus and text-books for the School; and they alone have authority to employ the Teacher. Their duties are, therefore, of the greatest importance, and they should be well understood.

2. While the Trustees employ the Teacher—agree with him as to the period during which he shall teach, and the amount of his remuneration—the mode of teaching is at the option of the Teacher: and the Local Superintendent and Visitors alone have a right to advise him on the subject. The Teacher is not a mere machine, and no Trustee or Parent should attempt to reduce him to that position. His character and his interest alike prompt him to make his instructions as efficient and popular as possible; and if he does not give satisfaction, he can be dismissed according to the terms of his agreement with his employers. To interfere with him, and deprive him of his discretion as a Teacher, and then to dismiss him for inefficiency, which is the natural and usual result, is to inflict upon him a double wrong, and frequently injures the pupils themselves, and all parties concerned. It should then be distinctly understood, as essential to the Teacher's character, position and success, that he judge for himself as to the mode of teaching in his school, including, of course, the classification of pupils, as well as the manner of instructing them. It is, nevertheless, the duty of the Trustees to see that the school is conducted according to the regulations authorized by law.

It is therefore important that Trustees should select a competent Teacher. The best Teacher is always the cheapest. He teaches most and inculcates the best habits of learning and mental development, in a given time; and time and proper habits are worth more than money, both to pupils and their parents. Trustees who pay a Teacher fairly and punctually, and treat him properly, will seldom want a good Teacher. To employ an incompetent person, because he offers his incompetent services for a small sum, is a waste of money, and a mockery and injury of

the youth of the neighbourhood. We entirely concur with the *National Board of Education in Ireland*, in the following estimate of the qualities of a good Teacher:—

“A Teacher should be a person of Christian sentiment, of calm temper, and discretion; he should be imbued with the spirit of peace, of obedience to the law, and of loyalty to his Sovereign; he should not only possess the art of communicating knowledge, but be capable of moulding the mind of youth, and of giving to the power, which education confers, a useful direction. These are the qualities for which Patrons [or Trustees] of Schools, when making choice of a Teacher, should anxiously look.”

4. Trustees will always find it the best economy to have a commodious School-house, kept comfortable, and properly furnished. It is as difficult for pupils to learn, as it is for the master to teach, in an unfurnished and comfortless school-house.

5. In the selection of Books to be used in the school, from the general list authorized according to law, the Trustees should see that but one series of Reading books, one Arithmetic, or one for the beginners and another for the more advanced pupils, one Geography, &c. should be used in any one school, in order that the scholars may be classified in the several branches which they are studying. Heterogeneous school books (however good each book may be in itself) render classification impossible, increase the labour and waste the time of the Teacher, and retard the progress of the pupils. But the Teacher and pupils labour at the greatest disadvantage, when they are compelled to use books which are as various as the scholars' names.

SECTION 3.—Duties of Teachers.

The sixteenth section of the School Act prescribes, in explicit and comprehensive terms, the duties of Teachers; and no Teacher can legally claim his salary who disregards the requirements of the law. Among other things, the Act requires each Teacher to “maintain proper order and discipline in his school, according to the forms and regulations which shall be provided according to law.” The law makes it the duty of the Chief Superintendent of Schools to provide the forms; and the Council of Public Instruction prescribe the following regulations for the guidance of Teachers in the conduct and discipline of their schools.

It shall be the duty of each Teacher of a Common School;—

1. To receive courteously the Visitors appointed by law, and to afford them every facility for inspecting the books used, and to examine into the state of the school; to have the Visitors' book open, that the Visitors may, if they choose, enter remarks in it. The frequency of visits to the school by intelligent persons, animates the pupils, and greatly aids the faithful Teacher.

2. To keep the Registers accurately and neatly, according to the prescribed forms; which is the more important under the present School Act, as the 31st section of it authorizes the distribution of the local school fund according to the average attendance of pupils attending each school.

3. To classify the children according to the books used; to study those books himself; and to teach according to the improved method recommended in their prefaces.

4. To observe himself, and to impress upon the minds of the pupils, the great rule of regularity and order,—A TIME AND A PLACE FOR EVERYTHING, AND EVERYTHING IN ITS PROPER TIME AND PLACE.

5. To promote, both by precept and example, CLEANLINESS, NEATNESS, and DECENCY. To effect this, the Teacher should set an example of cleanliness and neatness in his own person, and in the state and general appearance of the school. He should also satisfy himself, by personal inspection every morning, that the children have had their hands and faces washed, their hair combed, and clothes cleaned and, when necessary, mended. The school apartments, too, should be swept and dusted every evening.

6. To pay the strictest attention to the morals and general conduct of his pupils, and to omit no opportunity of inculcating the principles of TRUTH AND HONESTY; the duties of respect to superiors, and obedience to all persons placed in authority over them.

7. To evince a regard for the improvement and general welfare of his pupils, to treat them with kindness combined with firmness; and to aim at governing them by their affections and reason, rather than by harshness and severity.

8. To cultivate kindly and affectionate feelings among his pupils; to discountenance quarrelling, cruelty to animals, and every approach to vice.

SECTION 4.—Duties of Visitors.

1. The thirty-second section of the Act provides that all Clergymen recognized by law of whatever denomination, Judges, Members of the Legislature, Magistrates, Members of County Councils, and Aldermen, shall be School Visitors; and the thirty-third section of the Act prescribes their lawful duties.

2. The parties thus authorized to act as Visitors, have it in their power to exert an immense influence in elevating the character and promoting the efficiency of the schools, by identifying themselves with them, by visiting them, encouraging the pupils, aiding and counselling Teachers, and impressing upon parents their interests and duties in the education of their offspring. In visiting schools, however, Visitors should, in no instance, speak disparagingly of the instructions or management of the Teacher in the presence of the pupils; but if they think it necessary to give any advice to the Teacher, they should do it privately. They are also desired to communicate to the local or Chief Superintendent any thing which they shall think important to the interests of any school visited by them. The law recommends Visitors, "especially to attend the Quarterly Examinations of the Schools." It is hoped that all Visitors will feel it both a duty and a privilege to aid, on such occasions, by their presence and influence. While it is competent to a Visitor to engage in any exercises which shall not be objected to by the authorities of the school, it is expected that no Visitor will introduce, on any such occasion, any thing calculated to wound or give offence to the feelings of any class of his fellow Christians.

3. The local Superintendents are School Visitors, by virtue of their office, and their comprehensive duties, as such, are stated with sufficient minuteness in the 3rd clause of the 31st section of the School Act. While each local Superintendent makes the careful inquiries and examinations required by law, and gives privately to the Teacher and Trustees such advice as he may deem expedient, and such counsel and encouragement to the Pupils, as circumstances may suggest, he will exhibit a courteous and conciliatory conduct towards all persons with whom he is to communicate, and pursue such a line of conduct as will tend to uphold the just influence and authority, both of Trustees and Teachers.

4. Too strong a recommendation cannot be given to the establishment of Circulating Libraries in the various Townships, and School Sections. A Township Association, with an auxiliary in each School Section, might, by means of a comparatively small sum, supply popular and useful reading for the young people of a whole Township. It is submitted to the serious attention of all School Visitors, as well as Trustees, and other friends of the diffusion of useful knowledge.

SECTION 5. Constitution and Government of Schools in respect to Religious and Moral Instruction.

As Christianity is the basis of our whole system of Elementary Education, that principle should pervade it throughout. Where it cannot be carried out in mixed Schools to the satisfaction of both Roman Catholics and Protestants, the law provides for the establishment of separate Schools. And the Common School Act, fourteenth section, securing individual rights as well as recognizing Christianity, provides, "That in any Model or Common School established under this Act, no child shall be required to read or study in or from any religious book, or to 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 or guardians shall desire, according to the general regulations which shall be provided according to law."

In the section of the Act thus quoted, the principle of religious instruction in the schools is recognized, the restriction within which it is to be given is stated, and the exclusive right of each parent and guardian on the subject is secured, without any interposition from Trustees, Superintendents, or the Government itself.

The Common School being a *day*, and not a *boarding* school, rules arising from domestic relations and duties are not required; and as the pupils are under the care of their parents and guardians on Sabbaths, no regulations are called for in respect to their attendance at public worship.

In regard to the nature and extent of the daily religious exercises of the School, and the special religious instruction given to pupils, the COUNCIL OF PUBLIC INSTRUCTION FOR UPPER CANADA makes the following Regulations and Recommendations:—

1. The public religious exercises of each school shall be a matter of mutual voluntary arrangement between the Trustees and Teacher; and it shall be a matter of mutual voluntary arrangement between the Teacher and the parent or guardian of each pupil, as to whether he shall hear such pupil recite from the Scriptures, or Catechism, or other summary of religious doctrine and duty of the persuasion of such parent or guardian. Such recitations, however, are not to interfere with the regular exercises of the school.

2. But the principles of religion and morality should be inculcated upon all the pupils of the school. What the Commissioners of National Education in Ireland state as existing in schools under their charge, should characterize the instruction given in each school in Upper Canada. The Commissioners state that "in the National Schools the importance of religion is constantly impressed upon the minds of children, through the works calculated to promote good principles and fill the heart with love for religion, but which are so compiled as not to clash with the doctrines of any particular class of Christians." In each school the Teacher should exert his best endeavours, both by example and precept, to impress upon the minds of all children and youth committed to his care and instruction, the principles of piety, justice, and a sacred regard to truth, love to their country, humanity and universal benevolence, sobriety, industry, frugality, chastity, moderation and temperance, and those other virtues which are the ornament of society and on which a free constitution of government is founded; and it is the duty of each Teacher to endeavour to lead his pupils, as their ages and capacities will admit, into a clear understanding of the tendency of the above mentioned virtues, in order to preserve and perfect

the blessings of law and liberty, as well as to promote their future happiness, and also to point out to them the evil tendency of the opposite vices.

By Order of the Council of Public Instruction for Upper Canada.

J. GEORGE HODGINS,
Recording Clerk.
C. P. I.
EDUCATION OFFICE, TORONTO.
Adopted the 5th day of August, 1850.

NOTICE.

JOURNAL OF EDUCATION FOR UPPER CANADA.

His Excellency the GOVERNOR GENERAL has been pleased to sanction the JOURNAL OF EDUCATION as the medium of official notices and communications from the Education Office, Toronto, to all Municipal Councils, Local Superintendents, Trustees, and other persons concerned in the administration of the Common School Law. The next number (which will appear in the course of a week) will contain the official correspondence on this subject; as also the apportionment of the Legislative School Grant, for the present year, to all the Counties, Cities, Townships and Towns in Upper Canada—Official Circulars from the Chief Superintendent of Schools to Wardens of Counties, and Mayors of Cities and Towns, to County Clerks, to Local Superintendents, to School Trustees, and to School Teachers, on the objects and administration of the new School Act.

It is therefore suggested to those County, City, Township, and Town Municipal Councils that have not yet ordered copies of the *Journal of Education*, for the use of their members, whether it would not be convenient, and contribute to the educational objects which they are anxious to promote, to do so. The same suggestion is made to those Local Superintendents who have not yet availed themselves of this medium of information in the performance of their duties.

The 15th clause of the 12th Section of the new Act makes it the duty of each Corporation of Trustees to procure annually, for the benefit of the School Section, some periodical devoted to education. As a convenience and inducement to Trustees and Teachers subscribing for the *Journal of Education*, we propose that each Teacher subscribing for it shall have the privilege of advertising in its columns for a School, and each Trustee Corporation subscribing for it shall have the like privilege of advertising for a Teacher. In every such notice, the salary offered to the Teacher, should be stated. This will afford peculiar facilities for Trustees to procure good Teachers, and for Teachers to procure good Schools. No such notice will be inserted from non-subscribers for less than *two shillings and six pence* for each notice.

We would again remind all parties concerned, that the *Journal of Education* is edited gratuitously; that every six pence received for it from any source whatever, is placed to the credit of what is termed the "*Journal of Education Fund*;" that if the sums received are not sufficient to defray the mechanical expenses of publication, (as has hitherto been the case) the Chief Superintendent of Schools pays the balance out of his own pocket; and that whenever the sums received shall be more than sufficient to pay the ordinary mechanical expenses of publication, the overplus will be expended in procuring various illustrative engravings and otherwise adding to the value and usefulness of the *Journal*.

Under all these circumstances, we venture to hope for a large increase in the circulation of the *Journal of Education*—using every means in our power to make it a safe expositor of the law, the Trustee's manual, the Teacher's friend, a select miscellany, and general educational intelligencer.

N. B. A copy of this and the ensuing number of the *Journal of Education* will be sent to each of the Municipal Councils in Upper Canada, and each local Superintendent whose address is known at this office; also a sufficient number to the Clerk of each County to supply (through the local Superintendents or otherwise) a copy, to each of the Trustee Corporations in the several townships of their respective Counties.

Toronto: Printed and Published by THOMAS H. BENTLEY, at 5s per annum, and may be obtained from ANSON GREEN, HUGH SCOTT, and A. H. ARMOUR & Co., Toronto; R. D. WADSWORTH, General Agent for Canada; J. McCoy, Montreal; and D. M. DEWEY, Arcade Hall, Rochester, N. Y.

Back Numbers supplied to all new subscribers.

All communications to be addressed to Mr. HODGINS, Education Office, Toronto.