



C A P . XXIX.

An Act for the establishment and maintenance of Common Schools in Upper Canada.

[9th December, 1843.]

**W**HEREAS it is expedient to make provision for the establishment and maintenance of Common Schools in that part of this Province called Upper Canada, and also for the establishment and maintenance of Model Schools therein ; 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 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 Secretary of this Province shall, ex-officio, be Chief Superintendent of the Common Schools of Upper Canada aforesaid, subject nevertheless to all lawful orders and directions in the exercise of his duties as such Chief Superintendent, as shall from time to time be issued or given in that behalf by the Governor of this Province.

Preamble.

Chief Superintendent of Common Schools appointed.

II. And be it enacted, that it shall and may be lawful for the Governor of this Province, from time to time, to appoint an Assistant Superintendent of Common Schools for Upper Canada aforesaid, who shall act in all things under the direction of the said Chief Superintendent.

Assistant Superintendent.

III. And be it enacted, that on or before the first day of March in each year, it shall be the duty of the said Chief Superintendent, after deducting any sum which shall be set apart for the maintenance of Model Schools, as hereinafter provided, to appropriate any sum or sums of money, appropriated by the Legislature for Common Schools in Upper Canada aforesaid for the year, under or by virtue of any Act or Acts passed or to be passed in that

Superintendent to appropriate the monies arising from the Common School Fund ; and in what ratio.

behalf, and that such apportionment shall be made according to the ratio of population of each County, Township, Town or City, as compared with the population of Upper Canada, according to the census of population which shall last have been taken and returned at the time of such apportionment.

To apportion the same according to the best of his Judgment in certain cases.

IV. And be it enacted, that when the census or returns upon which an apportionment is to be made shall be so far defective in respect of any County, Township, Town or City, as to render it impracticable for the Chief Superintendent to ascertain the share of School Moneys which ought to be apportioned thereto, and whenever, in consequence of the erection of a New County, Township, Town or City, or the alteration of the Boundaries thereof, the apportionment under the census then last taken would become inapplicable or would be unjust, as between two or more Counties, Townships, Towns or Cities, the Chief Superintendent shall make his apportionment for the year, according to the best evidence in his power, upon the facts upon which the ratio of apportionments as to such Counties, Townships, Towns or Cities, shall depend.

To notify the apportionment to certain officers.

V. And be it enacted, that the Chief Superintendent shall certify such apportionment made by him to the Inspector General of the Province, and shall give immediate notice to the Superintendent of Common Schools of each County interested therein, stating the amount of Moneys apportioned to his County, and to each Township, Town and City therein.

To prepare forms and regulations.

VI. And be it enacted, that the Chief Superintendent aforesaid shall prepare suitable forms and regulations for making all reports and conducting all necessary proceedings under this Act, and shall cause the same, with such instructions as he shall deem necessary and proper for the better organization and government of Common Schools, to be transmitted to the Officers, required to execute the provisions of this Act throughout Upper Canada aforesaid.

And furnish copies thereof and of this Act to the local School authorities.

VII. And be it enacted, that the Chief Superintendent aforesaid shall from time to time furnish to the County Superintendent throughout Upper Canada aforesaid, for the use of the several School Districts, such and so many copies of this Act, and of the Forms, Regulations and Instructions, prepared by him, as he shall deem requisite and necessary.

VIII. And be it enacted, that the sum annually to be distributed for the encouragement of Common Schools in Upper Canada aforesaid, shall be payable on the first day of August in each year, by warrant to the Superintendents of Common Schools of the several Counties in Upper Canada aforesaid. At what time the annual School allowances shall be payable, and to whom.

IX. And be it enacted, that each County Superintendent receiving such moneys, shall forthwith give notice in writing to the Township, Town and City Superintendents of Common Schools within his County, of the amount apportioned to each Township, Town or City, and shall hold the same subject to the orders of such Township, Town and City Superintendents, respectively. Duty of County Superintendents as to such moneys.

X. And be it enacted, that in case the Superintendent of any such Township, Town or City, shall not apply for and receive such moneys before the next receipt of moneys apportioned to the County, or in case the Council of any Township, Town or City, shall not entitle such Township, Town or City to receive the sum apportioned thereto under this Act, the moneys remaining with the County Superintendent shall be retained by him, and shall be distributed in addition to the moneys next received by him for distribution for Common Schools, as aforesaid, and in the same proportions. Such moneys how to be appropriated if not applied for by the local School authorities, in any year.

XI. And be it enacted, that whenever the County Superintendent of Common Schools in any County shall receive from the Superintendent notice of the apportionment of moneys to be distributed in his County, he shall forthwith transmit a certified copy of such apportionment to each Township, Town and City Clerk, within such County, so far as the same relates to such Township, Town or City. Apportionment to be notified to local authorities.

XII. And be it enacted, that it shall be the duty of the said Clerk to lay such certified copy before the Council for his Township, Town or City, and the Township, Town or City Council shall without delay cause to be levied in the Township, Town or City, a sum of money for Common School purposes, at least, equal (clear of all charges of collection) to the amount of public money apportioned to such Township, Town or City; such sum to be increased at the discretion of the Council to an amount not more than double the said apportionment of public money; and such sum, so to be raised, shall be placed on the Collector's Roll, and shall be by him Duty of Township Town and City Councils on receiving notice of such apportionment.

collected, in like manner as any other tax for such Township, Town or City, and shall be by him paid over to the Township, Town or City Superintendent of Common Schools.

Local Councils may exempt School Districts from the Tax on the ground of poverty.

XIII. And be it enacted, that it shall be lawful for any Township, Town or City Council to exempt any number of School Districts, not exceeding two, within such Township, Town or City, from the payment of the Tax for the support of Common Schools, an account of the poverty of their inhabitants.

Superintendent of Schools for each Township, Town and City.

XIV. And be it enacted, that there shall be a Superintendent of Common Schools in each Township, Town and City, to be appointed by the Council thereof, and to hold office during their pleasure; and every such appointment, and every vacancy occurring in the office, shall be notified within Ten days to the County Superintendent by the Township, Town or City Clerk; and it shall be the duty of the Superintendent for each Township, Town or City—

His duties.

1.—To divide the same, subject to the direction and approval of the Township, Town or City Council, into a convenient number of School Districts and parts of Districts, and to regulate and alter such Districts and parts of Districts, as hereinafter provided.

2.—To describe and number the School Districts and parts of Districts, and to deliver the description and numbers thereof, in writing, to the Township, Town or City Clerk, immediately after the formation or alteration thereof.

3.—To apply for and receive from the County Superintendent, the portion of School Moneys apportioned to the Township, Town or City, and likewise from the Town or City Collector, or Treasurer, all moneys which shall be raised for the purposes of Common Schools in their Township, Town or City; the aggregate of which moneys shall constitute the School Fund of the Township, Town or City.

4. To apportion the said School Fund so soon as its amount shall have been ascertained, among the several School Districts and parts of Districts within the Township, Town or City, in proportion to the number of Children residing in each, over the age of five and under the age of sixteen years, according to the last annual reports of the School Trustees.

5.—To sue for and collect, by his name of office, all Penalties and Forfeitures imposed by this Act, within his jurisdiction, and with respect to which no other provision is made, which shall be incurred by any Officer or Inhabitant of the Township, Town or City; and after deducting his costs and expenses, to add the sums recovered to the School Moneys received by him, to be apporportioned and expended in like manner.

6.—To visit all Common Schools within the Township, Town or City, at least once a year, and oftener, if he shall deem it necessary.

7.—To examine all persons offering themselves as Candidates for teaching Common Schools within the Township, Town or City, and on being satisfied of the qualification of the Candidates in respect of moral character, learning and ability, to grant certificates in such form as shall be prescribed by the Superintendent of Common Schools; which certificates shall be valid for one year, and shall entitle the holder thereof to teach a Common School within such Township, Town or City respectively.

8.—To annul any certificate given by him or any of his predecessors in office, whenever he shall see just cause for so doing, by giving at least six weeks notice in writing to the teacher who shall hold it, with the reasons which have led him to annul such certificate and giving the same notice and reasons to the Trustees of the School District in which he may be employed, and leaving with the Teacher, if he shall think himself aggrieved by the decision, the power to appeal by Memorial to the review and decision of the County Superintendent.

XV. And be it enacted, that every Superintendent of Common Schools for any Township, Town or City, shall make out and transmit to the County Superintendent, between the first day of January and the first day of March, in each and every year, a report in writing, in a form to be prescribed by the Chief Superintendent, bearing date on the first day of January in the year of its transmission, and stating—

He shall transmit Reports to the County Superintendent.

1.—The whole number of School Districts and parts of Districts, separately, set off within the Township, Town or City.

What such Reports shall shew.

2.—The Districts and parts of Districts, from which reports

shall have been made to the Township, Town or City Superintendent within the time limited for that purpose.

3.—The length of time a school shall have been kept in each of such Districts or parts of Districts, distinguishing what portion of that time the school shall have been kept by qualified teachers.

4.—The amount of public moneys received in each of the said Districts and parts of Districts, and also the further amounts raised by the Trustees for school purposes, and the application of the same.

5.—The number of children taught in each over the age of five and under sixteen years; and also the number of children residing in each over the age of five and under sixteen years.

6.—The whole amount of the moneys received by the Superintendent, or his predecessor in office, during the year ending at the date of the report, and since the date of the preceding last report; distinguishing the amount received from the County Superintendent on account of the public money apportioned, the amount from the Township rate, and the amounts from any other and what sources.

7.—The manner in which such moneys have been expended, and whether any and what part remains unexpended, and from what cause.

He shall give security.

XVI. And be it enacted, that every Superintendent of Common Schools for any Township, Town or City, shall, before he enters upon the duties of his office, enter into a bond with two or more sufficient sureties to such amount as shall be required by the Township, Town or City Council, and such bond shall be to the Township, Town or City, and the sureties shall be to the satisfaction of the Township, Town or City Council, and such bond shall be conditioned for the faithful performance of the duties of such Superintendent.

Alterations of School District.

XVII. And be it enacted, that no alteration of any School District, made without the consent of the Trustees thereof, shall take effect until three months after notice in writing shall have been given thereof to one or more of such Trustees.

XVIII. And be it enacted, that in making the apportionment of School moneys among the several School Districts, no share shall be apportioned to any District or part of a District, from which no sufficient annual report shall have been received for the year ending on the last day of December preceding the apportionment. No apportionment to School Districts, having no report for the preceding year.

XIX. And be it enacted, that no part of such moneys shall be apportioned or paid to any District or part of a District, unless it shall appear by such report, that a school had been kept therein for at least three months during the year ending at the date of such report, by a qualified teacher, and that all moneys received from the Township, Town or City Superintendent, during the year ending at the date of such report, have been faithfully applied in paying for the compensation of such teacher. Nor unless certain other conditions have been complied with.

XX. And be it enacted, that if after the annual reports shall have been received, and before the apportionment of the School moneys shall have been made by the Superintendent, a District shall be duly altered or a new District formed, so as to render an apportionment founded solely on the annual reports unjust, as between two or more of the said Districts, the Township, Town or City Superintendent shall make an apportionment among such Districts, according to the number of children in each, over the age of five and under sixteen years, ascertaining that number by the best evidence in his power. Changes in the limits of School Districts how to affect the apportionment in certain cases.

XXI. And be it enacted, that when a School District shall have been formed at such time previous to the first of January as not to have allowed a reasonable time to have kept a school therein for the term of three months, such District having been formed out of a District or Districts in which a school shall have been kept for three months by a teacher duly qualified during the year preceding the first day of January, the said new District shall be entitled to its allowance of School moneys; and the same shall be allotted by the Superintendent according to the number of children over the age of five and under sixteen therein, to be ascertained according to the best evidence in the power of the Superintendent. The same as to new District formed out of others.

XXII. And be it enacted, that all moneys apportioned by the Superintendent of any Township, Town or City under this Act, to the Trustees of a District or part of a District, which shall Appropriation of moneys not applied for

by the Trustees of any School District.

have remained in the hands of the Superintendent for one year after such apportionment, by reason of the Trustees neglecting or refusing to receive the same, shall be added to the moneys next thereafter to be appropriated by such Superintendent, and shall be apportioned and paid therewith, and in like manner.

And of moneys which cannot be apportioned by the local Superintendent.

XXIII. And be it enacted, that in case any School moneys received by the Superintendent of any Township, Town or City, cannot be apportioned by him for the term of two years after the same are received, by reason of the non compliance of all the School Districts in the Township, Town or City, with the provisions of this Act, such moneys shall be returned by him to the County Superintendent, to be by him apportioned and distributed together and in the same manner with the moneys next thereafter to be received by him for the use of Common Schools.

School Districts forming part of two adjoining Townships.

XXIV. And be it enacted, that whenever it may be necessary or convenient to form a District out of two or more adjoining Townships, the Superintendents of such adjoining Townships shall jointly regulate such District, and shall each visit the school therein established; and in such cases, or where any school-house shall stand on the division line of any two Townships, the Superintendent of either Township may examine into the qualification of any person offering to teach in such District, and may give him a certificate of qualification, and may annul the same, as hereinbefore provided.

Proceedings in case the Superintendent of a City, Town or Township shall fail to make his report.

XXV. And be it enacted, that in case the Superintendent of any Township, Town or City shall not, on or before the first day of March in any year, transmit to the County Superintendent his report, as hereinbefore provided, it shall be the duty of the County Superintendent to give immediate notice of such neglect to the Chief Superintendent of Common Schools, and to the Warden or Mayor of such Township, Town or City; and the share of the School moneys apportioned to such Township, Town or City, may, in the discretion of the County Superintendent of Common Schools, be withheld and be distributed amongst the other Townships, Towns and Cities in the County, from which the necessary reports shall have been received; and the Superintendent neglecting to make such report, shall forfeit to the use of his Township, Town or City, the sum of ten pounds; and when the share of school moneys apportioned to such Township, Town or City, or any part of such moneys, shall thus be lost to the Town-



ship, Town or City, the Superintendent guilty of the neglect aforesaid shall further forfeit to the Township, Town or City, the full amount of the moneys so lost with interest, to be recovered of him and his sureties ; and it shall be the duty of the Township, Town or City Treasurer, upon notice of such loss from the County Superintendent of Common Schools, to prosecute without delay, in the name of the Township, Town or City, for such forfeiture, and the moneys recovered shall be distributed and paid by such Treasurer, to the several School Districts and parts of Districts, in the same manner as it would have been the duty of the Superintendent to have distributed and paid the same, if received by him as Common School money.

XXVI. And be it enacted, that each Township, Town and City Superintendent shall keep a just and true account of all school moneys received and expended by him in each year, and shall deliver the same to the Township, Town or City Clerk, to be by him laid before the Council ; and in case of the removal from office of any Township, Town or City Superintendent, or in case of his resignation or removal of residence from the Township, Town or City, he shall immediately thereupon render to his successor in office a just and true account of all school moneys received and expended by him during the year, and of all balances in his hands, and shall forthwith pay over all such balances to his said successor, who shall appropriate the same in like manner as it should have been appropriated by such Superintendent had he remained in office ; and if any such vacancy shall happen by the death of any Superintendent, his personal representatives or sureties shall render such account and pay over such balance ; and every Superintendent who shall refuse or neglect to render such account or to pay over such balance, shall forfeit and pay the sum of twenty five pounds, which, together with such balance, so far as the same can be ascertained, and interest thereon, shall be recoverable from such Superintendent or from his sureties, at the suit of such successor, whose duty it shall be to sue for the same in his name of office.

Such Superintendents to render accounts, pay over balances, &c.

Penalty for non-compliance.

XXVII. And be it enacted, that the Township, Town or City Clerk in each Township, Town or City, respectively, shall be the Clerk of the Superintendent of Common Schools for such Township, Town or City, and he shall receive and keep all reports made to the Superintendent by the trustees of School Districts, and all books and papers belonging to the office of the

The Clerk of the locality to be the Clerk of the Superintendent for the same : his duties as such.

Superintendent, and shall prepare, under his direction, all his reports, estimates and apportionments of school money, and shall record the same and his other proceedings in a book to be kept for that purpose, and shall receive all such communications as may be directed to him by the Superintendent of Common Schools, and shall dispose of the same in the manner directed therein, and shall transmit to the County Superintendent all such reports as shall be made for him by the Township, Town or City Superintendent, and generally shall do and execute all such things as belong to his office and may be required of him by the Superintendent for his Township, Town or City.

Further duties.

XXVIII. And be it enacted, that it shall be the duty of every Township, Town or City Clerk to report in writing to the County Superintendent for the County in which his Township, Town or City may be situate, every appointment of a Township, Town or City Superintendent which may be made from time to time by the Township, Town or City Council, and the name and address of the person so appointed, and also every vacancy occurring in the said Office of Township, Town or City Superintendent, within seven days after any such appointment or vacancy shall have taken place.

County Superintendents to be appointed and by whom.

XXIX. And be it enacted, that there shall be a County Superintendent of Common Schools in each County, to be appointed by the Court of Wardens for such County, and to hold office during their pleasure; and in case the Court of Wardens shall neglect or refuse to appoint such Superintendent at their first meeting in each year, or at their first meeting after any vacancy may have occurred, it shall and may be lawful for the Governor of this Province to make such appointment, and the person so appointed shall hold office until a successor shall have been appointed by the Court of Wardens, and shall have given the security required by this Act.

Duty of the County Clerk in case the Office of County Superintendent be not filled, or become vacant.

XXX. And be it enacted, that it shall be the duty of the County Clerk, within seven days after the close of the first meeting of the Court of Wardens, held in any year or after any vacancy in the office of County Superintendent may have occurred, to inform the Chief Superintendent of Common Schools whether the Court of Wardens have or have not appointed a County Superintendent of Common Schools; and in case they have made such an appointment, it shall be the duty of the said

County Clerk, to acquaint the said Superintendent with the name and address of the person so appointed ; and in the event of any vacancy taking place, it shall be the duty of the County Clerk to make the same known to the Chief Superintendent forthwith.

XXXI. And be it enacted, that each County Superintendent of Common Schools shall, before he enters upon the duties of his office, enter into a bond with two or more sufficient sureties, to such amount as shall be required by the Court of Wardens; and such bond shall be to the County, and the sureties shall be to the satisfaction of the Court of Wardens, and such bond shall be conditioned for the faithful performance of the duties of such Superintendent.

County Superintendent to give security.

XXXII. And be it enacted, that it shall be the duty of the County Superintendent of each County to examine all persons offering themselves as Candidates for teaching Common Schools within such County, and that in making such examination it shall be the duty of such Superintendent to ascertain the qualifications of the candidate, in respect of moral character, learning and ability; and if the County Superintendent shall be satisfied in respect to the qualifications of the candidate, he shall deliver to the person so examined a certificate signed by him in such form as shall be prescribed by the Chief Superintendent of Common Schools.

He shall examine persons wishing to become Teachers.

XXXIII. And be it enacted, that the certificates so to be granted may either be general, in which case they shall be valid throughout the County, or special, in which case the Township, Town or City, or school district, in which such applicant shall be authorized to teach, shall be specified; and such special certificate shall only qualify the person to teach within the place so specified.

Nature of the certificates of qualification to be granted by him.

XXXIV. And be it enacted, that such general certificate shall be valid until the same is annulled or otherwise revoked by the County Superintendent; and such special certificate shall be valid for the year in which it is granted, unless so annulled or revoked.

General certificates to be valid until revoked.

XXXV. And be it enacted, that the County Superintendent may annul whenever he shall see just cause to do so, any such certificate given by him or by any of his predecessors in office, or

In what manner they may be revoked.

by any Township, Town or City Superintendent of Common Schools, giving at least ten days notice in writing to the teacher who shall hold it, and to the trustees of the school district in which he may be employed, of his intention to annul the same; and that such annulling of any certificate shall not disqualify the teacher to whom it was given, until a note in writing thereof, containing the name of the teacher and the time when his certificate was annulled, shall be made by the County Superintendent and filed in the office of the Township, Town or City Clerk.

Re-examination of Teachers in certain cases.

XXXVI. And be it enacted, that the County Superintendent shall, so often as he shall be required thereto by the Chief Superintendent of Common Schools, and so often as such County Superintendent shall deem it expedient, require a re-examination of all or any of the teachers in the County, for the purpose of ascertaining his, her or their qualifications to continue as such teachers.

Aliens not to be Teachers after a certain time.

XXXVII. And be it enacted, that from and after the first day of January, which will be in the year of our Lord, one thousand eight hundred and forty-six, it shall not be lawful for any Township, Town, City or County Superintendent of Common Schools, to grant any certificate to any person as a teacher of a Common School or of Common Schools, who shall not at the time of granting such certificate be a natural born or naturalized subject of Her Majesty, Her Heirs or Successors.

County Superintendents to visit Schools.

XXXVIII. And be it enacted, that it shall be the duty of the Superintendent of common schools for each County, to visit all common schools therein at least once a year, and oftener if he shall deem it necessary.

His duties at such visitations.

XXXIX. And be it enacted, that at such visitations, the said Superintendent shall examine into the state and condition of the schools, both as respects the progress of the scholars in learning, and the good order of the schools, and may give his advice and direction to the trustees and teachers as to the government thereof, and the course of studies to be pursued therein.

To report yearly to the Chief Superintendent.

XL. And be it enacted, that it shall be the duty of each County Superintendent to make an annual report to the Chief Superintendent of common schools, at such time and in such form as shall be appointed by the said Chief Superintendent; and also

to furnish the said Chief Superintendent from time to time with all such additional information as he may require.

XLII. And be it enacted, that each County Superintendent who shall refuse or neglect to make any such annual or other report at such time and in such form as the Chief Superintendent of common schools may require, shall forfeit the sum of five pounds for every such refusal or neglect; and such penalty shall be recoverable with costs from such County Superintendent, or from his sureties or representatives, by a suit at law to be instituted within twelve months after such default, by the Chief Superintendent of common schools or by the Court of Wardens for the County; and any amounts so recovered shall be paid over to the Chief Superintendent of common schools, and shall by him be added to the moneys apportioned for the ensuing year to such County, and shall be distributed with the said moneys, and in like manner, between the several Townships, Towns and Cities in such County.

Penalties for refusal or neglect.

Appropriation of penalties.

XLIII. And be it enacted, that whenever any school district shall be formed in any Township, Town or City, it shall be the duty of the Superintendent of common schools for such Township, Town or City, within twenty days thereafter, to prepare a notice in writing describing such district, and appointing a time and place for the first school district meeting, and to cause copies of such notice to be posted in at least three public places in such school district, at least six days before the time so appointed for holding such meeting; and that after such first school district meeting, there shall be held a like school district meeting, on the second Tuesday of January in each year.

First meeting, and yearly meetings thereafter in each School District provided for.

XLIV. And be it enacted, that at each of the said school district meetings and at each annual school district meeting the resident freeholders and householders shall appoint a chairman to preside at such meeting, and shall afterwards elect from amongst themselves three trustees of the common school of such school district, who shall hold office from the time of their election until the day for the election of trustees for the next year, or until such time as their successors shall be duly elected or appointed; and if any vacancy shall happen within any year by death, removal from the Township, or refusal to act or to take the oath of office, the Township Superintendent shall fill up the vacancy; and if the inhabitants of any school district shall neglect or refuse

Mode of holding and conducting such meetings.

Election of School Trustees.

Vacancies.

Case of failure to attend such meeting, and if there shall be no election of trustees, to elect Trustees. then such school district shall not receive any share of the money apportioned or raised for common schools in the year in which the default may be made, but the amount to which such school district would have been entitled shall be apportioned in like manner, and to the same purposes, as if the trustees had been duly elected and had failed in making their reports, as hereinbefore provided.

Duties of such School Trustees. XLIV. And be it enacted, that it shall be the duty of the Trustees for each school district, and they shall be empowered and entitled,

1.—To have the custody and safe keeping of the common school house for their district.

2.—To contract with, and employ all teachers within the same.

3.—To give orders on the Township, Town or City Superintendent, in favour of such teachers, when qualified, for the amounts due to them for their Salaries, so far as the moneys in his hands applicable to their district shall be sufficient for that purpose; and to collect and pay over to the teachers the residue of such salary, excepting such sums as may be collected by the teachers from any persons liable therefore.

4.—To exempt from the payment of wages to teachers such indigent persons within their district as they shall think proper, and to certify such exemptions and deliver the certificate thereof to the Township, Town or City Superintendent.

5.—To ascertain, by examination of the School lists kept by such teachers, the number of days for which each person not so exempted shall be liable to pay for instruction, and the amount payable by each person.

6.—To make out a Rate Bill containing the name of each person so liable, and the amount for which he is liable; and by themselves or any one of them, or by some person authorized by them in that behalf, to collect the amount rated against any person or persons charged on such Rate Bill, together with five per centum on such amount for the cost of collection, and to pay the amount so collected to the teacher or teachers entitled to receive

the same ; and, in default of payment by the person so rated, to levy the amount by distress and sale of the goods and chattels of the person or persons making default.

7.—To regulate for such school the course of study, and the books to be used therein, and to establish general rules ; subject, nevertheless, to the approval of the Township, Town or City Superintendent : and provided always, that it shall not be lawful for such Trustees, or for the Chief or other Superintendent of Common Schools, or for any Teacher to exclude from any Common School or from the benefit of education therein, the children of any class or description of persons resident within the School District to which such Common School may belong.

XLV. And be it enacted, that it shall and may be lawful for any person or persons charged upon such Rate Bill, to pay the amount of the rate to the teacher for whose remuneration the same was to be collected ; and the receipt of such Teacher if produced to the Trustee or Trustees who have the collection of such rate, or to any Collector appointed by them, shall be a sufficient discharge for such rate.

Amount charged to any person on Rate Bill may be paid to the Teacher

XLVI. And be it enacted, that the said Trustees shall settle the proportion of Fuel which every person sending a Child or Children to such School, shall be liable to provide, and that the said persons so sending a child or children to such school, with the exception of those who shall be exempted as indigent by the said Trustees, shall be liable to furnish such proportion of Fuel ; and if they shall neglect to furnish the proportion aforesaid of such Fuel, the Trustees aforesaid shall furnish the same, and charge the value upon the said Rate Bill, and shall collect the same in like manner as other sums charged upon such Rate Bill.

Fuel for the School House. How provided.

XLVII. And be it enacted, that if any person charged upon such Rate Bill shall not reside within such School District when such collection shall be made, and if there shall be no Goods and Chattels of such person within the District on which the said charge can be levied, to the knowledge of the said Trustees, the said Trustees may sue for and recover such charge of such person, by their name of office.

Sums on the Rate Bill may be sued for in certain cases by the Trustees.

XLVIII. And be it enacted, that the Trustees of each School

School Trust-

tees to make  
Reports to the  
local Superin-  
tendents.

District shall, after the First day of January in each year, and on or before the First day of February thereafter, make and transmit a Report to the Township, Town or City Superintendent of Common Schools, through the Township, Town or City Clerk, and in the form which shall from time to time be directed by the Superintendent of Common Schools, dated on the First day of January in the year in which it shall be transmitted; and every such Report shall be signed and certified by a majority of the Trustees making the same, and shall specify—

What such  
Reports shall  
show.

1.—The whole time any School has been kept in their District during the year ending on the day previous to the date of such Report; distinguishing what portion of the time such School has been kept by a qualified Teacher or Teachers.

2.—The amount of Moneys received from the Superintendent for the Township, Town or City, during such year, and the manner in which such Moneys have been expended.

3.—The amount of moneys received from other sources, distinguishing the same; and the manner in which such Moneys have been expended.

4.—The number of Children taught in the District School during such year.

5.—The number of Children residing in the District on the last day of December previous to the making of such Report, over the age of five years, and under the age of sixteen, and the names of the Parents or other persons with whom such Children shall respectively reside, and the number of Children residing with each.

Certain pow-  
ers of the  
Trustees as to  
the School  
House in their  
District.

XLIX. And be it enacted, that all sums which shall be raised within any School District for the erection or repair of the Common School House therein, or for the necessary appendages thereto, shall be paid to, and expended and accounted for by the Trustees for such School District, in such manner as shall be appointed in any Bye-law of the Township, Town or City Council; and any School House to be erected as aforesaid, shall be upon ground owned or to be acquired by the Township, Town or City for that purpose; and the erection and repair of all such Common School Houses, shall be according to the plans and



specifications adopted by the Township, Town or City Council, or in the absence of such plans or specifications, the expenditure for the said erection or repairs shall be at the discretion of the said Trustees.

L. And be it enacted, that in case any School District shall be formed out of two or more adjoining Townships, the Trustees thereof shall make their reports to the Superintendent of each of the said Townships; and shall set forth in the said reports the several particulars required by law, as the same may relate to the portions of the School District in each of the Townships respectively, in such form as shall be supplied by the Chief Superintendent of Common Schools.

Provision as to School Districts extending into more than one Township.

LI. And be it enacted, that in case of such formation of a School District out of two or more adjoining Townships, the amount to be raised for the purpose of the erection and repairs of the Common School House, shall be settled by Bye-law of the several Townships respectively; and in case the Township Councils of such Township shall not agree as to the amount so to be raised, the acquirement or position of the ground on which the School House is to be placed, or as to the plan or specifications for the erection or repairs of such School House, the Court of Wardens for the County shall and may, upon the representation of one or more of the Township Councils, pass a Bye-law concerning the matter in dispute, which shall have the same effect within the several Townships concerned as if the same were passed or enacted by the Township Councils respectively.

Further provisions.

LII. And be it enacted, that it shall and may be lawful for the Council of any Town or City in Upper Canada aforesaid, by any Bye-law or Bye-laws to be passed in that behalf, to establish within the Town or City one or more Schools in which children shall be taught gratuitously, or in which a rate of payment for tuition shall be required, or one or more Schools partly free and partly requiring payment for tuition, according to any such Bye-law or Bye-laws.

The Council of any City or Town may establish Free Schools.

LIII. And be it enacted, that if in any Town or City a sum shall be raised and levied upon the whole rateable property therein, or on the rateable property of any portions or parts thereof, to an equal amount with the School money which under this Act would be apportioned to such Town or City, according to the

Such Free Schools to be considered as Common Schools on certain conditions.

population thereof, in aid of the payment of the salary or wages of the Master or Masters of any School or Schools; and if the Town or City Superintendent shall, within the time hereinbefore appointed for making the report of the Township, Town or City Superintendent, make a report of the whole number of such Town or City Schools established under any such Bye-law within his Town or City, the number of children who shall have been taught in such School, the amount of money which shall have been received during the year previous to the making up such report, either from the public money appropriated as aforesaid for such Town or City, or from the rates levied or assessed thereon, as well as from any fees or rates of payment for tuition in any such School or Schools, and shall give such other information in such report as shall from time to time be required by the Chief Superintendent of Common Schools, the free and other Schools so established in such Town or City shall be held and considered as Common Schools within the meaning of this Act, and the public money which would be paid and distributed for the purposes of Common Schools within such Town or City, shall be paid and distributed in aid of the Town or City Schools so established.

Children not to be required to use Religious Books objected to by their Parents.

LIV. And be it enacted, that in the Common Schools or Town or City Schools, 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.

Separate Schools may be established for the Protestants and Roman Catholics in any locality.

LV. And be it enacted, that in all cases, wherein the teacher of any such School shall happen to be a Roman Catholic, the Protestant Inhabitants shall be entitled to have a School with a Teacher of their own religious persuasion, upon the application of ten or more resident Freeholders or Householders of any School District, or within the limits assigned to any Town or City School; and in like manner, when the Teacher of any such School shall happen to be a Protestant, the Roman Catholic Inhabitants, shall have a separate School, with a Teacher of their own religious persuasion, upon a like application.

Conditions and mode of establishing such separate Schools.

LVI. And be it enacted, that such applications shall be made in writing, signed with the names of each resident Freeholder or Householder, and addressed and delivered to the Township, Town, or City Superintendent; and such application shall con-

tain the names of three Trustees, who shall be the Trustees of such separate Schools; and upon the compliance of such Trustees, and of the Township, Town, or City Superintendent, with the requirements of this Act, such School shall be entitled to receive its share of the public appropriation, according to the number of children of the religious persuasion who shall attend such separate School, which share shall be settled and adjudged by the Township, Town, or City Superintendent, subject to an appeal to the County Superintendent; and all such separate Schools shall be subject to the visitations, conditions, rules and obligations, provided in this Act with reference to other Common Schools, or to other Town or City Schools established under this Act.

LVII. And be it enacted, that it shall and may be lawful for the Court of Wardens of any County in Upper Canada aforesaid, if they deem it proper so to do, to raise and levy by county rate, a sum not exceeding in any year two hundred pounds, and to appropriate and expend the same for the maintenance of one or more County Model Schools within such County, and to constitute by a Bye-Law or Bye-laws to that effect any Township, Town or City School or Schools within the County, to be, for any term not less than one year, such County Model School or Schools; provided always that by such Bye-law there shall be appropriated from the County Rates for the payment of Teachers and the purchase of books and apparatus for each school during every year for which the same shall continue to be a County Model School, a sum not less than forty pounds.

Model Schools may be established in the Counties.

Proviso.

LVIII. And be it enacted, that whenever it shall appear to the satisfaction of the Governor of this Province, that any such Court of Wardens has thus appropriated and expended in any year for the payment of a Teacher or Teachers, and the purchase of books and apparatus for such County Model School or Schools, a sum not less than forty pounds, it shall and may be lawful for the said Governor to issue his warrant to the Receiver General of this Province, directing him to pay to the County Superintendent of such County, as a further aid towards the support of such school or schools during such year, a sum equal to one half of the amount so raised and expended; provided always, that there be not thus granted in any year, for the support of such schools in any one County, a larger sum than fifty pounds, and also that the whole amount thus to be granted in any year for the

Allowance to be granted for such Model Schools on certain conditions

support of County Model Schools in Upper Canada, do not exceed five hundred pounds.

Such sum to be paid out of the Common School Fund.

LIX. And be it enacted, that the Chief Superintendent of Common Schools, before making the yearly distribution of the Common School Fund, as hereinbefore provided, shall deduct from the same the aggregate of all amounts thus advanced for the support of County Model Schools during the preceding year.

How such sums shall be expended.

LX. And be it enacted, that all moneys to be thus granted from the Common School Fund in aid of County Model Schools, shall be expended by the County Superintendent receiving the same, or by his successor in office, in the payment of Teachers and the purchase of books and apparatus for such schools exclusively, and within the year for which the same shall have been granted; and any such moneys not thus expended, shall be recoverable, with interest and costs, from any County Superintendent into whose hands the same may have passed, or from his sureties or representatives, by a suit at law to be instituted at any time during the year next after that within which the same should have been so expended, by the Chief Superintendent of Common Schools; and it shall be the duty of the said Superintendent forthwith to institute such suits in his name of office, at all times when occasion may arise; and any sums so recovered from any County Superintendent, shall be carried by the said Chief Superintendent of Common Schools to the account of the Common School Fund, before proceeding to make his distribution of the same for the year ensuing.

How Teachers shall be appointed for Model Schools.

LXI. And be it enacted, that it shall not be competent for the Trustees of any Township, Town or City School, constituted as aforesaid a County Model School, to appoint any person to be a Teacher in the same, unless with the special approval in writing, by the County Superintendent, of their selection of such person as a Teacher, and also of the terms of their engagement with him; nor yet to make any regulations for the internal administration of such school, unless in like manner approved in writing by the said County Superintendent: And the said County Superintendent shall have power at any time to suspend or dismiss any such Teacher if he shall consider it necessary to do so, and to appoint any person to be a Teacher to fill any vacancy which the Trustees may refuse or neglect to fill up within thirty days after he shall have notified them of the same; and also to make and

Regulations for Model Schools

enforce any regulations he may see fit to make for the internal administration of such schools.

LXH. And be it enacted, that whenever a Normal School shall have been established and shall be in operation in Upper Canada, no person shall be appointed to be a principal Teacher in any County Model School, who shall not have produced to the County Superintendent a certificate of qualification signed by some one or more of the Professors or Principal Teachers of such Normal School.

Teachers to be examined by Professors of Normal Schools when established.

LXIII. And be it enacted, that at every such County Model School gratuitous instruction shall be afforded to all Teachers of Common Schools within the County wherein such Model School may be established, during such periods and under such regulations as the County Superintendent may from time to time direct.

Teachers to be instructed gratuitously in Model Schools.

LXIV. And be it enacted, that it shall and may be lawful for any Township, Town or City Superintendent, subject to the approbation of the Township, Town or City Council, to establish within any Township, Town or City, not having a County Model School established therein, a Township, Town or City Model School; and to appropriate for its support out of the School Fund of such Township, Town or City, a sum in each year not exceeding twenty five pounds over and above the sum to which such school would otherwise be entitled as a Township, Town or City School under this Act: Provided always that any sum to be so appropriated shall be expended in the payment of a Teacher or Teachers exclusively.

City, Town or Township Model Schools may be established.

LXV. And be it enacted, that whenever a Normal School shall have been established, and shall be in operation in Upper Canada, no person shall be appointed to be a Principal Teacher in any Township, Town or City Model School, who shall not have produced to the Township, Town or City Superintendent a certificate of qualification signed by some one or more of the Professors or Principal Teachers of such Normal School.

Teachers to be examined by Professors of Normal Schools when established.

LXVI. And be it enacted, that at every such Township, Town or City Model School gratuitous instruction shall be afforded to all Teachers of Common Schools within the Township, Town or City wherein such Model School may be established, during such periods and under such regulations as the

Gratuitous instruction to be given in the Model Schools to Teachers.

Township, Town or City Superintendent may from time to time direct.

Chief Superintendent to report annually to the Governor, on the Normal and Model Schools.

LXVII. And be it enacted, that the Chief Superintendent of Common Schools shall submit annually to the Governor of this Province, on or before the first day of August in each year, a report of the actual state of the Normal, Model and Common Schools throughout Upper Canada, shewing the amount of Moneys expended on such Schools, and from what sources the same have been derived, with plans for their improvement, and such other statements and suggestions relating to education generally as the said Chief Superintendent may deem useful and expedient, in order that the same may be laid before the Legislature at the meeting thereof then next following.

Certain provisions of this Act not to affect the apportionments of public moneys for 1844.

LXVIII. And be it enacted, that no provision in the foregoing enactments, rendering the apportionment of moneys out of the Common School Fund, in any year, conditional upon the making of any Report or the performance of any duty for or during the preceding year, shall apply to or affect the apportionment of any such moneys to be made for the year one thousand eight hundred and forty-four; any thing in the said enactments to the contrary notwithstanding: Provided always, that if no Act be passed during the present Session for constituting Courts of Wardens in the several Counties of Upper Canada or Township, Town or City Councils in the several Townships, Towns or Cities therein, then and until an Act be passed for the said purpose, all the powers which by the preceding sections of this Act would be vested in the Court of Wardens for any County or in the Township Council for any Township, shall be and are hereby vested in the District Council for the Municipal District in which such County or Township may be, and such Municipal District shall be substituted for such County or Township for the purposes of this Act, and all the powers which would be vested in the Town or City Council of any Town or City shall be and are hereby vested in the Common Council or Board of Police of such City or Town, or other corporate body exercising municipal authority in and for the same, and the officers and persons to be appointed by such District Councils, Common Council, Board of Police or Corporate body under the powers aforesaid, for the purposes of this Act, shall respectively have the same powers, duties and liabilities as if they had been appointed for like purposes in the manner provided in and by the foregoing sections of this Act.

If no Act be passed in this Session for constituting Courts of Wardens or Councils, the powers, &c. granted by this Act to be vested in existing Municipal Institutions.

LXIX. And be it enacted, that the word "Governor" wherever it occurs in this Act, shall include the Governor, or any person Administering the Government of this Province; and the word "Teacher" shall include a Female as well as a Male Teacher, except when applied to the Teacher of a Normal School or of a Model School, in which case it shall apply to a Male Teacher only.

Interpretation clause.

LXX. And be it enacted, that the foregoing enactments of this Act shall have force and effect upon, from and after the first day of January, one thousand eight hundred and forty four, and not before.

Commencement of this Act.

LXXI. And be it enacted, that the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, "An Act to repeal certain Acts therein mentioned, and to make further provision for the establishment and maintenance of Common Schools throughout this Province," shall upon, from and after the day last aforesaid, be repealed, in so far as relates to that part of this Province called Upper Canada, in and with regard to which it shall upon, from and after the said day have no force or effect, excepting always the first, second and third sections of the said Act, and so much of the twenty first section as provides for the due accounting for the application of the moneys appropriated by the second and third sections of the said Act.

The Act 4 & 5, V. c. 18, repealed as far as it relates to UpperCanada.

Excepting certain clauses.

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