

COMMON SCHOOL AMENDMENT ACT.

A N A C T ,

For the better establishment and maintenance of Common Schools in Upper Canada.

[Passed 23rd May, 1846.]

WHEREAS it is expedient to make provision for the better establishment and maintenance of common schools in that part of this province formerly Upper Canada, and also for the establishment of a normal and 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 Governor may, from time to time, by letters patent, under the great seal of the province, appoint a fit and proper person to be Superintendent of Schools, in Upper Canada, and to hold his office during pleasure; that the said Superintendent shall receive a salary not to exceed five hundred pounds, currency, per annum, and to bear such proportion to that sum as the amount of public moneys paid towards the support of common schools in that part of this province called Upper Canada, bears to that paid towards the support of common schools in that part of this province called Lower Canada, and shall be allowed one hundred and seventy-five pounds, currency, per annum, for a clerk, and the contingent expenses of his office, to be by him accounted for, as provided in respect of other public officers; and that the said superintendent shall be subject to all such lawful orders and directions, in the exercise of his duties, as shall from time to time be given by the Governor of this province.

Preamble.

Chief Superintendent of Common Schools appointed.

His salary.

Allowance for a clerk and contingent expenses.

II. *And be it enacted,* That it shall be the duty of the Superintendent of Schools;

Duty of Superintendent.

First—After deducting certain sums as hereinafter provided, to apportion, on or before the fifteenth day of April of each year, all moneys appropriated by the legislature for common schools in Upper Canada for such year, according to the ratio of population in each district, township, town or city, as compared with the population of Upper Canada, or if he shall think it expedient, in case of a defective census, according to the ratio of children residing in each, over the age of five and under the age of sixteen years, as stated in the last annual report of the District Superintendents.

To apportion moneys arising from common school fund, and in what ratio.

Secondly—To certify such apportionment made by him to the Inspector General, so far as it relates to the several districts in Upper Canada; also, to give immediate notice to the Superintendent of Schools in each district, stating the amount of moneys apportioned to his district, and to each township, town and city therein.

To notify the apportionment to certain officers.

Thirdly—To prepare suitable forms and regulations for making all reports, and conducting all necessary proceedings under this act, and to cause the same, with such instructions as he shall deem necessary and proper for the better organization and government of common schools,

To prepare forms and regulations, and furnish copies thereof and of this act to District Superintendents.

Common School Amendment Act.

to be transmitted to the officers required to execute the provisions of this act, copies of which forms, regulations and instructions, as also copies of this act shall be furnished by him to the several District Superintendents, for the use of school sections, as occasion may require.

Other duties.
Due application of
moneys.

Fourthly—To see that all moneys apportioned by him be applied to the purposes for which they were granted.

Complaints sub-
mitted to him.

Fifthly—To decide upon all matters and complaints which may be submitted to him by parties interested, under the operation of this act.

Selection of books

Sixthly—To discourage the use of unsuitable and improper books in the schools or school libraries, and to use all lawful means to provide for and recommend the use of uniform and approved text books in all the schools.

Normal school.

Seventhly—To take the general superintendence of the normal school, as soon as one shall have been established.

Plans of school
houses.

Eighthly—To prepare, as soon as practicable, and recommend the adoption of suitable plans of school houses, with the proper furniture and appendages.

School libraries.

Ninthly—To use his best endeavours to promote the establishment of school libraries for general reading in the several districts and townships of Upper Canada, and to furnish every information necessary, as far as he shall be able, as to the regulations of such institutions, and the books most suitable for them.

Diffusion of infor-
mation.

Tenthly—To employ all lawful means in his power to collect and diffuse information on the subject of education generally, among the people of Upper Canada.

Yearly reports.

Eleventhly—To 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 superintendent may deem useful and expedient, in order that the same may be laid before the legislature at the meeting thereof next following.

Governor may
appoint Board of
Education.

III. *And be it enacted*, That the Governor shall have authority to appoint not more than seven persons, (of whom the Superintendent of Schools shall be one, to be a board of education,) who shall hold their situation during pleasure, and shall be subject to all lawful orders and directions in the exercise of their duties, which shall from time to time be issued by the Governor, and whose duty it shall be, in conjunction with the Superintendent of Schools—

Duties of the
board.

Making regula-
tions, &c.

First—To adopt all needful measures for the establishment and furnishing of a normal school for Upper Canada,—to make from time to time all needful rules and regulations for the management and good government of such school—to prescribe the conditions on which pupils shall be received and instructed therein,—to select the location of such school, the terms and conditions on which buildings therefor shall be procured,—to determine the number and compensation of teachers and others who may be employed therein,—and to do all other lawful things which they may deem expedient to promote the objects and interests of such school.

Examination of
books.

Secondly—To examine and recommend or disapprove of all books, plans, or forms which may be submitted to them with a view to their use in schools; and no portion of the government grant shall be given in aid of any school in which any book is used which has been disapproved of by the board, and of which disapproval public notice shall have been given.

Thirdly—To aid the Superintendent of Schools with their counsel and advice on all questions, and on all measures which he may submit to them for the promotion of the interests of schools and for the diffusion of useful knowledge among the people of Upper Canada.

Advising with Superintendent.

IV. *And be it enacted*, That the meetings of the said board shall be held at some place which shall be provided by the Superintendent of Schools; and that the first meeting of the board shall be called by the Superintendent of Schools; that the said board shall appoint a chairman, and the times of its meetings; that a special meeting may be called at any time by the Superintendent of Schools, by giving due notice to the other members; that at all meetings of the board duly called, three members shall form a *quorum* for the transaction of business; that the clerk in the education office shall be the recording clerk to the board; and shall enter all its proceedings in a book to be kept for that purpose; and that the expenses attending the proceedings of the board shall be accounted for as part of the contingent expenses of the education office.

Meetings of board, when and where to be held.

Three members to form a quorum.

V. *And be it enacted*, That as soon as practicable, there shall be established a normal school, containing one or more elementary model schools for the instruction and practice of teachers of common schools in the science of education and art of teaching, according to such regulations as are hereinbefore provided for, and which shall be approved by the Governor in council, and that a sum not exceeding one thousand five hundred pounds, be expended by the board of education in procuring and furnishing suitable buildings for the said normal school; that a sum not exceeding one thousand five hundred pounds per annum be allowed for the salaries of teachers and all other contingent expenses of the said school; and that detailed accounts of the expenditure of all moneys for the establishment and support of the said school shall be annually transmitted to the Governor, through the Superintendent of Schools, to be laid before the legislature.

A normal school to be established.

Salary of teachers in the said school.

VI. *And be it enacted*, That the council of each district shall have authority to appoint a proper person to be District Superintendent of Common Schools, who shall hold his office during pleasure; *Provided always*, That in case the council of any district shall neglect or refuse to recommend the appointment of a District Superintendent at any meeting of such council during the present year, or at their first meeting after the occurrence of any vacancy, then it shall be lawful for the Governor to make such appointment.

Council of each district may appoint persons to be District Superintendents. Proviso.

VII. *And be it enacted*, That it shall be lawful for the council of each district, by by-law, to provide for the salary of the District Superintendent.

Salary of District Superintendent to be provided for by by-law.

VIII. *And be it enacted*, That the council of each district, on receiving from the District Superintendent of Common Schools, a certified copy of the apportionment of the legislative grant in aid of common schools in their district for the current year, shall, without delay, cause to be levied such sum of money, for common school purposes, as they shall see fit, and within the limit of their powers of imposing taxes, and at least equal (clear of all charges of collection) to the amount of public moneys apportioned to such district, such sum, within the limit aforesaid, to be increased at the discretion of the said council; and the sum so to be raised shall be placed on the proper collector's rolls, and shall be collected by him in like manner as any other tax for such district, but shall be paid over by him to the District Superintendent of Common Schools, within the period fixed by law for the payment of rates collected to the Treasurer in each year.

District Council to cause to be levied, for school purposes a sum of money in each district at least equal to amount of public money apportioned to such district.

IX. *And be it enacted*, That the council of each district shall cause each township, or parts of adjoining townships, town or city in such district to be divided into a convenient number of sections and parts of sections to be numbered and described; and which may be altered at the

District Council to divide townships into school sections.

discretion of the council ; and a copy of the descriptions and numbers of such sections and parts of sections shall be forthwith furnished by the clerk of such council to the Superintendent of Common Schools for the district.

And may levy sums of money for purchasing school sites, &c.

Proviso.

X. *And be it enacted*, That the District Council in each district shall have authority within the limit aforesaid, to cause to be levied any sum or sums of money which may be required for the purchasing of school sites, and the erection and furnishing of school houses, the procuring of residences for teachers, and for common school purposes generally, in such district, and upon the inhabitants of the said district generally, or on those of any particular township, school section, or other locality, as the case may require : *Provided always*, That this shall not be construed to prevent the inhabitants of any school section or township from adopting any voluntary means they may deem expedient to purchase, erect, furnish, or repair any school house or residence for the teacher ; *Provided always*, that the title to any common school house and the land and premises appurtenant thereto, now vested in trustees or other persons, to and for the use of any common school, or hereafter to be purchased, acquired and conveyed for such use, shall be vested in the District Council of the district in which such school houses and lands are situate, in trust for the use of such schools, respectively.

District Council to levy amount to pay for any school house not yet paid for.

XI. *And be it enacted*, That where, under or by virtue of any act of the legislature of this province for the establishment or maintenance of common schools, any school house shall have been erected which, from any cause whatever, shall not have been paid for to the person or persons entitled to the same, and for which a rate shall not have been assessed upon the school section, (or where such rate shall have been imposed but has not been collected) in which the same was so built, it shall and may be lawful to and for the District Council of the district in which the same is situate, to levy by assessment, a rate upon the inhabitants of such school section sufficient in amount to pay the same.

District Superintendent to give security.

XII. *And be it enacted*, That each District Superintendent, appointed as hereinbefore provided, shall, before he enters upon the duties of his office, enter into bonds with two or more sufficient sureties, to such an amount and in such form as may be required by the council of the district, for the faithful performance of the duties of his office.

Duties of District Superintendent.

XIII. *And be it enacted*, That it shall be the duty of each District Superintendent of Common Schools :

To transmit to Clerk of District Council copy of apportionment of money to be distributed in the district.

First—To transmit to the Clerk of the District Council, to be laid before the council, a certified copy of the apportionment of school money to be distributed in the district, as soon as the notice of the said apportionment shall have been received from the Superintendent of Schools.

To apportion school funds among the school sections according to ratio of children over five and under sixteen.

Secondly—As soon as he shall receive from the District Clerk a notification of the amount of money required by the District Council to be raised by tax, to add that amount to the government apportionment, (which two sums added together shall constitute the district school fund for the support of common schools in such district,) and to apportion the said fund among the several school sections entitled to receive the same, according to the ratio of children over five and under sixteen years of age in such sections respectively, as compared with the whole number of children of the same ages in each township, town or city, and in the whole district, and to notify the same to the trustees of each school section in the district, so far as they are respectively concerned.

To pay to Teacher sum apportioned to his school section.

Thirdly—To pay to any teacher or his agent, on any order or orders of the trustees for the time being, or the majority of them, as herein-after provided, any sum or sums of money which have been apportioned to the school or school section in which such teacher may have taught ; the payment of which order shall, nevertheless, be subject to the following conditions :—

He shall not pay any parts of the apportionment to any school section from which no sufficient annual report shall have been received for the year ending the last day of December preceding the apportionment.

Condition.

Nor shall he pay any part of the apportionment to any school section, or part of a section, unless it shall appear by the said reports that a school has been kept therein for at least six months during the year ending at the date of such report, by a qualified teacher, and that all moneys received from the school fund during the year ending at the date of such report, have been faithfully applied in paying the compensation of such teacher: *Provided likewise*, that the foregoing condition shall not be exacted of a school section in which a school has been commenced during the preceding year; such newly formed section being entitled to share in the school fund, provided a school shall have been kept therein three months of the year preceding by a qualified teacher, and a sufficient report furnished.

Condition.

Fourthly—To visit all the model and common schools in his district, at least once a-year, and oftener if it shall be deemed necessary, in order to 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 the character and condition of the buildings, and to give such advice both to teachers and trustees, in regard to the interests and management of the schools, as he may judge proper.

To visit model and common schools.

Fifthly—To examine all persons offering themselves as candidates for teaching in common schools, with respect to their moral character, learning and ability; and if he be satisfied of the candidates's qualifications in these respects, he shall give him a special certificate, authorising him to teach only one year in the school specified, or a general certificate authorising the applicant to teach in any common school in the district until such certificate is revoked: *Provided always*, That every such teacher shall be subject to re-examination whenever it shall be deemed expedient by the District Superintendent of Schools: *Provided also*, That no such certificate of qualification shall be granted to any person as a teacher, who shall not at the time of granting it, be a natural born or naturalised subject of her Majesty, her heirs or successors, without a special license in the case of a teacher of any language other than English, to be obtained from the Governor, authorising the person therein named to be employed as a teacher although an alien.

To examine candidates for the office of Teacher.

Sixthly—To annul any certificate given by him, or any of his predecessors in office, whenever he shall see just cause for doing so, assigning his reasons, and giving the teacher holding such certificate, an opportunity, if he should feel himself aggrieved, to appeal to the Superintendent of Schools.

To annul former certificates to Teachers when he shall see fit.

Seventhly—To prevent the use of all unauthorised foreign school books in the English branches of education, to recommend the use of proper books for schools, and to determine as to the teacher and regulations of model schools, in the manner hereinafter provided.

To prevent the use of certain books.

Eighthly—To decide upon all questions of dispute, which may arise between any of the parties interested under the operation of this act, and which may be submitted to him by either of the parties concerned: *Provided always*, That he may, if he shall deem it advisable, refer any such question as may be submitted to him to the Superintendent of Schools; *Provided also*, that any aggrieved or dissatisfied party shall have the right of appeal to the Superintendent of Schools.

To decide disputes &c.

Proviso.

Proviso.

Ninthly—To retain in his hands, subject to the order of the Superintendent of Schools, all moneys which may have been apportioned for his district for the year, and which have not been called on for or expended according to the provisions of this act.

To retain moneys uncal'ed for.

Tenthly—To act in accordance with the directions of the Superintendent of Schools, and to make an annual report to him, at such time and in such form as may be appointed by the said Superintendent of Schools; and

To transmit an annual report to the Superintendent of Schools.

Proviso.	to furnish the said Superintendent from time to time with such additional information as he may require : <i>Provided furthermore</i> , That every such annual report of the District Superintendent shall state :
Such report to show : Number of sections ;	<i>First</i> —The whole number of school sections, or parts of sections separately set off, within each township, town or city, in his district.
Number of children ;	<i>Secondly</i> —The number of children taught in each of the said sections, or parts of sections, over the age of five and under the age of sixteen years ; and also the number of children residing in each, over the age of five and under sixteen years.
Time during which Schools have been open.	<i>Thirdly</i> , The length of time a School shall have been kept in each of such sections or parts of sections, by a qualified Teacher, the books used, and the subjects taught, and whether the Trustees have duly reported.
Moneys received and expended.	<i>Fourthly</i> , The amount of moneys which have been received by and collected in each of the said sections and parts of sections—distinguishing the amount apportioned by the Superintendent of Schools, the amount received from the District School Tax, the amounts raised by the Trustees, and the amount from any other and what sources ; also how all such moneys have been expended, and whether any and what part remains unexpended, and from what cause or causes.
Number of his visits—and of School houses.	<i>Fifthly</i> , The number of his School visits during the year, the whole number of School houses in each Township, Town or city, the number hired, and the number erected during the year, and of what character and by what means.
Private Schools in his section.	<i>Sixthly</i> , So far as he may be able to ascertain the number of private Schools kept in each Township, Town or City in his District, the number of the pupils and the subjects taught therein.
School and Public Libraries, &c.	<i>Seventhly</i> , The number and extent of the School and public libraries in his District, where situate, how established and supported ; also any other information which he may possess respecting the educational state, wants and advantages of his District, and any suggestions he may think proper to make with a view to the improvement of the Schools and the diffusion of useful knowledge in such District.
Who shall be Visitors of Schools.	XIV. <i>And be it enacted</i> , That the visitors of each Township, Town or City, shall be—all clergymen or ministers recognized by law, of whatever denomination, who reside or have pastoral charge in such Township, Town, or City, the Judge of the District Court, the Warden of the District, and the Councillor or Councillors representing the Township in the Municipal Council of the District,—also all resident Justices of the Peace—but no minister, priest, ecclesiastic, or justice of the peace shall be entitled to visit or inspect any <i>separate</i> School not of his own persuasion, except by the consent of the Trustees of such School.
Duties of Visitors.	XV. <i>And be it enacted</i> , That it shall be lawful for each of the said visitors to visit as far as practicable all the Schools in such Township, Town or City,—especially to attend the quarterly examinations of Schools, and at the time of such visit to examine the progress of the pupils, and the state and management of the School, and to give such advice to the Teacher and pupils as he may deem expedient according to the regulations and directions for visitors, which shall be prepared by the Superintendent of Schools : It shall also be lawful for such visitors as may be present at any School examination to report the same with any remarks they may think proper, to the District Superintendent, and to make either collectively or individually to the said District Superintendent such other Report or Reports as they may judge expedient, respecting the condition, character and progress of the Schools in such Township, Town or City.
Attendance at examinations.	
Remarks to Superintendent.	
Visitors may hold a General Meeting for certain purposes.	XVI. <i>And be it enacted</i> , That a general meeting of such visitors may be held at any time or place which may be appointed by the senior Justice of the Peace, or any two visitors, on sufficient notice being given to the

other visitors in such township, town or city, and that it may be lawful for such visitors thus assembled, to devise such means as they may deem expedient for the efficient visitation of the common schools, and to promote the establishment of libraries and the diffusion of useful knowledge in such township, town or city; it shall also be lawful for any two of such visitors to examine and give a certificate in a form prescribed by the Superintendent of schools, to any candidate for teaching whom they shall judge qualified to teach in a common school: such certificate, however, only authorizing the applicant to teach one year in the school specified.

Certificates to Teachers.

XVII. *And be it enacted*, That whenever any school section shall be formed in any township, town or city, it shall be the duty of the municipal authority to designate some person or persons in such section, to whom the District Superintendent shall communicate the description and number of such section, and which person or persons 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.

District Superintendent may, on some person being designated by the Municipal authority, cause such person to give notice of first school section meeting.

XVIII. *And be it enacted*, That after such first school section meeting there shall be a like meeting held in such school section on the second Tuesday of January in each year, at the hour of twelve of the clock at noon, at such place as shall be specified by a majority of the school trustees in such section, who shall cause notices of such annual meeting to be posted in at least three public places in such school section, at least six days before the time of holding such meeting.

Another such meeting to be held in January in every year—and notice thereof to be given.

XIX. *And be it enacted*, That at every such first school section meeting, and at every such annual school section meeting, the senior Justice of the Peace present, or in default of any Justice of the Peace being present, such other person as shall be appointed by a majority of the landholders and householders of such school section who shall be present at such meeting, shall preside over the proceedings of such meeting, and shall, immediately after such meeting, communicate to the district superintendent the name or names and address of the person or persons chosen trustee or trustees, and the number of their school section.

Who shall preside at every school section meeting.

XX. *And be it enacted*, That should no such first or annual school section meeting be held in consequence of the notice hereinbefore required not having been given, the person or persons whose duty it was to give such notice shall individually forfeit a sum not exceeding two pounds, which shall be recoverable for the school purposes of such section, by prosecution before any justice of the peace, who is hereby authorized on the complaint on oath of any two inhabitants of such section to hear and determine the same and to convict the party and to issue a warrant to levy the penalty by such sale and distress of the offender's goods:—And in such default of holding such meeting, any three resident freeholders shall have authority 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.

Penalty against persons who shall not have given notice of first or annual school section meeting, £2.

XXI. *And be it enacted*, That at the first school section meeting which shall be held in a newly formed section, the landholders and householders thereat shall elect three trustees, who shall continue in office until the next ensuing annual school meeting of such section.

Trustees to be elected at first school section meeting.

XXII. *And be it enacted*, That at the first annual school meeting held in any school section after the passing of this Act, the persons qualified to vote thereat shall elect, by a majority of votes, three trustees who shall be numbered, one, two, three; (the order to be determined by lot), the first of whom shall continue in office one year, the second two years, the third three years, at the end of which periods they shall respectively be replaced by others; and that at each succeeding annual school meeting of such section, the persons present qualified to vote shall

And at first and subsequent annual school meetings.

elect one trustee, who shall continue in office three years, and until a successor is elected; provided that any trustee, if willing, may be re-elected.

Penalty on any person refusing to serve as Trustee, £5.

Vacancies how filled.

XXIII. *And be it enacted*, That if any person chosen as a trustee shall refuse to serve, he shall forfeit a sum not exceeding five pounds, which sum shall be collected and applied in the same manner as other fines imposed by this Act; and if one or more vacancies shall occur among the trustees, by reason or refusal to serve, permanent absence from the school section, death or incapacity from sickness, such vacancy or vacancies shall be filled up by the electors of such school section at a meeting to be called for that purpose by the surviving trustee or trustees; and in case of there being no surviving trustee, the district council of the district shall fill up the vacancies, and the person or persons who shall be appointed to fill up a vacancy or vacancies shall continue in office during the period for which the person or persons whom he or they shall succeed would have been required to serve.

No Trustee to be re-elected without his consent during a certain time.

Trustees to be a Corporation.

XXIV. *And be it enacted*, That no school trustee shall be re-elected except by his own consent during the four years next after his going out of office.

Corporate powers.

XXV. *And be it enacted*, That the school trustees in each school section, shall be a Corporation, under the name of "*the school trustees of section number* *in the township, (town or city), of* *in the district,*"—and shall have perpetual succession, and a common seal, and may sue and be sued, and shall generally have the same powers which any other body politic or corporate has with regard to the purposes for which it is constituted; but they shall not at any time hold real property.

Corporation not to cease in certain cases.

XXVI. *And be it enacted*, That no such Corporation shall cease by reason of the want of school trustees, but in such case the powers of the Corporation as regards the possession of any personal property shall become vested in the district superintendent, in trust, until it shall be otherwise provided by law, and the school house, lands or other real property, belonging to the common school or common schools, in any section under any law or by any title whatsoever, is hereby vested in the district council for the several common schools and in trust for such schools respectively.

Duties of trustees.

XXVII. *And be it enacted*, That it shall be the duty of the trustees of each school section:

To appoint a secretary-treasurer.

His duties.

First, To appoint one of themselves secretary-treasurer, who shall keep a minute of their proceedings in a book kept for that purpose,—shall receive the moneys collected by rate-bill or subscription from the inhabitants of the school section,—and shall be responsible for such moneys to his colleagues, and shall pay them to the teacher after defraying the expense of collection, in such manner as may be directed by the majority of the trustees.

And a collector.

His duties.

Secondly, To appoint a collector if they shall think it expedient, to collect the sums which they have imposed upon the inhabitants of their school section or which the said inhabitants may have subscribed, and to pay such collector not to exceed at the rate of five per cent. for his trouble in collecting; and every collector shall give such security as may be satisfactory to the trustees, and shall have the same power in collecting the school rate, or subscription, and proceed in the same manner and be subject to the same liabilities in the discharge of his duty as is or may be by law provided in respect of collectors of the district rates and assessments.

To take and hold property for common school purposes.

Thirdly, To take possession of all common school property, which may have been acquired or given for common school purposes in such section, and to acquire and hold for the corporation by any title whatsoever, all personal property, moneys or income for common school pur-

poses, until the power hereby given shall be taken away or modified by law, and to apply the same according to the terms of acquiring or receiving them.

Fourthly, To do whatever may be expedient with regard to building, repairing, renting, renewing, warming or keeping in order the school house and its appendages, lands, fences and moveable property which shall be held by them: Provided that no rate shall be levied for the building of a school house in any school section otherwise than under a by-law of the district council, but such by-law may be made by the district council at any meeting thereof, and the rate may be forthwith placed on the collector's rolls by the clerk of the peace, and collected by the collector; anything in any Act passed during the present session, or at any previous time, and limiting the period at which by-laws, imposing taxes, are to be passed in any year to the contrary notwithstanding.

To build, repair,
&c. school houses,
&c.
Proviso.

Fifthly, To cause in their discretion to be levied by rate-bill, in the manner hereinafter provided by this Act, or by voluntary subscriptions any additional sum that may be necessary, to pay the salary of the teacher and the incidental expenses of the school, such as repairing, furnishing and keeping the school house in order, and in case there be no school house, providing a suitable place for the school, providing fuel in a state fit for use in the school house selected, and all things necessary for the comfort of the pupils; and before such trustees, or any one on their behalf shall be entitled to receive from the district superintendent their share of the common school fund, they shall furnish him with a declaration from the secretary-treasurer, that he has actually, and *bona fide* received and has in his possession for the payment of the teacher, or has paid such teacher a sum sufficient with such allowance from the common school fund for the purposes aforesaid.

To levy by rate-
bill a certain
additional sum.

Declaration re-
quired before they
shall receive
school monies.

Sixthly, To prepare and determine a rate-bill quarterly, containing the name of every person liable to pay for the instruction of children sent by him to such schools, and the amount for which he is liable, and by themselves or any one of them, or by their collector, to collect from every person named in such rate-bill the amount therein charged against him, and in case they employ a collector, 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; Provided that every person sending a child or children to any common school, shall be rated for a period of not less than two-thirds of the current quarter.

To fix rate-bill per
quarter, &c.

Seventhly, To exempt wholly or in part from the payment of the rate-bill such indigent persons within their school section as they shall think proper; and in default of payment by any person rated, to levy the amount by distress, and sale of the goods and chattels of the person or persons making default; and in case such person or persons reside without the school section, and have no goods or chattels within it, at the time of making such collection, to sue and recover by their name of office, the amount from such person or persons; and for the collection of such rate, the collector appointed by the trustees shall have, within their school section, the same powers as the collector of any district rates.

To exempt indi-
gent persons from
payment of rate
bill.

Eighthly, To ascertain the number of children residing in their school section, over the age of five and under sixteen years, and to allow them, without exception, to attend the common school, so long as their conduct shall be agreeable to the rulers of such school.

To ascertain num-
ber of children in
school sections.

Ninthly, To appoint and engage, from time to time, a teacher duly qualified to teach in the school under their control, according to the provisions of this Act; and to give such teacher the necessary orders upon the district superintendent for the portion of the school fund, to which their school section may be entitled.

To engage
teachers.

To select books.

Tenthly, To select from a list of books, made out by the board of education, under the sanction of the Governor in Council, as hereinbefore provided, the books which shall be used in the school.

To make a report to district superintendent.

Eleventhly, To see that the school is conducted according to the regulations herein provided for ; and to prepare and transmit annually on or before the second Tuesday of January, a report to the district superintendent, which report shall be signed by a majority of the trustees, and made according to a form which shall be provided by the superintendent of schools, and shall specify :

What such report shall shew.

1st, The whole time a school has been kept by a qualified teacher or teachers in their section during the year ending the thirty-first day of the previous December, the day before that on which the report shall be dated, except when the year commences on a Sunday, in which case the report shall be dated on the second day of January in the year in which it shall be transmitted.

Time during which the school has been kept.

Accounts.

2ndly, The amount of moneys received from the district superintendent, and the amount of moneys received from other sources, distinguishing the same ; and the manner in which all such moneys have been expended.

Number of children taught.

3rdly, The number of children taught in the section school during the year, and the number of children residing in the section, over the age of five years and under the age of sixteen.

What is taught in the school.

4thly, The branches taught in the school ; the number of pupils in each ; and the text books used.

Duties of teachers of common schools.

XXVIII. And be it enacted, That it shall be the duty of every teacher of a common school—

To teach.

1st, 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.

2ndly, To keep the daily, weekly and quarterly registers of the school, and to maintain proper order and discipline therein, according to the regulations and forms which shall be prepared by the superintendent of schools.

To hold examinations.

3rdly, To have, at the end of each quarter, a public examination of his school, of which he shall give notice, through the children, to their parents and guardians, and shall also give due notice to the trustees and any school visitors who may reside in or adjacent to such school section.

To act as secretary to the school trustees.

4thly, To act as the secretary to the trustees, if they shall require it, in preparing their annual report : *Provided always*, That he is a teacher in such school at the time of preparing such report as is required by this Act :

Proviso.

Provided likewise, That the district superintendent shall have authority to withhold from any school section the remainder of the share of the common school fund which has been apportioned to such section, and which shall be in his hands on the first day of December of each year, until he receives from the trustees of such section their annual report, required by law for such year.

Proviso.

Sum distributed for encouragement of common schools to be payable on 1st August, in each year.

XXIX. And be it enacted, That the sum of money annually distributed for the encouragement of common schools in Upper Canada, shall be payable on the first day of August in each year, by warrants to the superintendents of common schools of the several districts in Upper Canada aforesaid.

No foreign books to be used in schools without permission.

XXX. And be it enacted, That no foreign books in the English branches of education shall be used in any model or common school, except by the express permission of the Board of Education.

Children not to be required to use religious books objected to by their parents.

XXXI. And be it enacted, 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.

XXXII. *And be it enacted*, That in all cases wherein the teacher of any common school shall happen to be a Roman Catholic, the Protestant inhabitants of the section to which such school belongs shall be entitled to have a school with a Protestant teacher, upon the application of ten or more resident landholders or householders of any such school section, 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.

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

XXXIII. *And be it enacted*, That such applications shall be made in writing, signed with the name of each landholder or householder, and addressed and transmitted to the district superintendent, and such application shall contain the names of three trustees who shall be the trustees of such separate school ; and upon the compliance of such trustees 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 class or persuasion who shall attend such separate school and from any common school district ; which share shall be determined by the district superintendent ; and such separate schools shall be subject to the visitations, conditions, rules and obligations provided in this Act, with reference to other common schools.

Conditions and mode of establishing such separate schools.

XXXIV. *And be it enacted*, That it shall be lawful for the council of any district in Upper Canada, if they deem it proper to do so, to raise and levy by district rate, a sum not exceeding in any one year two hundred pounds, and to appropriate and expend the same for the maintenance of one or more district model schools within such district, appointing at least three trustees of each such model school ; *Provided always*, That by such by-law or by-laws there shall be appropriated from the district rates for the payment of teachers and the purchase of books and apparatus and other necessary expenses for each model school, a sum not less than forty pounds yearly.

Model schools may be established in the district.

Proviso.

XXXV. *And be it enacted*, That whenever it shall appear to the satisfaction of the Governor, that any district council 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 district model school or schools, a sum of not less than forty pounds, it shall be lawful for the Governor to issue his warrant to the Receiver General, directing him to pay to the district superintendent of such district, 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 district, a larger sum than fifty pounds, and also that the whole amount thus to be granted in any one year, for the support of district model schools in Upper Canada, do not exceed five hundred pounds.

Allowance to be granted for such model schools.

Proviso.

Amount of allowance limited.

XXXVI. *And be it enacted*, That the superintendent of schools, before making the yearly apportionment of the grant in aid of common schools as hereinbefore provided, shall deduct from the same the aggregate of all amounts thus advanced for the support of the normal schools and district model schools during the preceding year : and he shall also deduct, if he shall deem it expedient, a sum not exceeding two hundred pounds per annum, in aid of common schools in new townships not yet represented in any district council.

Such sum to be paid out of the common school fund.

XXXVII. *And be it enacted*, That all monies to be thus granted in aid of district model schools, shall be expended by the district superintendent receiving the same, or by his successor in office, in the payment of teachers and the purchase of books and apparatus and other necessary expenses for such schools exclusively, and within the year for which the same shall have been granted, and he shall account for the expenditure or non-expenditure of such moneys in the same manner as he is required to account for all other school moneys which may come into his hands.

How such sums shall be expended and accounted for.

Powers of district superintendents as to teachers for model schools.

XXXVIII. *And be it enacted*, That it shall not be competent for the trustees of any district model school constituted as aforesaid, to appoint any person to be teacher in the same, unless with a special approval in writing by the district 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 arrangement for the internal administration of such schools, unless in like manner approved by the district superintendent; and the said district superintendent shall have power 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 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 enforce any regulations he may see fit to make for the administration of such schools.

Teachers to be examined by principal of normal school when established.

XXXIX. *And be it enacted*, That whenever a normal school shall be in operation in Upper Canada, no person shall be appointed to be a principal teacher in any district model school, who shall not have produced to the district superintendent a certificate of qualification and ability, signed by the principal or head master of such normal school.

Teachers to be instructed gratuitously in model schools.

XL. *And be it enacted*, That at every such district model school, gratuitous instruction shall be afforded to all teachers of common schools within the district in which such model school may be established, during such period and under such regulations as the district superintendent may from time to time direct.

Teachers to be divided into three classes.

XLI. *And be it enacted*, That the teachers who shall receive certificates of qualification under this Act, shall be arranged in three classes, according to their attainments and ability, in such manner as shall be prescribed by the superintendent of schools, with the concurrence of the board of education, and the sanction of the Governor in Council.

District Council may authorize establishment of a male and female school in any section.

XLII. *And be it enacted*, That it shall be lawful for any district Council to authorize the establishment of both a female and male school in any school section, each of which shall be subject to the same regulations and obligations as common schools generally.

Toronto and Kingston to be municipal districts for purposes of this Act.

XLIII. *And be it enacted*, That the Corporate city of Toronto and town of Kingston, shall be considered each a municipal district for all the purposes of this Act; and the Corporation of each of the said city and town, shall have all the authority and be subject to all the obligations within the limits of each of the said city and town, respectively, which are conferred and imposed by this Act upon each council of a district.

Interpretation clause.

XLIV. *And be it enacted*, That the word "Governor" whenever it occurs in this Act shall include the Governor or any person administering the Government of this Province; and the word "teacher" shall include female as well as male teachers, except when applied to the teacher of a normal or model school, in which case it shall apply to a male teacher only, and that the words "Upper Canada" whenever they occur in this Act shall mean all that part of this Province, which formerly constituted the Province of Upper Canada.

When this Act shall come in force.

Sic.

XLV. *And be it enacted*, That this section and the first ten sections of this Act, shall have force and effect immediately after the passing thereof, any thing contained in any previous Act to the contrary notwithstanding; and the remaining sections of this Act, from the eleventh to the forty-fourth inclusive, shall have force and effect upon, from and after the first day of January, one thousand eight hundred and forty-seven, and not before; and upon, from and after the said day, the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act for the establishment and maintenance of common schools in Upper Canada*, shall be repealed, excepting in so far as the same repeals any former Act or any part thereof; *Provided always*, That all penalties incurred under the said Act, shall be collected in the same manner, upon and after the first

7 Vict. c. 29, repealed.

day of January, one thousand eight hundred and forty-seven, as if the said Act were in force: *Provided also*, That all monies which shall remain in the hands of township, town or city superintendents of schools on the first day of January, one thousand eight hundred and forty-seven, shall immediately thereafter be paid over to the district superintendents, to be retained and disposed of by them as other moneys remaining in their hands at the end of the year : *Provided likewise*, That all those divisions of townships, towns or cities which in the said Act are called "school districts," shall upon and after the said first of January, one thousand eight hundred and forty-seven, be called school sections, and be so considered for all the purposes of this Act, until altered in the manner hereby provided.

Proviso.

Proviso.

Furnish for each division court, specifying the place of residence and addition of each person, including the certificate and the transmission of the list to the clerk of each division court. Copies of depositions or examinations furnished to prisoners or defendants to their counsel when proper to be furnished, and retained by the party or his counsel, under the act 4 and 5 Victoria, chapter 24, sec-

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