SCHOOL

To repeal certain Acts therein mentioned and to make provisions for the establishment and maintenance of Common Schools throughout this Province.

Whereas the laws now in force for the maintenance and regulation of common schools, are insufficient, and it is necessary to make provision for the establishment and maintenance of such schools throughout the Province:—Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, "*An Act to reunite 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 Legislature of the late Province of Upper Canada, passed in the fifty sixth year of the reign of his late Majesty King George the Third, and intituled, "An Act granting to His Majesty, a sum of money to be applied to the use of common schools throughout this Province, and to provide for the regulation of the said common schools;" and the Act of the said Legislature, passed in the sixtieth year of the reign of his said late Majesty, and intituled, "An Act to amend and continue, under certain modifications, an Act passed in the fifty sixth year of His Majesty's reign, entitled," "An Act to grant a sum of money to be applied to the use of common schools throughout the Province, and to provide for the regulation of the said common schools;" and the Act of the said Legislature passed in the fourth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of common schools throughout this Province, and for granting to his Majesty a further sum of money to promote and encourage education within the same;" and a certain Act of the Legislature of the late Province of Lower Canada, passed in the second year of the reign of its late Majesty King William the Fourth, and intituled, "An Act to repeal certain acts therein mentioned, and for the further encouragement of elementary schools in the country parts of this Province;" and all other acts and parts of acts of the said Legislature, repugnant to or inconsistent with the provisions of this Act, be and the same are hereby repealed.

II. And be it enacted, that for the establishment, support and maintenance of common schools in each and every township and parish in this Province, there shall be established a permanent fund which shall consist of all such moneys as may accrue from the selling or leasing of any lands which, by the Legislature of this Province, or other competent authority, may hereafter be granted or set apart for the establishment, maintenance and support of common schools in this Province, and of such other moneys as are hereinafter mentioned; and all such moneys as shall arise from the sale of any such lands or estates, and certain other moneys hereinafter mentioned, shall be invested in safe and profitable securities in this Province; and the interest of all moneys so invested, and the rents, issues and profits arising from such lands or estates as shall be leased or otherwise disposed of without alienation, shall be annually applied in the manner hereinafter provided, to the support and encouragement of common schools.

III. And be it enacted, that for the establishment, support and maintenance of common schools in this Province, there shall be granted to Her Majesty, annually, during the continuance of this Act, the sum of fifty thousand pounds, currency, to be distributed among the several districts in the manner hereinafter provided, and such sum shall be compounded and made up of an annual income and revenue derived as aforesaid, from the said permanent fund, and of such further sum as may be required to complete the same, out of the moneys provided, moneys which are now raised and levied, or which may hereafter be raised and levied by the authority of the Legislature, to and for the public uses of this Province, and the said annual grant shall be, and be called "The Common School Fund."

IV. And be it enacted, that it shall be lawful for the Governor of this Province, by Letters Patent under the Great Seal thereof, to appoint from time to time, one fit and proper person to be superintendent of education in this Province; and such superintendent shall hold his office during pleasure, and shall receive such yearly salary not exceeding the sum of [illegible] hundred and fifty pounds as the Governor may appoint; and the duties of the said superintendent shall be:—

Firstly:—To apportion in each and every year, next before the third Monday in January in each year, the moneys annually granted by the Legislature, or otherwise, among the several Municipal Districts, on the basis of the number of children over five and under sixteen years of age, that shall appear by the then last census of the Province, to be resident within such districts respectively:—

Secondly:—To furnish the Receiver General of the Province, for his rule and guidance, with a certified statement or list of the appointment of the money granted by the Legislature, under the provisions of this act as aforesaid, among the several districts:—

Thirdly to certify the appointment of the public money as aforesaid, to the treasurer of each and every of the said districts respectively who shall have to account therefor to the district council to the end that such district council may direct, and they are hereby authorised and required to direct, such a sum to be raised and levied for the purposes of this act, and within their respective districts, over and above all rates laid for other purposes, as shall be equal in amount to the money so apportioned from the provincial treasury:—

Fourthly:—To prepare suitable forms for making reports and conducting the necessary proceedings under this act, and to cause the same to be communicated to all such persons as shall be employed in carrying the provisions of this act into effect; and to address to the said persons such explanations as may to the establishment of uniformity in the conduct of the common schools throughout this Province:—And the said superintendent shall annually to the Governor of the Province, on or before the thirty first day of December in each year, a report on the actual state and condition of common schools throughout the Province, showing the moneys expended on such schools, and from what sources derived, with plans for their improvement, establishing such other matters respecting education generally as the said superintendent may deem useful and expedient, in order that the same may be laid before the Legislature at the ensuing session of Parliament:

V. And be it enacted that the district council of each district, shall be a board of education of such district and their duties as such board shall be:—

Firstly:—To divide the several township and parishes within their district into school districts, to be designated by numbers, as one, two, three, and so on; provided always, that no such school district shall be established in which there shall be more than fifteen children between the ages of five and sixteen residing therein, and previous to such a full report of such division of the district with proposed territorial and descriptive boundaries of the school districts, and also an estimate of the expense of education, and also to furnish a copy thereof to the school commissioners to be appointed for the same in the manner hereinafter provided:

Secondly:—To apportion and distribute to each of the said school districts the share of the school fund, which shall be proportioned to the number of children between the ages of five and sixteen residing in such school districts respectively:

Thirdly:—To apportion and cause to be [illegible] each school district, [illegible] the share of such school district, [illegible] for the erection of a school house in such school district out of the school fund:

Fourthly:—To apportion to each township and parish in such district the share of the school fund to which such township and parish may be entitled, in the proportion of such township and parish to the district, as shown by the census last preceding, and to cause the same to be paid over to the treasurer of such township and parish, to be by him distributed among the schools:

Fifthly:—To hear and determine all appeals in matters relating to common schools, and to cause from the district fund such sum to be paid to the school commissioners of any township or parish, as shall be adjudged to be the share of such township or parish of the school fund, which may have been improperly withheld by the township treasurer:

Sixthly:—To do and perform all such other matters and things as are by this act required to be done by the District Council, or by the District Councillors; and the said Commissioners shall be called "Common School Commissioners," and their duties shall be:—

Firstly:—To choose, and whenever funds shall be provided for that purpose by the District council, to acquire a site for a common school-house in each school District in their township or parish in which no such school-house shall exist at the time this Act shall come into force, and to make an estimate of the cost of such site and of the expense of building a school-house and of keeping the same in repair, and an estimate of the cost of furnishing each common school in the township or parish with the necessary fuel and appendages; and to transmit such estimates to the clerk of the District Council, in order that the inhabitants of the respective school Districts may be assessed accordingly.

Secondly:—To appoint for each of the school districts within the township or parish one or more of their number to superintend the building and repair of the common school-house in such school District, and the furnishing it with fuel and other necessary things, and generally to manage the concerns of the school and report to the board of school commissioners, once in three months, that is to say: on or before the first Monday in each of the months of March, June, September and December, the state of such school, the amount of monies received for it, the manner in which such money has been expended, the number of children above five and under sixteen years of age taught in it, and the number of days that each child has attended.

Thirdly:—To agree with and appoint, from time to time, teachers in the said common schools, and to remove such teachers when they shall find just cause for so doing: Provided always, that no person shall be appointed a teacher in any of the said schools unless he be a subject of her Majesty by birth or naturalization, of good moral character, and shall have been examined before the said board of commissioners as to learning and ability. The Freemasonic Doctrine excluded from.

Fourthly:—To regulate for each school respectively the course of study to be followed in such school, and the books to be used therein, and to establish general rules for the conduct of the schools, and communicate them in writing to the respective teachers.

Fifthly:—To hear and determine all disputes which may arise out of the proceedings of the managing or visiting Commissioners hereinafter mentioned or other matter of dispute in respect to common schools within their township or parish.

Sixthly:—To appoint two or more of their number to visit each common school in the township or parish, once at least in each month, and to report the state of such school, whether the rules and regulations established by the Board of Commissioners are duly observed, the number and proficiency of the scholars, the character and ability of the teachers, the conduct of the managing Commissioner, and all other matters connected with the management and well being of such school.

Seventhly:—To grant warrants, from time to time, upon the District Treasurer for such sums of money as may be required for paying the teachers and defraying the expences of the several common schools within the township or parish; Provided always, that such warrants shall be signed by a majority of the commissioners, of which the chairman shall be one; and that the sums of money to be paid under the same shall in no case exceed the amount then appropriated by law for the said schools respectively.

Eighthly:—To exonerate such poor persons as they may deem fit, not exceeding 10 in each school District, from the payment of the wages of teachers in the Act established and required to be paid for each and every child attending any common school.

Ninthly:—To record and preserve all their proceedings in a book to be provided for that purpose, the proceedings of each meeting, with the names of the commissioners present, being authenticated by the signature of the chairman; and such book shall be delivered over by the commissioners to their successors in office; and it shall be the duty of the town clerks to attend all such meetings for the purpose of making such record.

Tenthly:—To report all their proceedings, and all matters connected with the several common schools in the township or parish, to the District Council annually as at before the third Monday of November, such report being in the form to be furnished by the superintendent of education.

Eleventhly:—It shall be the duty of the said common school commissioners, within ten days after the expiration of their respective periods of service, to deliver to their successors in office, any and all books, accounts, vouchers, papers, reports and other documents in their possession or under their control, and the latter shall have power to demand the same and enforce the same if necessary by all lawful ways and means.

VIII. And be it enacted, that the said commissioners shall remain in office until the annual parish or township meeting next following the time of their appointment, and until other shall be appointed in their places; and in case the office of one commissioner shall be vacated by death, refusal to serve, removal out of the township or parish or incapacity, the vacancy shall be supplied by an appointment to be made by the remaining commissioners at their first meeting after such vacancy shall occur.

IX. And be it enacted, that the common school houses in each township or parish, with the ground whereon they are situate, and all the appendages and furniture thereof, and books and other things thereunto appending, shall henceforward vest in and be held and possessed by the commissioners of such township or parish, and their successors in office for ever as trustees, for the purposes of this act; Provided always, that no such school house or other thing thereunto appertaining, shall be sold or disposed of, or the site of any school changed, otherwise than by the consent of a majority of such commissioners, of which majority the chairman shall be one.

X. And be it enacted, that it shall be the duty of the township or parish collector, to collect within the several school districts respectively, all such rates as shall be assessed for the support of the several common schools within his township or parish; and also the sum of one shilling and three pence as additional wages for the teacher, for each and every child attending any school, save and except for those children whose parents shall, by reason of their indigence, have been exempted from the payment of such sum; and such rates, and the said sum of one shilling and three pence for each child, may if not paid, be recovered by the collector or his successor in office in any Court of competent civil jurisdiction; and the said collector shall pay over all such sums (after deducting therefrom such fees as may be by law allowed) into the hands of the district treasurer, and shall at the same time deliver to the said district treasurer, a copy of the assessment roll or other statement, showing the amount collected for each school district respectively within his township or parish; and the said district treasurer shall keep separate accounts of all moneys so paid to him, and all other moneys appropriated to the several school districts respectively.

XI. Provided always, and be it enacted, that where any number of the inhabitants of any township or parish professing religious tenets different from that of the majority of the inhabitants of such township or parish, shall dissent from the regulations, arrangements or proceedings of the common school commissioners, with reference to any common school in such township or parish, it shall be lawful for the inhabitants so dissenting collectively to appoint such dissent in writing to the clerk of the district council, with the name or names of one or more persons qualified by law to act as their trustees or trustee for the purposes of the act; and the said District Clerk shall [illegible] a copy of such dissent to the Receiver General [illegible] and thereupon such trustee or trustees shall be constituted by all lawful ways and means.

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XII. And be it enacted, that if any monies having formed part of the annual grant made under this Act out of the public funds of the Province, shall by reason of any non-compliance with the requirements of this Act, or from any other cause, remain unapplied to any of the purposes for which they are granted, after the expiration of the time during which they ought to be so applied, such monies shall, on demand, be returned and delivered by the person or persons in whose possession they may respectively be, to the Receiver General of this Province, and together with all monies forming part of the annual grant aforesaid which shall remain in his hands unapplied to the purposes of this Act, after the expiration of the time during which they ought to be so applied, shall be invested by him in the manner hereinbefore prescribed with respect to the monies forming the permanent fund for the maintenance and support of common schools, and shall form part of the said fund.

XIV. And be it enacted, that if any common school commissioners, or other person, shall make a false certificate or report, by means whereof any money shall be fraudulently taken and drawn from and out of the said common school fund, such commissioner or other person shall not only restore the money so fraudulently obtained; but shall be liable to a penalty not exceeding ten pounds currency, for the benefit of the said fund, to be recovered at the suit of the District Clerk, or of the City Clerk as the case may be, on the oath of one or more credible witness or witnesses, before any two of Her Majesty's Justices of the Peace, and if not paid, to be levied with costs by distress and sale of the defendant's goods and chattels, under the warrant of such two justices or of either of them.

XV. And be it enacted, that in each of the cities and towns corporate in this Province, all and every the powers rights and duties conferred and imposed by this act upon district councils, with respect to common schools in their districts, are hereby vested in and shall be henceforward exercised and performed by the corporation of each of the said cities or towns respectively subject to all the conditions and regulations hereinbefore established with respect to the said district councils.

XVI. And be it enacted, that it shall be lawful for the Governor of this Province, to appoint from time to time, in each of the cities and towns corporate therein, not less than nor more than fourteen persons, (one half of whom shall in all cases be Roman Catholics and the other half Protestants) to be a board of examiners for each city or town corporate; of which said board the Mayor shall be chairman but shall have no vote other than a casting vote; and the said board shall be divided into two departments, one of which shall consist of Roman Catholics, and shall exercise the duties hereinafter assigned to the board of examiners in and over the common schools attended by Roman Catholic children only, and shall in such case appoint their chairman, and the other department shall consist of Protestants, and shall exercise their duties in and over the common schools, attended by Protestant children only, and shall in such case appoint their chairman,—and in all cases in which the said common schools are attended by Roman Catholic children and Protestant children together, the said duties shall be exercised in and over the same by the whole board of examiners; and the duty of the said board and of the said departments thereof, in the several cases above mentioned, in and for the said cities and towns corporate respectively, shall be to examine the persons recommended as teachers by the corporation, and to reject them if unqualified on the ground of character or ability, and to regulate for each school separately the course of study to be followed in such school, and the books to be used therein, and to establish general rules for the conduct of the schools, and communicate them in writing to the respective teachers; in addition to which duties the board of examiners in any city or town corporate shall be visitor of the common schools in such city or town corporate [illegible] shall be the duty of the board to appoint two or more of their number to visit each of the common schools in such city or town corporate at least once in every month, and to report to the corporation upon all matters connected with each of the said common schools, in detail, as fully as common school commissioners and the visitors by them appointed are bound to report to the district council under the provisions hereinbefore contained.

XVII. And be it enacted, that all and every the rights, powers, and duties of this act conferred and imposed upon the common school commissioners, with respect to the common schools under their authority and control, and hereinbefore enumerated in the seventh section of this act, under the first, third and eighth division of the said section, shall in each of the said cities and towns corporate, and with respect to the common schools therein to be established, vest in and be exercised and performed by the corporations thereof respectively; also in addition thereto are hereby empowered to appoint such and so many persons as they may deem fit severally to do and perform for and with respect to the common schools in the said cities and towns corporate respectively, all and every the duties, matters and things herein before by the seventh section of this act required to be performed by one of the common school commissioners, with reference to the common schools under their authority and control, and specified in the first and second divisions of the said section; and to provide by By law such rules and regulations for the conduct and guidance of such persons as they may respectively deem expedient.

XVIII. And be it enacted, that the said cities and towns corporate respectively, shall be entitled to an apportionment of moneys from the common school fund upon the same terms and conditions as are hereinbefore prescribed with respect to district councils, and upon such sum and sum monies so apportioned shall be paid to the City Treasurer or other officer performing the duties of treasurer in the said cities and towns corporate respectively, and be paid over by him upon such authority and subject to such regulations as are provided in the said several cities and towns corporate respectively, for the payment of monies belonging to the corporation in other cases, or as may be hereafter provided in that behalf.

XIX. And be it enacted, that the said corporations shall on the first Monday in December in each and every year, report to the superintendent of education, all matters and things relating to common schools within the said cities and towns corporate, especially connected with the well being of such schools, in the same manner and as fully in all respects as the District Boards of Education, and common school commissioners are by this act bound to report with respect to common schools within their respective districts and townships.

XX. And be it enacted, that any person chosen or appointed to any office under this act who shall without sufficient cause, refuse to serve therein, shall forfeit the sum of twenty five shillings currency, and every person so chosen and appointed, and not having refused to accept, who shall neglect to perform the duties of his office, shall forfeit the sum of [illegible] and all such forfeitures shall be paid to the Treasurer of the district, city or town, as the case may be, in which they are so forfeited, for the benefit of the common school fund, and may be recovered in the same manner as is provided with regard to fines incurred by making false or false reports and certificates as aforesaid.

XXI. And be it enacted, that the several sums hereby granted, or apportioned under the provisions of this Act, to the several districts of this Province, shall be paid by the Receiver General, for the time being, to the Treasurer of each District respectively, on the [illegible] of such warrant or warrants as shall from time to time be issued by the Governor of this Province, and shall be appointed for in Her Majesty, her heirs and successors, thro' the Lords Commissioners of her Majesty's Treasury for the time being, or any three of them, or the Chief Secretary for the time being of the Governor of this Province, and Commissioners of