

A C T S

RESPECTING

EDUCATION AND SCHOOLS

IN

LOWER CANADA.

BEING CHAPTERS 15, 16 AND 17 OF THE CONSOLIDATED STATUTES FOR LOWER
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PUBLIC EDUCATION.

CAP. XV.

An Act respecting Provincial Aid for Superior Education,—and Normal and Common Schools.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

SUPERIOR EDUCATION INVESTMENT AND INCOME FUNDS.

1. The Estates and Property of the late Order of Jesuits, whether in possession or reversion, including all sums funded or invested, or to be funded or invested, as forming part thereof, and the principal of all moneys which have arisen or shall arise from the sale or commutation of any part of the said Estates or Property, are hereby appropriated to the purposes of this Act, and shall form a Fund to be called the “Lower Canada Superior Education Investment Fund,” and shall be under the control and management of the Governor in Council, for the purposes of this Act ; and the said Fund shall be understood to be intended by the words “the said Investment Fund,” whenever they occur in this Act. 19, 20 V. c. 54, s. 1.

Superior Education Investment Fund constituted.

2. The revenues and interest arising from the said Investment Fund, that is to say :

1. The revenues and interest to arise from the real property forming part of the Jesuits’ Estates, or from moneys funded or invested as belonging to the said Estates, or from any property, real or personal, reversible to the said Estates as part of them,—the revenue and interest of investments made or to be made, and of debentures held or to be held, on account of the said Estates ;

Proceeds of said Investment Fund and certain other revenues to constitute the Superior Education Income Fund.

2. The income and interest to arise from investments to be made out of the moneys received or to be received from commutations effected or to be effected in the Seigniories forming part of the said Estates, or out of the moneys to be received from the collection of any arrears of revenues, interest, and of debts now due, being part of the said Estates, and out of all moneys which, in lieu of any Seigniorial right to be abolished or commuted, will, as part of the said Estates, become due and payable under the Seigniorial Act of 1854, and the Seigniorial Amendment Act of 1855, or under any other Provincial Act enacted or to be enacted, in relation to the abolition or commutation of feudal rights and duties in Lower Canada ;

3. The revenue and interest to arise from investments to be made out of the moneys to be received from the sale of any portion of the said Estates, or from the sale or redemption of any *rente foncière* or *rente constituée*, being part of the said Estates,—shall, with the unexpended and unclaimed yearly balances of the Common School Fund for Lower Canada, and the sum hereinafter directed to be paid yearly out of the Consolidated Revenue Fund of this Province, and with any sum to be taken for the purpose in any year out of the Common School Fund of Lower Canada, form a Fund, to be called the “Lower Canada Superior Education Income Fund;” and the said Fund shall be understood to be intended by the words “the said Income Fund,” whenever they occur in this Act. 19, 20 V. c. 54, s. 2.

Governor may order the sale of portions of the said estate and re-invest the proceeds.

3. Whenever it appears to the Governor in Council that the said Income Fund can be increased by the sale and by the investment of the proceeds of the sale of any portion of the said Estates, or of any *rente foncière* or *rente constituée* then forming part of them, the Governor in Council may order such sale to be made, and may direct that the moneys realized by it be invested in provincial debentures or other securities, the annual interest or income whereof shall form part of the said Income Fund. 19, 20 V. c. 54, s. 3.

Certain amount added to the said Income Fund out of the Consolidated Revenue Fund.

4. There shall be annually placed to the credit of the said Income Fund, the sum of twenty thousand dollars, out of the Consolidated Revenue Fund of this Province, which sum shall form part of the said Income Fund, and be appropriated accordingly;—and if in any year the said Income Fund falls short of the sum of eighty-eight thousand dollars, then such sum as may be necessary to make it equal to eighty-eight thousand dollars, shall be taken from the Common School Fund of Lower Canada, and added to the said Income Fund for that year, as part thereof. 19, 20 V. c. 54, s. 4.

How any balance of the said Fund shall be disposed of.

5. If in any one year the whole of the Income Fund is not apportioned, the balance not distributed shall remain for further distribution as hereinafter provided, or shall, if the Governor so directs, be invested, and the income or the interest of the investment shall be added to the said Income Fund, and the principal shall form part of the said Investment Fund. 19, 20 V. c. 54, s. 6.

AID TO SUPERIOR EDUCATIONAL INSTITUTIONS.

Institutions among which the said Income Fund shall be apportioned.

6. The said Income Fund, or such part thereof as the Governor in Council may from time to time direct, shall be annually apportioned by the Superintendent of Education for Lower Canada, in such manner, and to and amongst such Universities, Colleges, Seminaries, Academies, High or Superior Schools, Model Schools and Educational Institutions, other than the

ordinary Elementary Schools, and in such sums or proportions to each of them, as the Governor in Council approves ; and the grants or amounts so apportioned shall be paid by the Receiver General, on the warrant of the Governor, to the said Superintendent, who shall pay the same to the respective Educational Institutions entitled to them. 19, 20 V. c. 54, s. 5.

7. Grants to be made out of the said Income Fund shall be for the year only, and not permanent ; and the Governor in Council may attach to such grants any conditions which are deemed advantageous for the furtherance of Superior Education. 19, 20 V. c. 54, s. 7.

Grants to be annual, and may be made conditional.

8. No grant shall be made to any Educational Institution not actually in operation, nor to any Institution owning real estate, whose liabilities exceed two thirds of the value of such real estate. 19, 20 V. c. 54, s. 8.

Grants limited to Institutions in operation.

9. Any Educational Institution desirous of obtaining a grant under this Act, shall make application to that effect to the Superintendent of Education, before or during the month of July in every year : and the Superintendent shall not recommend any grant to any Educational Institution whose application is not accompanied by a Report, shewing, with reference to such Institution :

Proceedings to obtain a grant.

1. The composition of the governing body ;
2. The number and names of the Professors, Teachers or Lecturers ;
3. The number of persons taught, distinguishing those under sixteen years and those above sixteen ;
4. The general course of instruction, and the books used ;
5. The annual cost of maintaining the Institution, and the sources from which the means are derived ;
6. The value of the real estate of the Institution, if it holds any ;
7. A statement of its liabilities ;
8. The number of persons taught gratuitously, or taught and boarded gratuitously ;
9. The number of books, globes and maps possessed by the Institution, and the value of any museum and philosophical apparatus belonging to it. 19, 20 V. c. 54, s. 9.

What application therefor shall set forth.

AID TO PARISH AND TOWNSHIP LIBRARIES.

A limited annual amount appropriated to the formation of parish and township Libraries.

10. The Governor in Council may direct that out of the said Income Fund, a sum not exceeding two thousand dollars, be yearly, or during any number of years, set apart and appropriated as an aid towards the formation of Parish and Township Libraries, in localities in Lower Canada where adequate contributions may have been made by the School Municipalities or otherwise for the same purpose ; such aid to be given in money or in books as the Governor in Council may direct and upon such conditions as he thinks proper ;—And such Libraries shall be under such management, inspection and regulations as the Superintendent of Education may from time to time determine with the approval of the Governor in Council. 19, 20 V. c. 54, s. 10.

NORMAL SCHOOLS.

Establishment of Normal and Model Schools.

11. The Governor in Council may adopt all needful measures for the establishment in Lower Canada of one or more Normal Schools, containing one or more Model Schools, for the instruction and training of Teachers of Common Schools in the science of Education and art of Teaching ;—he may select the location of such School or Schools, and erect or procure and furnish the buildings requisite for the same. 19, 20 V. c. 54, s. 11, *part.*

Certain amount appropriated for the erection of the necessary buildings.

12. And inasmuch as it is necessary to provide for the purchase of such site or sites, and for erecting or procuring and furnishing of such buildings, as may be requisite for the said Normal School or Normal Schools,—the Governor in Council may order that out of the said Income Fund the sum of eight thousand dollars be for such purposes yearly set apart and appropriated to form a fund to be called “The Lower Canada Normal School Building Fund,” and any sum so yearly set apart and appropriated shall be invested or placed at interest as the Governor in Council may direct ; and the income and interest shall, like the principal, form part of the said Fund :

Proceeds of sale of unsuitable buildings to be added to “Building Fund.”

2. The moneys and interest realized by the sale which the Governor in Council may direct to be made of any site and the buildings thereon already acquired for Normal School purposes in Lower Canada, and not deemed convenient for such purposes, shall form part of the last mentioned Fund, and shall be invested or placed at interest in the like manner as any other sum forming part thereof. 19, 20 V. c. 54, s. 15. *See also 16 V. c. 74, s. 5, authorizing the investment of five thousand pounds from the Jesuits' Estates Fund for the Normal School at Montreal, the interest on the said sum to be re-paid to the said Fund, out of the unclaimed balance of the L. C. Common School Fund, or out of any moneys to be appropriated for Normal Schools.*

13. Any excess or amount of the Lower Canada Normal School Building Fund not actually required for the purposes for which the fund is constituted, shall, in the discretion of the Governor in Council and as he may direct, either revert to and form part of the said Lower Canada Superior Education Income Fund, or be invested as part of the said Lower Canada Superior Education Investment Fund, in which last case the income and interest arising from such investment shall form part of the said Income Fund. 19, 20 V. c. 54, s. 16.

How unexpended balance of the Building Fund shall be disposed of.

14. A sum not exceeding six thousand dollars shall be allowed yearly out of the Common School Fund for Lower Canada, to defray the salaries of officers and other contingent expenses of such Normal School or Normal Schools; and a sum not exceeding four thousand dollars shall be allowed yearly out of the said Income Fund, as an aid to facilitate the attendance of teachers in training at the Normal School or Normal Schools. 19, 20 V. c. 54, s. 13.

Appropriation for the salaries of the Normal School Teachers.

15. In case the two sums mentioned in the preceding section are found insufficient, the Governor in Council may order that out of the said Income Fund a certain sum be yearly set apart and appropriated for the support and maintenance of the said Normal School or Normal Schools, which sum so set apart and appropriated yearly, shall not exceed in any one year the sum of ten thousand dollars. 19, 20 V. c. 54, s. 14.

In case such appropriation be insufficient.

16. The said Normal Schools shall be under the control of the Superintendent of Education for Lower Canada, who, for their establishment and maintenance, shall from time to time make such arrangements as the Governor in Council may direct; and shall, subject to the approval of the Governor in Council, cause to be made from time to time such rules and regulations as may be required for the management of such Normal Schools, and for prescribing the terms and conditions on which Students shall be received and instructed therein,—the course of instruction to be gone through,—and the manner and form in which the Registers and books shall be kept, and certificates of attendance granted to Students;—and shall likewise, subject to such approval, determine who shall be the Teachers and the persons to be employed therein, and the number and remuneration of such Teachers and persons to be so employed; And Reports shall be made from time to time by the Principals of such Normal Schools to the Superintendent of Education, containing such particulars as he directs, whenever such Reports are necessary or he requires them. 19, 20 V. c. 54, s. 11. *But see 19, 20 V. c. 14, s. 18, as to powers of the Council of Public Instruction. (Sec. 21 of this Act.)*

Normal Schools to be under the control of the Superintendent who is to make rules, &c., for their government.

Reports to be made to him.

17. On the presentation by any Student to the Superintendent of Education, of a certificate under the hand and seal of the Principal of any such Normal School, that such Student

Students in Normal Schools, on completion of

a regular
course of study,
may receive a
certificate.

has gone through a regular course of study therein, the said Superintendent may grant to such Student a certificate or diploma of qualification which shall be valid until revoked for some breach of good conduct or of good morals by such Student, and by virtue whereof, while it remains valid, such Student shall be eligible to be employed as Teacher in any Academy, Model School or Elementary School under the control of School Commissioners or Trustees of Dissident Schools. 19, 20 V. c. 54, s. 12.

OF THE COUNCIL OF PUBLIC INSTRUCTION.

Composition
of the Council
of Public In-
struction.

18. The Governor may appoint not more than fifteen and not less than eleven persons (of whom the Superintendent of Education for Lower Canada shall be one) to be a Council of Public Instruction for Lower Canada, and such persons shall hold their office during pleasure, and shall be subject to all lawful orders and directions in the exercise of their duties, which may from time to time be issued by the Governor in Council. 19, 20 V. c. 14, s. 16.

Place of meet-
ing.

19. The Superintendent of Education shall provide a place for the meetings of the Council of Public Instruction, shall call the first meeting thereof, and may call a special meeting at any time by giving due notice to the other Members :

Expenses.

2. The expenses attending the proceedings of the Council shall be defrayed and accounted for by the Superintendent of Education as part of the contingent expenses of the Education Office ;

Recording
Clerk to be
appointed.

3. A Recording Clerk to the said Council shall be appointed by the Governor in Council, and such Clerk shall enter all its proceedings in a book to be kept for that purpose, and shall, as may be directed, procure the requisite maps, books and stationery, and shall keep all the accounts of the Council. 19, 20 V. c. 14, s. 17.

Quorum.

20. Five members of the Council, at any lawful meeting thereof, shall form a quorum for the transaction of business. 19, 20 V. c. 14, s. 18, *part*.

Their duties.

21. It shall be the duty of the said Council—

To appoint a
Chairman.

1. To appoint one of its members to be Chairman thereof, and with the approval of the Governor in Council to establish the time of its meetings and its mode of proceeding ; the Chairman shall have a second or casting vote in case of an equality of votes on any question ;

To make rules
for government
of Normal
Schools.

2. To make from time to time, with the approval of the Governor in Council, such rules and regulations as at the time

of the establishment of the Council, the Superintendent of Education had power to cause to be made with the approval of the Governor in Council, for the management of the Normal School or Normal Schools which may be established, and for prescribing the terms and conditions on which students shall be received and instructed therein, the course of instruction to be gone through, and the mode and manner in which Registers and Books shall be kept, and in which Certificates of Study shall be granted to Students, and the reports of the Principal of any such Normal School shall be made to the Superintendent of Schools; *But see* 19, 20 V. c. 54, s. 11. (Sec. 16 of this Act.)

3. To make from time to time, with the approval of the Governor in Council, such regulations as the Council deems expedient for the organization, government and discipline of Common Schools, and the classification of Schools and Teachers ;

Rules for Common Schools.

4. To select or cause to be published, with such approval as aforesaid, books, maps and globes, to be used to the exclusion of others, in the Academies, Model and Elementary Schools under the control of School Commissioners or Trustees, due regard being had in such selection to Schools wherein tuition is given in French and to those wherein tuition is given in English ; But this power shall not extend to the selection of books having reference to religion or morals, which selection shall be made as provided by the second sub-section of the sixty-fifth section of this Act concerning Common Schools ;

To select the books to be used in the Schools.

But not Religious works.

And the copyright of any book, map, chart, musical composition, or other publication whatsoever, (whether original, or wholly or in part compiled,) published for the use of Schools under the direction of the Council of Public Instruction for Lower Canada, may be acquired and held by the said Council ; and all profits to result from such copyrights shall enure to the benefit of the Lower Canada Superior Education Income Fund ; 22 V. (1859,) c. 52, s. 9.

Copyrights in School books, &c., may be owned by Council of Public Instruction.

5. To make from time to time, with such approval as aforesaid, rules and regulations for the guidance of the Boards of Examiners ;

To make rules for Boards of Examiners.

6. To cause to be inserted by the Recording Clerk, in a book to be kept for that purpose, in such manner and form as the Council may direct, the names and classes of all Teachers who have received certificates or diplomas of qualification from the Board of Examiners, also the names of all Teachers, who after having gone through the regular course of instruction in any Normal School, have received certificates or diplomas of qualification from the Superintendent of Education ;

And to register the names and classes of all Teachers holding certificates.

Report to be made to the Council by the Superintendent.

And to ensure compliance with the immediately foregoing provision, it shall be the duty of the Superintendent of Education—
Firstly, to report to or cause to be laid before the Council, if it be in his power, the names and classes of all Teachers admitted by the different Boards of Examiners since their establishment; Secondly, the names and classes of all Teachers thereafter admitted by the different Boards of Examiners; Thirdly, the names of all Teachers who have received from him certificates or diplomas of qualification after going through the proper course of instruction in any Normal School. 19, 20 V. c. 14, s. 18.

Council may revoke Teachers' certificates.

22. The Council of Public Instruction may revoke any certificate or diploma of qualification granted by any Board of Examiners, to any Teacher, or any certificate or diploma of qualification granted by the Superintendent of Education to any student in any Normal School, for any want of good conduct as Teacher, of good morals, or of temperate habits, in the holder thereof: 19, 20 V. c. 14, s. 19, *part.*

But not unless the charge against such Teacher be fully proved.

2. Such revocation shall not take place, however, unless a charge in writing is made by some complainant, or upon the report of a School Inspector, submitted by the Superintendent of Education to the Council, nor unless such charge be fully proved;

How such charge shall be laid and determined.

3. Any such charge shall be addressed to the Recording Clerk, who shall lay it before the Council at its then next meeting; and if the Council is of opinion that the charge is of such a nature as not to require any investigation, it shall be dismissed *in limine*; but if it is of opinion that the charge is of so grave a nature and character as to require investigation, the Recording Clerk shall cause the Teacher complained of to be served by any Bailiff of the Superior Court for Lower Canada, with a copy of the charge, accompanied by a notice on behalf of the Council, summoning him to appear, either in person or by proxy, before the Council on such day and hour as the Council appoints, to answer the charge made against him; 19, 20 V. c. 14, s. 19, *part.*

How evidence shall be taken on the said charge.

4. If the Teacher denies the charge, the Council shall forthwith, or on a subsequent day, proceed to receive the evidence, oral or in writing, which each party has to offer, and the Recording Clerk may administer the oath to any witness; and he shall take and keep of record the notes of the evidence taken; 19, 20 V. c. 14, s. 19, *part.*

Commissioners to receive evidence.

5. The said Council may appoint one or two Commissioners to receive the evidence, when the parties reside at a great distance, or when the Council see that, by so doing, a saving of unnecessary expense will be effected;

6. The instrument appointing such Commissioner or Commissioners shall be issued on behalf and in the name of "The Council of Public Instruction," and under the signature of the Recording Clerk ;

Their appointment.

7. Upon the receipt of such instrument, the Commissioner or Commissioners shall notify to the parties the time at which they will have to produce their witnesses ; the Commissioner or Commissioners shall swear the witnesses, and the evidence shall be taken by such Commissioner or Commissioners and afterwards transmitted by him or them to the Recording Clerk, who shall lay it before the Council ;

How they shall proceed.

8. If the Teacher does not appear, and neglects to answer the charge, the Council shall proceed by default against him, and shall receive and take the evidence, or cause it to be received and taken, in the manner above provided ;

If the Teacher fails to appear.

9. If the charge is not proved, the Council shall dismiss it, and if it is proved, the Council shall order as a penalty that the certificate or diploma of qualification of such Teacher be revoked, and that his name be struck from the book containing the names of the qualified Teachers. 19, 20 V. c. 14, s. 19

Charge not being proved to be dismissed.

OF THE SUPERINTENDENT OF EDUCATION.

23. The Governor may, from time to time, appoint by Letters Patent, under the Great Seal of the Province, a fit and proper person to be Superintendent of Education for Lower Canada, and hold his office during pleasure ; which office is the same with that called in some of the Acts hereby consolidated "Superintendent of Schools" and no enactment, commission, instrument or proceeding shall be in any way invalidated by the use of either title as the name of office of the said Superintendent :

Appointment of Superintendent.

The said Superintendent shall receive a salary of four thousand dollars, per annum, and shall be allowed nine hundred dollars per annum for a Secretary, and seven hundred dollars for a Clerk, and the contingent expenses of his office ; And the said Superintendent shall give security to Her Majesty, to the satisfaction of the Governor in Council, to the amount of eight thousand dollars. 9 V. c. 27, s. 34—12 V. c. 50, s. 30, and 18 V. c. 89, and amendment of 1860.

Salary of Superintendent, and allowances for Clerks.

Superintendent to give security.

24. It shall be the duty of the Superintendent of Education—

His duties.

1. To receive from the Receiver General all sums of money appropriated for Common School purposes, and to distribute the same among the School Commissioners and Trustees of the respective Municipalities, according to law, and in proportion to the population of the same, as ascertained by the then last Census ;

To receive and distribute money for School purposes.

To prepare
Forms.

2. To prepare and cause to be printed and distributed all necessary Forms ;

And recom-
mendations.

3. To prepare and cause to be printed recommendations and advice on the management of Schools, as well for the School Commissioners and Trustees as for the Secretary-Treasurers and Teachers ;

To keep cer-
tain books.

4. To keep correct books and distinct Schedules of all the matters subjected to his superintendence and control, so that all requisite information may be clearly and promptly obtained by the Government, the Legislature, or the School Visitors ;

To examine
accounts of
parties receiv-
ing public
moneys.

5. To examine and control the accounts of all parties, corporations or associations accountable for any public moneys appropriated and distributed under the laws relating to Common Schools, and to report whether the said moneys are *bonâ fide* applied for the purposes for which they were granted ;

To make an
annual report.

6. To lay annually before the three branches of the Legislature a detailed report of the actual state of education in Lower Canada, tables of Schools, number of children attending them, and other like matters ; 9 V. c. 27, s. 35.

Its contents.

7. To state, in his yearly Report to the Legislature, what he may have done under the first seventeen sections of this Act, during the period to which such Report relates ; 19, 20 V. c. 54, s. 19.

8. To perform all other duties assigned to him by this Act.

His signature ;
effect of.

25. Every document, or copy of a document, signed or certified by the Superintendent of Education, shall be *primâ facie* evidence of the truth of what is therein stated. 12 V. c. 50, s. 13.

Recital.

26. Whenever difficulties of a grave nature on the subject of Schools occur in any School Municipality, and in consequence thereof it becomes necessary that the Superintendent of Education should repair to the spot, to correct the evil, or to obtain information, and he is unable so to repair to the spot, by reason of the other duties of his office, or of sickness, or some other cause, the Governor may, upon a representation in that behalf from the Superintendent of Education, appoint a proper person in the stead of the Superintendent of Education, to act in relation to such difficulties, and with all the powers of the Superintendent, unless those powers be otherwise defined and limited in the order containing the appointment of such Deputy. 12 V. c. 50, s. 23.

May have a
Deputy in cer-
tain cases.

OF COMMON SCHOOLS.

DIVISION OF LOWER CANADA INTO MUNICIPALITIES AND
DISTRICTS FOR COMMON SCHOOL PURPOSES.

27. There shall be in each of the Cities of Quebec and Montreal, and in each Municipality, Town or Village in Lower Canada, one or more Common Schools for the elementary instruction of youth, to be managed by School Commissioners,— or in the event of dissentient schools being established therein, then by the Trustees of such Schools,—in the manner hereinafter provided. 9 V. c. 27, s. 1.

Each Municipality to have one or more Common Schools.

28. Each Municipality existing on the ninth day of June 1846, or legally established thereafter, shall be a Municipality for the purposes of this Act ; But the inhabitants of any City, Town or Village Municipality, other than the Cities of Montreal, Quebec and Three-Rivers, shall, for the purposes of this Act, (unless it is otherwise provided by any special Act) be subject to the jurisdiction of the School Commissioners or Trustees, elected for the Municipality of which the City, Town or Village makes or did formerly make part, and shall have the right of voting at the election of such School Commissioners or Trustees. 9 V. c. 27, s. 2.

What shall be deemed Municipalities for the purposes of this Act.

29. Provided that each Parish, Township or place, which, immediately before the first day of July, 1855, was a Municipality for School purposes, under the Common School Acts of 1846 and 1849, shall continue to be a School Municipality,—subject always to the provision, that any Municipality established after the said day, and for which School Commissioners or Trustees have been elected, has thenceforth been and shall be a School Municipality. 18 V. c. 100, s. 5, *part*.

Certain parishes, &c., to be Municipalities.

30. But the Governor in Council may, from time to time, alter the limits of existing School Municipalities, subdivide the same, or establish new ones, of all which public notice shall be given by the Superintendent of Education, in such manner as the Governor may direct. 12 V. c. 50, s. 1.

Limits of Municipalities may be altered and new ones established.

31. The School Commissioners or Trustees shall divide the Municipality into School Districts, in all places where this has not been already done, and shall designate them by the numbers one, two, &c., and the limits assigned by them to each District shall be entered in the Registers of their proceedings ; they may also at their discretion alter the limits of Districts already existing, and erect new ones from time to time, so as to suit the wants of the population and local circumstances. 9 V. c. 27, s. 18.

Division of Municipalities into School Districts.

32. No School District shall contain less than twenty children between the ages of five and sixteen years ; except that the Commissioners or Trustees may allow one School District in each Municipality to contain less than that number of children. 9 V. c. 27, s. 19.

A certain number of children in each district.

Two or more districts may be united.

33. The School Commissioners or Trustees shall take care that there be a School in each School District, and may, when they deem it expedient, unite two or more Districts, and again separate them, and shall give notice to the Superintendent of Education of their having done so. 9 V. c. 27, s. 20.

**COMMON SCHOOL COMMISSIONERS AND TRUSTEES—THEIR
ELECTION, POWERS AND DUTIES.**

Their Election.

Meeting of householders for election of Commissioners.

34. There shall be held each year, on the first Monday in July, a general meeting of all the landholders and householders of each School Municipality, which meeting, if it be the first which is to be held in the Municipality for the election of a body of School Commissioners, shall be called by the Senior Justice of the Peace,—or, in his default, by any other resident Justice of the Peace,—or, in their default, by any three landholders,—by giving eight days previous public notice at the doors of the Churches or places of Public Worship, or if there be no Church or place of Public Worship, then by a notice posted at two of the most public places in such Municipality :

Senior acting School Commissioner to preside.

2. At such meeting the Senior Justice present, or in his default such other person as may be appointed by the meeting shall preside ;—And thereafter, at the general annual meeting for the election of School Commissioners, one of the Senior acting School Commissioners shall preside, provided that he be not a Minister of the Gospel, and if two Commissioners then present are of the same date in office, then the oldest by age shall preside ;

In case the meeting is not held on the day appointed.

3. If, from any cause, such general meeting has been prevented from taking place on the first Monday in July, and the election could not therefore be proceeded with, such meeting may be held and the election may take place on any of the ensuing Mondays in the same month ;

Election may be continued.

4. And if any such election has been commenced on the first or any subsequent Monday in July, and has not been closed on the same day, it may be continued on the morrow, and the day after the morrow, if necessary, but not longer ;

Time for holding meetings.

5. The time for holding such meetings shall be from ten o'clock in the forenoon until five in the afternoon. 9 V. c. 27, s. 4.

Five Commissioners to be elected.

35. At each such meeting the persons qualified to vote shall elect five School Commissioners, or shall elect the number of Commissioners required to fill the vacancies caused by the retiring of such of the Commissioners as go out of office. 9 V. c. 27, s. 5.

36. The Clergymen of all religious denominations ministering in the School Municipality, and all other persons resident therein, are eligible as Commissioners, without any property qualification; but non-residents other than such Clergymen are not eligible; and no person shall be an Assessor for School purposes unless he possesses real property in the Municipality in which he acts, to the value of four hundred dollars clear. 9 V. c. 27, s. 14,—12 V. c. 50, s. 6 & 28.

Commissioners need not have property qualification.

Qualification of Assessors.

37. If the choice of the School Commissioners is contested, any three electors present may demand a poll, which shall be held in conformity to the regulations established in the Law then in force with regard to the election of Municipal Councillors. 9 V. c. 27, s. 6, *part*.

Poll may be demanded.

38. No person shall vote at any election of School Commissioners in any School Municipality, unless he has previously paid up all contributions then payable by him for School purposes in such Municipality;—And any person so voting in contravention of this enactment, shall incur a penalty not exceeding ten dollars. 12 V. c. 50, s. 9.

Who may vote.

39. All contestations with regard to such elections and to the functions and powers assumed by School Commissioners, or any of them, or their officers, or by any persons claiming to be such Commissioners or officers, may, by any person having authority as Visitor or otherwise over the Schools in the locality, or by any person assessed for their support, be brought by a petition (*requête libellée*) setting forth the case, of which a copy must have been served on the parties concerned, before the Superior Court in the District, or before the nearest Circuit Court, and shall there be determined in a summary manner on the evidence adduced. 9 V. c. 27, s. 6.

Contestation of election to be determined by the Superior or Circuit Court.

40. Any School Commissioner whose election has been obtained by fraud or stratagem, or by the votes of persons not qualified as electors, or any person usurping the functions of School Commissioner, or illegally holding that office, may be summarily prosecuted at the instance of any party interested, or of several collectively interested, before any one of the Judges of the Superior Court for Lower Canada sitting either in the Superior or Circuit Court in the District in which such election, usurpation or illegal detention of office has taken place, for the purpose of declaring such election or such detention of office illegal, and such seat vacant. 16 V. c. 208, s. 1.

Commissioner acting as such illegally may be prosecuted.

41. For all the purposes of the next preceding section, the procedure to be adopted shall be that prescribed by the chapter eighty-eight of these Consolidated Statutes. 16 V. c. 208, s. 2.

Procedure in such case.

42. If the office is declared vacant, or a legal election has not been had, thereby preventing the operation of the School Laws, the Superintendent of Education for Lower Canada may appoint School Commissioners to fill the vacant office, or to replace those who were illegally elected. 16 V. c. 208, s. 3.

Superintendent may appoint Commissioners in certain cases.

Re-election.

43. No School Commissioner shall be re-elected, except by his own consent, during the four years next after his going out of office. 9 V. c. 27, s. 15.

List of persons elected to be transmitted to Superintendent.

44. The Chairman of any general meeting for the election of School Commissioners shall, within eight days thereafter, report the proceedings thereat to the Superintendent of Education and transmit to him a list of the persons elected thereat as Commissioners, under a penalty of five dollars. 9 V. c. 27, s. 11.

In case no election is held.

45. For the Municipalities in which no election of School Commissioners has been had within the time hereby prescribed, the Superintendent of Education shall, *ex officio*, upon an order from the Governor in Council, appoint them, and also a Secretary-Treasurer, subject to the provision in the next following section. 9 V. c. 27, s. 12.

Proceedings in case no election is held.

46. Within fifteen days after the time when any such election ought to have been had, the School Commissioners for the then last year, three of the School Visitors, the acting Church-Wardens, Elder, Class-Leader or Trustees of the several religious denominations, and the Clergyman or Minister of the most numerous congregation, may meet and submit to the Superintendent of Education, the names of so many persons as School Commissioners as are provided by this Act; and on the approval of the said Superintendent, signified to the Chairman of such meeting, such persons shall become School Commissioners for the purposes of this Act. 9 V. c. 27, s. 13.

In case of vacancy among Commissioners.

47. If any vacancy happens among the School Commissioners, by reason of the permanent absence from the Municipality, death or incapacity from sickness of any Commissioner, another shall be elected in his stead by the electors for the locality, at a meeting called for that purpose by the Chairman or temporary Chairman of the School Commissioners, and at which he himself, or in his absence, one of the School Commissioners by him named, shall preside. 9 V. c. 27, s. 14.

In what case vacancy is to be filled by the Governor.

48. Whenever on the occurrence of a vacancy in the office of School Commissioner, in the case provided for by the next preceding section, the election of another person to the said office has not taken place within one month after the occurrence of such vacancy, the Governor in Council may fill up such vacancy. 12 V. c. 50, s. 10, *part*.

In case of incapacity.

49. In all cases of incapacity arising from sickness, no election or appointment to fill the said office shall take place, unless the said incapacity has been established by the certificate of a Physician deposited with the Secretary-Treasurer; and the vacancy arising from such incapacity shall date from

the day of the deposit of such certificate. 12 V. c. 50, s. 10, remainder.

Their term of office and corporate rights.

50. The School Commissioners elected at a general meeting, or appointed by the Governor or by the Superintendent of Education, as above mentioned, shall remain in office for three years ; except that after the first election or nomination of a Board of Commissioners, two of them (to be determined by lot) shall go out of office at the end of one year, and two more (to be determined in like manner) shall go out at the end of two years, and the remaining one at the end of three years ;—the Chairman shall be liable, in common with the other School Commissioners, to go out of office if it be so determined by lot, and the places of Commissioners going out of office shall be filled by election at a general meeting, or in default by others appointed by the Governor. 9 V. c. 27, s. 7.

School Commissioners to hold office for three years.

51. No School Commissioner shall be a Teacher of any School in his Municipality. 9 V. c. 27, s. 8.

Commissioners not to be Teachers.

52. At meetings of the School Commissioners, all questions shall be decided by the majority of votes ; and when the votes upon any question are equal on both sides, without the vote of the Chairman, then and in that case only, the Chairman may give his vote, as a casting vote, but in no other case shall the Chairman vote. 9 V. c. 27, s. 17.

Majority to decide all questions.

53. The School Commissioners in each Municipality shall be a Corporation under the name of *The School Commissioners for the Municipality of* , in the County of ; they shall have perpetual succession and a common seal, if they think proper to have one ; they may sue and be sued, and shall generally have the same powers which any other body politic or corporate has, or ought to have with regard to the purposes for which it is constituted ; but the Commissioners for the Cities and Municipalities of Quebec and Montreal shall not at any time hold real property to the yearly value of more than two thousand dollars, nor shall those of other Municipalities hold real property to the yearly value of more than one thousand two hundred dollars. 9 V. c. 27, s. 23.

To be a Corporation.

Their rights as such.

54. No such Corporation shall, without the express authority of the Superintendent of Education, alienate any portion of the property held by it ;—And no such Corporation shall cease by reason of the want of School Commissioners in any Municipality at any time, but in such case the powers of the Corporation, as regards the possession of any property, real or personal, shall become vested in the Superintendent of Education, and in his default in the Governor, in trust, until it is otherwise provided by law ;—And all Lands, School Houses or other

School property vested in Commissioners.

property, real or personal, belonging to Common Schools, in any part of Lower Canada, under any law or by any title whatsoever, are vested in the Corporation of the School Commissioners respectively, of the Municipality in which such property is situate. 9 V. c. 27, s. 24.

TRUSTEES OF DISSENTIENT SCHOOLS.

In what case dissentient Trustees may be chosen.

55. When in any Municipality, the regulations and arrangements, made by the School Commissioners for the conduct of any School, are not agreeable to any number whatever of the inhabitants professing a religious faith different from that of the majority of the inhabitants of such Municipality, the inhabitants so dissentient may collectively signify such dissent, in writing, to the Chairman of the Commissioners, and give in the names of three Trustees, chosen by them for the purposes of this Act :

Powers of such Trustees.

2. Such Trustees shall have the same powers and be subject to the same duties as School Commissioners, but for the management of those Schools only which shall be under their control ; and such dissentient inhabitants may, by the intervention of the Trustees, establish, in the manner provided with regard to other Schools, one or more Schools, which shall be subject to the same provisions, duties and supervision, and they shall be entitled to receive from the Superintendent or from the School Commissioners, a sum out of the general or local School Fund, proportionate to the dissentient population they represent ;

School House to continue to be occupied by dissentients, in certain cases.

3. Whenever the majority of the children attending any School in operation on the ninth day of June, one thousand eight hundred and forty-six, and the School House, then belonged to, or such School House was then occupied by such dissentients, the School House shall continue to be occupied by them so long as the number of children taught in the School amounts to the number required to form a School District ;

Proportion of School moneys to be paid to Trustees.

4. And the entire amount of moneys raised by assessment on such dissentients shall be paid to the Trustees of such School, together with a due proportion of the building fund. 9 V. c. 27, s. 26.

Election of Trustees.

56. The Trustees of dissentient minorities shall be elected for three years, except that at the end of each of the two first years one of the Trustees shall retire and may be re-elected, but if he is not re-elected another shall be elected in his stead, by such dissentients :

Children from other School Districts may attend dissentient Schools.

2. Children from other School Districts, of the same faith as the dissentients for whom the School was established, may attend the same whenever such dissentients are not sufficiently numerous in any District to support a School alone

3. Individuals of the dissentient minority shall not be elected or serve as School Commissioners, nor vote at the election of the School Commissioners ;—and in like manner the individuals of the majority shall not be elected or serve as School Trustees, nor vote at their election. 9 V. c. 27, s. 29.

Dissentients not to be elected Commissioners.

57. Whenever Trustees of Dissentient Schools have been chosen, and have established one or more Dissentient Schools in any School Municipality, and the said Trustees are not satisfied with the arrangements antecedently made by the School Commissioners of the Municipality relative to the recovery and the distribution of the assessments, they may, by a written declaration to that effect, addressed to the Chairman of the School Commissioners, at least one month before the first day of January or July in any year, acquire the right of themselves receiving for the following and all future years, during which they continue to be such Trustees, the assessments levied on the inhabitants so dissentient, and who have signified their dissent in writing, as hereinafter provided : 12 V. c. 50, s. 18.

Trustees may receive the assessment on dissentient inhabitants.

2. The said Trustees shall, in such case, be entitled to obtain a copy of the assessment in force, of the lists of children capable of attending School, and of other documents in the hands of the School Commissioners or of the Secretary-Treasurer, and connected with the future government of Dissentient Schools ; And the said Trustees may also receive the amount of the monthly fees payable in respect of the children of dissentient parents or masters, and may institute all suits or prosecutions, and do all other things necessary for the recovery of the said assessments and monthly fees ; 12 V. c. 50, s. 18.

Trustees may receive School fees.

3. The said Trustees shall be a Corporation for the purposes of their own dissentient Schools and School Districts, and shall be entitled to receive, from the Superintendent of Education, shares of the General School Fund, bearing the same proportion to the whole sums allotted from time to time to such Municipality as the number of children attending such Dissentient Schools bears to the entire number of children attending School in such Municipality at the same time, and a similar share of the building fund ; 12 V. c. 50, s. 18.

Trustees to be a Corporation.

4. The said Trustees may constitute their own School Districts, independently of the School Districts established by the School Commissioners, and shall have the same rights and shall be subject to the same duties and penalties as the School Commissioners, in respect of the collection and application of the moneys by them received, of the rendering and examination of their accounts, and of all other matters whatever in reference thereto, and may be removed and others appointed by the Governor in Council, or by the Superintendent of Education, in all those cases in which School Commissioners are liable to be so dealt with ; 12 V. c. 50, s. 18.

May constitute their own School Districts.

May make a
separate as-
sessment.

5. If, after such declaration of separate management, there is no subsisting assessment, or if the assessment does not appear to them a proper one, the Trustees may, in the months of July and August in each year, proceed to make such assessment for the future upon the inhabitants so dissentient. 12 V. c. 50, s. 18.

Their powers
as regards it.

58. The Trustees of Dissentient Schools shall alone have the right of fixing and collecting the assessments to be levied on the inhabitants so dissentient. 19, 20 V. c. 14, s. 5.

SECRETARY-TREASURER TO THE COMMISSIONERS OR TRUSTEES.

Appointment
of Secretary-
Treasurer.

59. The School Commissioners or Trustees shall meet on the first Monday after their appointment or after notice of their election, for the purpose of choosing a Chairman and a Secretary-Treasurer; and in case of the absence, whether permanent or temporary, of the Chairman, the assembled School Commissioners or Trustees shall name one of themselves as Chairman for the time being, who shall then be vested with the same powers and privileges as the ordinary Chairman. 9 V. c. 27, s. 16.

Secretary-
Treasurer to
give security.

60. Every Secretary-Treasurer shall, before entering upon his duties as such, give security to the School Commissioners or Trustees, either by a Notarial Instrument (*Acte notarié*) the minute of which shall remain with the notary receiving it, or by a bond (*Acte sous seing privé*) signed and acknowledged before a Justice of the Peace:

In what man-
ner.

2. The said security shall be given by at least two solvent sureties jointly and severally (*solidairement*) to the satisfaction of the Chairman of the School Commissioners or Trustees, and for the total amount of the moneys for which the Secretary-Treasurer may at any time be responsible, whether arising from the Local School Fund, or from any particular contributions or donations paid into his hands for the support of Schools, or from the Common School Fund, and such security shall be renewed whenever its renewal is required by the School Commissioners or Trustees;

In case securi-
ty is by *Acte
sous seing
privé*.

3. Whenever the said security is entered into by Bond (*Acte sous seing privé*), the original thereof shall, within one month after its execution, be deposited in the hands of the County Registrar, who shall keep the same in his custody and deliver copies thereof, which, being certified by him, shall be considered to all intents and purposes as authentic; And for every such copy the Registrar may demand and receive ten cents for every hundred words therein;

Removal of
Secretary-
Treasurer.

4. The School Commissioners or Trustees may at any time remove the Secretary-Treasurer, and appoint another in his place;

No Schoolmaster shall be elected or serve as a Secretary-Treasurer, nor be appointed a Justice of the Peace. 12 V. c. 50, s. 7. Schoolmasters not to be—nor to be J. P's.

61. Every such Secretary-Treasurer shall, annually, in the first week of the month of July, prepare and submit to the School Commissioners or Trustees a detailed statement of the receipts and expenditure of the Municipality for the year expired on the thirtieth day of June immediately preceding ;—such statement, after being approved by the School Commissioners or Trustees, shall be by them submitted to a public meeting of the rate-payers of the Municipality convened sometime in the month of July, by the Secretary-Treasurer, in the manner prescribed for convening meetings for the election of School Commissioners ;—and a fair copy of such statement, certified and signed by the Secretary-Treasurer, shall be by him affixed at the door of the Church, or principal place of worship in the Municipality, before the hour of nine of the clock in the forenoon of the Sunday next after such meeting ; and the Secretary-Treasurer shall, on the payment to him of the sum of one dollar, furnish to any rate-payer a copy of such statement. 14, 15 V. c. 97, s. 10. Annual statement to be submitted by.

62. The remuneration of the Secretary-Treasurer may, in the discretion of the School Commissioners or Trustees, be fixed at any amount not exceeding seven per cent. on the moneys received by him as such ; but such remuneration shall include every service which the Commissioners or Trustees may require from time to time from the Secretary-Treasurer, and shall cover all contingent expenses whatever (except such as may be specially authorized by rules and regulations to be made by the Superintendent of Education from time to time), and shall not exceed one hundred and twenty dollars in one year in any case. 19, 20 V. c. 14, s. 8. His remuneration.

63. In the event of any difficulties arising between the School Commissioners or Trustees and the Secretary-Treasurer of any School Municipality, or in the event of an application in writing to the same effect being addressed to the Superintendent of Education by at least five of the assessed contributors to the Local School Fund of the Municipality, on the subject of the accounts, or of the rendering of the accounts of the Secretary-Treasurer for the year ending on the first of July then preceding, the Superintendent of Education shall have power at all times to cause the said accounts, together with the vouchers in support of the same, or copies thereof, to be laid before him, and shall upon the whole matter render a full and explanatory judgment, which shall be entered in a Register to be by him kept for that purpose, which judgment shall have the force of a decision of Arbitrators (*sentence arbitrale*) as to all parties concerned, and of such judgment copies may be given by him, which, being by him certified as true, shall be taken and deemed to be authentic. 12 V. c. 50, s. 12. Powers of Superintendent as regards Secretary-Treasurer in certain cases.

DUTIES OF COMMON SCHOOL COMMISSIONERS AND TRUSTEES.

With respect to School Property.

Duties of Commissioners or Trustees.

64. It shall be the duty of the School Commissioners or Trustees in each Municipality : 9 V. c. 27, s. 21.

To hold lands and School houses.

1. To take possession of lands and School Houses acquired, given to, or erected by the School Trustees or Commissioners, and to which the Province may have contributed in virtue of any former Act, or by the Royal Institution (which Institution is hereby authorized to surrender the same), under any Act for the encouragement or promotion of Education ;—and in case of opposition, to give notice thereof to the Superintendent of Education, who shall advise them as to the means of removing or overcoming such opposition ; 9 V. c. 27, s. 21, p. 1.

To acquire and apply School property.

2. To acquire and hold for the Corporation, by any title whatsoever, all real or personal property, moneys or income for the purposes of Education, until the power hereby given be taken away or modified by Law, and to apply the same according to the instructions of the donors ; 9 V. c. 27, s. 21, p. 2.

To keep School houses in order.

3. To do whatever may be expedient with regard to building, repairing, keeping in order or renewing all School Houses, lands, fences and moveable property held by them, or to hire temporarily or accept the gratuitous use of Houses and other buildings for the purpose of keeping Schools therein ; 9 V. c. 27, s. 21, p. 3, *part.*

Managers.

4. They may associate with themselves, permanently, or for a time only, Managers to aid them in matters connected with the administration of the School Houses, the erection and repair, warming and cleaning thereof, and with keeping in good order the property, moveable and immoveable, belonging to the Schools, and other like matters ; 9 V. c. 27, s. 21, p. 15.

Special assessments for building School houses.

5. Whenever it is necessary to purchase or to build a School House, in any School District, and it appears to the School Commissioners, from their knowledge of the circumstances of the case, that it would be just that such School House should be purchased or built by the inhabitants of the School District specially, and not by the Municipality generally ;—and whenever, under like circumstances, it becomes necessary to repair and keep in order any School House in any particular School District, the said School Commissioners may levy, at the time and in the manner prescribed for levying assessments for the building of School Houses in general, a special assessment in each such School District, for the purchase or building, and for the repairing and keeping in order of the School House of such School District, and in such case such School District

shall for that year be exempt from any assessment for the purchase or building of School Houses, except it be for a Model School ;

6. And in every case of special assessment, in any School District, or of a general assessment in the whole of the Municipality, for the purchase or building of School Houses, other than a Model School, after such special assessment has taken place, any of the parties so assessed, in every School District so separately assessed, may appeal to the Superintendent of Education, who may set aside such assessment, or relieve therefrom the School Districts, or any one of them so appealing, or confirm the same, as to him appears most equitable under the circumstances ; 12 V. c. 50, s. 15.

Appeals from such assessments.

7. No rate shall be levied for the building of a Superior or Model School House to exceed the sum of one thousand dollars, nor for building a Common School House to exceed the sum of five hundred dollars ; and all accounts relative to the objects aforesaid shall be transmitted annually to the Superintendent of Education ; 9 V. c. 27, s. 21, p. 3, *part*,--And 22 V. (1859,) c. 52, s. 7.

Limitation of such assessments.

8. Whenever a site for a School House is selected by the School Commissioners or Trustees, or any alteration is made in the limits of any School District, or any new one is created in any School Municipality, an appeal shall at all times lie to the Superintendent of Education ; but no such appeal shall be brought without the approbation in writing of three School Visitors other than the School Commissioners or Trustees of the said Municipality. 12 V. c. 50, s. 11.

Appeals as regards limits of districts.

With respect to the Schools, Teachers, books, fees, &c., &c.

65. It shall be the duty of the School Commissioners and Trustees :

Duty of Commissioners as regards—

1. To appoint and engage from time to time Teachers duly qualified to teach in the Schools under their control, and after mature deliberation at a meeting of Commissioners or Trustees called for that purpose, to remove them on account of incapacity, neglecting faithfully to perform their duties, insubordination, misconduct or immorality ; 9 V. c. 27, s. 21, p. 4.

Appointment of Teachers.

2. To regulate the course of study to be followed in each School,—to provide that no other books be used in the Schools under their jurisdiction than those approved and recommended by the Council of Public Instruction ;—to establish general rules for the management of the Schools, and to communicate them in writing to the respective Teachers ;—to fix the time of the annual public examination, and to attend the same ;

Course of study.

Exception as
to religious
books, &c.

But the Curé, Priest or officiating Minister, shall have the exclusive right of selecting the books having reference to religion and morals, for the use of the Schools for children of his own religious faith ; 9 V. c. 27, s. 21, p. 5,—19, 20 V. c. 14, s. 18, p. 4.

Their duty as
to disputes.

3. To hear and decide every dispute arising in relation to the Common Schools in their Municipality, between the parents or children and the Teachers, and others of like nature ; 9 V. c. 27, s. 21, p. 6.

To fix the
School fees.

4. To fix the fees per month to be paid during the eight school months, for each child of age to attend school, by each father or mother of a family, tutor or curator, to the Secretary-Treasurer over and above the rate levied, and for the use of the School District (*arrondissement*) paying the same ;—such fees not to exceed in any case forty cents per month, and to be diminished at the discretion of the Commissioners or Trustees, according to the means of the parents, age of the children, and course of instruction, but not to be less than five cents per month ;

Fees in Model
Schools.

The Commissioners or Trustees may, nevertheless, ask higher monthly fees in Model Schools, and for the whole time the same are in active operation. 9 V. c. 27, s. 21, p. 12.

Age of children
to govern
amount of fees.

66. The said monthly School fees shall not be demandable except for each child of from seven to fourteen years of age capable of attending School ; but children from five to sixteen years of age residing in any School District, shall have a right to attend the School thereof, upon payment of the said monthly fees. 12 V. c. 50, s. 2.

Certain persons
exempt from
payment of.

67. The School Commissioners or Trustees shall not exact the monthly School fees from indigent persons, nor from any other persons for children who are mentally deranged, blind, deaf and dumb, or incapable of attending School by reason of some grave and protracted illness, nor for children absent from the School Municipality for their education, or attending a College or other Educational Institution, either incorporated or receiving a special allowance out of public funds other than those under the control of the School Commissioners. 12 V. c. 50, s. 3.

Certain fees
not to form
part of School
Fund.

68. The monthly fees payable on account of children attending a Model School, or a separate Girls' School, or a School kept by some religious community forming a School District, shall form no part of the School Fund ;—but such monthly fees, to the amount established for the other children in the Municipality, shall be payable directly to the Teacher, and be for his or her use, unless different monthly fees have been agreed upon. 12 V. c. 50, s. 21.

69. The School Commissioners and Trustees, in the semi-annual accounts and reports which they are bound to transmit to the Superintendent of Education, shall state the amount of monthly fees fixed for each child, and the amount of such fees actually collected, either directly by them or by the Teacher;—and if the School Commissioners or Trustees fail to fix the amount of monthly fees to be paid for each child, or to cause the same to be collected, the Superintendent of Education, with the approval of the Governor in Council, may refuse the School allowance for the year, to the School Municipality, represented by such Commissioners or Trustees in default. 19, 20 V. c. 14, s. 3.

Commissioners to transmit a statement of fees received.

With respect to Schools for Girls.

70. The School Commissioners or Trustees may establish in the Municipality, a Girls' School distinct from that for Boys, and such Girls' School shall be deemed to form a School District;—And if any religious community has already established in such Municipality a Girls' School for elementary education, such community may place its School, from year to year, or as may be agreed upon, under the management of the Commissioners or Trustees, and it shall then be entitled to all the advantages hereby granted to Common Schools. 9 V. c. 27, s. 30.

Separate Schools for girls may be established.

With respect to the annual census of children attending Schools.

71. The School Commissioners and the Trustees of Dissentient Schools, shall cause to be made by their Secretary-Treasurers, between the first day of September and the first day of October, of every year, a census of the children in each School Municipality, distinguishing those who are from five to sixteen years of age, those from seven to fourteen years, and those actually attending school; and shall transmit such census to the Superintendent of Education within ten days after its completion. 19, 20 V. c. 14, s. 2.

Commissioners to prepare an annual census of children in each Municipality.

With respect to inspection of Schools—Minutes of proceedings, &c.

72. It shall be the duty of the School Commissioners and Trustees :

1. To name two or more from among themselves to visit each public School in the Municipality at least once in six months, and to report to the Corporation, of which they are members, the state of the School, and whether their rules and regulations are strictly observed, also the progress of the scholars, the character and capacity of the Teachers, and every other matter relating to the management of the Schools ; 9 V. c. 27, s. 21, p. 7.

Schools to be inspected by Commissioners.

Commissioners to obey instructions of Superintendent as regards accounts and register.

2. To comply, as regards the accounts and register to be kept by the Secretary-Treasurer, with all instructions, whether special or general, from time to time given them by the Superintendent of Education, to whom they shall report their proceedings yearly, before the first day of July; 9 V. c. 27, s. 21, p. 8.

To keep registers and accounts.

3. To keep registers of their proceedings, signed for each sitting by the Chairman and Secretary; and also correct accounts of their receipts and expenditure, with reference to the Schools in each District under their control, mentioning specially what relates to each School; and such accounts shall be open to all persons, contributors to the support of the Schools, at all seasonable hours. 9 V. c. 27, s. 21, p. 9.

With respect to assessments and rates.

How and to what amounts school assessments shall be levied.

73. It shall be the duty of the School Commissioners and of the Trustees of Dissentient Schools, in their respective Municipalities, to cause to be levied by assessment and rate, in each Municipality, a sum equal to that allowed out of the Common School Fund (for such Municipality,) and to report their proceedings in this respect to the Superintendent of Education; and to enable them to receive from the said Superintendent their share of the Common School Fund, they must furnish him with a declaration from their Secretary-Treasurer, that he has actually and *bonâ fide* received, or that he has placed in the hands of the School Commissioners or Trustees for the purposes of this Act, a sum equal to the said share accruing to such Commissioners or Trustees. 9 V. c. 27, s. 21, p. 10.

An additional sum may be collected.

74. The School Commissioners or Trustees of Dissentient Schools may cause to be levied by assessment and rate, such additional sum beyond that which they are directed to levy by the next preceding section as they think it necessary to raise for the support of the Schools under their control; and this provision extends to the Cities of Quebec and Montreal. 9 V. c. 27, s. 21, p. 10,—19, 20 V. c. 14, s. 1,—And 22 V. (1859,) c. 52, s. 6.

In case of unforeseen expenditure.

75. The School Commissioners and Trustees, at the same time and in the same manner, shall cause to be raised an additional sum not exceeding thirty per cent. upon the total sum to be so raised as aforesaid, for the purpose of making good any deficiency in the collection of the assessment and any unforeseen or contingent expenditure. 9 V. c. 27, s. 37,—And 19, 20 V. c. 14, s. 1.

How assessments shall be laid.

76. Such assessment shall be laid equally accordingly to valuation, upon all rateable real property in the Municipality, and shall be payable by and recoverable from the owner, occupant or possessor of the property liable to be rated, and shall,

if not paid, be a special charge bearing *hypothèque* and not requiring registration to preserve it on all immoveable property. 9 V. c. 27, s. 36.

77. Unconceded lands in Seigniories shall be free from assessment under this Act, but all Seigniors shall pay, on account of their lucrative rights, one-fortieth part of the sum assessed in the Municipality or Municipalities, or portions of Municipalities of which they are Seigniors, in proportion to their Seigniorý in the same :

Assessment of
Seigniorial
rights.

2. All buildings set apart for purposes of education, or of religious worship, Parsonage Houses, and all charitable Institutions or Hospitals incorporated by Act of Parliament, and the ground or land on which such buildings are erected, and also all burial grounds, shall be exempt from all rates imposed for the purposes of this Act ; 9 V. c. 27, s. 37.

Certain property
exempt
from.

3. The School Commissioners or Trustees of any Municipality, as regards lands and immoveable property liable to assessment by them respectively, may at any time value and assess any lot of land conceded, or any lot of ground or building lot separated from any land already valued and assessed, or upon which one or more houses or buildings have been erected,—since the publication of the last Valuation Roll, and may make in the Valuation Roll and in the Assessment Roll of the School Municipality, such alterations as become necessary by the concession of such lot of land, or the separation of such lot, or the erection of any such house or building ; and all such alterations in the Valuation or Assessment Roll, shall be made and published in the manner by law prescribed for the making and publishing of the Valuation and Assessment Rolls in any School municipality ; Provided always, that the said Commissioners or Trustees shall not be bound to make such valuation when the alterations which could result therefrom appear to them to be trifling and of small account. *Amendment of 1860.*

Correction in
valuation-roll,
for subsequent
improvements.

78. In all places where a valuation of property has been made by order of the Municipal authorities, such valuation shall serve as the basis of the rates to be made under the authority of this Act, and the Secretary-Treasurer of the Municipal Council shall, on demand, furnish to the School Commissioners or Trustees a copy of any such valuation ;—But if no such valuation has been made, the School Commissioners or Trustees may cause the same to be made by three fit and proper persons. 9 V. c. 27, s. 38.

Municipal va-
luation to serve
as basis for.

ASSESSORS.

79. If there is no existing property-valuation either for the County or for the particular Municipality in question, upon

Assessors to be
appointed

where no property-valuation exists.

which an assessment for Schools can be based, or if the persons in whose hands such valuation is deposited refuse, or neglect, after having been thereunto required by ten days' notice in writing, to deliver to the School Commissioners or Trustees of a School Municipality entitled thereto, or to their Secretary-Treasurer, the original of the said valuation, or a certified copy thereof, (which copy being so certified to be true, by the person so having the custody of the original, shall be *prima facie* evidence of the truth of what is therein stated,)—the School Commissioners or Trustees may, at all times after such refusal or neglect, cause such property-valuation to be made by three Assessors to be appointed and authorized by them for that purpose :

Commissioners liable to a penalty if they neglect to obtain such valuation.

2. If the said Commissioners or Trustees neglect to give, within one month after their election or appointment, the notice hereinabove required, to obtain either the original or a copy of the said valuation,—or if they neglect to cause the said valuation to be made in their School Municipality within three months next after their said election or appointment, in the cases hereinabove in this section mentioned,—each of the said Commissioners or Trustees shall be liable to a penalty of ten dollars for having neglected to give the said notice, and to a further penalty of one dollar, for each and every day that the said Commissioners or Trustees have been in default in causing the said valuation to be made, as required in the case hereinbefore mentioned ;

Proviso.

3. Provided, always, that when a valuation applicable to the levying of assessment for schools is in existence, and the persons in possession thereof refuse or neglect to hand over and deliver as aforesaid, either the said original or the said copy so certified, within ten days after being thereunto required, every such person shall, for such refusal or neglect, incur a penalty of twenty dollars ;

Fee for copy of such valuation.

4. For every such copy so duly certified and delivered, such person shall be entitled to receive from the School Commissioners or Trustees the sum of eight dollars, and no more ;

5. But whenever the valuation to be copied comprises a larger territorial extent, a copy of so much thereof as relates to such School Municipality shall be sufficient. 12 V. c. 50, s. 24.

Powers of assessors.

84. The persons authorized to make the property-valuation, upon the basis of which the assessment for Schools in any School Municipality may be established, shall at all times have the right to enter in and upon any property, whether in the possession of the proprietor or of any other occupant,—to inspect the said property, and to require from such proprietor or occupant any information calculated to aid in the making and completing of the valuation ;—And in case of any obstruction

or refusal to allow any such persons to effect such valuation, or to give them such information, every person so refusing or obstructing them shall incur a penalty of four dollars. 12 V. c. 50, s. 25.

81. Whenever an assessment maintained by the School Commissioners or Trustees in any School Municipality is annulled or set aside, the said Commissioners or School Trustees shall forthwith, in a summary manner, cause a new assessment to be made, which new assessment shall be made and take effect in such Municipality for the whole time, as well passed as to come, for which the assessment so annulled or set aside would have been in operation and in force if it had been valid :

New assessment in certain cases.

2. But such annulling or setting aside of the said assessment shall not have the effect of invalidating any payments made under the authority of the assessment so annulled or set aside, which payments shall go towards the discharge of the new assessment for the period for which they have been made, the assessment so annulled or set aside being declared invalid for the future only, and not with regard to any judgments then already rendered to enforce such payments ; 12 V. c. 50, s. 17.

Effect of annulling of assessment.

3. No assessment for School purposes shall be held for null or be set aside, by reason of its having being made or published after the time limited by law. 22 V. (1859,) c. 52, s. 8.

Assessment not void tho' after the time limited.

82. When a property-valuation, upon the basis of which the assessment for Schools may be established in any School Municipality is made, it shall be amended by that authority only by which it was ordered to be made ; and the assessment, based on such valuation, shall not be amended, except by the School Commissioners or Trustees only ; and the same may be amended by the said School Commissioners or Trustees at any time during their incumbency in the said office. 12 V. c. 50, s. 26.

Amendment of property valuation.

83. Any person who acts as Assessor, to make a property-valuation upon the basis of which the assessment for Schools may be established, as aforesaid, without being a proprietor of real or personal property in the Municipality in which he so acts, to the amount of four hundred dollars, shall incur a penalty of ten dollars, unless such Assessor be otherwise exempt by law from possessing such qualification. 12 V. c. 50, s. 28.

Qualification of assessors.

OF THE PAYMENT OF SCHOOL RATES.

84. Each School rate shall be fixed and laid between the first day of May and the first day of July, and shall be paid in each year at any time on demand, provided public notice be

Notice to pay School rates.

given at least thirty days before enforcing payment of the same ; and the School Commissioners or Trustees and Secretary-Treasurer may, in their discretion, receive the amount of such rates and of the monthly payments for the children, in produce at prices to be fixed by them :

What shall be sufficient notice.

2. And notice given in the manner hereinbefore prescribed with regard to the holding of general meetings, that the roll of School rates so fixed lies for inspection in the hands of the Secretary-Treasurer, shall be sufficient publication and notification thereof ; and it shall lie in his hands for inspection at least thirty days after notice, during which time it may be amended by the Municipal Authority, after which it shall be in full force, and shall be conclusive evidence as to the School rates payable into the office of the Secretary-Treasurer by any party or on any property subject thereto. 9 V. c. 27, s. 39.

School rates may be collected with municipal assessments.

85. Every Local Municipal Council may accept from the School Commissioners or Trustees of any School Municipality situate within the limits of the Local Municipality, the Collection Roll for school rates, or a certified copy thereof, and may by resolution declare that the collection of the rates shall be made at the same time and in the same manner as that of the Municipal assessments ;—And any Secretary-Treasurer charged with the collection of such rates, shall hand over the entire amount so soon as he has collected them, to the Secretary-Treasurer for Schools entitled to receive the same. 20 V. c. 41, s. 5, p. 1.

SPECIAL ASSESSMENTS TO PAY DEBTS OF COMMON SCHOOLS.

Special assessments for payment of debts.

86. The Superintendent of Education may cause special assessments to be levied in any School Municipality, for the payment of lawful debts admitted by such Municipality, or adjudged by a Court of Justice to be due by it, and which such Municipality could not otherwise pay ;—And whenever such debts have been contracted by a Municipality subsequently divided into several Municipalities, or the limits of which have been subsequently altered, the Superintendent shall apportion the payment of such debt or debts equitably among the several Municipalities liable for the same. 19, 20 V. c. 14, s. 10.

VOLUNTARY CONTRIBUTIONS IN LIEU OF ASSESSED RATES.

In what cases voluntary contributions may be substituted for rates.

87. When in any School Municipality the valuation of property has been duly made, and the assessment for Schools founded upon the said valuation, has been established before the first of July in any year, for the then following scholastic year, the persons so assessed, or any other of the inhabitants of such School Municipality or School District, may, in the said month of July, pay, as a voluntary contribution, into the hands

of the Secretary-Treasurer, the sum required for the scholastic year then commenced, to equal the amount of public moneys granted to such Municipality out of the School Fund, for the said scholastic year :

2. The payment of such voluntary contribution shall be attested on oath before a Justice of the Peace, by the Secretary-Treasurer and by the Chairman, or some other of the School Commissioners or Trustees of the said Municipality, and such attestation shall be transmitted to the Superintendent of Education before the tenth day of September ;

Attestation of payment thereof.

3. The Secretary-Treasurer shall not receive the amount of the said voluntary contribution by portions or otherwise, than in one and the same payment ; and he shall hold the said amount in lieu of the fund which would have been raised by assessment for the scholastic year so commenced, and the said assessment shall thereupon be inoperative for that year in such School Municipality or District ; But the monthly School fees, and any assessment imposed for the erection of School Houses, shall be levied by the School Municipality or District, when they have not been voluntarily paid. 12 V. c. 50, s. 4.

How such contributions shall be paid.

DISTRIBUTION AND APPLICATION OF COMMON SCHOOL FUNDS.

88. The sums constituting the Lower Canada Common School Fund may be paid to the Superintendent of Education in two semi-annual payments, under two accountable Warrants to the Receiver General to be issued by the Governor ; and the Superintendent shall deposit the said sums in such Bank as the Governor in Council may direct, and shall apportion the same according to law among the Municipalities, and shall pay to the School Commissioners and Trustees of Dissentient Schools the respective shares belonging to the Municipalities they represent, by checks drawn upon such Bank and made payable to their order, and shall account according to law for such moneys. 19, 20 V. c. 14, s. 11.

How Common School Funds shall be apportioned.

89. The Superintendent of Education shall pay their respective shares to the several School Commissioners and Trustees in two semi-annual payments, and the School Commissioners and Trustees may direct the payment out of the general or local School Fund in their hands, of such contingent expenses as are not specially provided for by this Act. 9 V. c. 27, s. 47.

Shares of School moneys to be paid half yearly.

90. To entitle any School to its allowance out of the general or Local School Fund, it shall be requisite and sufficient—

What is requisite to entitle a School to a share of the School Fund.

1. That such School has been under the management of School Commissioners or Trustees in the manner directed by this Act ;

2. That it has been in actual operation during at least eight months ;

3. That it has been attended by at least fifteen children (periods of epidemic or contagious diseases excepted) ;

4. That the returns have been certified to the School Commissioners or Trustees by the Teacher, and at least two of the Commissioners or Trustees ;

5. That a public examination of the Schools has taken place ;

6. That a Report signed by the majority of the School Commissioners or Trustees, and by the Teacher, has been transmitted to the Superintendent of Education, according to the form prescribed by him for that purpose, every six months, that is to say, before the first day of July and the first day of January, in each year ;

7. And finally, that a sum equal to the allowance made by the Legislature for the Municipality, has been raised as hereinafter provided. 9 V. c. 27, s. 27.

School must be attended by at least fifteen children.

91. The School allowance may be granted in every School Municipality in respect of every School in the School District whereof the number of children of the age required for attending such School amounts to at least fifteen, although it has not been actually attended by that number throughout the scholastic year, provided the School Commissioners or Trustees have endeavoured in good faith to carry out the law ; And so also the School Commissioners or Trustees who have *bonâ fide* engaged a Teacher for any School District, may pay to the said Teacher the remuneration agreed upon, although the number of children who have regularly attended the School should not have been sufficient according to the provisions of the next preceding section. 12 V. c. 50, s. 19.

Indulgence to indigent Municipalities.

92. Whenever the School Commissioners or Trustees of any indigent School Municipality have, in good faith, carried into execution the provisions of the law, and the amount of the assessment actually levied falls nevertheless short of the amount required by law, the Superintendent of Education may, upon a representation to that effect, and upon a proof of the facts to his satisfaction, exempt such municipalities, or any of them, from the payment of the whole or of part of the assessment for the current year, and in that case he may grant them the amount to which they would otherwise be respectively entitled out of the Common School Fund ; But no such indulgence shall be so granted, unless the representation aforesaid be supported in writing by three of the School Visitors of the Municipality in question (other than the School Commissioners or Trustees), or of the

neighbouring Municipalities, who must certify that they have a personal knowledge of the facts alleged, that the School Laws have been *bonâ fide* enforced in such Municipality, and that they have themselves visited the Schools therein, and were satisfied therewith. 12 V. c. 50, s. 5.

93. And whereas in some Counties, School Municipalities have sprung up which did not exist at the time of the taking of the now last census, and it would be unjust to withhold from them their fair share of the Legislative grant: therefore, the Superintendent of Education may, with the approval of the Governor in Council, allow to any such School Municipality its fair share of the amount of the Legislative grant coming to the County, in proportion to the actual population of the School Municipality at the time, according to the best evidence he is able to procure, whenever he is of opinion that the said census would not be a fair basis of apportionment. 19, 20 V. c. 14, s. 14.

Recital.

Share of grant to be according to actual population in certain cases.

94. The amount of the moneys arising from the School Fund, or from assessments imposed to raise a like sum in the Municipalities, or from any other source not specially appropriated by disposition of the donors or vendors or otherwise, shall, after deducting the sum of eighty dollars, for the support of a Model School, (if any such School there be) at the most thickly settled place in the Municipality, over and above the share which would otherwise come to such School, (if any such School there be) be divided amongst the several School Districts in such Municipality in proportion to the number of children between seven and fourteen years of age residing therein and capable of attending School; the Girls' School established under the seventieth section of this Act, being counted as one School District, and the Model School as another School District, without prejudice nevertheless to the previous grant of eighty dollars above mentioned; And the proportion of the moneys to be allotted to the said Girls' School and to the said Model School respectively, shall be determined by the number of children of the age prescribed for attending School, residing in the School District in which such Model School or Girls' School is established. 9 V. c. 27, s. 21, p. 11—and 12 V. c. 50, s. 14.

How the share of School Fund shall be divided.

95. The Superintendent of Education may, with the approval of the Governor in Council, retain the sum of eighty dollars towards the support of a Model School in such Municipality, out of the School moneys to which any Municipality is entitled. 19, 20 V. c. 14, s. 4.

Support of a Model School.

96. The Superintendent of Education may refuse the School allowance, for any year, to any Municipality the School Commissioners or Trustees of which have not rendered sufficient accounts accompanied by vouchers, of the application of the

Superintendent may refuse School allowance in certain cases.

School moneys for the years preceding, or for any one of them, whatever be the source whence those moneys were derived, 12 V. c. 50, s. 20.

In what cases
he may so re-
fuse.

97. The Superintendent of Education, with the approval of the Governor in Council, may refuse to pay the whole or any part of the share of the Common School Fund, which would otherwise be payable to any School Municipality, where his lawful instructions or those of the Council of Public Instruction have been disobeyed, or where unqualified Teachers have been employed by the Commissioners or Trustees, or where a qualified Teacher has been dismissed by the School Commissioners or Trustees before the time of his engagement, and for no valid or just cause, and he may pay out of the said share of such Municipality such indemnity as appears to him justly due to any Teacher so unjustly dismissed. 19, 20 V. c. 14, s. 12.

Certain appro-
priations out of
School grant.

98. Out of the Legislative School grant, permanent and additional, for Common School purposes in Lower Canada, the following sums may be set apart and expended yearly by the Superintendent of Education, with the approval of the Governor in Council, for the following purposes, that is to say:

For poor Mu-
nicipalities.

1. A sum not exceeding four thousand dollars, for special aids to Common Schools in poor School Municipalities ;

For Journal of
Public Instruc-
tion.

2. A sum not exceeding one thousand eight hundred dollars, to encourage the publication and circulation of a Journal of Public Instruction ; and

Teacher's Su-
perannuation
Fund.

3. A sum not exceeding two thousand dollars, towards forming a fund for the support of superannuated or worn out Common School Teachers in Lower Canada, under such regulations as may be adopted from time to time by the Superintendent of Education, or by the Council of Public Instruction of Lower Canada, and approved by the Governor in Council ; But no such Teacher shall be entitled to share in the said Fund who does not contribute to such Fund at the rate of four dollars per annum at the least, for the period of his teaching School or receiving aid from such Fund, or who does not furnish satisfactory proof of his inability from age or loss of health in teaching, to pursue that profession any longer ; and no such allowance to any Teacher shall exceed the rate of six dollars per annum for each year during which such Teacher has taught a Common School in Lower Canada. 19, 20 V. c. 14, s. 7.

Unexpended
balance appro-
priated to build-
ing of School
houses, &c.

99. The balance remaining unexpended or unclaimed out of the portion of the Common School Fund belonging to Lower Canada, shall be appropriated by the Superintendent of Education (or by the Council of Public Instruction,) under the authority of the Governor in Council, in aiding to finish School Houses

actually commenced, or to build new ones, or to make extensive repairs to old ones, in such manner as he shall deem most conducive to the advancement of Elementary Education. 12 V. c. 50, s. 27.

APPLICATION OF LOCAL SCHOOL FUNDS IN CERTAIN CASES.

100. Any sum of money whatever arising from the general or local School Fund, from whatever source derived, which has not been employed or paid by the School Commissioners, Trustees or Secretary-Treasurer, during the year in which it has been received, shall be by them deposited or placed out at interest, to be employed in creating revenue for the Corporation;—But this provision shall not extend to the deposit directed by the next following section, to be made of the share belonging to any School District, in which there is not then any School in operation. 9 V. c. 27, s. 46.

How unexpended local funds shall be disposed of.

101. If in any School District there is no School in operation, the School Commissioners or Trustees shall deposit the money to which such District would be entitled at interest in some Savings or Chartered Bank, where, with the consent of the inhabitants of such District, they shall allow it to accumulate during a term which shall not exceed four years, to be thereafter by them used either in the purchase of ground for or in building a School House, or towards other Educational purposes in or for such School District. 9 V. c. 27, s. 22.

Disposal of district grant in case there is no School in operation in any district.

102. The Superintendent of Education may, with the approval of the Governor in Council, authorize the School Commissioners or Trustees in any Municipality, to apply the share coming for any one year to any School District, the inhabitants of which have contributed nothing or too little during the same year to the common fund of such Municipality for School purposes, in such manner as the Superintendent shall direct for the advancement of education in such Municipality, instead of depositing the said share in a Bank;—And the amounts already placed in any Bank for any School District in like cases, may be dealt with in like manner, and the shares coming to any such School District which have been in like cases applied by the School Commissioners or Trustees in any Municipality, with the consent of the said Superintendent, are hereby declared to have been legally and properly dealt with. 19, 20 V. c. 14, s. 13.

Power of Superintendent as regards district grants in certain cases.

OF THE BOARDS OF EXAMINERS FOR THE EXAMINATION OF SCHOOL TEACHERS.

103. There shall be, in each of the Cities of Quebec and Montreal, a Board of Examiners, composed of fourteen persons, chosen in as fair and equitable a manner as possible, from among the different religious denominations :

Boards of examiners in Quebec and Montreal.

How appointed.

2. The members of such Board shall be appointed by the Governor in Council, through the Superintendent of Education, and one half of them shall be Roman Catholics, and one half Protestants, and they shall form a Board of Examiners, to examine Teachers, and to deliver or refuse to each, as the case may require, a license or certificate of qualification, after due examination ; And the said Board shall be divided into two divisions, one of which shall be composed of seven Roman Catholics, and the other of seven Protestants, and each of such divisions shall separately perform the duties hereinafter imposed upon them. 9 V. c. 27, s. 50.

Division of Board.

104. There shall be in the Old Districts of Kamouraska, Gaspé, St. Francis, Three-Rivers and Ottawa, Boards of Examiners for the examination of School Teachers : 16 V. c. 209, s. 1.

Boards in district of St. Francis.

2. And in the District of St. Francis, there shall be two Boards of Examiners, one for the County of Sherbrooke, to be called "The Sherbrooke Board of Examiners," and the other for the County of Stanstead, to be called "The Stanstead Board of Examiners," the said two Counties remaining as they were before the fourteenth day of June, one thousand eight hundred and fifty-three, the day of the passing of the Act 16 V. c. 152 ;

Powers of Boards as regards granting of certificates.

3. The Boards mentioned in this section shall have power to grant or refuse Certificates or Diplomas to School Teachers of the Districts aforesaid respectively, presenting themselves for examination before the said Boards respectively ; 16 V. c. 209, s. 4.

4. The said Boards shall be appointed by the Governor, on the recommendation of the Superintendent of Education, and shall constitute Boards of Examiners, by the name of "The Board of Examiners of (*adding the name of the District*). " 16 V. c. 209, s. 2.

Governor in Council may appoint a Board of Examiners in any county or counties.

105. The Governor in Council may, whenever it is deemed expedient so to do, upon report of the Superintendent of Education or Council of Public Instruction for Lower Canada, constitute, by Proclamation, a Board of Examiners of Teachers in and for any County in Lower Canada, or in and for any two or more neighbouring Counties in Lower Canada which can be conveniently united for such purpose ; and every such Board shall meet at such place and at such times as the Governor in Council may, upon like report, from time to time, ordain ; and the members thereof shall, from time to time, be appointed by the Governor in Council through the Superintendent of Education. 22 V. (1859,) c. 52, s. 1.

In what place and during what period the certificates

106. The certificates to be granted by every such Board, constituted under the next preceding section, shall only avail for the employment of the Teachers obtaining the same, within

such County or Counties, and for such class or classes of Schools, as the Governor in Council, upon the like report, may from time to time ordain, and for a term of three years from the date of such certificates; and those granted after the fourth day of May, one thousand eight hundred and fifty-nine, by the several Boards of Examiners in the Cities of Montreal and Quebec, and in the Districts of Kamouraska, Gaspé, Three-Rivers and Ottawa, and in the Counties of Sherbrooke and Stanstead, respectively, shall in like manner only avail for such territorial limit, and for such class or classes of Schools, as the Governor in Council upon like report may from time to time ordain, and for a like term of three years. 22 V. (1859,) c. 52, s. 2.

107. The several Boards of Examiners so established shall be governed, each in their respective locality, by the provisions herein made. 16 V. c. 209, s. 4, and 19, 20 V. c. 14, s. 9.

108. Every Board of Examiners, with the exception of those in the Cities of Montreal and Quebec respectively, shall be composed of not less than five nor more than ten members, and may be organized, (if the Governor in Council upon like report so ordains, but not otherwise,) in two divisions, Roman Catholic and Protestant respectively; in which case each division shall separately perform the duties devolving on them. 22 V. (1859,) c. 52, s. 4.

109. The meetings of the several Boards of Examiners in the Cities of Montreal and Quebec, the Districts of Kamouraska, Gaspé, Three-Rivers and Ottawa, and the Counties of Sherbrooke and Stanstead, respectively, shall be held at such places therein, and may be held at such times instead of or besides those now fixed by law, as the Governor in Council may, upon like report, from time to time ordain. 22 V. (1859,) c. 52, s. 3.

Duties of the Boards of Examiners.

110. It shall be the duty of each Board of Examiners:

1. To meet at ten o'clock, A. M., on the twentieth day after their nomination, (and this enactment shall be for each member of the said Board, a sufficient notification to that effect,) to choose a President, Vice-President and Secretary, except that if the said twentieth day after their nomination be a Sunday or holiday, (*fête d'obligation*,) they shall meet on the day next thereafter, not being a Sunday or holiday; 9 V. c. 27, s. 50, p. 1.
2. To meet once in three months, that is to say, on the first Tuesday in March, June, September and December, after sufficient public notice to that effect, on the application of one or more Teachers made in writing to the Secretary of the Board, at least fifteen days beforehand, and whenever there is any such application; 9 V. c. 27, s. 50, p. 2.

Who may be
admitted to
examination.

3. To admit to examination no candidate who is not provided with a certificate of good moral character, signed by the *Curé* or Minister of his own faith, and by at least three School Commissioners or Trustees of the locality in which he has resided for the last six months, and also with a certificate of his age, which must be at least eighteen years; 9 V. c. 27, s. 50, p. 3.

4. To return to the bearer the said certificate, after having entered an exact copy thereof on the minute of proceedings, if the candidate has passed a satisfactory examination; 9 V. c. 27, s. 50, p. 4.

Nature of cer-
tificate to be
given to quali-
fied candidates.

5. To deliver to each candidate found qualified, a certificate or diploma of qualification as a Teacher, signed by the President or Vice-President and the Secretary, bearing the Examiners' seal of office, dated, and distinctly specifying the particular kind of instruction to which the candidate intends devoting himself,—whether he can teach English and French, and if not, which of these two languages,—his age, his latest residence, and the religious denomination to which he professes to belong,—stating also that the certificates of age and good moral character required by this Act have been produced to the Board,—and mentioning also the names of the persons signing the said certificates, and that a copy thereof has been taken,—And the said Secretary or his deputy may demand from each candidate obtaining a certificate or *diploma* of qualification, for fees and office charges, the sum of one dollar and no more; 9 V. c. 27, s. 50, p. 5.

List of candi-
dates admitted.

6. To keep a correct list of candidates admitted to the right of teaching; 9 V. c. 27, s. 50, p. 6.

Notice of such
admission.

7. To give notice to the Superintendent of Education of the admission of each candidate to the right of teaching, within fifteen days after such admission; 9 V. c. 27, s. 50, p. 7.

Division of
Teachers.

8. To divide the Teachers into three classes, namely: those of the Schools purely elementary; those of Model Schools and those of the educational establishments called Academies; 9 V. c. 27, s. 50, p. 8.

Entry of names
of Teachers.

9. To enter the Christian and Surname of each Teacher admitted, as well as the class to which he belongs; 9 V. c. 27, s. 50, p. 9.

Qualifications
required.

10. To require, in the course of the examination, proof of the following qualifications, namely:

Of Teachers of
Elementary
Schools;

For the Teachers of Elementary Schools, such acquirements as will enable them to teach, with success, Reading, Writing, the elements of Grammar and of Geography, and Arithmetic as far as the Rule of Three, inclusively;

For the Teachers of Model Schools, in addition to the foregoing, the acquirements requisite to enable them to teach Grammar, the Analysis of the parts of Speech, Arithmetic in all its branches, Book-keeping, Geography, the use of the Globes, Linear Drawing, the elements of Mensuration, and Composition ;

Of Teachers of Model Schools ;

For the Teachers of Academies (besides the qualifications required for the above mentioned two classes of Teachers), all the branches of a classical education, inasmuch as they are destined to prepare their scholars for the same ; and for each grade of Schools such other qualifications as may be required by the rules and regulations passed from time to time by the Council of Public Instruction and approved by the Governor in Council ; 9 V. c. 27, s. 50, p. 10, *part. amended*, 1860.

Of Teachers of Academies.

All Teachers acting as such under this Act, or under any special Act passed for the encouragement of Education, shall undergo an examination before one of the said Boards of Examiners, and be each provided with a certificate of qualification as above mentioned ; and the School Commissioners and Trustees, and all persons entrusted with the management of Schools, shall employ as Teachers such persons only as are so provided with a certificate of qualification given by one of the Boards of Examiners as above mentioned, on pain of losing their share of the grants made for the encouragement of education ;

All Teachers to undergo an examination.

Nevertheless, every Priest, Minister, Ecclesiastic, or person forming part of a religious community instituted for educational purposes, and every person of the female sex, being a member of any religious community, shall be in every case exempt from undergoing an examination before any of the said Boards ;

Exceptions.

And neither the possession of a certificate of examination before one of the said Boards, nor any exemption from examination, shall oblige the School Commissioners or Trustees to accept a Teacher who does not suit them ; 9 V. c. 27, s. 50, p. 10, *part.*

Proviso.

11. To keep or cause to be kept a Register of their proceedings, signed (for each meeting) by the President or Vice-President, and also by the Secretary, whose duty it shall be to keep the Register and to make the list of Teachers admitted to teach, the entry in the Register of their certificates of age, morality, character and qualification, the entry of all the proceedings of the Board in the minutes of their deliberations, and also to prepare, fill up and address the certificates of qualification, and to do all other writing requisite ; 9 V. c. 27, s. 50, p. 11.

Registers to be kept.

Board to have a seal.

12. To have a particular seal, and to make use of that furnished them by the Superintendent of Education, as well as the forms of certificates of qualification they receive from him. 9 V. c. 27, s. 50, p. 10, *part*.

Governor in Council may modify the duties of the Boards.

111. The Governor in Council, upon the report of the Superintendent of Education or of the Council of Public Instruction for Lower Canada, may, from time to time, modify, as occasion may require, the detail of duties imposed on Boards of Examiners and on the Secretaries of such Boards, by the next preceding section of this Act; and every modification so made of such duties shall be binding on all parties for whom the same has been made, as though expressly embodied in this Act. 22 V. (1859,) c. 52, s. 5.

Females to submit to examination.

112. Any female, not being a member of any religious community, who desires to become a Teacher in a Common School, shall undergo the required examination before the Board of Examiners. 19, 20 V. c. 14, s. 6.

Council to make rules for Boards.

113. The Council of Public Instruction shall, from time to time, make rules and regulations for the guidance of the Boards of Examiners. 19, 20 V. c. 14, s. 18, p. 5. *And see Sec. 22, as to the power of the said Council to annul Teachers' certificates.*

INSPECTORS OF COMMON SCHOOLS.

Inspectors of Common Schools—their appointment and duties.

114. The Governor may appoint, from time to time, and for such period as he deems necessary, in each of the Civil Districts of Lower Canada, one or more competent persons as Inspectors of Common Schools therein, whose duty shall be to visit each School Municipality in the District or section of a District for which he is appointed,—to examine the Schools, School Teachers and School Houses therein,—to inspect the Accounts of the Secretary-Treasurer and the Register of the School Commissioners or Trustees of every such Municipality,—and generally to ascertain whether the provisions of the School Laws are there carried out and obeyed:

Powers of Inspectors.

And every such Inspector shall, with reference to such visits and examinations, have all the powers and authority of the Superintendent of Education, unless those powers be otherwise defined or limited by the instrument appointing him. 14, 15 V. c. 97, s. 3.

Inspectors to make quarterly report to superintendent—what report shall contain.

115. Each Inspector shall act under instructions conveyed to him by the Superintendent of Education, to whom he shall, at least once in every three months, make a Report of his proceedings, setting forth, in a clear manner,—the state of Education in each Municipality visited by him,—the number of Schools in operation therein,—the competency of the Teachers employed in such Schools,—the condition of the School Houses in cases

where they are public property,—the state of the School Commissioners' or Trustees' Register and Secretary-Treasurers' Accounts,—and the causes, if any, so far as they can be ascertained, which impede the full execution and operation of the School Laws in such Municipality; And the Inspector shall include in such Report, or shall furnish at any other time when required by the Superintendent of Education, all such other information as the Superintendent deems necessary. 14, 15 V. c. 97, s. 4.

116. The Secretary-Treasurer of each Municipality, and every Teacher of a Common School therein, shall, on being thereunto requested by any such Inspector, exhibit to him all the documents in his charge, belonging to or in any way relating to his office of Secretary-Treasurer or Teacher;—And for every refusal or neglect so to do, shall be liable to a penalty of eight dollars. 14, 15 V. c. 97, s. 5.

Inspector may inspect all School papers, &c.

117. Each Inspector shall be *ex officio* a Justice of the Peace of the District for which he is appointed; and the provisions of the Consolidated Statutes of Canada, Chapter one hundred, intituled: *An Act respecting the qualification of Justices of the Peace*, shall not extend to any such Inspector. 14, 15 V. c. 97, s. 6.

To be *ex officio* a Justice of the Peace.

118. Each of the said Inspectors shall be paid such sum as the Governor deems adequate remuneration for the duties performed by such Inspector, but such remuneration shall in no case exceed the rate of one thousand two hundred dollars per annum. 14, 15 V. c. 97, s. 7.

Their remuneration.

119. The Superior Education Income Fund shall be chargeable with the payment of the salaries of the Inspectors of Common Schools. 19, 20 V. c. 54, s. 17.

How paid.

COMMON SCHOOL VISITORS.

120. The Common Schools established in each Municipality, whether in town or country, shall be visited at least once in every year by one of the Visitors hereinafter mentioned, and oftener, if they deem it requisite; Every Visitor shall be entitled to have communication of the regulations and other documents relative to each School, and of all other information concerning it. 9 V. c. 27, s. 32.

Common Schools to be visited at least once a year.

121. The Visitors for each Municipality are:

Who are to be visitors.

First.—The Resident Clergymen, of whatever denomination; But no Priest, Minister or Ecclesiastic shall be entitled to visit any School belonging to any inhabitants not of his own persuasion, except with the consent of the Commissioners or Trustees of such School;

Secondly.—The Judges of the Court of Queen's Bench, and of the Superior Court ;

Thirdly.—The Members of the Legislature ;

Fourthly.—The Justices of the Peace ;

Fifthly.—The Warden or Mayor of the Municipality ;

Sixthly.—The Colonels, Lieutenant-Colonels and Majors, and the Senior Captain of Militia, resident in the locality ;

The Superintendent of Education shall be *ex officio* Visitor General of all Public Schools, and as such may take cognizance of contestations arising between the School Commissioners or Trustees and the Teachers, and give a final decision. 9 V. c. 27, s. 33.

Visitors may be present at examinations of Teachers.

122. Every person entitled to act as School Visitor shall have the right of being present at examinations made by any Board of Examiners, and of interrogating the Teachers who offer themselves for examination, and also of giving his opinion. 9 V. c. 27, s. 50, p. 12, *part*.

SUITS AND PROSECUTIONS—FINES AND PENALTIES.

Suits may be instituted for School rates, &c., by Commissioners.

123. The School Commissioners or Trustees of any School Municipality may institute suits or prosecutions for the assessments for Schools or School Houses and for the monthly School Fees, and for all arrears of the said assessments or monthly fees ; and all such suits or prosecutions may be instituted either before two Justices of the Peace in the County, or before the Circuit Court, but not before any other tribunal :

No appeal allowed.

2. In all such suits or prosecutions, judgment may be rendered with costs ; and no judgment rendered upon any such suit or prosecution shall be liable to be appealed from, nor shall any such suit or prosecution be removed by writ of *certiorari*. 12 V. c. 50, s. 16.

Suit not to be commenced without special authorization.

124. The Chairman of any Board of School Commissioners or Trustees shall not engage in any suit at Law, as plaintiff, without a special authorization from the Commissioners or Trustees duly entered in their Register after deliberation ; and every action may be brought either by the Chairman or by the Secretary-Treasurer in the name of the Corporation, at the discretion of the Board. 9 V. c. 27, s. 23.

Penalty on refusing office or neglecting the duties thereof.

125. Every person duly called upon to accept any office or perform any functions under this Act, who refuses to accept or neglects to perform the same, or who in any way wilfully contravenes the provisions of this Act, shall thereby for

each such offence whether of omission or commission, incur a penalty of not less than five dollars, nor more than ten dollars, according to the gravity of the offence, in the discretion of the Court or authority having cognizance thereof :

2. Any Justice of the Peace residing within the County, or the Circuit Court, shall have jurisdiction with regard to such offence, and may, after judgment, cause the penalty to be levied under warrant, by the seizure and sale of the goods and chattels of the offender ;

Jurisdiction of justices in such case.

3. The amount of every penalty so levied shall be paid into the hands of the Secretary-Treasurer of the Corporation of the School Commissioners or Trustees of the locality in which the offence has been committed, and shall make part of the Local School Fund ;

Penalty to form part of School Fund.

4. All persons entrusted in any manner with carrying this Act into effect, or qualified to vote at the election of School Commissioners or Trustees, shall be competent to prosecute for the recovery of such penalties. 9 V. c. 27, s. 52, and 12 V. c. 50, s. 31.

Who may prosecute therefor.

126. If any School Commissioner or Trustee or other person makes any false certificate or return, by means of which he fraudulently obtains or seeks fraudulently to obtain money from the public School Fund, he shall not only restore the money so obtained, but shall also incur a penalty not exceeding forty dollars, nor less than ten dollars, which shall go to the Local School Fund, and which shall be recoverable at the suit of any person having an interest in the right administration of the Common Schools, on the oath of one credible witness, before any Justice of the Peace or before the Circuit Court ;—and if such penalty is not paid within ten days after judgment, it shall be levied, with costs, by seizure and sale of the goods and chattels of the defendant, and in default of sufficient goods and chattels, the defendant may be committed to the common gaol, and detained therein one day for each sixty cents of the amount of the fine and costs, or of the balance which may be due. 9 V. c. 27, s. 28, and 12 V. c. 50, s. 31.

Penalty on School Commissioners making fraudulent returns.

Enforcement of penalty.

127. Whenever any School Commissioner, Trustee, or Secretary-Treasurer, after his dismissal, resignation or ceasing to hold office, detains any book, paper or thing belonging to the School Commissioners or Trustees of any Municipality, he shall thereby incur a penalty of not less than five dollars nor more than twenty dollars for each day during which he shall retain possession of any such book, paper or thing, after having received a notice from the Superintendent of Education requiring him to deposit the same in the hands of some person mentioned in such notice ;—And the said penalty shall be recoverable with costs before any Court of competent civil jurisdiction, in

Penalty on Commissioners, &c., detaining any books, papers, &c., after ceasing to hold office.

the name of the Superintendent of Education, and the same when levied shall be paid into the hands of the said Superintendent, and shall form part of the unexpended balance of the Common School grant, and be dealt with accordingly. 19, 20 V. c. 14, s. 15.

SPECIAL PROVISIONS RELATING TO THE CITIES OF QUEBEC AND MONTREAL.

This Act to apply to Montreal and Quebec.

128. In each of the Cities of Quebec and Montreal the provisions of this Act, with regard to the establishment of Common Schools in each Municipality, shall have effect and be applied, except in so far as it is otherwise herein provided; and all persons appointed or called upon to carry this Act into effect in the said Cities, shall have the same powers as the corresponding functionaries in the Municipalities by whatever name they may be designated, and shall be subject to the same obligations and penalties. 9 V. c. 27, s. 40.

Each city to form a distinct Municipality.

129. For all the purposes relative to the distribution and apportionment of School moneys, and for all other purposes of this Act, where it is not repugnant to the other provisions thereof, each of the Cities of Quebec and Montreal shall be considered as one Municipality; and it shall not be necessary to divide them into School Districts, but each School established by the Commissioners or put under their control by virtue of and in accordance with this Act, shall be considered as a School District, and may be attended by children from any part of the City. 9 V. c. 27, s. 41.

Appointment of School Commissioners.

130. In Quebec and Montreal the Corporation shall appoint twelve School Commissioners, six of whom shall be Roman Catholics and six Protestants; and such Commissioners shall form two separate and distinct Corporations, the one for the Roman Catholics and the other for the Protestants; and one half of each of the said Corporations shall be renewed annually by the said Corporation; In case the Corporation of the City of Quebec or that of Montreal refuses or neglects to appoint such Commissioners or to renew them at the time prescribed, that is to say, in the month of July in each year, the Superintendent of Education shall appoint them *ex officio*, with the approval of the Governor in Council. 9 V. c. 27, s. 42.

In case of failure to appoint.

No special School rate to be levied, but the requisite amount to be paid by Corporation.

131. In the Cities of Quebec and Montreal, no rate shall be imposed for the purposes of Common Schools, but the City Treasurer of each of the said Cities shall, out of the moneys in his hands forming part of the funds of the Corporation of such City, from whatever source such moneys are derived, (all Laws or Rules or By-Laws of the Council of such Corporation to the contrary notwithstanding,) pay to the respective Boards of School Commissioners of such City, and in proportion to the population of the religious persuasion represented by such

Boards respectively, a sum equal in amount to that apportioned to such City out of the Common School Fund, to be employed for the purposes of the Common Schools, under the direction of such Boards of School Commissioners respectively ;—And if the Treasurer refuses to make such payment, the Board of Commissioners, or their Secretary, may recover the amount by action in the Superior Court, who shall order such Treasurer to pay the amount awarded by their judgment, principal, interest and costs, out of the moneys he may then have in, or that may thereafter come into his hands as such Treasurer ; and shall compel him, by all legal means, even by *contrainte par corps*, to satisfy such judgment. 14, 15 V. c. 97, s. 9.

In case city
Treasurer re-
fuses to pay.

132. The Corporations of the Cities of Quebec and Montreal may pay out of their funds an additional sum equal to that which they are authorized to pay to the Boards of School Commissioners, and also an additional sum of thirty per cent. to make good any unforeseen or contingent expenditure. 19, 20 V. c. 14, s. 1.

An additional
amount may be
paid by Corpo-
ration.

133. The City of Montreal shall be entitled to receive out of the Common School Fund only one fourth, and the City of Quebec two thirds, of the sums they would without this provision be respectively entitled to according to their population. 9 V. c. 27, s. 44.

Proportion of
School Fund
allowed to
Quebec and
Montreal.

134. The School Commissioners for Quebec and Montreal shall, in their intercourse with the Superintendent of Education, be guided by the same rules and regulations as other School Commissioners. 9 V. c. 27, s. 45.

Rules for Com-
missioners.

MISCELLANEOUS PROVISIONS.

Quorums.

135. The *quorum* of any Corporation, Board or Body constituted under this Act, shall (unless expressly declared) be an absolute majority of all the members thereof ; and any majority of the members present at any meeting regularly held, at which there shall be a *quorum*, may validly exercise all the powers of the Corporation. 9 V. c. 27, s. 53.

Majority to be
a Quorum.

Appointments by the Governor.

136. No failure to elect any officer, or to assess or levy any rate, shall prevent the effect of any provision of this Act, which shall in any such case be carried into effect by the Governor in Council, by the means of the Superintendent of Education, and of School Commissioners, Assessors, Collectors, Teachers and other functionaries, requisite according to the true intent and meaning of this Act ; And such Commissioners may be appointed by the Governor in Council, at the instance of the

Failure to elect
any officer not
to affect the
operation of
this Act.

Governor to
make appoint-
ments.

Superintendent of Education, and shall have the right of naming the Assessors, Collectors, Directors and other functionaries, all of whom, in their several capacities, shall have respectively all the rights, powers and authority, which, under this Act, would have been possessed by the persons who ought to have been elected or to act, under the like names of office or with similar functions, and shall have the same duties and be liable to the same penalties. 9 V. c. 27, s. 3.

Effect of such appointments.

137. Whenever School Commissioners or Trustees are appointed by the Governor in Council, the School Commissioners or Trustees antecedently in office, shall, from the date of such appointment, cease to possess any power or to act as such, as shall also all Assessors, Collectors, and other officers appointed by or acting under them :

Governor may annul such appointments and make others.

2. And the Governor in Council may at all times, and as often as he deems it necessary so to do, annul the appointment of Commissioners or Trustees so by him made and that of the other officers acting under them, and may appoint other Commissioners or Trustees in their stead, who shall in that case proceed to the nomination of the said officers, to perform the other duties pertaining to their office, and during their incumbency in the said office, to do all those things which their predecessors have neglected or refused to do. 12 V. c. 50, s. 8.

Interpretation.

Interpretation of certain words and expressions.

138. In this Act,—the word “Teacher” shall apply to Female as well as Male Teachers;—any power given to or any obligation imposed upon School Commissioners, shall apply to Trustees of the Dissentient Schools in reference to the schools and school districts under their control ;—the expression “Common School” shall apply to Dissentient Schools ;—and the words “Municipality” or “School Municipality” shall apply to Dissentient Schools or School Districts under the control of Trustees as well as to Municipalities and Schools under the control of Commissioners. 19, 20 V. c. 14, s. 21.

Account to the Legislature.

Accounting clause.

139. The due application of all moneys expended under the authority of sections one to seventeen of this Act both inclusive, shall be accounted for to Her Majesty in the manner and form provided by the Interpretation Act, and an account thereof shall be laid before each of the Houses of the Provincial Legislature, within the first fifteen days after the opening of the then next Session thereof. 19, 20 V. c. 54, s. 20.

C A P . X V I .

An Act respecting *Fabrique* Schools.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Every *Fabrique* in Lower Canada may acquire, purchase, take, receive and hold, without letters of *mortmain*, all real property, *rentes constituées*, moneys, chattels or other personal property, conceded, sold, given, devised or bequeathed, either by *donation entre vifs*, or *à cause de mort*, testamentary disposition, or by any other manner, for the purpose of founding and supporting one or more Elementary School or Schools within the parish to which such *Fabrique* belongs, in the manner and to the amount and annual income hereinafter prescribed. 4 G. 4, c. 31, s. 1.

Fabriques may hold real and personal property for School purposes.

2. When any real estate has been in any way or manner, conceded, sold, given, devised or bequeathed to any *Fabrique*, for the purposes aforesaid, such *Fabrique* shall, within ten years from the date of the instrument by which the same has been so conceded, sold, given, devised or bequeathed, sell and dispose of such real estate, *à constitution de rente*, for the benefit of the Elementary School or Schools, to be by them founded and established, out of any lands so conceded, sold, given, devised or bequeathed, such *Fabriques* may retain and reserve any portion, not exceeding in the whole one acre, which is necessary for an *emplacement* for the erection of a School-House thereon. 4 G. 4, c. 31, s. 2.

But real estate becoming property of the *Fabrique* must be disposed of within a certain period.

3. The property, real or personal, acquired or held by any *Fabrique*, for the first erection and establishment of each School to be by them established, shall not exceed in the whole the capital or sum of four hundred dollars, and the whole annual income from the property, real or personal, acquired or held by such *Fabrique*, for the maintenance and support of the Schools so established, shall not at any time exceed the sum of two hundred dollars, for each such School. 4 G. 4, c. 31, s. 3.

Amount of property to be held by *Fabrique*, limited.

4. But whenever any *Fabrique* acquires in any way land, not exceeding one superficial acre in extent, upon which there is a building fit for the purpose of a School, such *Fabrique* may hold and retain the said land, with the house thereon erected, although the annual income from such building exceeds two hundred dollars. 7 G. 4, c. 20, s. 1.

Exception.

5. The *Fabrique* of each Parish may establish one School ; and when the number of families actually resident in the Parish to which the *Fabrique* belongs, amounts to two hundred, then the *Fabrique* may establish a second School, and so on in

Number of Schools.

the proportion of one School for every hundred families so resident. 4 G. 4, c. 31, s. 4.

Schools and School property to be under the control of the *Fabriques*.

6. The said Schools, and the property acquired and held for their foundation, endowment and support, shall be under the inspection and administration of the persons, and subject to the rules prescribed by the laws and usages of Lower Canada, for the government and administration of the property and establishments of *Fabriques*. 4 G. 4, c. 31, s. 5.

Funds belonging to *Fabriques* may, in certain cases, be applied to School purposes.

7. In order to establish and maintain the Schools which may be opened and established at any time hereafter by virtue of this Act, every *Fabrique* may, until it has acquired property for establishing and maintaining the said Schools, apply, out of its annual income in the several Parishes in which such Schools are opened and established, a sum of money not exceeding in any case one fourth of the actual income of such *Fabrique*; But no such application of the funds of a *Fabrique* shall take place, without observing the formalities usual in the Parishes of Lower Canada, when moneys belonging to a *Fabrique* are applied to objects other than those to which they were originally designed. 4 G. 4, c. 31, s. 6.

Account of expenditure on Schools to be rendered.

8. The *Fabriques* shall annually render an account in writing, on the third Sunday after Easter, at a meeting of the resident landholders in the parish, stating the income and expenditure of the said schools, for the twelve preceding months, the number of pupils and the names of the School-masters; which account shall be deposited in the archives of the *Fabrique*, and a copy thereof duly certified by a Public Notary and two witnesses, shall also, within six weeks after the said meeting, be deposited in the office of the Prothonotary of the Superior Court in the district, to which copy, all persons being resident landholders in Lower Canada, shall have access without paying any fee. 4 G. 4, c. 31, s. 7.

Arrangements for joint School may be made between *Fabrique* and School Commissioners.

9. The *Fabrique* of any parish, and the School Commissioners thereof, may, by mutual agreement in due form, unite for one or more years the *Fabrique* Schools in operation, with any of the Schools to be kept under the Common School Laws; and any *Fabrique* contributing not less than fifty dollars by the year, towards the support of any School under the management of School Commissioners, shall thereby acquire a right to the *Curé* and Church-warden in office to be Commissioners, if they were not so before; but no *Fabrique* shall so unite its School to those managed by Commissioners of another faith, except under an express and formal agreement with the School Commissioners or Trustees of such other faith. 9 V. c. 27, s. 25.

CAP. XVII.

An Act respecting the Royal Institution for the Advancement of Learning.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

CONSTITUTION, INCORPORATION, &c.

1. The Governor may, by an instrument under the great seal of this Province, appoint such and so many persons as he sees fit, to be Trustees of the Schools of Royal foundation in Lower Canada, and of all other institutions of Royal foundation, established for the advancement of learning therein, and for the administration and improvement of all estates and property, in any manner appropriated to the said schools and institutions, for the purposes of education and the advancement of learning in Lower Canada, and may remove, from time to time, the said Trustees or any of them, and appoint others in the place of those so removed, or who die or resign their trust. 41 G. 3, c. 17, s. 1.

Governor may appoint Trustees of Schools of Royal Foundation.

2. The said Trustees shall be a body corporate and politic, by the name of *The Royal Institution for the Advancement of Learning* ; and by that name shall have perpetual succession and a common seal, and may alter, break and make new the same, when and as often as they judge the same to be expedient ; and may by the same name, sue and be sued, implead and be impleaded, answer and be answered unto, in all or any Court of Record or places of judicature within this Province ; and by the name aforesaid may purchase, take, hold and possess, without license in mortmain or *lettres d'amortissement*, all real or immoveable property, money, and moveable property, paid, given, granted, purchased, appropriated, devised or bequeathed in any manner whatsoever, for and in favor of the said Schools and Institutions of Royal foundation, to and for the purposes of education and the advancement of learning, within Lower Canada, and may do all and every lawful act and thing which any other body politic or corporate, by law, may do. 41 G. 3, c. 17, s. 2.

Such Trustees to be a Corporation.

Their corporate name and powers.

3. All immoveable property, and all rents and sums of money charged upon, and issuing or payable out of any immoveable property, and all sums of money or moveable property, paid, given, granted, purchased, appropriated, devised or bequeathed in any manner whatsoever, for and in favor of the said Schools and Institutions of Royal foundation, to and for the purposes of education and the advancement of learning within Lower Canada, shall be vested in the said Trustees for the uses and purposes herein mentioned ; And the said Trustees, or the major part of them, may demise, let and lease any

All the property belonging to Institutions of Royal Foundation vested in said Trustees.

Their powers in respect of it.

immoveable property so given, granted, purchased, appropriated, devised or bequeathed, for any term of years not exceeding twenty-one years, and have, take and receive the rents, issues and profits thereof. 41 G. 3, c. 17, s. 3, and 16 V. c. 58, s. 7.

President of Corporation

4. The Governor may, by an instrument under the great seal of this Province, from time to time, appoint a President or Principal of the said Corporation hereby erected. 41 G. 3, c. 17, s. 4, *part*.

If President be absent, who to preside at meetings.

5. In the absence of the President or Principal, the member first or senior in order of appointment, present at any meeting of the said Corporation, shall preside. 16 V. c. 58, s. 1.

Officers.

6. The said Corporation may appoint, from time to time, its Officers and servants, and may remove them. 16 V. c. 58, s. 2.

By-laws, &c.

7. At any Meeting of the said Corporation, held according to law, the said Corporation may provide and fix by By-laws, Rules and orders, the place, times and manner in which the said Corporation shall assemble, and the number and description of members which shall be requisite for transacting the business and executing the trust of the said Corporation. 16 V. c. 58, s. 3.

By-laws for the management, &c., of Schools of Royal Foundation.

8. The President and the number of members of the Corporation so fixed, being assembled at the place and times, in the manner so fixed, may make by-laws, rules, orders, constitutions and ordinances, not repugnant to the customs or laws of Lower Canada or the express regulations of this Act, as by them or the greatest part of them, then and there present, are judged necessary and expedient, as well for the direction, conduct and government of the said Corporation of the free Schools of Royal foundation in Lower Canada, and all other institutions of Royal foundation for the advancement of learning established within Lower Canada, and of the masters, teachers, professors and students thereof, respectively, as for the management and administration, improvement and amelioration of all estates and property, real or personal in any manner paid, given, granted, purchased, appropriated, devised or bequeathed, in any manner or way for and in favour of the said Schools and institutions of Royal foundation, for the purposes of education and the advancement of learning within Lower Canada :

This Act not to affect religious communities or private Schools.

2. But nothing hereinbefore contained shall extend to, or shall prejudice, directly or indirectly, the religious communities existing *de facto*, at the time of the passing of the Act, 41 G. 3, c. 17, nor to any school or house of instruction then existing *de facto* in Lower Canada, nor to any Corporation legally established in Lower Canada, nor to any private school or other private establishment by individuals, for the purposes of education. 41 G. 3, c. 17, s. 4, *part*.

9. All By-laws, Rules, Orders, Constitutions and Ordinances, made by the said Corporation after the Tenth day of November, one thousand eight hundred and fifty-three, not being repugnant to any law of this Province, shall have full force and effect without being sanctioned or confirmed by the Governor ; But a certified copy thereof shall be sent to the Governor through the Post Office, and he may signify his disallowance of the same within sixty days thereafter. 16 V. c. 58, s. 4.

By-laws made since a certain date need not be sanctioned by the Governor.

10. The Governor may, by an instrument under his hand and seal at arms, appoint a fit and proper person to be the School-master of each free school of Royal foundation, established by virtue of this Act, and may, from time to time, remove such School-master, and appoint another in his stead, or in the stead of any master dying or resigning his trust,—and may fix the salary or annual stipend to be allowed to each such School-master ; and no such master shall teach in any free school of Royal foundation established after the passing of this Act, 41 G. 3, c. 17, without a commission for that purpose from the Governor, under his hand and seal at arms. 41 G. 3, c. 17, s. 10.

Governor may appoint Masters of Free Schools.

ADMINISTRATION AND DISPOSAL OF PROPERTY BELONGING TO
MCGILL COLLEGE OR OTHERWISE VESTED IN THE
SAID CORPORATION.

11. The said Corporation of the *Royal Institution for the Advancement of Learning* may alienate and dispose in perpetuity of all such portions of all lands or real estate by them held in trust for McGill College, or for any department or branch thereof, or for any Institution of Royal Foundation wholly or in part under their control, as they deem expedient for the ends of such trust, for a ground rent (*rente foncière*) or otherwise, subject to all such terms and conditions, whether in reference to time and mode of redemption of any such rent or otherwise, and with such formalities only of procedure, as they may deem advisable ; And no such rent which they thus stipulate shall be redeemable nor the capital thereof exigible, otherwise than at such time or times and in such mode and after such notice as may have been stipulated, any general provision in these Consolidated Statutes to the contrary notwithstanding ; except that if such rent be stipulated irredeemable, or not redeemable within at least thirty years, it shall *ipso facto* become and be redeemable and exigible at the expiration of such thirty years. 20 V. c. 53, s. 1.

Terms upon which Corporation may dispose of lands held by them in trust for McGill College.

12. The said Royal Institution for the Advancement of Learning may agree with any holder of land heretofore alienated by them under authority of the Act of the eighth year of Her Majesty's Reign, Chapter seventy-eight, in consideration of an irredeemable ground rent (*rente foncière*) subject to an increase of twenty-five per cent at the end of each twenty years up to

Royal Institution may agree for redemption of certain *rentes foncières*.

one hundred, for the redemption of such rent, on such terms as they deem expedient, and may take in discharge thereof the redemption money as so agreed upon, and shall deal with such redemption money as though it were received in redemption of an ordinary ground rent. 22 V. (1859,) c. 53, s. 1.

May cancel
deeds hereto-
fore granted by
them.

13. The said Royal Institution for the advancement of Learning, if they deem it to the advantage of the said McGill College so to do, may cancel and annul any deed heretofore by them granted for the disposal of any portion of the said lands and real estate, upon such terms as by them and the other parties to such deed may be mutually agreed upon. 16 V. c. 58, s. 6, and 20 V. c. 53, s. 3.

How revenues
of Corporation
shall be dis-
posed of and
accounted for.

14. The rents, issues and profits, and sums of money by the said Corporation held, possessed or received, shall be received by the Treasurer of the said Corporation, and be by him deposited and disposed of in such manner as, from time to time, the said Corporation may direct; but the said Corporation shall, on or before the first day of February in every year, furnish to the Governor a detailed statement and account, affirmed by the Treasurer before a Magistrate or Commissioner authorized to receive affidavits, of the receipt and expenditure of such moneys during the year immediately preceding. 16 V. c. 58, s. 7.

How money
received as
purchase mo-
ney of real es-
tate shall be
dealt with.

15. All sums of money, from time to time to be received by the said Corporation, on account of purchase money of any real estate by them alienated, or on account of the capital of any ground rent, shall be by them dealt with as capital only, and not as income, and shall be invested either in productive real estate, or upon security thereof, or in public stocks or securities of the United Kingdom or of this Province, as soon as possible, and in such wise as the said Corporation deems most for the advantage of their trust; and such investments may from time to time be changed as occasion may require, so always as that all proceeds thereof be ever kept as capital and re-invested in the like manner; And the said Corporation shall at all times, in their yearly statement of account rendered to the Governor, specially and in detail state all such receipts and all such investments and re-investments as have taken place during the year covered by such statement. 20 V. c. 53, s. 2.

May expend a
certain amount
in discharge of
indebtedness for
Burnside Hall.

16. The said Royal Institution for the Advancement of Learning may expend not more than ten thousand dollars, from any capital now or hereafter in their hands, in discharge *pro tanto* of their present indebtedness incurred by reason of the re-building by them of Burnside Hall, in the year one thousand eight hundred and fifty-six. 22 V. (1859,) c. 53, s. 2.

Moneys receiv-
ed may be in-
vested in real

17. Any moneys heretofore or hereafter received by the said Royal Institution for the Advancement of Learning on account of any real estate by them alienated or to be alienated,

or on account of the capital of any ground rent, whether for McGill College aforesaid, or for any department or branch thereof, or for any Institution of Royal foundation wholly or in part under their control, may be by them invested in such buildings or other real estate as may be required for the actual use of such College or department or branch thereof, or institution, as the case may be. 22 V. (1859,) c. 53, s. 3.

estate for their own use and occupation.

18. The said Royal Institution for the Advancement of Learning, shall, at all times in their yearly statements of account rendered to the Governor of this Province, specially and in detail, state all such receipts and all such investments or re-investments as may have taken place under authority of this Act during the year covered by such statement. 22 V. (1859,) c. 53, s. 4.

Such investments to be included in annual report.

19. The said Corporation may further, from time to time, obtain and take loans of money, upon such security, whether by hypothecation of their said lands or of any part or parts thereof or otherwise, and upon such other terms and conditions as they may stipulate and assume ; But the total amount of such loans shall not at any one time, in the whole, exceed the sum of twenty thousand dollars. 20 V. c. 53, s. 3.

Corporation may effect certain loans.

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