



THE LAWS  
RELATING TO  
COMMON SCHOOLS,  
IN THE  
RURAL SECTIONS OF UPPER CANADA;  
TOGETHER WITH THE  
*Forms, General Regulations and Instructions,*  
FOR EXECUTING THEIR PROVISIONS,



EDITED, WITH NOTES AND REFERENCES, BY AUTHORITY OF THE CHIEF SUPERINTENDENT OF  
EDUCATION, BY

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## PREFATORY NOTE.

*(To the Second Edition.)*



It has been considered advisable to collect and arrange for easy reference, in one manual, all the provisions of the law, and the general regulations and instructions for the government of Common Schools in the rural School Sections of Upper Canada, for the guidance of Trustees, Local Superintendents and all others officially connected with our Common Schools. By means of notes and references, appended to the text, this manual will be found to contain a complete digest of the existing laws and regulations affecting the public schools. Sections of other Statutes affecting Common Schools have been, for greater convenience, quoted at length, and arranged in the body of the text.

The want of such a manual has been especially felt in those parts of the country where public interest has been more generally felt in the Common Schools, and where devotion to the cause of public education characterizes the efforts of the trustees. Indeed, the manner in which the whole tone and character of the public schools have been raised within the last few years has been highly gratifying. And it is to be hoped that their future prosperity will afford the strongest evidence to the Legislature, that the trustees are anxious to avail themselves, to the fullest extent, of the ample provisions of the law,

to adapt our schools to the highest wants of the community, and to place them in a state of efficiency not yet surpassed by any schools in the world. This can easily be done if a true spirit of educational zeal animates us, and if a thorough appreciation of the great Christian and national objects contemplated in the establishment of a public system of education for all classes, guides us in our efforts. The suggestions of the Chief Superintendent on this point, which will be found on pages 107-132, are designed to promote the accomplishment of these noble and patriotic purposes.

The Legislature has generously provided means to sustain the schools, and the public as nobly second its efforts.\* It has also provided means for the supply of all our public schools with well trained teachers, and with the most approved library books, maps, charts, diagrams and apparatus. The powers, duties and responsibilities of trustees are clearly defined, as well as those of the local superintendent in the Act. A summary of the duties of each, and an Educational Calendar of the dates requiring their attention, has been inserted in the appropriate places. No want need therefore be felt on any of these points.

A very useful summary of the decisions of the Superior Courts, on various points of the School Law, down to the latest dates, will be found on pages 162-182.

A table, containing an arrangement of the Sections of the School Acts in their natural order, with the pages on which each Section will be found, has been inserted on pages viii. and ix. of the Contents.

J. G. H.

EDUCATION OFFICE,

Toronto, 29th Dec., 1858.

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\* Upwards of \$1,200,000, were expended in 1857 to sustain the public Common Schools of Upper Canada. See page 129 of the Report of the Chief Superintendent of Education for 1857.

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# Educational Calendar for Upper Canada.

(Constructed from the School Laws and Regulations.)

|       |      | I. FIXED DATES.                                                                                                                                                                                                                                                                                                                                                |
|-------|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| JAN.  | 1    | The School year begins. A statutory holiday ( <i>Circumcision</i> .)                                                                                                                                                                                                                                                                                           |
|       | 1st  | Monday: 1st Quarterly Examination at Toronto of Candidates for Masterships in Grammar Schools.                                                                                                                                                                                                                                                                 |
|       | 6    | A statutory holiday in the Education Office ( <i>Epiphany</i> .)                                                                                                                                                                                                                                                                                               |
|       | 7    | Winter term in the Grammar Schools begins.                                                                                                                                                                                                                                                                                                                     |
|       | 8    | Winter term of the Normal School begins.                                                                                                                                                                                                                                                                                                                       |
|       | 2nd  | Wednesday: Annual School Elections throughout Upper Canada, of which six days previous notice must be given in three public places of each Section, Ward, etc. Within twenty days after meeting, election complaints can be investigated, and set aside or confirmed by local Superintendent in Townships, and by County Judge in Cities, Towns, and Villages. |
|       | 15   | Grammar School Annual Report to be made to the Chief Superintendent, by the Board of Trustees.                                                                                                                                                                                                                                                                 |
|       | —    | Common School Annual Report to be made to the Chief Superintendent by the Board of Trustees in Cities, Towns and Villages—an abstract of the Report is also to be published in some local newspaper.                                                                                                                                                           |
|       | 30   | Chief Superintendent's Annual Financial Report to Audit Board.                                                                                                                                                                                                                                                                                                 |
|       | 31   | School Section Annual Report to be sent to the Local Superintendent by the Trustees, who, after the 31st are liable to a fine of \$5 for every week the Report is delayed.                                                                                                                                                                                     |
|       | —    | Two Grammar School Trustees to annually retire from the Board on this day, and their places to be filled up by the County Council at its first meeting after the 1st of January.                                                                                                                                                                               |
| FEB.  | 1    | Supporters of R. C. Separate Schools to give annual notice in writing to, and receive certificate from, Clerk of Municipality in which Separate School is situated, of such support, on or before this day.                                                                                                                                                    |
|       | 1st  | Wednesday: the Board of Grammar School Trustees to meet annually on this day.                                                                                                                                                                                                                                                                                  |
| MARCH | Last | day: Annual financial report of each Sub-treasurer to be made up and transmitted with vouchers to the County Auditors.                                                                                                                                                                                                                                         |
|       | 1    | County, City, Town and Village clerks to transmit to the Chief Superintendent the Auditors' account of School moneys, and other information.                                                                                                                                                                                                                   |
|       | —    | Local Superintendents to transmit their Annual Reports to the Chief Superintendent.                                                                                                                                                                                                                                                                            |
|       | 25   | A statutory holiday in the Education Office ( <i>Annunciation</i> .)                                                                                                                                                                                                                                                                                           |
|       | Last | day: Applications for pensions to worn out Common School Teachers are to be made in this month, and before the first of April. Annual subscriptions to the fund to be transmitted as early in the year as possible.                                                                                                                                            |
| APRIL | 1    | In March or April occurs the <i>Easter</i> vacation in the Grammar and Common Schools. The spring term in the Grammar Schools commences on the first Wednesday after Easter. <i>Good Friday</i> is a holiday in the Grammar Schools and in the Education Office.                                                                                               |
|       | 1    | Termination of Local Superintendent's annual period of office; after which the new, or re-, appointments will have to be reported to the Chief Superintendent by the County Clerk or Board of Trustees in Cities, Towns and Villages.                                                                                                                          |
|       | 1    | Monday: 2nd Quarterly Examination of Grammar School Masters.                                                                                                                                                                                                                                                                                                   |
| MAY   | 15   | Winter Session in the Normal School ends.                                                                                                                                                                                                                                                                                                                      |
|       | 1    | Apportionment to Grammar and Common Schools to be notified by the Chief Superintendent.                                                                                                                                                                                                                                                                        |
|       | 13   | A statutory holiday in the Education Office ( <i>Ascension</i> .)                                                                                                                                                                                                                                                                                              |
|       | 24   | Queen's Birthday: a holiday in the Grammar Schools and in the Education Office.                                                                                                                                                                                                                                                                                |

## EDUCATIONAL CALENDAR—(Continued.)

|      |      |                                                                                                                                                                                                                                      |
|------|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| JUNE | 10   | A statutory holiday in the Education Office ( <i>Corpus Christi</i> ).                                                                                                                                                               |
|      | 22   | Normal School Winter Session ends.                                                                                                                                                                                                   |
|      | Last | Friday: Grammar School Spring Term ends with half-yearly examinations.                                                                                                                                                               |
|      | 29   | A statutory holiday in the Education Office ( <i>St. Peter and St. Paul</i> ).                                                                                                                                                       |
| JULY | 30   | Half-yearly returns to be sent by the Trustees of Grammar (and R. C. Separate) Schools to the Chief Superintendent, and by the Trustees of rural Sections to the local Superintendents.                                              |
|      |      | Clerks of Counties, Cities, Towns and Villages to report name of Treasurer to the Chief Superintendent.                                                                                                                              |
|      | 1    | (1) Annual Apportionment payable by the Chief Superintendent of Schools; also the Semi-annual Apportionment to (2) Grammar and (3) R. C. Separate Schools, and the Half-yearly Pension to (4) Superannuated Common School Teachers.* |
|      | —    | Chief Superintendent's Annual Report to the Governor General.                                                                                                                                                                        |
|      | 1st  | Monday: 3rd Quarterly Examination of Grammar School Masters.                                                                                                                                                                         |
| AUG. | 12   | Legislative School Grant to be distributed by local Superintendents among the Schools from which half-yearly returns have been received.                                                                                             |
|      | 1st  | Monday: the Common School Vacation of two weeks begins.                                                                                                                                                                              |
|      | 2nd  | Monday: Summer Term in the Grammar Schools begins.                                                                                                                                                                                   |
|      | 8    | Autumn Session of Normal School begins.                                                                                                                                                                                              |
| OCT. |      | The application of Trustees of rural Sections to the Township Council for the imposition of a school rate to be made before August meeting, except for expenses of site and school-house.                                            |
|      | Last | day: Local Superintendent to report to the Chief Superintendent on poor School applications.                                                                                                                                         |
|      | 1    | Agreements with Common School Teachers, in rural Sections, after this date, not valid, unless signed by those Trustees who remain in office for at least one year after the following January.                                       |
|      | 1st  | Monday: 4th Quarterly Examination of Grammar School Masters.                                                                                                                                                                         |
| NOV. | —    | Summer Term in the Grammar Schools ends on the Friday next before the 15th. The Autumn Term begins on the Monday following the close of the Summer Term.                                                                             |
|      | 1    | A statutory holiday in the Education Office ( <i>All Saints</i> .)                                                                                                                                                                   |
| DEC. | 14   | Common and Grammar School County Assessments available to Teachers.                                                                                                                                                                  |
|      |      | Autumn Session of the Normal School ends.                                                                                                                                                                                            |
|      | 22   | Autumn Term in the Grammar School ends with a public Examination.                                                                                                                                                                    |
|      | 25   | Christmas holidays in the Grammar and Common Schools commence. A holiday in the Education Office.                                                                                                                                    |
|      | —    | Alterations in the boundaries of School Sections take effect.                                                                                                                                                                        |
|      | —    | Trustees' returns of unpaid School rates on absentees' lands to be made before the end of the year to the Township Clerk.                                                                                                            |
|      | 31   | Half-yearly returns from Grammar (and R. C. Separate) School Trustees to be sent to the Chief Superintendent, and from rural Trustees to the local Superintendents.                                                                  |
|      | —    | 2nd half-yearly payments by the Chief Superintendent to (1) Grammar and (2) R. C. Separate Schools, and balance of year's pension to (3) Superannuated Common School Teachers.*                                                      |
| DEC. | —    | The School year ends. Trustees must keep open a School during at least six months of the year.                                                                                                                                       |

\* The checks issued by the Educational Department for these sums are payable at par, at any of the branch agencies of the Bank of Upper Canada. The following is a list of the agencies at present established in Canada: Barrie, Belleville, Berlin, Brantford, Brockville, Chatham, Clifton, Cornwall, Goderich, Hamilton, Kingston, Lindsay, London, Montreal, Niagara, Ottawa, Port Hope, Quebec, Sarnia, Southampton, St. Catharines, Stratford, Toronto, (head office), and Windsor.

## II. PERIODICAL DUTIES FOR WHICH NO SPECIFIC DATES ARE GIVEN.

1. The Board of Public Instruction shall meet four times a year for the examination of Common School Teachers.
2. There shall be Quarterly Examinations held in all the Common Schools; and Half-yearly Examinations in the Grammar Schools.
3. Local Superintendents shall make two or more official visits to the Common Schools; "one shall be made some time between the 1st of April and 1st October; and the other some time between the 1st of October and the 1st of April,"—other visits to be made, as directed by the County Council.
4. Local Superintendents shall "deliver in each school section, at least once a year," a public School Lecture.
5. Local Superintendents to be appointed annually; also, the Chairman, Secretary and Treasurer of each Grammar School Board; the Chairman, Secretary, and (if necessary) a Committee of three persons for each School, and the Collector of each Common School Board; and the County, City, Town and Village Auditors of School moneys.
6. Rate-bills in Common and Grammar Schools are payable monthly, quarterly, or yearly, in advance.
7. Abstract of City, Town, and Village School Report to be published annually in some local paper. In rural sections it is to be read at the annual meeting.
8. A general meeting of School Visitors may be held at any time. They should attend the Quarterly Examinations of the Schools.
9. Estimate of sums necessary to be raised for the Board of School Trustees to be laid before the City, Town, or Village Council any time during the year. The annual estimate should be laid before the Council early in the year.
10. County, City and Village Clerks to transmit to the Chief Superintendent immediately after the meetings of Council, a report of all proceedings relating to Education, appointment and post office address of each Local Superintendent, etc. In Cities, Towns and Villages, this duty should be performed by the Secretary to the Board of Trustees.
11. Grammar and Common School Trustees elected to fill a vacancy, to hold office only during the unexpired term.
12. Meteorological Journal to be regularly kept by the Head Master of each Senior County Grammar School.
13. Chief Superintendent to present his Annual Financial Report to the Legislature, "at each sitting thereof."
14. Inspectors to visit each of the Grammar Schools in the course of the year.
15. Defaulting Secretary-Treasurer to deliver up books, moneys, papers, &c., "by a certain day, to be named by the Judge"—or to be imprisoned "until the Judge shall be satisfied" that delivery is made.
16. Register and Journal of Education to be procured annually by the Trustees.

## III. SPECIFIC PERIODS TO BE OBSERVED.

1. Trustees to give six days' notice of annual and special school meetings, in three public places.
2. In cases of arbitration between Common School Trustees and Teachers, the opposite party must, within three days, appoint an arbitrator, or forfeit its right to do so.
3. Collectors to collect School rates within ten days; and fourteen days after the first application for the payment of rates, to seize and sell goods and chattels of Defaulters, within the Section (30 days when without), and to give six days' notice of sale.

4. Within twenty days after failure of calling annual or other meeting, two householders to give six days' notice of such meeting, in three public places.

5. Within twenty days after school election, Local Superintendents can hear complaints, and set aside or confirm elections in rural sections; in cities, towns and villages, the County Judge can receive and investigate election complaints within the same period.

6. Chief Superintendent can appeal from the decision of any County Judge in school matters, within thirty days from the rendering of Judgment.

7. In default of payment of any fines lawfully imposed by a Justice of the Peace, under the authority of the Common School Acts, the offender may be imprisoned for thirty days.

8. Ten years the limit of a loan to Trustees, for the purchase of site and erection of school-house, &c., as authorized by the Township Council.

9. When a Public Library-book has been detained seven days beyond the week allowed for every hundred pages it contains, the librarian shall require it to be delivered within three days, or be paid for, in addition to the fine of one penny a-day for detention. The Library Catalogue to be open for inspection "at all seasonable times."

10. Pupils commencing classics to be admitted into the Grammar Schools after the Christmas and Summer vacations. Those in English alone, or who have commenced Latin, to be admitted at the beginning of each term.

11. The afternoons of Wednesdays and Saturdays shall be half holidays in each Grammar School; and every alternate Saturday a holiday in each Common School.

12. The hours of teaching in Grammar and Common Schools shall not exceed six. School to commence at 9 o'clock, A. M. School-house to be ready 15 minutes before 9.

13. School to commence and close by reading a portion of Scripture, and by prayer. The ten commandments are recommended to be repeated once a week by the pupils.

14. The number of teaching days in each month, omitting the allowed holiday and vacations, is as follows:—

| <i>(First half of the year.)</i>   |     | <i>(Second half of the year.)</i> |     |
|------------------------------------|-----|-----------------------------------|-----|
| January .....                      | 25  | July .....                        | 24  |
| February .....                     | 22  | August .....                      | 14  |
| March } As Easter is changeable, { | 16  | September .....                   | 23  |
| April } these will vary .....      | 24  | October .....                     | 24  |
| May .....                          | 25  | November .....                    | 23  |
| June .....                         | 23  | December .....                    | 17  |
| Total .....                        | 135 | Total .....                       | 125 |

#### IV. ARBITRATIONS

The arbitrations authorized by the School Acts are as follows:—

1. Between Trustees and Teachers "in regard to salary or any other matter in dispute"—page 51. Any other tribunal is forbidden.

2. Between Trustees and a majority of their constituents present at the Annual Meeting, in regard to the financial report—page 43.

3. Between Trustees and a majority of their constituents present at a Special Meeting called to decide upon the School site—page 28.

The local Superintendent is, *ex officio*, one of the arbitrators. The awards in all cases are final.

V. FINES AND PENALTIES.

The fines and penalties authorized by the School Acts are as follows :

1. On Trustees—

\$20 for refusal to perform the duties of their office, besides various personal responsibilities.

\$20 for making a false return.

\$5 for every week of delay in forwarding their annual report to the local Superintendent.

\$5 for neglect of calling annual or other necessary School meetings.

2. On other parties—

\$5 for refusing to serve as Trustee when elected.

\$5 or \$10 or imprisonment for illegal voting.

\$20 for disturbing a School meeting, or interrupting a public school.

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THE  
COMMON SCHOOL ACTS  
Of Upper Canada.

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INTRODUCTORY.

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1. SUMMARY OF THE POWERS, DUTIES, AND RESPONSIBILITIES  
OF COMMON SCHOOL TRUSTEES.

NOTE.—From the following summary, Trustees can learn at a glance the extent of their general powers, duties, and responsibilities. For more definite information, when necessary, they can refer to sections of the Act and the Index at the end.

(1) *Their necessary and discretionary Powers.*

1. To take possession and have sole custody of all common school property, movable property, moneys, &c. Pages 35, 36.

2. To do whatever they may judge expedient in regard to the building, &c., &c., of the school-house, appendages, play-ground, enclosures, lands, and movable property. Page 36.

3. To have the sole authority to appoint and fix the amount of the salary of all male and female teachers appointed by them. Page 36.

4. To appoint a secretary-treasurer, a school collector, and a librarian. Pages 29, 30, 42.

5. To establish, if they judge expedient (with consent of local superintendent), a male and female school in their section. Page 37.

6. To raise all moneys, in the manner (*i.e.* by rate bill, subscription or school-rate) authorized by the school meeting. If the rate-bill or subscription be insufficient, they can levy a school-rate upon property, without any appeal to a school meeting. No meeting can lawfully decide what *amount* the trustees shall raise, but only the *manner* in which they shall do it. Should a meeting

neglect or refuse to decide upon the *manner* of raising the sums required, the trustees can exercise their own discretion as to which of the three modes they will adopt. Page 25.

7. To apply, if they judge expedient, to the municipality of their township, once a year, before the August meeting, (except in case of a site and building,) to raise any school-rate authorized by the inhabitants; and to compel the Council to collect it, by mandamus from the Queen's Bench, should the Council refuse. Pages 39, 53.

8. To exempt all indigent persons from section school-rates Page 39.

9. To sue non-residents for rate-bills or subscriptions. School-taxes on absentees must, however, be collected as pointed out in the twenty-second section of the Supplementary School Act, page 35. In case the township council should refuse to pay these taxes (duly returned to the clerk), the trustees can enter an action, in any competent Court, against the township Council for the amount. Pages 35, 39.

10. To call a special school meeting for any lawful school purpose. Page 40.

11. To unite their school with the adjacent grammar school. Page 46.

12. To resign the office of trustee, with the consent, in writing, of their colleagues and of the local superintendent. Page 26.

13. To decline re-election for four years next after going out of office. Page 21.

N. B.—No School meeting of their constituents can deprive Trustees of any of these powers or prevent their exercise.

## (2) *Their Positive Duties.*

1. To call the annual school meeting, and also a special one in case of any difference in regard to the school site, death or removal of trustee, &c. To transmit to the local superintendent copy of proceedings. Pages 40, 41.

2. To prosecute all illegal voters at school meetings. Page 26.

3. To see that their school is furnished with a trustees' book, a visitors' book, a teachers' register, and the *Journal of Education*. These two latter are furnished without cost. The two former must be purchased at the expense of the section. Page 45

4. To employ, and pay school moneys to none but legally qualified teachers. Page 37.

5. To fix no rate-bill upon persons sending children to school, for any purpose (including fuel, collector's fees, &c.), higher than 25 cents. per month, for each child attending school. In free schools, no rate-bill can be imposed upon the inhabitants. Rate-bills are payable in advance. Page 48.

6. To permit all residents, on whose behalf school-rates are paid, and who observe the rules, to attend their school. Page 41.

7. To visit the school, and see that it is properly conducted ; that no unauthorized books are used ; that all the pupils are supplied with proper text-books ; that the library is available to the inhabitants, and that it is lawfully managed. Page 42.

8. To exercise all the corporate powers vested in them, for the fulfilment of all agreements, contracts, &c. ; and to maintain a school in their section at least during six months of the year. Pages 42, 45, 46 and 73.

9. To transmit their yearly and half-yearly reports to the local superintendent, pages 45, 46 ; and also to submit their yearly report to the annual meeting of their constituents. Page 43.

10. To affix their corporate seal to all official documents under their hand. Page 28.

11. To take proper security from the Secretary-Treasurer and School Collector.—See page 30 and forms for this purpose. Page 32.

12. To make a return to the Township Clerk of all rates imposed by them. Page 29.

### (3) *Their Responsibilities, or Penalties for neglect of Duty.*

1. \$20 for refusal to perform the duties of their office. Page 26.

2. \$20 for making a false return. Page 48.

3. \$5 for every week of delay in forwarding their annual report to the local superintendent. Page 46.

4. \$5 for neglect of calling annual or other necessary school meetings. Page 27.

5. *Personal Responsibility.*—(1) For all contracts or agreements, when not officially fulfilled, as authorized by law, page

42; (2) For the award (if any against them) of arbitrators appointed at the annual meeting, page 43; (3) For all moneys lost to the section through their neglect of duty,—such as omission to send the half-yearly return to the local superintendent, neglect to keep open the school during at least six months of the year, &c., page 46; (4) For neglecting to take security from any person with whom they intrust school moneys, if any loss accrue, page 88; (5) For neglect or omission to affix their corporate seal to official agreements, contracts or documents. Page 28.

N.B.—Trustees neglecting to perform any of the “positive duties” required of them, as above, (and to the neglect of which no specific penalty is attached,) may incur the risk of having the apportionment to their School Section withheld, and themselves made personally responsible for the loss consequent thereon. See the ninth section of the Supplementary School Act of 1853, page 46.

(4) *Penalties imposed on other parties by the School Law:—*

1. \$5 for refusing to serve as Trustee when elected. Page 26.
2. \$5 or \$10 or imprisonment for illegal voting. Page 26.
3. \$20 for disturbing a school meeting, or interrupting a public school. Page 90.
4. Imprisonment of any secretary-treasurer refusing to deliver up books, papers, moneys, &c. Page 88.

## 2. SCHOOL TRUSTEES' YEARLY CALENDAR.

*(Taken from the School Acts.)*

|      |    |                                                                                                                                                               |
|------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| JAN. | —  | A week before the second Wednesday of this month to post up three notices, in at least three public places, fixing the place of the Annual School Meeting.    |
|      | —  | Second Wednesday—To attend the Annual School Meeting—submit their report for the year then closing and provide for keeping open the School for the next year. |
|      | 15 | To transmit their annual report to the Local Superintendent.                                                                                                  |
| JUNE | 30 | To transmit their first half-yearly return to the Local Superintendent.                                                                                       |
| DEC. | 31 | To transmit their second half-yearly return to the Local Superintendent.                                                                                      |

In addition, to call Special School Meetings for fixing site, election in case of death, resignation or removal of colleague, when necessary,—to make out the rate-bills (if any) monthly, quarterly, or yearly, in advance.

## DIVISION I.

**NOTE**—The Upper Canada School Act of 1850 (13th and 14th Vict., chap. 48). being the basis of the present School law, is inserted below. The Act of 1853 (16th Vict., chap. 185), being supplementary to that of 1850, is incorporated with the text of that Act.

*The "Act for the better Establishment and Maintenance of Common Schools in Upper Canada," received the Royal Assent on the 24th of July, 1850; the "Act Supplementary to the Common School Act of Upper Canada," received the Royal Assent on the 14th of June, 1853; taken together they are known as "The Common School Acts of Upper Canada. See Sect. 28th, Supp. Act.*

## 3. PREAMBLE AND ENACTING CLAUSE.

**W**HEREAS it is expedient to make provision for the better establishment and maintenance of Common Schools in the several Villages, Towns, Townships and Counties of Upper Canada: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to reunite the provinces of Upper and Lower Canada, and for the Government of Canada.* And it is hereby enacted by the authority of the same.

## 4. THE SCHOOL ACTS OF 1846 AND 1849 REPEALED.

That the Act of the Parliament of this Province, passed in the seventh year of Her Majesty's reign, intituled "An Act for the better Establishment and Maintenance of Common Schools in Upper Canada," and also the Act passed in the twelfth year of Her Majesty's Reign, ch. 83, and intituled "An Act for the better Establishment and Maintenance of Public Schools in Upper Canada, and for repealing the present School Act," shall be, and the same are hereby repealed: *Provided* always, nevertheless, firstly, that no Act or part of an Act repealed, shall be revived by the passing of this Act: And *Provided* also, secondly, that the repeal of the said Acts shall not extend, or be construed to extend to any act done, and penalty incurred, or any proceeding had under the said Acts, or either of them.

## 5. CONFIRMATION CLAUSE.

And *provided* also, thirdly, that all School Sections or other School divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, made under the authority of the said Acts, or of any preceding Act, and not annulled by the said Acts or by this Act, or by any of them, shall be valid and in full force and binding upon all persons concerned, as if made under the authority of this Act, and shall so continue until altered, modified, or superseded, according to the provisions of this Act.

## 6. LIABILITIES OF OFFICERS NOT AFFECTED BY THE REPEAL.

And *provided* also, fourthly, that nothing herein contained shall affect the liability of any District, County, City, Town, or Township Superintendent of Common Schools, to the Municipal Corporation to which he would otherwise be responsible for the same, for any moneys received by him under either of the said Acts; but the liabilities of every such Superintendent for such moneys shall be and remain as if this Act had not been passed

7. THE LEGISLATIVE AID OF £50,000, GRANTED IN 1841,  
CONTINUED.

And *provided* also, fifthly, that nothing in the said Act secondly above recited, contained, shall extend, or be construed to extend, to have repealed any Act of the Parliament of this Province, whereby provision was made for the appropriation of money from the consolidated revenue fund of this Province, for or towards the establishment and maintenance of Common Schools in this Province or any part thereof.\*

## 8. ANNUAL SCHOOL MEETINGS.

II. And be it enacted, That the annual meetings for the election of School Trustees, as hereinafter provided by this Act, shall

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\* *i. e.* the Legislative School Grant, originally made, 4th and 5th Victoria, chap. 18, sec. 3; continued, 12th Vic., chap. 200, sec. 4; confirmed, 13th & 14th Vic., chap. 48, sec. 1, as above. Increased, 16th Victoria, chap. 185, sec. 23; further increased, 18th Vic., chap. 132, sec. 1.

be held in all the Villages, Towns, Cities, and Townships of Upper Canada, on the second Wednesday in January in each year, commencing at the hour of Ten of the clock in the forenoon. [*See sixth section, page 24.*]

#### 9. ANNUAL ELECTION OF ONE SCHOOL TRUSTEE.

III. And be it enacted, That in all School divisions (except in Cities, Towns, and Incorporated Villages) which have been established according to law, and which have been called "School Sections," and in which there shall be three Trustees in office at the time this Act shall come into force, one Trustee shall be elected to office at each ensuing annual school meeting, in place of the one who shall have been three years in office: *Provided* always, that the same individual, if willing, may be re-elected: And *provided* also, that no School Trustee shall be re-elected, except by his own consent, during the four years next after his going out of office. [*See "Note" on page 23.*]

#### 10. FIRST TRUSTEE ELECTIONS IN NEW SECTIONS.

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

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\* See page 54. See also the "Remarks" and "Note" on page 22.

† *Form of Notice for a first School Section Meeting.*

#### SCHOOL NOTICE.

The Municipal Council of this Township having formed a part of the Township into a School Section, and designated it School Section No. —, its boundaries and limits are as follows:—[*Here insert the description of the Section.*]

The undersigned, having been authorized and required by the Municipal Council to appoint the time and place of holding the first meeting for the

election of Trustees for the School Section above described, hereby notifies the Freeholders and Householdors of said School Section, that a Public Meeting will be held at — on — day, the — of —, at the hour of 10 o'clock in the forenoon, for the purpose of electing three fit and proper persons from among the freeholders or householders as School Trustees of the said Section, as required by the Upper Canada School Act of 1850, section four.

REMARKS.—Should the person authorized and appointed by the Municipal Council to call the first Section Meeting refuse or neglect to do so, he subjects himself, by the ninth Section of this Act, page 26, to a penalty of five Dollars, recoverable for the purposes of such School Section; and then, any two Householders are authorized, within twenty days, on giving six days' notice, to call a meeting for the election of Trustees. The form of their notice—to be posted in at least three public places in the School Section concerned, and at least six days before the time of holding such meeting—should be as follows—

The Municipal Council of this township, having formed a part of the Township into a School Section, and designated it "School Section No.," its boundaries and limits are as follows:—*[Here insert description.]* And the person appointed to call the first School Section Meeting having neglected to do so.—

We the undersigned, [*Householders or freeholders as the case may be*] of the School Section above described, in conformity with the ninth section of the School Act of 1850, hereby give notice to Freeholders and householders of said School Section, that a Public Meeting will be held at —, on — day, the — of —, at the hour of 10 o'clock in the forenoon for the purpose of electing three fit and proper persons from among the freeholders and householders as School Trustees for the said Section.

NOTE.—The same notice can be given, in case the Municipal Council neglects to appoint a person to call the first annual school meeting. Care should, however, be taken to insert the description of the section, as embodied in the resolution or bye-law of the Municipal Council,—a certified copy of which should be obtained from the Township Clerk for this purpose. A local Superintendent may also call this meeting in case of any neglect or omission to do so. See page 78.

school section present, shall elect one of their own number to preside over the proceedings of such meeting, and shall also appoint a Secretary, whose duty it shall be to record all the proceedings of such meeting; and the Chairman of such meeting shall decide all questions of order, subject to an appeal to the meeting, and shall give the casting vote in case of an equality of votes, and shall have no vote except as Chairman, and shall take the votes in such manner as shall be desired by the majority of the electors present, and shall, at the request of any two electors, grant a poll for recording the names of the voters by the Secretary: And it shall be the duty of the electors present at such meeting, or a majority of them, to elect from the freeholders or householders in such section, *three* Trustees, who shall respectively continue in office as follows:—The last person elected shall continue in office until the next ensuing annual school meeting in such section, and until his successor is elected; the second person elected, one year, and the first person elected, two years, from such next ensuing annual school meeting, and until their successors are elected respectively; *Provided* always, that a correct copy of the proceedings of such first school section meeting, signed by the Chairman and Secretary, shall be forthwith transmitted by the Secretary to the Local Superintendent of Schools.\*

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

—, 18—. [— *Post Office*.]

SIR,—In conformity with the fifth section of the Upper Canada School Act of 1850, we have the honor to inform you, that, at a meeting of the Freeholders and Householdors of School Section No.—, in the Township of —, held according to law, on the — day of —. [*Here insert the name or names or address of the person or persons elected*] — chosen School [Trustee or Trustees of said Section.]

We have the honor to be, Sir,

Your obedient servants,

To the Local Superintendent of Schools

D. E, *Chairman*

For the County or Township, of —

F. A, *Secretary*.

NOTE. The Trustees first elected in a School Section must be Freeholders or Householdors. If Freeholders, residence within the boundaries of the

## 12. ANNUAL SCHOOL SECTION MEETINGS.

VI. And be it enacted, That at every annual school section meeting in any Township, as authorized and required to be held by the second section of this Act\* [See pages 20 & 40], it shall be the duty of the freeholders or householders of such section, present at such meeting, or a majority of them,—

(1) *Elect Chairman and Secretary.*

*Firstly.* To elect a Chairman and Secretary, who shall perform the duties required of the Chairman and Secretary by the fifth section of this Act [Page. 22].

(2) *Receive and decide upon the Trustees' Financial Report.*

*Secondly.* To receive and decide upon the report of the Trustees, as authorized and provided for by the eighteenth clause of the twelfth section of this Act. [See page 43.]†

(3) *Elect a Trustee or Trustees.*

*Thirdly.* To elect one or more persons as Trustee or Trustees, to fill up the vacancy or vacancies in the Trustee Corporation,

section is not necessary, so long as the duties of the office of Trustee are faithfully performed.

The sixth proviso of the fourteenth section of the Supplementary School Act of 1853 authorizes local Superintendents to investigate School Election complaints within twenty days after the Election. See page 78.

\* Trustees are not required to state the ordinary business of an annual meeting in their notices, as the law expressly specifies it. If the trustees have other business to bring forward, they must distinctly state it in their notice, otherwise it cannot lawfully be considered at the meeting. A special school meeting can, however, be called at any time. See twelfth clause of the twelfth section, page 40.

† The Trustees are required to present their yearly school accounts to the Annual Meeting for audit. For neglect of this duty they are personally responsible. Should no exception be taken to the accounts they must be held to be correct. The meeting should see that the vouchers agree with the sums reported to have been paid by the Trustees for the School purposes of the Section.

according to law ; Provided always, that no Teacher in such section shall hold the office of School Trustee.\*

(4) *Decide how the School shall be Supported.*

*Fourthly.* To decide upon the *manner* [as defined by the *thirteenth Section of the Supplementary School Act of 1853, page 48*], in which the salary of the Teacher or Teachers, and all the expenses connected with the operations of the School or Schools, shall be provided for.†

13. CHALLENGING VOTERS AT SCHOOL MEETINGS.

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

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\* By the fourteenth section of the Supplementary Act, no Local Superintendent can be a Trustee in a school section [p. 77]; and by the sixth proviso in the fourth section of the same Act supporters of separate schools are ineligible as Trustees of public common schools [p. 61]. In the case of a contested election in a school section, an appeal can be made to the Local Superintendent. See page 78 and note to fifth section, page 24.

† It belongs to the *office of Trustees* to estimate and determine the *amount* of the Teacher's salary and all expenses connected with the school; but it appertains to the majority of the Freeholders and Householdors of each School Section, at a public meeting called for the purpose, to decide as to the *manner* in which such expenses shall be provided for, whether (1) by voluntary subscription; (2) rate bill, in advance, of twenty five cents (or less) per month on children attending the school; (3) rate on property. But as the Trustees alone (by the fourth, fifth, and seventeenth clauses, of the twelfth sections [pp. 36, 42],) determine the amount required for the support of the school which they are required to keep open at least six months of the year, they are authorized by the latter part of the seventh clause of the twelfth section [p. 38] to provide the balance in such manner as they may think proper. They are also authorized to provide for *deficiencies*, by a rate upon the property of the section, should the vote of the annual meeting not cover all expenses; or for *all the expenses of the school*, (over and above the checks for the School Fund) should the annual meeting *omit or refuse* to decide as above. But for all the money received and expended by them, the Trustees must account annually to their constituents, as prescribed in the eighteenth clause of the twelfth section. [Page 43.] Besides calling Annual School Section Meetings, Trustees are authorized by the twelfth clause of that section, page 40, to call Special Meetings to select a site for the erection of a school-house, the mode of raising a teacher's salary, or for any school purpose whatever.

presiding at such meeting shall require the person so offering, to make the following declaration:—"I do declare and affirm that I am a freeholder (*or householder*) in this school section, and that I am legally qualified to vote at this meeting."\* And every person making such declaration, shall be permitted to vote on all questions proposed at such meeting; but if any person shall refuse to make such declaration, his vote shall be rejected: *Provided* always, that every person who shall wilfully make a false declaration of his right to vote, shall be deemed guilty of a misdemeanor, and punishable by fine or imprisonment, at the discretion of any Court of Quarter Sessions, or by a penalty of not less than *five dollars* or more than *ten dollars*, to be sued for and recovered, with costs, by the Trustees of the school section, for its use, before any Justice of the Peace, having jurisdiction within such school section.†

#### 14. PENALTY FOR REFUSING TO SERVE AS TRUSTEE.

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

#### 15. REMEDY FOR FAILURE TO CALL SCHOOL MEETING.

IX. And be it enacted, That in case no annual or other

\* Supporters of separate schools have no votes at public common school elections. See page 61.

† See 19th Section of the Supplementary School Act of 1853, page 91.

‡ The other penalties incurred by Trustees for the non performance of their duties are specified in the following (ninth) Section, in the ninth and tenth Sections of the Supplementary School Act of 1853, quoted on page 46, immediately after the twelfth Section of the Act of 1850. See also page 17.

¶ See nineteenth sec. of the Supplementary School Act of 1853, page 91.

school section meeting be held for want of the proper notice, the Trustees or other person whose duty it was to give such notice, shall respectively and individually forfeit the sum of *five dollars*, to be sued for and recovered for the purposes of such school section, on the complaint of any resident in such section, before any such Justice of the Peace:\* *Provided* always, that in the default of the holding of any school section meeting, as hereinbefore authorized by this Act, for want of the proper notice, then any *two* freeholders or householders in such section, are hereby authorized, within *twenty* days after the time at which such meeting should have been held, to call such meeting by giving *six* days' notice, to be posted in at least *three* public places in such school section; and the meeting thus called shall possess all the power, and perform all the duties of the meeting, in the place of which it shall have been called.†

#### 16. THE SCHOOL TRUSTEES TO BE A CORPORATION.

X. And be it enacted, That the Trustees in each school section shall be a Corporation, under the name of "*The Trustees*

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\* See nineteenth sec. of the Supplementary School Act of 1853, page 91.

† *Form of Notice of an Annual School Section Meeting to be given by two householders.*

##### SCHOOL NOTICE.

The Trustees of School Section, No.—, in the township of— having neglected to give notice of the Annual School Section Meeting, as prescribed by the twelfth clause of the twelfth section of the U. C. School Act of 1850, the undersigned hereby give notice to the Freeholders and Householdors of the said School Section,, that a Public Meeting will be held at—, on—, the—day of—, at ten o'clock in the forenoon, for the purpose of electing a fit and proper person as Trustee, as directed by law.

Dated this—day of—, 18—.

A. B., } *Householders or Freeholders.*

C. D., } *School Section, No.—.*

NOTE.—The mode of proceeding, at a School Meeting thus called, is prescribed in the sixth section of the Act, page 24. This meeting may also be called by the local Superintendent.—See fifth proviso of the fourteenth section of the Supplementary School Act of 1853, page 78.

For the Form of Notice to be given by any two Householdors, for a first School Section Meeting, see page 21.

of School Section, Number —, in the Township of —, in the County of —.” [The General Interpretation Act, which applies to all statutes, further adds, in regard to Corporations, that they “*shall have perpetual succession and a Common Seal,\* and may sue and be sued,*” &c.] Provided always, that no such Corporation of any School Section shall cease by reason of the want of Trustees, but in case of such want, any *two* freeholders or householders of such section shall have authority, by giving *six* days’ notice, to be posted in at least *three* public places in such section, to call a meeting of freeholders or householders, who shall proceed to elect *three* Trustees, in the manner prescribed in the fifth section of this Act, and the Trustees thus elected shall hold and retire from office in the manner prescribed for Trustees elected under the authority of the said fifth section of this Act, [page 22].†

#### 17. MODE OF SELECTING SCHOOL SITES.

XI. And be it enacted, That in any case of difference as to the site of a school-house between the majority of the Trustees of a school section and a majority of the freeholders or householders, at a special meeting called for that purpose, each party shall choose one person as arbitrator, and the two arbitrators thus chosen, and the Local Superintendent, or any person appointed by him to act in his behalf, in case of his inability to attend, or a majority of them, shall finally decide on the matter. [See page 74 and also the Proviso to the next section.]

#### 18. RATES FOR DEFRAYING THE EXPENSES OF A SCHOOL SITE AND HOUSE.

[The sixth Section of the Supplementary School Act of 1853 also refers to this selection of school sites, &c.,] as follows :

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\* The Trustees, being a corporation, must use a *corporate seal* in their official acts, otherwise they may become personally liable for contracts or agreements. These Seals can be procured in Toronto for \$5 each. The acts of the majority are binding upon the Corporation. Notice of all Trustee Meetings for the transaction of business should be given to all the members of the Corporation. See Decisions of the Courts, at the end.

† The local Superintendent can also call this meeting. See page 78 and note to preceding section (IX,) page 27.

VI. And be it enacted, That the Trustees of each School Section shall have the same authority to assess and collect School Rates for the purpose of purchasing School sites and the erection of School Houses, as they are now or may be invested with by law to assess and collect Rates for other School purposes :\*

#### 19. SPECIAL MEETING TO SELECT A SCHOOL SITE.

*Provided* always, that they shall take no steps for procuring a School site on which to erect a new School House, or changing the Site of a School House established, or that may be hereafter established, without calling a Special Meeting of the Freeholders and Householdors of their Section to consider the matter; and if a majority of such Freeholders and Householdors present at such Meeting, differ from a majority of the Trustees as to the Site of a School House, the question shall be disposed of in the manner prescribed by the [*preceding*] eleventh section of the said Upper Canada School Act, of 1850 [page 28] : *Provided* that such Trustees shall, whenever they impose any rate for School purposes, make a return to the Clerk of the Municipality of the amount of the rate so imposed by them.†]

#### 20. DUTIES OF TRUSTEES OF SCHOOL SECTIONS.

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

##### (1) *Secretary-Treasurer and his duties.*

*Firstly.* To appoint one of themselves, or some other person, to be Secretary-treasurer to the Corporation ; and it shall be the

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\* *i. e.* By the seventh and ninth clauses of the twelfth Section of the School Act of 1850, pages 38 and 39. See also pages 52, 53 and 57,

† The second clause of the two hundred and fifty ninth section of the U. C. Municipal Institutions Act (22nd Vict., chap. 99), authorizes Township Councils to pass by-laws "for obtaining such real property as may be required for the erection of Common School Houses thereon and for other Common School purposes, and for the disposal thereof when no longer required." See page 53 ; the first clause of the eighteenth section of the School Act of 1850, page 52 ; and also the seventeenth section of the Supplementary School Act, page 57.

duty of such Secretary-Treasurer to give such security for the correct and safe keeping and forthcoming (when called for) of the papers and moneys belonging to the Corporation, as may be required by a majority of the Trustees;\* to keep a record of all their proceedings, in a book procured for that purpose; to receive and account for all school moneys collected by rate-bill, subscription, or otherwise, from the inhabitants of such school section; to disburse such moneys in such manner as may be directed by the majority of the Trustees.†

(2) *Collector of School Rates and his duties*

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

\* For Form see page 32.

† The forty-third section of this Act provides a remedy against a defaulting Secretary-Treasurer. Should the Trustees neglect to take security, they become personally responsible should any loss be sustained thereby. See page 88.

‡ By the twenty-first section of the Upper Canada Supplementary School Act of 1853. School Trustees can appoint one of their own number to act as a collector of school fees. See page 34.

§ For Form of this security, see note *b*, on page 32. For Form of Rate-bill, &c., see note *d*, page 33.

§ For Form of Warrant, see note *c*, on page 33.

¶ For "Powers," &c., of Collector, see the following note *a*.

(a) *POWERS and Duties of COLLECTORS of School Rates.*

These "powers" of, and the mode of "proceeding" observed by Township and County Collectors, are prescribed in the Upper Canada Assess-

ment Acts. Taken from the Assessment Consolidation Laws (16th Vict., chap. 182), they may be adapted to Collectors of school rates, as follows :

1. *Shall Call for the Rate.*

1. The Collector on receiving or making out the roll (page 39), shall proceed to collect the rates. He shall call once on the party rated, if residing within or near the section ; if a non-resident, he shall send by post a statement of demand ; he shall not receive rates for property which is not set down on his roll : (See Sec. XLI Assessment Law.)

2. *Shall Seize Goods and Chattels of Defaulters.*

2. He shall collect the rate within *ten* days from date of the warrant ; but in case any person refuse payment he shall, *fourteen* days after having made a demand, levy for the amount due, by distress and sale of goods and chattels, if found within the section. If the party rated be a non-resident, the Collector shall, within *thirty* days after the delivering to him of the roll and warrant, make distress of any goods and chattels *found on non-resident's land*, " and no claim of property, lien, or privilege thereupon or thereto shall be available to prevent the sale, or the payment of the taxes and costs out of the proceeds thereof." If there be no goods and chattels, the Collector shall proceed as directed in the twenty second section of the Supplementary School Act of 1853, page 35. In regard to the property of railway companies, see No. 6, following, See Sec. XLII.

3. *Shall give Written Notice and Sell by Auction.*

3. He shall give written notice of the day of sale and the name of the defaulter, in not less than *three* public places within the section, at least *six* days before the day of sale ; and shall sell by public auction the property seized. Sec. XLIII.

4. *How to Dispose of Surplus.*

4. If proceeds of property amount to more than the rate and costs he shall return the surplus to the party who was in possession when it was seized, or to the rightful owner, as admitted by the party for whose taxes the property was distrained. If there be a dispute as to the ownership of the property sold, the surplus shall be paid over to the Township Treasurer until the dispute be settled.

5. *How to Proceed Against Parties who Remove.*

5. Where parties remove to any part of the township after the rate was levied and notice given, without paying their rate the Collector shall collect the rate by distress and sale as above. Sec. XLV.

6. *Liability of Railway Companies.*

6. By the proviso to the eighth section of the Consolidated Assessment Act (16th Vic., chap. 182), the real estate of any railroad company which may be situated in any School Section, " *shall not be considered to be the land of non residents.*" The twenty-first section of that Act requires the company to transmit annually to the Clerk of the Municipality a statement of

the value of all their real property, except the roadway, in the Municipality; the Clerk shall communicate the same to the Assessor, and the Trustees shall copy it from the Assessor's roll and place it upon the Collector's roll with the amount of tax payable thereon. The Collector shall then collect the tax at the nearest railway station of the company.

*b. Bond of Collector or Secretary-Treasurer*

*The Security referred to on page 30, may be given in the following Form.*

Know all men by these presents: That A. B., of C., [Collector of school rates, or Secretary Treasurer, or both, as the case may be,] for School Section No. —, in the Township of —, in the County of —, and Province of Canada, and F. G., of H., in the said Province, are held and firmly bound to I. J. K. L., and M. N., Trustees of the School Section aforesaid, in the sum of — Dollars of lawful money, to be well and truly paid to the said Trustees, or their successors in office, for which payment well and truly to be made to the said Trustees, we bind ourselves jointly and severally, our heirs, executors and administrators firmly by these presents. Sealed with our seals, and dated at O. this — day of —, in the year of our Lord one thousand eight hundred and —

The condition of this bond is such: that if the above bounden A. B. shall collect\* all school rates and assessments of the said Section for which he has been appointed collector, and shall pay or cause to be paid over all moneys which he may collect (except his own per centage) to the [Trustees or Secretary-Treasurer] of the said School Section, within — days from the receipt by him of such sum collected, and shall make a full return within — days from the date of these presents, then this obligation shall be null and void, otherwise to remain in full force and virtue.

|                              |   |                                           |
|------------------------------|---|-------------------------------------------|
| Signed, sealed and delivered | } | A. B., Collector or Sec.-Treas'r. [Seal.] |
| in presence of P. Q.         |   | F. G. [Seal.]                             |
| R. S.                        |   |                                           |

*c. Warrant for the Collection of the Rate Bill or the School Rate: †*

We, the undersigned, Trustees of School Section No. —, in the Township

[\* NOTE.—If the bond be for a Secretary-Treasurer alone, insert the following instead of "shall collect" &c., "shall correctly keep all the papers belonging to the school corporation, and shall receive and safely keep, and faithfully disburse, upon the order of the aforesaid Trustees alone, all moneys collected by rate bill, subscription or otherwise, by the authority of the said Trustees, and shall deliver up to the lawful order in writing of the aforesaid Trustees, when called for, all such papers in his custody and all such moneys, not paid out as aforesaid."]

† Where arbitrators, acting under the authority of the nineteenth clause of the twelfth section of the School Act of 1850 and the seventeenth section of the Supplementary School Act of 1853, are compelled to issue a warrant to enforce their award they can modify this form of warrant for that purpose.

of—, in the County of—, by virtue of the authority vested in us by the eighth clause of the twelfth section of the Upper Canada School Act of 1850, hereby authorize and require you [*here insert the name and residence of the person appointed to collect the rate bill or school rate,*] after ten days from the date hereof, to collect from the several individuals in the annexed rate bill [or school rate roll,\*] the sum of money opposite their respective names, and to pay within — days from the receipt thereof, the amount so collected, after retaining your own fees, to the Secretary-Treasurer, whose discharge shall be your acquittance for the sum so paid. And in default of payment on demand by any person so rated, you are hereby authorized and required to levy the amount by distress and sale of the goods and chattels of the person or persons making default.

A. B. }  
C. D. } Trustees. [*Corporate Seal.*]  
E. F. }

Given under our hands and seals of office, this — day of —, 18—.

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

REMARKS.—The Trustees being a corporation, the law requires that all warrants and documents issued by them in that capacity, should have the corporate seal of the School Section attached, otherwise they may be resisted, and the Trustees made personally responsible for such neglect. [See page 28.]

d. *Form of Rate Bill for School Fees, as authorized by the second and eighth clauses of the twelfth section of the Act (Pages 30, 38),—to be annexed to the foregoing Warrant.*

Rate Bill of persons liable for School Fees, in School Section No. —, in the Township of —, for the [*month or quarter, &c.,*] commencing the — day of —, and ending the — day of —, 18—.

| NAMES OF PARENTS OR GUARDIANS.                     | No. of Pupils attending School. | Rate per Pupil. | Amount of [Monthly or Quarterly] Rate Bill for TUITION, FUEL, RENT, &c |    |
|----------------------------------------------------|---------------------------------|-----------------|------------------------------------------------------------------------|----|
|                                                    |                                 |                 | \$                                                                     | c. |
| [See especially remarks 1 and 2 on the next page.] |                                 |                 |                                                                        |    |

Given under our hands and seal of office, this — day of — 18—.

A. B. }  
C. D. } Trustees. [*Corporate Seal.*]  
E. F. }

\* The Collector's roll for the School rate can be taken from the Township Assessor's roll, so far as it relates to the School Section.

*f. Trustee can be a Collector of School Rates.*

(From the Supplementary School Act of 1853)

[In regard to the second clause of this section, page 30, the Supplementary School Act provides, sections 21 & 22.]

XXI. And whereas doubts have arisen whether the Trustees of any school section, or the Board of Trustees, of any city town or village, can appoint any one or more of their number. Collector or Collectors of school rates;\* For the removal thereof, Be it enacted, That it shall and may be lawful for the Trustees of any school section, or the Board of School Trustees

1. The Trustees should make the apportionment for fuel in money, as one item in the rate bill, and then exercise their own discretion as to whether the item for fuel should be paid in money or wood—fixing the price per cord to be allowed for the wood, describing the kind of wood, and the manner in which it should be prepared for the school. As no rate bill can exceed 25 cts. per Calendar month, the price of fuel and the school fees must be included in this amount. (See page 48). The Collector's fees must also be paid by the Trustees out of the amount collected.

2. Rate bills being now payable in advance (see Duties of Pupils, No. 14, sub-division 5, paragraph 6, also page 39) Trustees can always make arrangements to pay their teachers punctually.

3. The Collector should take a receipt from the Secretary-Treasurer of the Section for all moneys paid him. The Secretary-Treasurer should also take a receipt from the Teacher for all moneys paid him. The taking and giving receipts for money paid and received will prevent errors and misunderstandings.

*e. Form of receipt to be given by the Collector, on receiving the amount named in the Rate Bills, as follows :*

Received from [*here insert the person's name*] the sum of [*here write the sum in words*] being the amount of his [*or her*] Rate Bill, for the [*month or quarter, &c.,*] ending on the — day of —, 18—.

Dated this — day of —, 18—.

A. B., Collector of School moneys.

4. As the school accounts of each year must be kept separate by the Chief Superintendent of Education, so must the rate bills and school rates. These bills and the warrants can be made out for a month, or for one or more quarters of a year, at the same time, as the Trustees may think expedient.

\* See second and eighth clauses of the twelfth section of the School Act of 1850, pages 30 and 38.

in any city, town or incorporated village, to appoint one of more of their number as Collector or Collectors to collect the school rates of any such section, city, town or village.\*

*g. Collecting Rates on the Lands of Non-residents.†*

XXII. And be it enacted, That if the Collector appointed by the Trustees of any school section, shall have been unable to collect that portion of any school rate which was charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the Trustees shall make a return to the Clerk of the Municipality, before the end of the then current year‡ of all such parcels of land and the uncollected rates thereon; and the Clerk shall make a return to the County Treasurer of all such lands and the arrears of school rates thereon, and such arrears shall be collected and accounted for by such Treasurer in the same manner as the arrears of other taxes; and the Township, village, town or city in which such school section is situate, shall make up the deficiency arising from the uncollected rate on lands liable to assessment, out of the general funds of the municipality.¶]

*(3) Possession and Custody of School Property by the Trustees.*

*Thirdly.* To take possession and have the custody and safe keeping of all Common School property, which may have been acquired or given for Common School purposes in such section, and to acquire and hold as a Corporation, by any title what-

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\* See note ‡ to the second clause of the twelfth section of the School Act of 1850, page 30.

† The real estate of a Railway Company situated in a School section is not non-resident land. See No. 6, on page 31.

‡ School fees being by law payable in advance, the school rate can be levied in sufficient time to allow this return being made.

NOTE.—The forty-ninth section of the Consolidated Assessment Act of 1853 makes it the duty of the Treasurer of each Municipality, to furnish the County Treasurer "with an account of all arrears due upon lands on account of any rate imposed by School Trustees."

¶ In case of refusal on the part of the Township Council to pay the amount of these uncollected rates, duly returned to its Clerk before the end of the year in which the rate was levied, the Trustees can enter an action against the Township Council for such amount.

soever, any land, movable property, moneys, or income for Common School purposes, until the power hereby given shall be taken away or modified, according to law, and to apply the same according to the terms of acquiring or receiving them.\*

(4) *Building; Rents, Repairs; Apparatus, Text Books, &c.*

*Fourthly.* To do whatever they may judge expedient with regard to the building, repairing, renting, warming, furnishing and keeping in order the section school-house, and its appendages, wood-house, privies, enclosures, lands, and movable property, which shall be held by them, and for procuring apparatus and text-books for their School; also, to rent, repair, furnish, warm, and keep in order a school-house, and its appendages, if there be no suitable school-house belonging to such section, or if a second school-house be required.† [*i.e.* For a female school, see next clause.]

(5) *Employ qualified Teachers and no others.*

*Fifthly,* To contract with and employ all Teachers for such school section, and determine the amount of their salaries;‡

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\* This clause vests all School property absolutely in the Trustee Corporation. Trustees should, whenever practicable, obtain a deed, a bond for a deed, a lease, or other legal instrument, granting quiet possession to them of the property in their section, in case they have no sufficient title to it. Objection is frequently made to the right of Trustees to assess the section for the repairs or building of a school house, where no legal title to the school premises is vested in them. To remove this objection (although it is only a technical one), Trustees should obtain the legal instrument referred to. For form of deed see the Forms, &c., appended. Every public school house and site are exempt from taxation.—See Assessment Laws Consolidation, sec. VI., clause 2.

† On appeal of the Chief Superintendent from the judgment of a County Judge, the Court of Queen's Bench decided that Trustees have equal authority to levy a rate for the erection of a school house, as for the support of a school, 12. U. C. Q. B. R.—See the sixth section of the Supplementary School Act of 1853, on page 29. In changing the site of a school-house Trustees must first obtain the sanction of a public meeting. See page 40.

‡ *The following is the Form of Agreement between Trustees and Teacher:*

We, the undersigned, Trustees of School Section No.—, in the Township of—, by virtue of the authority vested in us by the fifth clause of the twelfth section of the Upper Canada School Act of 1850, have chosen [*here insert the Teacher's name*] who holds a——class certificate of qualification,

(6) *Establish a Female School.*

And to establish, if they shall deem it expedient, by and with the consent of the local Superintendent of Schools, both a female and male school in such section, each of which shall be subject to the same regulations and obligations as common schools generally.

(7) *Orders to duly qualified Teachers only.*

*Sixthly.* To give the Teacher or Teachers employed by them, the necessary order or orders upon the Local Superintendent for the School Fund apportioned and payable to their School section; \*

to be a Teacher in said School Section ; and we do hereby contract with and employ such Teacher, at the rate of [*here insert the sum in words,*] per annum, from and after the day hereof; and we further bind and oblige ourselves, and our successors in office, faithfully to employ the powers with which we are legally invested by the said section of said Act, to collect and pay the said Teacher, during the continuance of this agreement, the sum for which we hereby become bound—the said sum to be paid to the said Teacher, [*quarterly, &c., as the case may be.*] And the said Teacher hereby contracts and binds himself [*or herself*] to teach and conduct the School, in said School Section, according to the said School Act and the regulations provided under its authority. This agreement shall continue in force [*here insert the period of agreement,*] from the date hereof (unless the certificate of the said Teacher should in the meantime be annulled or revoked† according to law), and shall include all lawful holidays and vacations. [See page 98.]

Given under our hands and seals of office, this — day of —, 18—

K. L. Witness.

A. B. }  
C. D. } Trustees. [*Corporate Seal.*]  
E. F. }  
G. H., Teacher. [*Seal.*]

*Note.*—Agreements between Trustees and a Teacher must be signed by at least two of the Trustees and the Teacher, and must have the corporate seal of the section attached. [Page 28.] But no corporation has power to make an agreement providing the Teacher with board and lodging.—7 U. C. Q. B. R. 130. Agreements made after the 1st of October, are not binding after the annual meeting, unless signed by the two Trustees remaining in office the following year. [Page 47.] See foregoing form of agreement. See also the second Proviso and the eighth clause of the thirty-first section of this Act, page 72, as well as the eleventh section of the Supplementary School Act of 1853, page 47.

\* See third proviso of the first clause of the 27th section and the second clause of the 31st section of the School Act of 1850. Pages 64 and 72.

† *i.e.* By the Local or Chief Superintendent. See pages 67 and 90.

*Provided* always, that the Trustees of any school section shall not give such order in behalf of any Teacher who does not, at the same time of giving such order, hold a legal certificate of qualification.\* [See page 49.]

(8) *Provide for balance of School Expenses.*

*Seventhly.* To provide for the salaries of Teachers and the expense of the School, in such manner as may be desired by a majority of the freeholders or householders of such section, at the annual school meeting [page 25], or a special meeting called for that purpose, and to employ all lawful means, as provided for by this Act, to collect the sum or sums required for such salaries and other expenses; and should the sums thus provided be insufficient to defray all the expenses of such School, the Trustees shall have authority to assess and cause to be collected any additional rate, in order to pay the balance of the Teacher's salary, and other expenses of such School.†

(9) *School Rate and Warrant.*

*Eighthly.* To make out a list of the names of all persons rated by them for the School purposes of such section, and the amount payable by each, and to annex to such list a Warrant, directed to the Collector of the school section, for the collection of the several sums mentioned in such list:‡ *Provided* always, that any school rate imposed by Trustees, according to this Act,

\* Trustees refusing to give an order to a Teacher for the school Fund according to their agreement with him, cannot be sued as for money due, but for the refusal to give the order—7 U. C. Q. B. R. 130. In regard to disputes, see the seventeenth section of the School Act of 1850, page 51.

† These "expenses" may be "for any lawful purpose whatsoever" (see 18th clause, p. 43), and may therefore include Collector's fees, law costs incurred in maintaining or defending successful suits, or any other incidentals connected with the office of Trustees. While Trustees are bound to carry out the lawful decision of their constituents, as explained in note †, page 25, no public meeting can limit, or deprive them of the authority conferred upon them by the latter part of this (seventh) clause.

‡ For form of Warrant, see note c, on page 33.

may be made payable monthly, quarterly, half-yearly, or yearly, as they may think expedient.\*

(10) *Collect School Rates upon Property.*

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

(11) *Exempt Indigent Persons.*

*Tenthly.* To exempt wholly or in part, from the payment of school-rates, such indigent persons as they shall think proper, and the amount of the same shall be a charge upon the other ratable inhabitants of the school section, and shall not be deducted from the salary of a teacher.

(12) *Sue non-residents for Rate Bills.*

*Eleventhly.* To sue for and recover by their name of office, the amounts of school-rates [*i.e. Rate bills*] or subscriptions due from persons residing without the limits of their school section, and making default of payment.‡

\* By the general regulations (6th clause 5th section), which are appended, the fees for tuition in any Common School are payable in advance. They must be charged for each *Calendar month* and not per day. They cannot exceed 75 cents per quarter.—See thirteenth section, No. 22, page 48.

† Property-rates must be levied equally on all taxable property whether of residents or non-residents. See also first clause of the eighteenth section, page 52, and the sixteenth section of the Supplementary School Act of 1853, page 57. The seventeenth section of the Supplementary School Act of 1853, page 57, restricts this (ninth) clause in its special application to Trustees of rural school sections. See notes on pages 53 and 57. For non-residents see page 35.

‡ The amount of the school-rate to be levied upon the property of a person whose property may be within, but whose residence may be "without,

(13) *Call annual and Special School Meetings.*

*Twelfthly.* To appoint the place of each annual school meeting, and to cause notices to be posted in at least *three* public places of such section, at least *six* days before the time of holding such meeting;\* to call and give like notice of any special meeting of the freeholders or householders of such section, for the filling up of any vacancy in the Trustee Corporation, occasioned by death, removal, or any other cause whatever, or for the selection of a new school site, or for any other school pur-

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the limits" of a School section, can be definitely fixed under the provisions of the sixteenth section of the Supplementary School Act of 1853, p. 57. The provisions of that section do not, however, apply to an "undivided occupied lot." The amount (if a school rate) must be collected as pointed out in the twenty-second section of the Supplementary Act, p. 35, and not sued for, since that section virtually repeals this eleventh clause, so far as it relates to "school rates," but not to "rate bills." See also note to the twelfth section of the Supplementary School Act, on page 47.

[NOTE.—The fifty-second section of the consolidated Assessment Act of 1853 authorizes the County Treasurer to report to the Township Clerk any land liable to assessment, but which has not yet been assessed; and the Clerk shall enter such land on the Collectors's roll of the following year. The Treasurer is also authorized to correct any palpable error, as certified by the Township Clerk.]

\* *Form of a Notice for an ordinary Annual School Section Meeting.*

## SCHOOL NOTICE.

The undersigned Trustees of School Section, No. —, in the Township of —, hereby give notice to the Freeholders and Householdors of said School Section, that the Annual Meeting will be held at —, on the second Wednesday in January, 18—, at the hour of Ten of the clock, in the forenoon, for the purpose of receiving the annual report of the Trustees; electing a fit and proper person as a School Trustee for the said Section; and deciding upon the manner in which the salary of the Teacher, and other expenses of the School, shall be provided:

[Should there be any other business to bring before the meeting, it must be distinctly mentioned in the notice, otherwise it cannot be entertained.]

Dated this—day of—, 18—.

|       |               |                        |
|-------|---------------|------------------------|
| A. B. | } Trustees of | School Section, No. —. |
| C. D. |               |                        |
| E. F. |               |                        |
|       |               | [Seal.]                |

NOTE.—1. The manner of proceeding at the Annual Meeting is prescribed in the sixth section of the Act, page 24.

2. Should the Trustees neglect to give the prescribed notice of the Annual Section Meeting, they forfeit, each, the sum of five dollars, recover-

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

(14) *Admit pupils to School between the ages of 5 and 21 years.*

*Thirteenthly.* To permit all residents in such section between the ages of five and twenty-one years of age, to attend the school, so long as their conduct shall be agreeable to the rules of such school, and as long as the fees or rates required to be paid on their behalf, are duly discharged: *Provided* always,

able for the purposes of the School Section, and then any two householders of the School Section are authorized within twenty days' notice, to call such meeting. The form of notice is appended in a note to the ninth section, page 27.

3. The foregoing notice should be signed by a majority of the existing or surviving Trustees, and posted in, at least, three public places of the School Section, at least six days before the holding of the meeting.

4. *The object or objects of each school meeting should be invariably stated in the notices calling it;* and the notices calling any school meeting, should in all cases be put up six days before holding such meeting. One form is sufficient for calling a special school meeting of any kind.

5. The fifth Proviso of the Supplementary School Act of 1853 authorizes Local Superintendents to call Special School Meetings under certain circumstances. See page 78. The proviso to the tenth section, on page 28, also authorizes certain other persons to call special meetings, in case of the death of all the Trustees, &c.

\* *Form for Trustees calling Special Meetings.*

#### SPECIAL SCHOOL NOTICE.

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

Dated this — day of —  
—, 18—.

A. B. }  
C. D. } Trustees. [Seal.]  
E. F. }

† See Note to the 5th Section, page 23.

that this requirement shall not extend to the children of persons in whose behalf a separate school shall have been established, according to the nineteenth section of this Act, [*the fourth section of the Supplementary School Act of 1853, pages 58-62, and the Roman Catholic Separate School Act, 18 Vic., cap. 131.*]

(15) *Visit the School.*

*Fourteenthly.* To visit the school from time to time, and see that it is conducted according to the regulations authorized by law.\*

(16) *Permit no unauthorized text books, and procure an Educational periodical.*

*Fifteenthly.* To see that no unauthorized books are used in the school, but that the pupils are duly supplied with a uniform series of text-books, sanctioned and recommended according to law;† and to procure, annually, for the benefit of their school section, some periodical devoted to education.‡

(17) *Penalty for non-performance of duty.*

*Sixteenthly.* To exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them; and in case any of the Trustees shall wilfully neglect or refuse to exercise such powers, he or they shall be personally responsible for the fulfilment of such contract or agreement.||

(18) *Establish Public School Library.*

*Seventeenthly.* To appoint a Librarian, and to take such steps as they may judge expedient, and as may be authorized accord-

\* These regulations are appended.

† See list, page 69.

‡ The Legislature having authorized the Educational Department to furnish a copy of the *U. C. Journal of Education* to each school section, Trustees should see that the *Journal* is regularly received by them; and if not received, to report the fact to the Chief Superintendent, without delay. Missing numbers can also be obtained on application.

|| By the ninth section of the Supplementary School Act of 1853, Trustees are also made personally responsible for moneys lost to the section by their neglect of duty. See page 46.

ing to law, for the establishment, safe-keeping, and proper management of a school library, whenever provision shall have been made and carried into effect for the establishment of school libraries.\*

(19) *Submit School Accounts to Annual Meeting.*

*Eighteenthly.* To ascertain the number of children between the ages of five and sixteen years residing in their section on the thirty-first day of December in each year;† and to cause to be prepared and read at the annual meeting of their section, their annual school report for the year then terminating, which report shall include, among other things prescribed by law, a full and detailed account of the receipts and expenditures of all school moneys received and expended in behalf of such section, for any purpose whatsoever, during such year. [See page 24.]

(20) *Arbitration in case School Accounts are not satisfactory.*

And if such account shall not be satisfactory to a majority of the freeholders or householders present at such meeting, then a majority of the said freeholders or householders shall appoint one person, and the Trustees shall appoint another; and the two arbitrators thus appointed shall examine the said account, and their decision respecting it shall be final: or if the two arbitrators thus appointed shall not be able to agree, they shall select a third, and the decision of the majority of the arbitrators so chosen shall be final; and such arbitrators, or a majority of them, shall have authority to collect, or cause to be

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\* Where Trustees neglect to comply with the library regulations, in maintaining the library provided for their section by the Municipality, the local Superintendent is authorized to withhold the apportionment of the school fund from their section until the regulations are complied with. They likewise subject themselves to the additional penalty imposed by the ninth section of the Supplementary School Act, quoted on page 46. The property of every public library is exempt from taxation. One hundred per cent. is allowed by the Chief Superintendent on all sums over \$5, remitted to the Department, for library books, maps, apparatus, and prize books. See page 96.

† See the twelfth section of the Supplementary School Act of 1853, page 47.

collected, whatever sum or sums may be awarded against any person or persons by them, in the same manner and under the same regulations as those according to which Trustees are authorized by the twelfth section of this Act to collect school rates; and the sum or sums thus collected shall be expended in the same manner as are other moneys for the Common School purposes of such section.\*

(21) *Annual Report to Local Superintendent.*—*Sub-section (26, page 46.)*

*Nineteenthly.* To prepare and transmit, or cause to be prepared and transmitted annually, before the fifteenth day of January, a report to the Local Superintendent,† which report shall be signed by the majority of the Trustees, and made according to a form provided by the Chief Superintendent of Education, and shall specify :

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

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

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

4thly.—The branches of education taught in the school; the

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\* The object of this clause is to prevent the Trustees from perverting any part of the School Fund to private purposes, but not to limit the exercise of the power conferred upon them by the preceding clauses. It will be seen that the definition of the term "other expenses," given in the note to the seventh clause of this section, is quite in harmony with the latitude given to Trustees (in regard to their official expenses), in this eighteenth clause. Arbitrators should, therefore, be guided by that note (page 38) in auditing the accounts of the school section. See also note † on page 25.

† See tenth section of the Supplementary School Act of 1853, page 46.

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

*The additional duties of Trustees, prescribed by the Supplementary School Act of 1853, are as follows :*

(22) *Half-yearly Returns to Local Superintendent.*

V. And be it enacted, That the Trustees of each School Section shall, on or before the *thirtieth day of June* and the *thirty-first day of December* in each year, transmit to the local superintendent a correct return of the average attendance of pupils in the School or Schools under their charge during the *six months* then immediately preceding ; nor shall any School Section be entitled to the apportionment from the School Fund for the said six months, the Trustees and Teacher of which shall neglect to transmit a verified statement of such average attendance of pupils in their School or Schools ;\* *Provided* always, that nothing herein contained shall be construed to repeal the provisions of the thirty-first section of the said Upper Canada School Act of 1850.†

[ *The Sixth Section is quoted on page 29.* ]

(23) *Provide Register and Visitors' Book*

VII. And be it enacted. that the Trustees of each School Section shall see that each School under their charge is at all times provided with a Register and Visitors' Book, in the form prepared according to law.‡

\* By the ninth section of this Supplementary Act (page 46), Trustees are personally responsible for the amount of money lost to their section by their neglect to sign and transmit this report to the local Superintendent, who can always estimate (taking the best evidence within his reach) the sums thus forfeited.

† See especially the second clause of the section, page 72.

‡ Registers are furnished gratuitously to the County Clerk for distribution through the local Superintendents, among the schools, by the Educational Department. Trustees, however, must provide a visitors' book (which may be any ordinary blank book), at the cost of the section.

(24) *Union with Grammar Schools.*

VIII. And be it enacted, That the Trustees of each School Section shall have authority to take such steps as they may deem expedient to unite their School with any public Grammar School, which shall be situate within or adjacent to the limits of their School Section.\*

(25) *Personal responsibility of Trustees for neglect of duty.*

IX. And be it enacted, That the Trustees of each School Section shall be personally responsible for the amount of any School moneys which shall be forfeited and lost to such School Section during the period of their continuance in office, in consequence of their neglect of duty; and the amount thus forfeited or lost shall be collected and applied in the manner provided by the ninth section of the said Upper Canada School Act of 1850, for the collection and application of the fines imposed by the said section.†

(26) *Penalty for delaying Annual School Report.*

X. And be it enacted, That the Trustees of each Section School shall each personally forfeit the sum of *five dollars* for each and every week that they shall neglect, after the *thirty-first day of January* in each year, to prepare and forward to their local Superintendent of Schools, their School Report, as required by law, for the year ending the *thirty-first of December* immediately preceding; and which sum or sums thus forfeited shall be sued for by such local Superintendent, and collected and applied in the manner provided by the ninth section of the said Upper Canada School Act of 1850. [See page 26.]

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\* In case of a union, the Grammar and Common School departments of the school should be kept quite distinct. See Manual for Grammar and Common Schools in Cities, Towns, and Incorporated Villages.

† While Trustees are thus made personally responsible for refusal to exercise their corporate powers, and while the acts of a majority are binding upon the Corporation, yet no majority of the Trustees can act without notifying their colleague or colleagues, and giving him or them an opportunity of joining in, or dissenting from, their acts. See Note \*, page 28.

(27) *Agreement with Teacher not valid in certain cases.*

XI. And be it enacted, That no agreement between Trustees and a Teacher in any School Section, made between the first of October and the second Wednesday in January, shall be valid or binding on either party after the second Wednesday in January then next, unless such agreement shall have been signed by the two Trustees of such School Section whose period of office shall extend to one year beyond the second Wednesday of January, after the signing of such agreement.\*

21. LIABILITY OF NON-RESIDENTS IN THEIR OWN SECTION.

XII. And be it enacted, That any person residing in one School Section, and sending a child or children to the School of a neighboring School Section, shall nevertheless be liable for payment of all rates assessed for the School purposes of the Section in which he resides, the same as if he sent his child or children to the School of such Section; and such child or children shall not be returned as attending any other than the School of the Section in which the parents or guardians of such child or children reside;† but this clause shall not be held to apply to persons sending children to or supporting separate

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\* All agreements between Trustees and a Teacher must be signed by at least two of the trustees, and the teacher; and must have the *corporate seal* of the section attached to it otherwise the trustees may be made *personally responsible* for the fulfilment of their agreement, and can then be sued by the teacher. It should also be entered in the trustees' book, and a copy of it given to the teacher. See form of agreement between Trustees and Teacher as given on page 36. The Trustees being a corporation, their agreement with their teacher is binding on their successors in office, if made in accordance with the foregoing section; and should they refuse or wilfully neglect to exercise the corporate powers vested in them, they would be personally liable for the amount due a teacher—see sixteenth clause of the twelfth section of the School Act of 1850, page 42. As to the mode of settling disputes between trustees and a teacher, see the seventeenth section of the Act of 1850, page 51.

† Persons sending their children to the School of a neighboring Section, are liable for the property rates levied in their own section, and for a rate-bill in the Section to which they send. Trustees cannot admit the children of non-residents even to a Free School, without payment of certain fees, at their discretion. Boarders are not "residents," in the sense of the Act.

schools, or to prevent any person who may be taxed for Common School purposes, on property situate in a different Section from that in which he resides, from sending his children to the School of the Section in which such property may be situate, on as favorable terms as if he resided in such section.

## 22. MAXIMUM SCHOOL RATE-BILL.

XIII. And be it enacted, That no rate shall be imposed upon the inhabitants of any School Section according to the whole number of children, or to the number of children of legal school age, residing in such section; but all the school expenses of such section shall be provided for by any or all of the three authorized methods of voluntary subscription, rate-bill for each pupil attending the school, or by rate upon property: *Provided* always, that no rate-bill shall be imposed exceeding twenty-five cents per [calendar] month for each pupil attending the school.\*

## 23. PENALTY FOR FALSE RETURNS.

(From the *Upper Canada School Act of 1850.*)

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

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\* A child attending only a few days of a month or quarter is liable for the whole month or quarter. By the amended Common School Regulations, all school fees are payable in advance. See Regulations appended.

† This applies alike to the Trustees and Teachers of both Common and Separate Schools—See page 61, and also the Roman Catholic Separate School Act of 1855, section eight.

Common School Fund, or the said offender shall be liable to be tried and punished for the misdemeanor.\*

#### 24. FOREIGN BOOKS.—RELIGIOUS INSTRUCTION.

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

#### 25. COMMON SCHOOL TEACHERS, AND THEIR DUTIES.||

##### (1) *A Qualified Teacher defined.*

XV. And be it enacted, That no Teacher shall be deemed a qualified Teacher within the meaning of this Act, who shall not, at the time of his engaging with the Trustees, and applying for payment from the School Fund, hold a certificate of qualification, as hereinafter provided by this Act,§ [*and which has not expired or been cancelled.*]

\* See the nineteenth section of the Supplementary School Act of 1853, page 91.

† For list, see page 69.

‡ These regulations are appended.

|| The seventh section of the Jurors' Amendment Act of 1858 exempts Masters and Teachers of Grammar and Common Schools from service as Jurors; and the seventy-fourth section of the Municipal Institutions Act of 1858 exempts them "from being elected or appointed Councillors, or to any other corporate office,"

§ These Certificates are of three kinds: 1st. Provincial Certificates of two classes only, granted by the Chief Superintendent to teachers who attend the Normal School (see forty-fourth section, page 89); 2nd. County Certificates, of three classes, granted by the County Boards of Public Instruction (see twenty-ninth section, page 67); 3rd. Temporary Certificates granted by local Superintendents, until the next meeting of the County Board (see seventh proviso of the fourteenth section of the Supplementary School Act of 1853, page 78.)

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

(2) *To act according to law and agreement.*

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

(3) *Keep registers, maintain discipline, and keep Visitors' books, &c.*

*Secondly.* To keep the daily, weekly, and monthly or quarterly registers of the School; to maintain proper order and discipline therein, according to the forms and regulations which shall be provided according to law;† also to keep a visitors' book (which the Trustees shall cause to be provided for that purpose), and he shall enter therein the visits made to his school, and shall present such book to each Visitor, and request him to make such remarks as may have been suggested by such visit.

(4) *Have Quarterly Examinations, &c.*

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

(5) *Give information to the Local or Chief Superintendent.*

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

\* The National School Books are the text-books for "all the branches required to be taught in the Schools." See list, page 69.

† These Forms and Regulations are appended.

‡ The fifth section of the Supplementary School Act, page 45, makes it the duty of the Teacher, as well as the Trustees, to transmit the half-

(6) *Deliver up Registers, Papers, &c.*

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

## 26. MODE OF SETTLING TEACHER'S CLAIMS AGAINST TRUSTEES.†

XVII. And be it enacted, That any Teacher shall be entitled to be paid at the same rate mentioned in his agreement with the trustees, even at the expiration of the period of his agreement, until the trustees shall have paid him the whole of his salary, as teacher of the school, according to their engagement with him ;‡ *Provided* always, that in case of any difference between trustees and a teacher in regard to his salary, the sum due to him, or any other matter in dispute between them, it shall be lawful to submit such matter in dispute to arbitration, and each party shall choose *one* arbitrator, and in case either party in the first instance shall neglect or refuse to name and appoint an arbitrator on his behalf, it shall be lawful for the party requiring such arbitration, by a notice in writing to be served upon the party so neglecting or refusing to make such appointment, to require the opposite party within *three* days, inclusive of the day of the service of such notice, to name and appoint an arbitrator on his behalf, which notice shall name the arbitrator of the party serving such notice ; and in case the party upon whom such notice is served shall not, within the *three* days mentioned in such notice, name and appoint such arbitrator, then the party requiring such arbitration shall and may nominate and appoint the second arbitrator and the *two* arbitrators in either way chosen, and the Local

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yearly returns to the Local Superintendent. See also the thirteenth section of the School Act of 1850, No. 23, page 48.

\* See page 45.

† No deduction whatever can be lawfully made from any Teachers' salary for any allowed holidays or vacations ; nor for the exemption of indigent persons, authorized on page 39, No. (11).

‡ For form of agreement between Trustees and Teacher, see page 36.

Superintendent, or any person chosen by him to act on his behalf, in case he cannot attend, or any two of them, shall have full authority to make an award between them, and such award shall be final. [*The fifteenth Section of the Supplementary School Act of 1853, also enacts:*] That the arbitrators mentioned in the said seventeenth section of the said Act, shall have authority to administer oaths to and to require the attendance of all or any of the parties interested in the said reference, and of their witnesses, with all such books, papers and writings as such arbitrators may require them or either of them to produce; and the said arbitrators, or any two of them, may issue their warrant\* to any person to be named therein, to enforce the collection of any sum or sums of money by them awarded to be paid, and the person named in such warrant shall have the same power and authority to enforce the collection of the money or moneys mentioned in the said warrant, with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same is rendered, as any bailiff of a Division Court has in enforcing a judgment and execution issued out of such court; and no action shall be brought in any court of law or equity, to enforce any claim or demand which by the said seventeenth section of the said in part recited Act, may be referred to arbitration as therein mentioned.

## 27. TOWNSHIP COUNCILS AND THEIR DUTIES.

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

- (1) *Raise money for, and authorize Loans by, Trustees, for school site, teacher's residence, apparatus, &c. &c.*

*Firstly.* To levy such sum, by assesment, upon the taxable property in any school section, for the purchase of a school-site, the erection, repairs, renting and furnishing of a school-house, the purchase of apparatus and text-books for the school, books for the library, salary for the teacher, as shall be desired by the Trustees of such school section, on behalf of the majority of the

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\* See note in regard to warrant, on page 32.

freeholders or householders at a public meeting called for such purpose or purposes, as provided for by the twelfth section of this Act,\* [p. 39;] *Provided* always, that such Municipality may, if it shall judge expedient, grant to the Trustees of any school section, on their application, authority to borrow any sum or sums of money which may be necessary for the purposes herein mentioned, in respect to school-sites, school-houses and their appendages, or for the purchase or erection of a teacher's residence, and cause to be levied upon the taxable property in such section, such sum in each year as shall be necessary for the payment of the interest thereon, and as shall be sufficient to pay off the principal within ten years.

(2) *Purchase School Site and build School-house.*

[The second clause of the two hundred and fifty-ninth section of the U. C. Municipal Institutions Act (22nd Vict., chap. 99), also enacts that the Council of each Township may pass by-laws

\* \* \* "for obtaining such real property as may be required for the erection of common school-houses thereon, and for other common school purposes, and for the disposal thereof when no longer required, and providing for the establishment and support of common schools, according to law."]

(3) *Establish Township Model School.*

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

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\* By this clause (restricted, however, in its application to school sections by the seventeenth section of the Supplementary School Act of 1863, p. 57) it is imperative on Township Councils to levy and collect, by a general rate upon the property of the municipality, such sums as may be desired by the School Trustees, according to an estimate prepared and laid before such Council. In case of refusal application can be made to the Queen's Bench for the issue of a mandamus to enforce compliance.

*Provided* also, that the Trustees of any one or more Common Schools shall have authority, at their discretion, and with the consent of such Council, to merge their school or schools, into such Model School; and provided likewise, that tuition to student-teachers in such Model School shall be free.

(4) *Form New School Sections.*

*Thirdly.* To form portions of the Township, where no schools have been established, into school sections; to appoint a person in each new school section to call the first school section meeting; and to cause such person to be notified\* in the manner prescribed in the fourth section of this Act. [See page 21.]

(5) *Alter or Unite School Sections.*

*Fourthly.* To alter any school section already established [;]† and to unite two or more school sections into one, at the request of the majority of the freeholders or householders in each of such sections, expressed at a public meeting called by the Trustees for that purpose:‡ *Provided* always, that the first election of Trus-

\* No Township Council can leave any part of the township without school section organization.

† Any alteration in the boundaries of a section may be effected *after* due notice to all the parties interested, and independently of the consent or request of its Trustees or inhabitants. But the *union* of two or more sections into one, cannot be effected without the concurrence of the inhabitants of each of the sections concerned. The Court of Queen's Bench in confirming the decision of the Chief Superintendent, holds that an *alteration* in the boundaries of a section creates no necessity for a first school meeting, or a new election of Trustees—12 U. C. Q. B. R. The union of two or more sections into one is equivalent to the formation of a new section, and goes into operation (unless especially deferred to a fixed date) immediately after the action of the Township Council; but the union of parts of adjoining townships, and an alteration in boundaries, have no effect until the 25th December following the act. In all cases, an altered or united section has no legal existence, as such, until after the date fixed for the coming into effect of such alteration or union. See note ‡ following.

‡ The phrase "at the request of the majority of the freeholders or householders in each of *such sections*," does not refer to the alteration in the boundaries of a "School Section;" but to the union of "*two or more Sections* into one." An inattention to this fact, and the absence, by a clerical error, of a semicolon after the word "established," in the second line of the clause,

tees in such section, consisting of two or more sections united, shall be appointed and held in the same manner as is provided for in the fourth section of this act in respect to a new school section [page 21] : *Provided* secondly, that any alteration in the boundaries of a school section shall not go into effect before the twenty-fifth day of December next after the time when it shall have been made ; nor shall any step be taken towards the alteration of the boundaries of any school section, nor any application be entertained for that purpose, unless it shall clearly appear that all parties affected by such alteration have been duly notified of such intended step or application : *Provided* thirdly, that the several parts of such united or altered school sections shall have the same claim to a share of the Common School Fund, to which they would have been entitled had they not been altered or united : And *Provided* fourthly, that any school site, or school-house, or other school property, which shall not be required in consequence of such alterations or union of school sections, shall be disposed of, by sale or otherwise, in such a manner as a majority of the freeholders or householders in the altered or united school sections shall think proper, at a public meeting called for that purpose, and the proceeds shall be applied to the erection of a new school-house, or other Common School purposes of such united or altered sections ;\* except that the inhabitants trans-

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which is inserted in brackets in this edition, has almost invariably led to the belief that the formal consent of the inhabitants was necessary, before any alterations in the boundaries of a School Section could be effected. Such was the intention of the framers of the law, as explained by the Chief Superintendent of Education. The construction put upon this clause of the Act has been confirmed by the Court of Queen's Bench. The Chief Justice, Sir John B. Robinson, says : " In effecting alterations, the Municipal Council may take the initiatory, and can act without any previous request from a public meeting ; but if they enter upon such a measure of their own accord, they must see that all parties affected by the alteration have been duly notified of the intended step ; and if they have been applied to on the subject, they are not required to entertain the application until they see that such notice has been given, of which they must be the judges." *In re Ness vs Municipality of Saltfleet*. Michaelmas, 1855.

\* The extract from the Municipal Institutions Act of 1858, quoted on page 53, provides for the sale of school premises.

ferred from one school section to another, shall be entitled, for the Common School purposes of the section to which they are attached, to such a proportion of the proceeds of the disposal of such school-house or other Common School property, as the assessed value of their property bears to that of the other inhabitants of the school section from which they shall have been separated.

(6) *Union School Sections may be formed.*

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

(7) *Duty of Township Clerk.—Furnish Information to Local Superintendent.*

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

[*The further duties of Township Councils and their officers, taken from the Supplementary School Act of 1853, are as follows:*]

\* See notes †, ‡, on page 54.

† This Union can be dissolved by either of the Township Councils concerned, on giving due notice to all parties concerned. See proviso to seventh section of the Supplementary School Act of 1853 page 57.

‡ See third and fourth provisos of the fourteenth section of the Supplementary School Act of 1853, page 77.

(8) *Duty of Township Assessor.*

XVI. And be it enacted, That whenever the lands or property of any individual or company shall be situate within the limits of two or more school sections, it shall be the duty of each Assessor appointed by any Municipality, to assess and return on his roll, separately, the parts of such lands or property according to the divisions of the school sections within the limits of which such lands or property may be situate :\* *Provided* always, that every undivided occupied lot or part of a lot shall only be liable to be assessed for school purposes in the school section where the occupant resides.

(9) *August School Rates for Trustees.—Union Sections.*

XVII. And be it enacted, That no Township Council shall have authority to levy and collect in any school section during any one year, more than one school section rate, except for the purchase of a school site or the erection of a school-house ; nor shall any such Council have authority to give effect to the ninth clause of the twelfth section of the Upper Canada School Act of 1850 [page 39], for the levying and collection of rates for school purposes of any school section in any one year, unless the Trustees of such school section made application to the Council at or before its meeting in August of such year : *Provided* also that each such Township Council shall have authority, under the restrictions imposed by law in regard to the alteration of school sections,† to form such part of any union school section as is situated within the limits of its jurisdiction, into a distinct school section, or attach it to one or more existing school sections or parts of sections, as such Council shall judge expedient.

(10) *Clerk to prepare School Map of Township.*

XXV. And be it enacted, That it shall be the duty of the Clerk of each Township Municipality to prepare, in duplicate,

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\* This Roll being the sole guide of the Trustees, the provisions of this section should be carefully complied with on the part of the Assessor. See Note \* on page 33, and † on page 39.

† i.e. Being satisfied that due notice has been given to all parties concerned. The alteration does not, however take effect until the 25th of December next after.

a Map of the Township, showing the divisions of the township into school sections and parts of union school sections, one copy of which shall be furnished to the County Clerk for the use of the County Council, and the other shall be retained in the Township Clerk's Office, for the use of the Township Municipality.

## 28. PROTESTANT OR COLOURED SEPARATE SCHOOLS.

*(School Act of 1850 continued)*

"XIX. And be it enacted, That it shall be the duty of the Municipal Council of any Township, and of the Board of School Trustees of any City, Town, or incorporated Village, on the application in writing of twelve or more resident heads of families, to authorize the establishment of one or more separate\* schools for Protestants, \* \* \* \* or coloured people, and, in such case, it shall prescribe the limits of the divisions or sections for such schools, and shall make the same provision for the holding of the first meeting for the election of Trustees of each such separate\* school or schools, as is provided in the fourth section of this Act for holding the first school meeting in a new school section : *Provided* always, that each such separate\* school shall go into operation at the same time with alterations in school sections, and shall be under the same regulations in respect to the persons for whom such school is permitted to be established, as are Common Schools generally.

### (1) *Electing Trustees of such Separate\* Schools.*

*Provided* secondly, that none but coloured people shall be allowed to vote for the election of Trustees of the separate\* school for their children, and none but the parties petitioning for the establishment of, or sending children to a separate Protestant \* \* \* \* school, shall vote at the election of Trustees of such school.

### (2) *Apportioning School Moneys to them.*

*Provided* thirdly, that each such separate Protestant, \* \* \* \* or coloured school shall be entitled to share in the school fund according to the average attendance of pupils attending each such separate\* school (the

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\* Protestant or coloured only. Repealed as to Roman Catholics by the Act 18 Vict., chap. 131.

mean attendance of pupils for both summer and winter being taken), as compared with the whole average attendance of pupils attending the Common Schools in such City, Town, Village or Township: *Provided* fourthly, that no Protestant Separate school shall be allowed in any school division except when the Teacher of the Common School is a Roman Catholic. \* \*

(3) *Certain returns to be made.*

*Provided* fifthly, that the Trustees of the Common School sections within the limits of which such separate\* school or sections shall have been formed, shall not include the children attending such separate\* school or schools in their return of children of school age residing in their school sections."

(4) *Exemption from Common School rates.*

The Supplementary School Act of 1853 also enacts—

"IV. That in all Cities, Towns, and incorporated Villages and School Sections, in which separate\* Schools do or shall exist according to the provisions of the Common School Acts of Upper Canada, persons of the religious persuasion of each such separate\* school, sending children to it, or supporting such school by subscribing thereto annually an amount equal to the sum which each such person would be liable to pay (if such separate\* school did not exist) on any assessment to obtain the annual Common School grant for each such City, Town, incorporated Village or Township, shall be exempted from the payment of all rates imposed for the support of the common public Schools of each such City, Town, incorporated Village or School Section, and of all rates imposed for the purpose of obtaining the Legislative Common School Grant for such City, Town, incorporated Village or Township ;

(5) *Share in Legislative School Grant according to average attendance.*

And each such separate\* school shall share in such Legislative Common School Grant only, and not in any School money raised by Local Municipal Assessment) according to the average attendance of pupils attending each such separate\* school, (the mean attendance of pupils for winter and summer being taken) as

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\* Protestant or coloured only.

compared with the whole average attendance of pupils attending the common schools in each such City, Town, incorporated Village or Township ;

(6) *Separate\* School Teacher's Certificate of Qualification.*

And a certificate of qualification signed by the majority of the Trustees of such separate\* School shall be sufficient for any Teacher of such School ;

(7) *Restriction as to Exemptions from the payment of Common School Rates.*

*Provided* always, firstly, that the exemption from the payment of such School rates, as herein provided, shall not extend beyond the period of such persons sending children to or subscribing as aforesaid for the support of such separate\* School ; nor shall such exemption extend to School rates or taxes imposed or to be imposed to pay for School-houses, the erection of which was undertaken or entered into before the establishment of such separate\* School ;

(8) *Returns to local Superintendent.*

*Provided* secondly, that the Trustees of each such separate\* School shall, on or before the *thirtieth day of June* and *thirty-first day of December* of each year, transmit to the local Superintendent, a correct return of the names of all persons of the religious persuasion of such separate\* School, who shall have sent children to or subscribed as aforesaid for the support of such separate\* School during the six months previous, and the names of the children sent, and amounts subscribed by them respectively, together with the average attendance of pupils in such separate\* School during such period ;

(9) *Local Superintendent to make return to Clerk of Municipality and Common School Trustees.*

And the Superintendent shall forthwith make a return to the Clerk of the Municipality and to the Trustees of the School Section or Municipality in which such separate\* School is established, stating the names of all the persons who being members of the same religious denomination, contribute or send children to such separate\* School.

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\* Protestant or coloured only.

(10) *Duty of Municipal Clerk and Separate\* School Trustees.*

And the Clerk shall not include in the Collector's Roll for the general or other School rate, and the Trustees or Board of Trustees shall not include in their School Rolls, except for any rate for the building of School-houses undertaken before the establishing of such separate\* School as herein mentioned, the name of any such person as appears upon such return then last received from the said Superintendent: And the Clerk or other Officer of the Municipality within which such separate\* School is established, having possession of the Assessor or Collector's Roll of the said Municipality, is hereby required to allow any one of the said Trustees, or their authorized Collector, to make a copy of such Roll as far as it shall relate to their School Section;

(11) *Penalty for false return, &c.*

*Provided* thirdly, that the provisions of the thirteenth section of the said Upper Canada School Act of 1850 shall apply to the Trustees and Teachers of separate\* Schools, the same as to Trustees and Teachers of other Common Schools: [see page 48]

(12) *Trustees to be a Corporation.*

*Provided* fourthly, that the Trustees of each such separate\* School shall be a corporation and shall have the same power to impose, levy and collect school rates or subscriptions upon and from persons sending children to or subscribing towards the support of such separate\* School, as the Trustees of a School Section have to impose, levy and collect School Rates or subscriptions from persons having property in such Section or sending children to or subscribing towards the support of the Common School of such section: *Provided* fifthly, that the foregoing provisions in this clause shall take effect from the first day of January, one thousand eight hundred and fifty-three, and shall extend to the separate\* Schools established or intended to be established under the provisions of the Upper Canada Common School Acts;

(13) *Supporters of Separate Schools not permitted to vote for Common School Trustees.*

*Provided* sixthly, that no person belonging to the religious per-

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• Protestant or coloured only.

suasion of such separate School, and sending a child or children thereto or subscribing towards the support thereof, shall be allowed to vote at the Election of any Trustee for a Public Common School in the City, Town, incorporated Village or School Section within the limits of which such separate School shall be situate."\*

## 29. BOARDS OF TRUSTEES FOR TOWNSHIPS, SIMILAR TO THOSE IN CITIES AND TOWNS.

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

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\* This restriction also applies to the supporters of Roman Catholic Separate Schools. See page 26.

† In case of such a Union, see Manual for Grammar and Common Schools in Cities, Towns, and Villages, &c.

‡ As a basis for this union, it is necessary that it should be concurred in by a majority of the resident householders of the several school sections, at public meetings to be called in convenient divisions of the township for that purpose, by the trustees resident in the sections of such divisions. The first election of five trustees follows the passing of the by-law (unless its operation is deferred to a fixed date,) as the change is equivalent to the union of sections. All the trustees retire at each annual meeting, the same as township councillors, but may be re-elected, subject to the provisions of the third section of this Act, and the wishes of the electors.

[Sections XXI. to XXVI. inclusive, relate to Boards of School Trustees in Cities, Towns, and Villages, for the use of which a separate manual has been prepared.]

### 30. COUNTY COUNCILS AND THEIR DUTIES.

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

#### (1) *Levy equivalent to Legislative School Grant.*

*Firstly.* To cause to be levied each year upon the several townships of such county, such sum or sums of money for the payment of the salaries of legally qualified common school teachers as shall at least be equal (clear of all charges of collection) to the amount of school money apportioned to the several townships thereof for such year, by the Chief Superintendent of Education, as notified by him to such Council, through the County Clerk: *Provided* always, that the sum or sums so levied, may be increased at the discretion of such Council, either to increase the county school fund,

#### (2) *Aid new and poor Sections.*

Or to give special or additional aid to new or needy school sections, on the recommendation of one or more local Superintendents: *Provided*, also, that the sum required to be levied in such county in each year, for the salaries of legally qualified Teachers shall be collected and paid into the hands of the County Treasurer, on or before the *fourteenth day of December* ;\*

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\* The great difficulty hitherto experienced in collecting the county school rate in sufficient time to pay the Teacher punctually at the end of the year, might be easily obviated, were the County Councils to avail themselves of the provisions of the two hundred and twenty-second and the two hundred and thirty-fourth sections of the Municipal Institutions Act of 1858, and anticipate the school assessment for one year. The Council could, under the authority of the two sections referred to, contract a loan equal in amount to one year's assessment; and then provide for the repayment of such loan by slightly increasing each subsequent year's school assessment, until the whole of the loan and interest would be paid. No doubt the county concerned would heartily concur in such a step in advance, knowing that it would be a yearly boon to the teachers, involving no additional cost to the county.

(3) *No Teacher to be refused payment of his due.*

And *provided* likewise, that in case of the non-payment of any part of such sum into the hands of the County Treasurer at that time, no teacher shall, upon application, be refused the payment of the sum to which he may be entitled from such year's county school fund, but the County Treasurer shall pay any local Superintendent's lawful order in behalf of such teacher in anticipation of the payment of the county school assessment; and the County Council shall make the necessary provision to enable the County Treasurer to pay the amount of such lawful order.\*

(4) *Establish County Libraries.*

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

(5) *Appoint Local Superintendents.*

*Thirdly.* To appoint annually, a Local Superintendent of Schools for the whole County,‡ or for any one or more Townships in such County, as it shall judge expedient; to fix (within the limits prescribed by the 30th section of this Act, [p. 72]), and provide for the salary or salaries of such Local Superintendent or Superintendents: *Provided* always, that no such Local Superintendent shall have the oversight of more than one hundred schools. [See "*Appointment of Superintendents*," in "*Duties of County Councils*," appended.]

6) *County Clerks to notify Chief Superintendent of proceedings.*

And *provided* also, that the County Clerk shall forthwith notify the Chief Superintendent of Education of the appointment

\* In case the Treasurer refuses to honor the lawful order of the local Superintendent, for the school assessment, after the 14th of December, he is liable to be sued for the amount of the order dishonored.

† One hundred per cent. is added by the Chief Superintendent of Education on all local appropriations for library books, maps and apparatus. See departmental notices, on page 98.

‡ Local Superintendents remain in office until the 1st of April next after their appointment. [See page 77.] In case of resignation, &c., the Warden may appoint a Superintendent *pro tem*. [See page 78.] No Trustee or Teacher can be a local Superintendent. [See pages 25 and 77.]

and address of each such Local Superintendent, and of the County Treasurer; and shall likewise furnish him with a copy of all proceedings of such Council, relating to school assessments and other educational matters.\* [*See also page 66.*]

(7) *Take Security from Treasurer of School Moneys.*

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

[*i.e. by the first clause of this section, page 63.*]

(8) *Municipal Accountability for School Moneys.*

[The eighty-seventh section of the Consolidated Assessment Act, declares “ that each and every county or city is and shall be accountable and responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of

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\* This information should be promptly transmitted to the Chief Superintendent. See also the fifth clause of this Section. By the sixth section of the Municipal Returns Act of 1852, a penalty of 20 dollars is imposed on Clerks of Counties for delaying to make the returns required by that law; and the Receiver General is authorized to retain moneys which would otherwise be payable to the Municipality. See also the section of the Assessment Act, quoted above.

† The forty-third section of this Act, page 88, makes the person or persons responsible whose duty it is to take this security, but who neglect to do so, should any loss accrue to the school fund in consequence. See also the eighty-seventh section of the Consolidated Assessment Act, above.

‡ See fortieth section, in regard to deductions, &c., page 86.

§ See notes to the fortieth section of this act, page 87.

the Treasurer or Chamberlain of such county or city, in virtue of his office, shall be by him duly paid over and accounted for, according to law ; and such Treasurer or Chamberlain, and his sureties, shall be responsible and accountable for such moneys in like manner to the county or city ; and any bond and security given by him, that he will duly account for and pay over moneys coming into his hands belonging to such county or city shall be taken, and shall apply to all such moneys as are first above mentioned in this section, and may be enforced against such Treasurer or Chamberlain, in case of default on his part duly to account for and pay over any such moneys. And that such default shall relate to *school moneys*, or other public moneys, of the Province, Her Majesty may enforce the responsibility of the county or city, by stopping or retaining a like amount out of other public moneys, which would otherwise be payable to such county or city, or to the Treasurer or Chamberlain thereof, or by suit or action against such Corporation. And any party aggrieved by the default of any such Chamberlain or Treasurer, may recover the amount due as payable to him, from the Corporation of any such city or county, as moneys had and received to his use.]

(9) *Appoint Auditors of School Accounts.*

*Fifthly.* To appoint annually, or oftener, Auditors whose duty it shall be to audit the accounts of the County Treasurer and other officers to whom school moneys shall have been intrusted, and report to such Council : and

(10) *County Clerk to transmit abstract of Accounts to Chief Superintendent.*

The County Clerk shall transmit to the Chief Superintendent of Education on or before the first day of March in each year, a certified copy of the abstract of such report, and also give any explanations relating thereto, as far as he is able, which may be required by the Chief Superintendent.\*

[See also "*Duties of County Councils*," page 124.]

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\* See also sub-clause (6), on page 61.

### 31. CONSTITUTION AND DUTIES OF BOARDS OF PUBLIC INSTRUCTION.

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

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

#### (1) *Times of Meeting.*

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

#### (2) *Grant certificates of Qualification.*

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

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\* Each Circuit board thus constituted is a distinct and independent body.

† For programme, revised and adopted on the 17th December, 1858, see General Forms and Instruction for Common Schools, appended. The Programme states the minimum amount of qualifications required.

it shall judge expedient : *Provided* always, that no certificate of qualification shall be given to any person as a Teacher, who shall not furnish satisfactory proof of good moral character ; nor to any person who shall not, at the time of applying for such certificate of qualification, be a natural born or naturalized subject of Her Majesty, or who shall not produce a certificate of having taken the oath of allegiance to Her Majesty, before some one of Her Majesty's Justices of the Peace for the County in which he shall be a resident ; and all Justices of the Peace are hereby authorized to administer such oath of allegiance : *Provided* also, that any such certificate of qualification shall be general, as regards the county, or limited as to time or place, at the pleasure of the majority of the members of the County Board of Public Instruction present at such examination : *Provided* likewise, that every such certificate shall have the signature of at least one local Superintendent of Schools.\*

(3) *Select authorized Text Books.*

*Thirdly.* To select (if deemed expedient), from a list of text-books recommended or authorized by the Council of Public Instruction, such books as they shall think best adapted for the use of the Common Schools of such County or Circuit ; and to ascertain and recommend the best facilities for procuring such books.†

[See fifth clause, 38th section, page 86.]

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\* The seventh proviso of the fourteenth section of the Supplementary School Act of 1853, p. 78, authorizes local Superintendents to grant special certificates of qualification, in certain cases, until the next meeting of the County Board. But no local Superintendent can lawfully grant a special certificate to any person who has been rejected by the Circuit or County Board.

† This list is as follows: List of text Books, published under the direction of the Commissioners of National Education in Ireland—prepared by practical and experienced Masters—and recommended by the Council of Public Instruction for Upper Canada, to be used in Canadian Schools ; together with the *maximum prices* at which those Books will be sold, at the Educational Depository, Toronto. (The Council of Public Instruction has also recommended *Hodgins' Geography and History of British America and the other Colonies*, and *Lennie's English Grammar*, and sanctioned the use of *Kirkham's English Grammar* and *Morse's Geography*.) The following are the prices of the Dublin Editions of the National Books, &c. :

(4) *Promote establishment of School Libraries.*

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

(5) *List of National School Books.*

|                                                |        |                        |          |
|------------------------------------------------|--------|------------------------|----------|
| First Book of Lessons,.....                    | 3 cts. | each, 25 cts. per doz. |          |
| Second ditto .....                             | 13 "   | "                      | \$1 10 " |
| Sequel to Second Book,.....                    | 13 "   | "                      | \$1 10 " |
| Third Book of Lessons,.....                    | 20 "   | "                      | \$2 15 " |
| Fourth ditto .....                             | 25 "   | "                      | \$2 40 " |
| Fifth ditto (Boys).....                        | 25 "   | "                      | \$2 40 " |
| Sixth, or Reading Book for Girls School, ....  | 25 "   | "                      | \$2 40 " |
| Introduction to the Art of Reading,.....       | 20 "   | "                      | \$1 90 " |
| Spelling Book Superseded, by Prof. Sullivan    | 25 "   | "                      | \$2 40 " |
| English Grammar,.....                          | 13 "   | "                      | \$1 10 " |
| Key to ditto, .....                            | 3 "    | "                      | 25 cts " |
| Epitome of Geographical Knowledge,.....        | 35 "   | "                      | \$3 60 " |
| Compendium of ditto, .....                     | 13 "   | "                      | \$1 10 " |
| Geography Generalized, by Professor Sullivan.  | 50 "   | "                      | \$4 50 " |
| Introduction to Geography & History, by ditto. | 18 "   | "                      | \$1 80 " |
| First Arithmetic,.....                         | 13 "   | "                      | \$1 10 " |
| Key to ditto, .....                            | 13 "   | "                      | \$1 10 " |
| Arithmetic, in Theory and Practice,.....       | 30 "   | "                      | \$2 70 " |
| Book-Keeping,.....                             | 14 "   | "                      | \$1 35 " |
| Key to ditto, .....                            | 13 "   | "                      | \$1 10 " |
| Elements of Geometry,.....                     | 13 "   | "                      | \$1 10 " |
| Mensuration,.....                              | 22 "   | "                      | \$1 90 " |
| Appendix to ditto,.....                        | 14 "   | "                      | \$1 35 " |
| Scripture Lessons, Old and New Testament,      |        |                        |          |
| Sacred Poetry,.....                            | 5 cts. | each, 35 cts. per doz. |          |
| Lessons on the Truth of Christianity,.....     | 10 "   | "                      | \$1 00 " |
| Hodgins' Geography and History of B. America.  | 50 "   | "                      | \$5 50 " |
| Lennie's English Grammar,.....                 | 34 "   | "                      | \$3 60 " |
| Morse's Geography, (Am. Ed.).....              | 50 "   | "                      | \$4 80 " |
| Kirkham's English Grammar, (Am. Ed.).....      | 38 "   | "                      | \$4 20 " |
| Set Tablet Lessons, Arithmetic, .....          | 40 "   | "                      |          |
| Ditto Spelling and Reading,.....               | 25 "   | "                      |          |
| Ditto Copy Lines,.....                         | 38 "   | "                      |          |
| Map of the World,.....                         | \$3 50 | "                      |          |
| " Ancient World,.....                          | \$3 00 | "                      |          |

*From the Supplementary School Act of 1853.*

*(6) Temporary confirmatory Section.*

XX. And be it further enacted, That the Certificates of Qualification which have heretofore been granted to teachers of common Schools by any County or Circuit Board of Public Instruction in Upper Canada, or at any meeting of any Members not less than three of the Members of such Boards, and which have not been cancelled, shall at all times be considered as duly and legally granted, notwithstanding any want of notice to the several Members of the said Board, of the times and places of meeting for the purpose of granting such certificates, and notwithstanding any other want of form in the organizing or conducting of the business of any such County or Circuit Board; and any certificate purporting to be granted by any such Board, or any three Members thereof, and having the signature of at least one Superintendent of Schools, shall be considered a good and valid certificate of qualification according to the effect thereof, until the same shall be annulled.\*

[See also "*Duties of Boards of Public Instruction*," page 128.]

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|-------------------------------|--------------|
| Map of Europe,.....           | \$3 00 each. |
| " Asia,.....                  | \$3 00 "     |
| " Africa,.....                | \$3 00 "     |
| " America,.....               | \$3 00 "     |
| " Canada, and Hand-Book,..... | \$3 50 "     |
| " England,.....               | \$3 00 "     |
| " Scotland,.....              | \$3 00 "     |
| " Ireland,.....               | \$3 00 "     |
| " Palestine,.....             | \$3 00 "     |

[See Departmental notices, in regard to maps and apparatus, on page 98.]

\* The law constitutes three members of the Board a quorum for the examination of teachers, but care should be taken to give due notice to all the Members of the Board. No meeting is lawful where this notice has been omitted.

## 32. LOCAL SUPERINTENDENTS OF SCHOOLS AND THEIR DUTIES.

### (1) *Local Superintendents' Yearly Calendar.*

(Taken from the School Acts.)

|       |    |                                                                                                                                                                                                                                                                                                                                  |
|-------|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| JAN.  | .. | Second Wednesday: Annual School Elections throughout Upper Canada. Within 20 days after election, can investigate complaints, and order a new election if necessary. See page 78.                                                                                                                                                |
| "     | 12 | Municipal Assessments to be distributed according to average attendance among the Schools from which half-yearly returns have been received.                                                                                                                                                                                     |
| "     | 15 | Trustees' School Section Annual Report due, page 44.                                                                                                                                                                                                                                                                             |
| "     | 31 | Can have Trustees fined \$5 for every week which they delay their report after this date, page 46.                                                                                                                                                                                                                               |
| MARCH | 1  | Annual Report to be sent to the Chief Superintendent, page 75.                                                                                                                                                                                                                                                                   |
| APRIL | 1  | Termination of Annual Period of Office, page 77.                                                                                                                                                                                                                                                                                 |
| JUNE  | 30 | Trustees' first Half-yearly Returns due, page 45.<br>Protestant or Coloured Separate School Returns to be notified to the Clerk of the Municipality, page 60.                                                                                                                                                                    |
| JULY  | 12 | Legislative School Grant to be distributed among the schools from which returns have been received, according to average attendance, page 72. (See back of half-yearly Returns.)                                                                                                                                                 |
| AUG.  | .. | Report on application for aid to Poor Schools to be sent to Chief Superintendent.                                                                                                                                                                                                                                                |
| DEC.  | 31 | Trustees' second Half-yearly Returns due, page 45. (N.B.—Local Superintendents are responsible for the transmission to the Trustees of these blank forms of reports, after they have been received from the Department.)<br>Protestant or Coloured Separate School Returns to be notified to the Clerk of Municipality, page 60. |

In addition, Local Superintendents are required to attend the regular meetings of the Board of Public Instruction, page 74; to make two or more official visits to the schools in the year—one shall be made "some time between the 1st of April and the 1st of October, the other between the 1st of October and the 1st of April," and any others as directed by the County Council; and also deliver an annual lecture in such school section, page 73; besides attending to various arbitrations and references.

The arbitrations are:

1. Eleventh section, Regarding School Site. See page 28.
2. Eighteenth clause, twelfth section, disputed School Accounts of Trustees. See page 43.

(2) *Appointment and Salary.*

XXX. And be it enacted, that each Local Superintendent of Common Schools, appointed as provided for in the twenty-seventh section of this Act [*page 61*], shall be entitled, annually, to not less than one pound currency per School placed under his charge together with any additional remuneration or allowance which the Council appointing him shall grant ; and such Superintendent shall be paid the same in quarterly instalments by the County Treasurer.

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

(3) *Distribute Common School Fund.*

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

(4) *Give Cheques to Qualified Teachers only.*

*Secondly.* To give any qualified Teacher, and to no other, on the order of the Trustees of any school section, a cheque upon the County Treasurer or sub-Treasurer, for any sum or sums of

3. Seventeenth Section, Disputes between Trustees and Teachers, p. 51.

The References are:

1. Fourth clause, eighteenth section, boundaries of Union Schools, p. 54.

2. Seventh clause, 31st section : Decide questions of difference, p. 74.

3. Various provisos, fourteenth Section of the Supplementary School Act, page 77.

\* See the eighteenth section of the Supplementary School Act of 1853, page 84. (These instructions are printed on the back of the half-yearly Returns.)

† The *mean average* attendance is obtained by following the instructions printed on the back of each half-yearly return.

money apportioned and due to such section :\* *Provided* always, that he shall not pay any such order of the Trustees of any school section from whom no satisfactory annual school report shall have been received for the year ending the last day of the December preceding ; nor unless it shall appear by such report, that a school has been kept by a qualified Teacher in such section for at least six months during the year ending at the date of such report : *Provided* also, that the foregoing condition shall not apply to the order or orders of Trustees in any new school section, for money apportioned and due to such section.

[*The condition is also virtually repealed, so far as it relates to other school sections, by the eighteenth section of the Supplementary Act, on page 82.†*]

#### (5) *Visit the Schools.*

*Thirdly.* To visit each Common School within his jurisdiction, at least once in each quarter,‡ and at the time of each such visit to examine into the state and condition of the School, as respects the progress of the pupils in learning, the order and discipline observed, the system of instruction pursued, the attendance of pupils, the character and condition of the building and premises, and to give such advice as he shall judge proper.

[*Notes should be taken at these visitations. See especially "Duties" of Local Superintendents, page 118.*]

#### (6) *Deliver Public Lectures.*

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

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\* Cheques must be payable to the Teacher, or his order. No cheques can be given to any person but a Teacher holding a certificate of qualification, and presenting an order signed by a majority of his Trustees, and sealed with their corporate seal.

† The general conditions which entitle a section to the school fund are (1) An Annual Report ; (2) a Report for the preceding six months, showing that (3) a school has been kept open by a qualified teacher.

‡ See 2nd proviso, 14th section, of the Supplementary Act of 1853, p. 77.

Common Schools, and secure the universal and sound education of the young.

(7) *Have General Oversight.*

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

(8) *Attend County Board of Public Instruction.*

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

(9) *Attend Arbitrations, &c.*

*Seventhly.* To attend the Arbitrations, and to meet the Town-reeves as provided for in the [*eleventh section, p. 28, the eighteenth clause of the*] twelfth section [p. 43], the seventeenth section [p. 51], and the fourth clause of the eighteenth section of this Act [p. 54];† to decide upon any other questions of difference which may arise between interested parties under the operation of this or any preceding Act, and which may be submitted to him; *Provided* always, that he may, if he shall deem it advisable, refer any such question to the Chief Superintendent of Education: *Provided* also, that any aggrieved or dissatisfied party, in any case not otherwise provided for by this Act, shall have the right of appeal to the Chief Superintendent of Education.‡

(10) *Suspend Teachers' Certificates, when necessary. (See (17), page 78.)*

*Eighthly.* To suspend the certificate of qualification of any Teacher, for any cause which shall appear to him to require it,

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\* See list on page 69.

† See Calendar on page 71.

‡ See Regulations relating to correspondence with the Department among the Common School Forms, &c., appended.

until the next ensuing meeting of the County Board of Public Instruction, when the case shall be disposed of in such manner as a majority of the members present shall think proper.\* *Provided* always, that due notice shall be given to the Teacher suspended, of such meeting of the County Board: *Provided* also, that the cancelling or suspension of a Teacher's certificate of qualification, shall release his School Trustees from any obligation to continue him in their employment.†

(11) *Act in accordance with Departmental instructions, and deliver up papers.*

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

(12) *Prepare and transmit Annual Report.*

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

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\* See the seventh proviso, fourteenth section of the Supplementary School Act of 1853, page 78; also note on page 68. This suspension relates only to County or Circuit, and not to Provincial, Certificates.

† All contracts between Teachers and Trustees are void from the date of this suspension only; and Trustees cannot legally continue a Teacher whose certificate is thus suspended, in their employment; nor can they pay him **any part** of the School Fund for services rendered after the suspension of his certificate. The suspension deprives the Teacher of his legal title, and of the protection afforded by the seventeenth section of this Act. The term "Teacher" in the School Acts, means a person holding the legal certificate from the parties authorized to grant the same, as defined in the fifteenth section of this Act (page 49.) See also pages 36 and 47.

‡ For means to enable Local Superintendents to perform this duty at the time specified, see tenth section of the Supplementary School Act of 1853, page 46.

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

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

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

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

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

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

*Local Superintendents' Additional Duties, as prescribed by the  
Supplementary School Act of 1853.*

(13) *Retain office till April—cannot be a Teacher or Trustee.*

XIV. And be it enacted, That any person who has been or may be appointed Local Superintendent of Schools, shall continue in office (unless he resigns or is removed from office for neglect of duty, improper conduct, or incompetency) until the first day of April of the year following that of his appointment :\* *Provided* always, that no Local Superintendent shall be a Teacher or Trustee of any Common School during the period of his being in office.†

(14) *Official School Visits.—See (5) page 73.*

*Provided*, secondly, that no Local Superintendent shall be required, unless he shall judge it expedient (except with a view to the adjustment of disputes), or unless directed to do so by the Municipality appointing him, to make more than two official visits to each School Section under his charge; one of which visits shall be made some time between the first of April and the first of October, and the other some time between the first of October and the first of April.

(15) *Apportionment to Union Schools.*

*Provided* thirdly, that the Local Superintendents of adjoining townships shall have authority, and are hereby required to determine the sum or sums which shall be payable from the School apportionment and assessment of each township, in support of Schools of Union School Sections, consisting of portions of such township; and they shall also determine the manner in which such sum or sums shall be paid:‡ *Provided* fourthly, that in the event of one person being Local Superintendent of both of the townships concerned, he shall act in behalf of such townships; and in the event of the Local Superintendents of townships thus concerned not being able to agree as to

\* See page 64.

† By the proviso to the third clause of the sixth section of the School Act of 1850, no teacher can be a trustee.—See page 25.

‡ See pages 56 and 57.

the sum or sums to be paid to each such township, the matter shall be referred to the Warden of the County or Union of Counties for final decision.

(16) *Appoint Special School Meetings.—Contested Elections.*

*Provided* fifthly, that each Local Superintendent of Schools shall have authority to appoint the time and place of a Special School Section Meeting, at any time and for any lawful purpose, should he deem it expedient to do so :\* *Provided* sixthly, that each Local Superintendent of Schools shall have authority, within twenty days after any meeting for the election of Common School Section Trustees, within the limits of his charge, to receive and investigate any complaint respecting the mode of conducting such election, and to confirm it or set it aside, and appoint the time and place of a new election, as he shall judge right and proper :†

(17) *Grant Special Certificates.—See (10), page 74.*

*Provided* seventhly, that each Local Superintendent shall have authority, on due examination (according to the programme authorized by law for the examination of Teachers),‡ to give any candidate a certificate of qualification to teach a School within the limits of the charge of such local Superintendent, until the next ensuing meeting (and no longer) of the County Board of Public Instruction of which such Local Superintendent is a member ; but no such certificate of qualification shall be given a second time, or shall be valid if given a second time to the same person in the same county.

[See also “Duties of Local Superintendents,” from Chief Superintendent’s circular, page 118.]

(18) *Resignation, and Temporary Appointment by Warden.*

*Provided* eighthly, that in the event of a Local Superintendent of Schools resigning his office, the Warden of the county or union of counties within which such Superintendent shall have held office, shall have authority, if he shall deem it expedi-

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\* See page 40.

† See page 24.

‡ The Programme is appended. See also note \* on page 68.

ent, to appoint a fit and proper person to the office thus vacated, until the next ensuing meeting of the Council of such county or union of counties.

### 33. SCHOOL VISITORS AND THEIR DUTIES.\*

*From the School Act of 1850.*

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

#### (1) *Visit Schools, attend examinations.*

XXXIII. And be it enacted, That it shall be lawful for each of said School Visitors, to visit, as far as practicable, all the Public schools in such Township, City, Town or Village; especially to attend the quarterly examinations of Schools,‡ and, at the time of any such visit, to examine the progress of the pupils, and the state and management of the School, and to give such advice to

#### (2) *Give advice to Teachers and pupils.*

the Teachers and pupils, and any other present, as he may think advisable, in accordance with the regulations and instructions which shall be provided in regard to school Visitors according

#### (3) *Devise means to diffuse knowledge.*

to law:§ *Provided* always, that a General Meeting of such Visitors may be held at any time or place which may be appoint-

\* See also the Forms and Regulations relating to Common Schools, p. 103.

† Roman Catholic Separate Schools are under the same regulations in respect to the persons for whom these are established, as are Common Schools. Protestant Clergymen cannot therefore visit them officially.

‡ Teachers are required to give Visitors notice of these examinations. See page 50.

§ They are on page 130.

ed by any two Visitors, on sufficient notice being given to the other Visitors in the Township, City, Town or Village; and it shall be lawful for such Visitors, thus assembled, to devise such means as they may deem expedient for efficient visitation of the Schools, and to promote the establishment of Libraries and the diffusion of useful knowledge.

*See also "Duties of School Visitors," appended.*

### 34. THE CHIEF SUPERINTENDENT OF EDUCATION AND HIS DUTIES.

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

#### *Duties of the Chief Superintendent.*

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

#### *(1) To apportion School moneys.*

*Firstly.* To apportion, annually, on or before the first day of May, all moneys granted or provided by the Legislature for the support of Common Schools in Upper Canada, and not otherwise appropriated by this Act, to the several Counties, Townships, Cities, Towns and incorporated Villages therein, according to the *ratio* of population in each, as compared with the whole population of Upper Canada; or when the census or returns upon

which such an apportionment is to be made, shall be so far defective, in respect to any County, Township, City, Town or Village, as to render it impracticable for the Chief Superintendent to ascertain, from such *data*, the share of school moneys which ought then to be apportioned to such County, Township, City, Town or Village, he shall ascertain, by the best evidence in his power, the facts upon which the *ratio* of such apportionment can be most fairly and equitably made, and make it accordingly.

(2) *To certify such apportionment.*

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

(3) *To prepare suitable forms, &c.*

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

(4) *To have printed and distributed copies of the School Law, &c.*

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

(5) *To decide upon matters and complaints.*

*Fifthly.* To see that all moneys apportioned by him, be applied to the objects for which they were granted; and for

that purpose to decide upon all matters and complaints submitted to him\* (and not otherwise provided for by this Act) which involve the expenditure of any part of the School Fund,† and to direct the application of such balances of the School Fund as may have been apportioned for any year and forfeited according to the provisions of this Act: [pp. 66 and 88]. *Provided* always, that such balances of the School Fund shall be expended in making up the salaries of Teachers in the County to which they shall have been apportioned.

(6) *Deputy and Special Inspectors.*

*Sixthly.* To appoint one of his Clerks as his Deputy, to perform the duties of his Office in case of his absence; and to appoint one or more persons, as he shall from time to time deem necessary, to inspect any school, or examine into any school matter, in the County where such person or persons reside, and report to him; *Provided*, that no allowance or compensation shall be made to such special inspector or inspectors for any service or services performed by him or them.

(7) *Normal School, and Text-Books.*

*Seventhly.* To take the general Superintendence of the Nor-

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\* See Regulations relating to communications with the Department, among the Forms, &c., appended.

† *The following opinion as to the legal construction of this clause has been expressed by the Honorable Sir J. B. Robinson, Chief Justice of Upper Canada:—*

“I have some doubt whether the 35th section, part 5, does not make the Chief Superintendent the proper tribunal for determining all claims upon any part of the school fund: Unless what the present applicants desire to share in forms part of the ‘school fund,’ it is quite clear they can have no right under the 19th clause of the statute to share in it. If it does form part of the ‘school fund,’ then the 35th clause provides that the Chief Superintendent is ‘to decide upon all matters and complaints submitted to him which involve the expenditure of any part of the school fund;’ and the applicants, before they come to this court with any complaint, should at least be ‘able to show that they have submitted their claim to him, and that he has refused to entertain it; for a mandamus is the proper remedy in those cases only ‘in which a party hath a clear right to have a thing done and hath no other specific means of compelling its performance.’”—(8 East, 218.) U. C. Queen’s Bench Reports, 359, 1853.

mal School ; and to use his best endeavors to provide for and recommend the use of uniform and approved text-books in the schools generally. [See page 69.]

(8) *Procure School Libraries.*

*Eighthly.* To employ all lawful means in his power to procure and promote the establishment of School Libraries for general reading, in the several Counties, Townships, Cities, Towns, and Villages.

(9) *Plans of School-houses, &c.*

To provide and recommend the adoption of suitable plans of school-houses, with the proper furniture and appendages ; and to collect and diffuse useful information on the subject of education generally, among the people of Upper Canada.

(10) *To submit Books, Manuscripts, &c.*

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

(11) *Apportion Library Moneys*

*Tenthly.* To apportion whatever sum or sums of money shall be provided by the Legislature for the establishment and support of School Libraries : *Provided* always, that no aid shall be given towards the establishment or support of any School Library unless an equal amount be contributed and expended from local sources for the same object. [See page 98.]

(12) *Teachers' Institutes.*

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

(13) *Official Responsibility.*

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

(14) *To Report Annually to the Governor.*

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

(The Supplementary School Act of 1853 also provides)

(15) *Distribution of the Common School Fund.*

XVIII. And be it enacted, That for and notwithstanding anything contained in the Upper Canada School Act of 1850, the Chief Superintendent of Schools shall have authority to direct the distribution of the Common School Fund of any Township, among the several School Sections and parts of Sections entitled to share in the said Fund, according to the length of time in each year, during which a School shall have been kept open by a legally qualified Teacher in each of such Sections or parts of Sections.\*

## 35. CONSTITUTION AND DUTIES OF THE COUNCIL OF PUBLIC INSTRUCTION.

*From the School Act of 1850.*

XXXVI. And be it enacted, That the Governor shall have authority to appoint not more than nine persons† (of whom the Chief Superintendent of Schools shall be one) to be a Council

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\* See page 72.

† Increased for Grammar School purposes by the Grammar School Act.

of Public Instruction for Upper Canada, who shall hold their office during pleasure, and shall be subject, from time to time, to all lawful orders and directions in the exercise of their duties, which shall, from time to time, be issued by the Governor.

(1) *Meetings and Proceedings of the Council.*

XXXVII. And be it enacted, That the Chief Superintendent of Schools shall provide a place for the meetings of the Council of Public Instruction, and shall call the first meeting of the Council, and shall have authority to call a special meeting at any time, by giving due notice to the other members; that the expenses attending the proceedings of the said Council shall be accounted for by the Chief Superintendent of Schools, as part of the contingent expenses of the Education Office; that the Senior Clerk in the Education Office shall be Recording Clerk to the said Council—shall enter all its proceedings in a book kept for that purpose; shall, as may be directed, procure the books and stationery for the Normal and Model Schools, and shall keep all the accounts of the said Council.

(2) *Duties of the Council.*

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

(3) *To regulate its own Proceedings.*

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

(4) *To establish Normal and Model Schools.*

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

(5) *To make rules for the Normal School and appoint Teachers, &c.*

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

(6) *To make Regulations for Common Schools.*

*Fourthly.* To make such regulations from time to time as it shall deem expedient for the organization, government, and discipline of Common Schools; the classification of Schools and Teachers, and for School Libraries throughout Upper Canada. [See pp. 94 and 99.]

(7) *To recommend School Libraries and Books.*

*Fifthly.* To examine, and, at its discretion, recommend or disapprove of text-books for the use of schools, or books for school libraries: Provided always, that no portion of the Legislative School Grant shall be applied in aid of any school in which any book is used that has been disapproved of by the Council, and public notice given of such disapproval. [See pages 68 and 94.]

(8) *To account annually.*

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

### 36. DEFINITION OF THE TERM "SCHOOL FUND."

XL. And be it enacted, That the sum of money apportioned annually by the Chief Superintendent of Education to each County, Township, City, Town or Village, and at least an equal sum raised annually by local assessment, shall constitute the

Common School Funds of such County, Township, City, Town or Village, and shall be expended for no other purpose than that of paying the salaries of qualified teachers of Common Schools :

(1) *Conditions of its apportionment.*

*Provided* always, that no County, City, Town or Village shall be entitled to a share of the Legislative School Grant without raising by assessment, a sum at least equal (clear of all charges for collection) to the share of the said School Grant apportioned to it :

) 2) *In case of deficiency.* (See page 66.)

And *provided* also, that should the Municipal Corporation of any County, City, Town or Village, raise in any one year a less sum than that apportioned to it out of the Legislative School Grant, the Chief Superintendent of Education shall deduct a sum equal to the deficiency, from the apportionment to such County, City, Town or Village in the following year.\* [See Section XLV on page 90, also the section from the Assessment Act, quoted on page 65.]

37. SCHOOL FUND PAYABLE YEARLY IN JULY.

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

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\* The fifth clause of the twenty-seventh section of the Upper Canada School Act of 1850, page 66, requires the Clerk of the Municipality to transmit an abstract of the Auditors' accounts to the Chief Superintendent by the 1st of March. Unless this abstract be sent, the Chief Superintendent cannot learn whether the conditions of the law have been complied with. The apportionment must therefore be withheld, until the abstract be sent in. See notes to the fifth and sixth sub-sections of the twenty-seventh section of this Act, page 64: and also the eighty-seventh section of the Consolidated Assessment Act, quoted on page 65.

† At present, all School moneys for Upper Canada, granted by the Legislature, are payable at the Educational Department, Toronto. It is necessary, therefore, that each Local Treasurer should have an Agent or Attorney in Toronto authorized to receive it. Each Treasurer, before ap-

### 38. PROTECTION AGAINST DISHONESTY AND UNFAITHFULNESS.

XLIII. And be it enacted, That if any part of the Common School Fund shall be embezzled or lost through the dishonesty or faithlessness of any party to whom it shall have been entrusted, and proper security [page 32] against such loss shall not have been taken, the person or persons whose duty it was to have exacted such security, shall be responsible for the sum or sums thus embezzled or lost, and the same may be recovered from them by Civil Suit in any Court of Law having jurisdiction to the amount claimed, by the party or parties entitled to receive such sum or sums, or at the suit of the Crown :\*

#### (1) *Application to County Judge.*

*Provided* always, that if any Secretary-treasurer [page 29] appointed by the School Trustees of any school division, or any person having been such Secretary-treasurer, and having in his possession any books, papers, chattels, or moneys, which shall have come into his possession, as such Secretary-treasurer, shall wrongfully withhold or refuse to deliver up, or to account for and pay over the same or any part thereof to such person, and in such manner as he may have been lawfully directed by any majority of the School Trustees for such School division then in office, such withholding or refusal shall be a misdemeanor; and upon the application of the majority of such Trustees, supported by affidavit of such wrongful withholding or refusal made by them before some justice of the Peace to the Judge of the County Court, such Judge shall thereupon make an order that such Secretary-treasurer or person having been such, do appear before such Judge at a time and place to be appointed in such order, which shall, by a Bailiff of any

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plying through his Agent, for the Legislative School Grant, should assure himself, by communication with the Clerk of the Municipality, that all the School moneys of the preceding year have been properly accounted for to the Educational Department, and that his name has been reported to the Department, as required by law.

\* See first note to fourth clause of the twenty-seventh section of the Upper Canada School Act of 1850, page 65.

Division Court, be personally served on the party complained against, or left with a grown up person at his residence, and at the time and place so appointed, the Judge being satisfied that such service has been made, shall in a summary manner and whether the party complained of do or do not appear, hear the complaint :

(2) *Hearing of complaint.*

And if he shall be of opinion that the complaint is well founded, he shall order the party complained of to deliver up, account for and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day, to be named by the Judge in such order, together with reasonable costs incurred in making such application, as the Judge may tax, and in the event of a non-compliance with the terms specified in the said order or any or either of them, then to order the said party to be forthwith

(3) *Arrest by the Sheriff, and discharge.*

arrested by the Sheriff of any County in which such party shall be found, and be by him committed to the Common Gaol of his County, there to remain without bail or mainprize, until such Judge shall be satisfied that such party has delivered up, accounted for or paid over the books, papers, chattels, or moneys in question in the manner directed by the majority of the Trustees as aforesaid, upon proof of his having done which, such Judge shall make an order for his discharge, and he shall be discharged accordingly ; *Provided* always, that no proceeding under this proviso shall be construed to impair or affect any other remedy which the said Trustees may have against such Secretary-treasurer, or person having been such, or his sureties.\*

39. U. C. PROVINCIAL CERTIFICATES OF QUALIFICATION.

XLIV. And be it enacted, That it may and shall be lawful for the Chief Superintendent of Schools, on the recommendation of the Teachers in the Normal School, to give to any Teacher of Common Schools a certificate of qualification which shall be

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\* This section, by implication, applies alike to Teachers (see pages 51 and 104); and to all other persons entrusted with school moneys and papers by the Trustees.

valid in any part of Upper Canada, until revoked according to law ; *Provided* always, that no such certificate shall be given to any person who shall not have been a Student in the Normal School.\*

#### 40. TEACHERS ALONE TO PARTICIPATE IN SCHOOL FUND.

XLV. And be it enacted, That no part of the salaries of the Chief or Local Superintendents of schools, nor of any other persons employed, or expenses incurred, in the execution of this act, shall be paid out of the common school fund, which shall, wholly and without diminution, be expended in the payment of teachers' salaries, as hereinbefore provided.†

#### 41. PUNISHMENT FOR DISTURBING SCHOOL MEETINGS.

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

##### (1) *Penalty for disturbing any Public School.*

*The Supplementary School Act of 1853, sec. XIX., also enacts, "That if any person shall wilfully disturb or disquiet*

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\* See note § on page 49. The Sessions of the Normal School commence on the 8th of January and the 8th of August in each year, and continue for five months.

† The restriction in this section refers chiefly to Collectors' fees and to the per centage usually allowed to Treasurers—neither of which can be lawfully borne by the school fund.

any common or public school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of such school, such person shall, on conviction thereof before any Justice of the Peace, on the oath of one or more credible witnesses, forfeit and pay such a sum of money not exceeding twenty dollars, together with the costs of and attending the conviction, as the said Justice shall think fit ;”

(2) *Authority of Justice of the Peace under the Common School Acts.*

Such conviction and all other convictions before a Justice or Justices of the Peace under this Act or the Upper Canada School Act of 1850,\* and the costs thereof, to be levied and collected from the offender, who, in default of payment, may be imprisoned for any time not exceeding thirty days, unless such fine and costs, and the reasonable expenses of endeavoring to collect the same, shall be sooner paid.

42. APPEALS FROM COUNTY JUDGES TO THE SUPERIOR COURTS.

(*From the Supplementary School Act of 1853.*)

XXIV. And whereas it is highly desirable that uniformity of decision should exist in cases that may arise triable in the Division Courts, against and between Superintendents, Trustees,† Teachers, and others acting under the provisions of the Common School Acts of Upper Canada—Be it therefore enacted, That the Chief Superintendent of Education for Upper Canada, may, within one month after the rendering of any Judgment,

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\* These convictions by Magistrates are authorized on pages 26, 46, 48, 88, and 90; administration of the oath of allegiance to Teachers, on page 68; and authority to act as School Visitors, on page 79.

† Trustees, being a corporation, and the school representatives of their section, can include the costs of any legal suit in which they may be involved, as Trustees, in the “other expenses” of their school, as authorized by the seventh clause of the twelfth section of the U. C. School Act of 1850.—See note † on page 38. In suits against Trustees, the corporate property of the Trustees alone is liable to execution, and not their individual property. Trustees need not appear in Court as witnesses, unless individually subpoenaed.

in any of the said courts, in any case arising as aforesaid, appeal from the decision of any judge of the said courts to either of the Superior Courts of Law, at Toronto, by serving notice, in writing, of such his intention to do so, upon the clerk of such Division Court, which appeal shall be entitled "The Chief Superintendent of Education for Upper Canada, Appellant in the matter between (A.B. and C.D.);"

(1) *Mode of proceeding.*

And it shall be the duty of the Judge of the said Court, to certify under his hand, to either of the Superior Courts aforesaid, as the case may be, the summons and statement of claim and other proceedings in the case, together with the evidence and his own Judgment thereon, and all objections made thereto; whereupon the same matter shall be set down for argument at the next term of such Superior Court, which Court shall give such Order or direction to the Court below, touching the Judgment to be given in such matter, as the law of the land and equity shall require, and shall also award costs in its discretion, against the Appellant, which costs shall be certified to and form part of the Judgment of the Court below; and upon receipt of such Order, direction, and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith; *Provided* that all costs awarded against the Appellant, and all costs incurred by him, shall be payable by the Chief Superintendent, and the amount chargeable to the Contingencies of his Office: And the Judge presiding over any Division Court wherein any action of the kind referred to in this section is brought, may order the entering of Judgment to be delayed for a sufficient time to permit either party to apply to the Chief Superintendent of Education to appeal such case, and after Notice of Appeal is served as herein provided, no further proceedings shall be had in such case until the matter of the Appeal shall be decided by such Superior Court.\*

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\* Parties seeking an appeal, in terms of this section, must, without delay, furnish the Chief Superintendent with a copy of the statement and decision of the Judge, so as to enable him to determine whether such decision warrants an appeal or not to the Higher Courts.

## 43. INTERPRETATION CLAUSES.

*(From the School Act of 1850.)*

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

*(From the Supplementary School Act of 1853.)*

(1) *Inconsistent enactments to be repealed.*

XXVI. And be it enacted, That such of the provisions of the Upper Canada School Act of 1850, as are contrary to the provisions of this Act, shall be and are hereby repealed.

(2) *This Act to apply to 1853.*

XXVII. And be it enacted, That the provisions of this Act shall apply to all School affairs, and to all persons referred to in the said provisions, for the year one thousand eight hundred and fifty-three.

(3) *Short titles to Common School Acts of Upper Canada.*

XXVIII. And be it enacted, That in citing or otherwise referring to the said Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled "*An Act for the better establishment and maintenance of Common Schools in Upper Canada,*" it shall be sufficient to designate it as "The Upper Canada School Act of 1850;" and that in citing or otherwise referring to this Act, it shall be sufficient to designate it as "The Upper Canada Supplementary School Act of 1853;" and that in citing or otherwise referring to the said Acts generally, or to them and to any other Act or Acts relative to Common Schools, which may at the time of such citation or reference be in force in Upper Canada, it shall be sufficient to use the expression,—"*The Common School Acts of Upper Canada.*"— See page 19.

## DIVISION II.

PROVISIONS OF THE LAW RELATING TO PUBLIC  
SCHOOL LIBRARIES IN UPPER CANADA.\*

"Township and County Libraries are becoming the crown and glory of the Institutions of the Province."—*Lord Elgin, at the Provincial Exhibition, September, 1854.*

It has been thought advisable to collect and arrange the general provisions of the law relating to the establishment of public school libraries. The accompanying selection has therefore been prepared for the information and guidance of all parties concerned or interested in the promotion of libraries in Townships and School Sections in Upper Canada.

## 1. SCHOOL VISITORS.

Section thirty-three enacts that school visitors shall have authority at any lawful meeting "to devise such means as they may deem expedient to promote the establishment of libraries and the diffusion of useful knowledge"—page 79.

## 2. BOARDS OF PUBLIC INSTRUCTION.

Section twenty-nine enacts that "it shall be the duty of each county or circuit board of public instruction, *Fourthly*, To adopt all such lawful means in its power, as it shall judge expedient, to promote the establishment of school libraries, and to diffuse useful knowledge in such county or circuit"—page 69.

## 3. COUNTY MUNICIPAL COUNCILS.

Section twenty-seven enacts that "it shall be the duty of the municipal council of each county, *Secondly*, To raise by assessment such sum or sums of money, as it shall judge expedient for the establishment and maintenance of a county common school library"—page 64.

## 4. TOWNSHIP MUNICIPAL COUNCILS.

Section eighteen enacts that "it shall be the duty of the municipality of each township in Upper Canada, *Secondly*, To

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\* For Library Regulations, see "Library Manual." See also 11 on page 98.

levy at its discretion such sum or sums as it shall judge expedient for purchasing books for a township library, under such regulations as shall be provided according to law"—page 53.

#### 5. TRUSTEES OF SCHOOL SECTIONS.\*

Section twelve enacts that "it shall be the duty of the trustees of such school section, *Seventeenthly*, To appoint a librarian, and to take such steps as they may judge expedient, and as may be authorized according to law, for the establishment, safe-keeping, and proper management of a school library, whenever provision shall have been made and carried into effect for the establishment of school libraries"—page 42.

N.B.—By the ninth clause of the twelfth section, in connection with the first clause of the eighteenth section of the School Act of 1850, trustees are authorized to provide means for the establishment and support of public school libraries—pages 42 and 52.

#### 6. LOCAL SUPERINTENDENTS.

6. Section thirty-two, clause ten, sub-section six, enacts, That it shall be the duty of each Local Superintendent to report to the Chief Superintendent "the number of libraries" under his superintendence; "their extent, how established, and supported"—page 77.

#### 7. PUBLIC BODIES WHICH CAN ESTABLISH SCHOOL LIBRARIES.

From the foregoing extracts from the School law, it will be seen that the following Municipalities and school corporations are authorized to provide means for the establishment and support of public school libraries in Upper Canada.†

1. County Councils—page 64.
2. Township Councils—page 53.
3. Trustees of School Sections in Townships—pages 42 and 52.

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\* See note \* on page 43.

† See Departmental Notices on page 98.

## 8. DUTIES OF SCHOOL AUTHORITIES IN REGARD TO LIBRARIES.

It will also be seen from the above, that it is the official duty and privilege of local superintendents, school visitors, and boards of public instruction, to aid, with their counsel and advice, in the general establishment of public libraries throughout the country.

## 9. GENERAL PRINCIPLES UPON WHICH BOOKS HAVE BEEN SELECTED FOR THE PUBLIC LIBRARIES.

*Extracted from the Minutes of the Council of Public Instruction, 2nd August, 1853.*

The Council of Public Instruction for Upper Canada deems it proper to state its principles of proceeding, in performing the important and responsible task of selecting books for these public school libraries.

1. The Council regards it as imperative, that no works of a licentious, vicious, or immoral tendency, and no works hostile to the Christian religion, should be admitted into the libraries.

2. Nor is it, in the opinion of the Council, compatible with the objects of the public school libraries, to introduce into them controversial works on theology, or works of denominational controversy; although it would not be desirable to exclude all historical and other works in which such topics are referred to and discussed; and it is desirable to include a selection of suitable works on the evidences of natural and revealed religion.

3. In regard to books on ecclesiastical history, the Council agrees in a selection from the most approved works on each side.

4. With these exceptions, and within these limitations, it is the opinion of the Council that as wide a selection as possible should be made of useful and entertaining books of permanent value, adapted to popular reading, in the various departments of human knowledge—leaving each municipality to consult its own taste and exercise its own discretion in selecting books from the general catalogue.

5. The including of any books in the general catalogue is not to be understood as the expression of any opinion by the Council in regard to any sentiments inculcated or combated in such books, but merely as an acquiescence on the part of the Council in the purchase of such books by any municipality, should it think proper to do so.

6. The general catalogue of books for public school libraries may be modified and enlarged from year to year, as circumstances may suggest, and as suitable new works of value may appear.

N. B.—No book mentioned in the general catalogue will be disposed of to any private individual, or for any other purpose than for that of public libraries in Upper Canada. The only exception which can be made is in favour of teachers and local Superintendents, to whom professional works on teaching and education may be supplied.

10. *Remarks on the foregoing by the Chief Superintendent of Education.*

In addition to the recognition of these principles, the Chief Superintendent has deemed it essential, in a national system of public school libraries, to provide for the accomplishment of the following objects :

1. The prevention of the expenditure of any part of the library fund in the purchase and circulation of books having a tendency to subvert public morals or vitiate the public taste.

2. The protection of local parties from imposition, by interested itinerant book vendors, in regard to both the prices and character of books introduced into their libraries.

3. The placing of the remotest municipalities upon an equal footing with those adjoining the metropolis, in regard to the terms and facilities of procuring books, with the single exception of their transmission—which is now becoming safe and easy to all parts of Upper Canada.

4. The selection, procuring, and rendering equally acceptable to all the school municipalities of the land, a large variety of

attractive and instructive reading books, and that upon the most economical and advantageous terms.

5. The removal of all restrictions upon local exertion, either as to the sums raised or the manner of raising them, whether in a school section, or township, or county, and the encouragement of such exertions, by proportioning in all cases, the amount of public aid to the amount raised by local effort.

#### 11. *Departmental Notices to Municipal and School Corporations in Upper Canada.*

#### PUBLIC SCHOOL LIBRARIES.

The Chief Superintendent of Education is prepared to apportion *one hundred per cent.* upon all sums which shall be raised from local sources by Municipal Councils and School Corporations for the establishment or increase of Public Libraries in Upper Canada, under the regulations provided according to law. Remittances must not be in less sums than five dollars. Catalogues and forms furnished on application.

#### PRIZES IN SCHOOLS.

The Chief Superintendent will grant one hundred per cent. upon all sums not less than five dollars, transmitted to him by Municipalities or Boards of School Trustees for the purchase of books or reward cards for distribution as prizes in Grammar and Common Schools. Catalogues and forms furnished on application.

#### SCHOOL MAPS AND APPARATUS.

The Chief Superintendent will add one hundred per cent. to any sum or sums not less than five dollars, transmitted to the Department from Grammar and Common Schools; and forward Maps, Apparatus, Charts and Diagrams to the value of the amount thus augmented, upon receiving a list of the articles required by the Trustees. In all cases it will be necessary for any person, acting on behalf of the Trustees, to enclose or present a written authority to do so, verified by the corporate seal of the Trustees. A selection of articles to be sent can

always be made by the Department when so desired. Catalogues and forms furnished on application.

### DIVISION III

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

*Adopted after mature consideration, on the 3rd of October, 1850, by the Council of Public Instruction, as authorized by the Act 13th and 14th Victoria, Chapter 48, Section 38.*

### 1. HOURS OF DAILY TEACHING, HOLIDAYS AND VACATIONS.\*

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

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

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

(4) All agreements between trustees and teachers shall be subject to the foregoing regulations; and no teacher shall be deprived of any part of his salary on account of observing allowed holidays and vacations. See note \* below, and † on page 51.

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\* The number of teaching days in each month, omitting the allowed holidays and vacations, is as follows:

| <i>(First half of the year.)</i> |    | <i>(Second half of the year.)</i> |    |
|----------------------------------|----|-----------------------------------|----|
| January .....                    | 25 | July .....                        | 24 |
| February .....                   | 22 | August .....                      | 14 |
| March } As Easter is change- {   | 16 | September .....                   | 23 |
| April } able, these will vary {  | 24 | October .....                     | 24 |
| May .....                        | 25 | November .....                    | 23 |
| June .....                       | 23 | December .....                    | 17 |
| <hr/> Total..... 135             |    | <hr/> Total..... 125              |    |

(5) Union grammar and common schools are subject to the regulations affecting holidays and vacations in grammar schools, for which see Manual.

## 2. RELIGIOUS AND MORAL INSTRUCTION.

As Christianity is the basis of our whole system of elementary education, that principle should pervade it throughout. The common school act of 1850, fourteenth section, securing individual rights, as well as recognizing Christianity, provides, "That in any model or common school established under this act, no child shall be required to read or study in or from any religious books, or to join in any exercise of devotion or religion, which shall be objected to by his or her parents or guardians ; Provided always, that within this limitation, pupils shall be allowed to receive such religious instruction as their parents or guardians shall desire, according to the general regulations which shall be provided according to law"—page 49.

In the section of the Act thus quoted, the principle of religious instruction in the schools is recognized, the restrictions within which it is to be given is stated, and the exclusive right of each parent and guardian on the subject is secured.

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

## 3. OPENING AND CLOSING EXERCISES OF EACH DAY.

*Minute adopted by the Council of Public Instruction, 13th February, 1855.*

The following regulations in regard to the opening and closing exercises of the day, apply to all Common Schools in Upper Canada :—

With a view to secure the Divine blessing, and to impress upon the pupils the importance of religious duties, and their entire dependence on their Maker, the Council of Public Instruction recommends that the daily exercises of each Common School be opened and closed by reading a portion of Scripture and by Prayer. The Lord's Prayer alone, or Forms of Prayer

provided, may be used, or any other prayer preferred by the Trustees and Master of each school. But the Lord's Prayer should form a part of the opening exercises, and the Ten Commandments be taught to all the pupils, and be repeated at least once a week. But no pupil shall be compelled to be present at these exercises against the wish of his parent or guardian, expressed in writing to the Master of the School."

#### 4. WEEKLY RELIGIOUS INSTRUCTION BY THE CLERGY OF EACH PERSUASION.

*Minute adopted by the Council of Public Instruction for Upper Canada, on the 22nd April, 1857.*

That in order to correct misapprehensions, and define more clearly the rights and duties of Trustees and other parties in regard to religious instruction in connection with the Common Schools, it is decided by the Council of Public Instruction, that the Clergy of any persuasion, or their authorized representatives, shall have the right to give religious instruction to the pupils of their own Church, in each Common School house, at least once a week, after the hour of four o'clock in the afternoon; and if the Clergy of more than one persuasion apply to give religious instruction in the same school house, the trustees shall decide on what day of the week the school house shall be at the disposal of the clergyman of each persuasion, at the time above stated. But it shall be lawful for the Trustees and Clergymen of any denomination to agree upon any other hour of the day at which such Clergyman or his authorized representative may give religious instruction to the pupils of his own church, provided it be not during the regular hours of the school.

#### FORMS OF PRAYER.

BEFORE ENTERING UPON THE BUSINESS OF THE DAY.

*Let us Pray.*

O Lord, our Heavenly Father, Almighty and Everlasting God, Who hast safely brought us to the beginning of this day, defend us in the same by Thy mighty power; and grant that this day we fall into no sin, neither run into any kind of danger,

but that all our doings may be ordered by Thy governance, to do always that is righteous in Thy sight, through Jesus Christ our Lord. *Amen.*

O Almighty God, the giver of every good and perfect gift, the fountain of all wisdom, enlighten, we beseech Thee, our understandings by Thy Holy Spirit, and grant, that whilst with all diligence and sincerity we apply ourselves to the attainment of human knowledge, we fail not constantly to strive after that wisdom which maketh wise unto salvation ; that so through Thy mercy, we may daily be advanced, both in learning and godliness, to the honor and praise of Thy name, through Jesus Christ our Lord. *Amen.*

Our Father, which art in Heaven, hallowed be Thy name, Thy kingdom come, Thy will be done in earth, as it is in Heaven ; give us this day our daily bread ; And forgive us our tresspasses, as we forgive them that trespass against us ; And lead us not into temptation ; But deliver us from evil ; For Thine is the kingdom, the power, and the glory, for ever and ever. *Amen.*

The Grace of our Lord Jesus Christ, and the Love of God and the Fellowship of the Holy Ghost, be with us all evermore. *Amen.*

#### AT THE CLOSE OF THE BUSINESS OF THE DAY.

##### *Let us Pray.*

Most merciful God, we yield Thee our humble and hearty thanks, for Thy Fatherly care and preservation of us this day, and for the progress which Thou hast enabled us to make in useful learning ; we pray Thee to imprint upon our minds whatever good instructions we have received, and to bless them to the advancement of our temporal and eternal welfare ; and pardon, we implore Thee, all that Thou hast seen amiss in our thoughts, words and actions. May Thy good Providence still guide and keep us during the approaching interval of rest and relaxation, so that we may be thereby prepared to enter on the duties of the morrow, with renewed vigor, both of body and mind ; and preserve us, we beseech Thee, now and ever, both outwardly in our bodies, and inwardly in our souls, for the sake of Jesus Christ, Thy Son, our Lord. *Amen.*

Lighten our darkness, we beseech Thee, O Lord; and by Thy great mercy, defend us, from all perils and dangers of this night, for the love of Thy only Son, our Saviour, Jesus Christ. *Amen.*

Our Father, which art in Heaven, hallowed be Thy Name, Thy Kingdom come, Thy will be done in Earth as it is in Heaven; give us this day our daily bread; and forgive us our trespasses, as we forgive them that trespass against us; and lead us not into temptation; but deliver us from evil; for Thine is the Kingdom, the Power, and the Glory, for ever and ever. *Amen.*

The Grace of our Lord Jesus Christ, and the Love of God, and the Fellowship of the Holy Ghost, be with us all evermore. *Amen.*

#### 4. DUTIES OF MASTERS\*—pp. 49-52, and page 107.

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

It shall be the duty of each master of a common school:

1. To receive courteously the visitors appointed by law, (p.

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\* Teachers, in order to avail themselves of the Superannuation Fund, provided in part by the Legislature, must become annual subscribers to the fund from the year 1854. The subscription is four dollars per annum, and should be transmitted, early in the year, to the Chief Superintendent of Education. No teachers now engaged in teaching will be entitled to share in this fund, unless they punctually pay their annual subscriptions, beginning with the year 1854. See Regulations, &c., among the Forms, &c., appended.

79\*) and to afford them every facility for inspecting the books used, and to examine into the state of the school; to have the visitors' book open, that the visitors may, if they choose, enter remarks in it. The frequency of visits to the school by intelligent persons, animates the pupils, and greatly aids the faithful teacher.

2. To keep the registers accurately and neatly, according to the prescribed forms;† which is the more important under the present School Act, as the 31st section of it authorizes the distribution of the local school fund according to the average attendance of pupils attending each school. Page 72.

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

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

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

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\* The Teacher's form of circular notice for the Quarterly Examination is appended. See Forms, &c.

† The fifth clause, sixteenth section of the School Act of 1850 (page 51), makes it the duty of the teacher, at the time of his leaving a school, "to deliver up to the [written] order of the trustees, the Registers and Visitors' Book appertaining to the school," besides giving access to them at all times, when desired. In case of refusal, the trustees might, under the authority of the forty-third section of the Act, page 88, make an affidavit of the fact before a Justice of the Peace, and then apply to the Judge of the County Court, to order the delivery of the books to the trustees. In regard to procuring Registers, &c., see Note ‡ on page 45.

‡ For list of books, see page 69.

The school apartments, too, should be swept and dusted every evening. See No. 13, page 106.

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

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

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

9. Punctually to observe the hours for opening and dismissing the school (pp. 99, 106). Shall, also, during the school hours, faithfully devote himself to the public service; shall see that the exercises of the school be opened and closed each morning and evening as stated in the preceding part of this section (p. 100); shall daily exert his best endeavors, by example and precept, to impress upon the minds of the pupils the principles and morals of the Christian religion, especially those virtues of piety, truth, patriotism and humanity, which are the basis of law and freedom, and the cement and ornament of society.

10. To practise such discipline in his school as would be exercised by a judicious parent in his family; avoiding corporal punishment, except when it shall appear to him to be imperatively necessary; and in all such cases he shall keep a record of the offences and punishments, for the inspection of the trustees, at or before the next public examination, when said record shall be destroyed.

11. For gross misconduct, or a violent or wilful opposition to his authority, the master may suspend a pupil from attending at the school, forthwith informing the parent or guardian of the fact, and the reason of it, and communicating the same to the trustees, through the chairman or secretary. But no pupil shall be expelled without the authority of the trustees.

12. When the example of any pupil is very hurtful to the school, and in all cases where reformation appears hopeless, it shall be the duty of the master, with the approbation of the trustees, to expel such pupil from the school. But any pupil under the public censure, who shall express to the master his regret for such course of conduct, as openly and as explicitly as the case may require, shall with the approbation of the trustees and master, be re-admitted to the school.

13. The Trustees having made such provisions relative to the school-house and its appendages, as are required by the fourth clause of the twelfth section of the Upper Canada Common School Act of 1850, page 36, it shall be the duty of the master to give strict attention to the proper ventilation and temperature, as well as to the cleanliness of the school-house; he shall also prescribe such rules for the use of the yard and out-buildings connected with the school-house, as will insure their being kept in a neat and proper condition; and he shall be held responsible for any want of neatness and cleanliness about the premises.

14. Care shall be taken to have the school-house ready for the reception of pupils at least *fifteen* minutes before the time prescribed for opening the school, in order to afford shelter to those that may arrive before the appointed hour.

(See No. 6, on page 107.)

## 5. DUTIES OF PUPILS.

1. Pupils must come to the school clean in their persons and clothes.

2. Tardiness on the part of pupils shall be considered a violation of the rules of the school, and shall subject the delinquents to such penalty as the nature of the case may require, at the discretion of the master.

3. No pupil shall be allowed to depart before the hour appointed for closing school, except in case of sickness or some pressing emergency; and then the master's consent must first be obtained.

4. A pupil absenting himself from school, except on account of sickness, or other urgent reason satisfactory to the master,

forfeits his standing in his class and his right to attend the school for the remainder of the quarter.

5. No pupil shall be allowed to remain in the school, unless he is furnished with the books and requisites required to be used by him in the school ; but in case of a pupil being in danger of losing the advantages of the school by reason of his inability to obtain the necessary books or requisites through the poverty of his parent or guardian, the Trustees have power to procure and supply such pupils with the books and requisites needed.

6. The tuition fees, as fixed by the Trustees, whether monthly or quarterly, shall be payable in advance ; and no pupil shall have a right to enter or continue in the school until he shall have paid the appointed fee. See note † on page 35, also pages 38, 39 and 48.

#### 6. SUGGESTIONS TO TEACHERS ON THE DUTIES OF THEIR PROFESSION.

*(From the Chief Superintendent's Circular of August, 1850.)*

The new school Act of 1850, provides Trustees of Common Schools with greater facilities for raising the salaries of Teachers and furnishing the schools with all needful maps, apparatus, [p. 98] and text books, [p. 69] than I know of in any other country ; while, at the same time, it makes corresponding provision for the punctual payment of Teachers, both from the School Fund and School Rates, [pp. 64, 85, 88.] You have only to study carefully the provisions of the Act to be impressed with the conviction, that they have been conceived in the spirit of the warmest regard for the interests and efficiency of the Teacher's profession ; and contain all that can be secured by law to a Teacher, under a system of local self-government, where the patronage and emoluments of each School (beyond the amount of the School Fund apportioned to each School Section) are in the hands of a local elective Corporation, and not of a central executive, as in other systems of government. The facilities for Normal School instruction to all Teachers who wish to avail themselves of it, are also greater, under the liberal pro-

visions of the new Act, than in any other country in America. A valuable series of uniform text-books [see page 69], coming so generally into use, and the Trustees being authorized to supply all the pupils with them, cannot fail greatly to relieve and facilitate the labours of the Teacher. \* \* \* \* \*

Such being your position, relations and prospects under the provisions of the new School Act, I am desirous of making a few general remarks and suggestions relative to your future conduct.

\* \* \* \* \*

Permit me first to say, value your profession. If you do not value it, others will not. But do not show your estimate of it, by assuming lofty airs, or making lofty pretensions; but by making yourself thoroughly master of it, by devoting your energies to it, by becoming imbued with its spirit. Let your actions speak, and let your heart feel. If an orator would have his audience feel, he must first feel himself; and if a Teacher does not feel, and does not give proof that he feels, the value and importance of his work, can he reasonably expect others to do so? We often hear it said, "Teachers are not respected." But is it not almost as often true, that teachers do not respect themselves—that they do not act respectably—that they themselves provoke the disrespect of which they complain. A teacher cannot be made respectable by Act of Parliament. He must make himself so. In every ordinary employment of life, a man who acts upon high principles, and shows that he understands and values his business, will invariably command respect. Nor are the Teacher and his work an exception to the general rule. Nay, wherever a teacher has shown himself the possessor of noble principles, and that he understood and loved his work has he not commanded respect, and soon acquired commanding influence in the neighbourhood of his residence? I am persuaded that the people of Upper Canada do not, to any considerable extent, disrespect teachers worthy of respect. \* \* \*

Then, if you value your profession yourself, employ the proper means to give it a place, not only in the esteem, but in the interest and sympathies of others. The profession of a Teacher is a means to an end; it exists not for the sake of the Teacher

himself, but for the interests of society. It is a work indispensable to the progress and well-being of Society. What is the Teacher's work? It is to develop the mind, to mould the heart, and to form the character of the future citizens, magistrates and rulers of our land! It is to teach and implant that which is the only true guarantee of liberty, order, and social stability—the essential element of a country's prosperity and happiness. Show that you sympathize with these objects—that your heart is in them—that your thoughts and aims do not terminate in yourself alone, but embrace others,—and especially encircle the rising generation. Such a spirit, like heat in the atmosphere, will be diffusive. Others will imbibe it; the indifferent will become interested, and the selfish will begin to feel the impulses of intelligent generosity; parents will become increasingly anxious for the education of their children, and children will become increasingly anxious to be educated. In any neighborhood, both in town and country, where any youth are allowed to grow up uneducated, a Teacher should be an educational missionary, as well as an educational pastor; and every instance of success will add to his influence and means of support, as well as usefulness. No class of men in the country will derive so large an individual advantage from the progress of society as School-teachers, and they ought to be intent in their efforts to excite every sentiment and feeling, and to procure and circulate every publication, which will tend to diffuse education and knowledge. A Teacher who folds his arms in slothful inactivity—neither improving in knowledge himself, nor advancing it among others—and yet complaining that no Hercules comes to his relief, deserves neither respect nor assistance; while the Teacher who nobly exerts himself in both acquiring and diffusing knowledge, will receive both emolument and respect, if not admiration and applause.

The mutual intercourse of Teachers—mutual visits to each others' Schools—forming, and meeting occasionally or periodically in Associations for mutual improvement, and the promotion of professional objects,—which are no other than public interests;—these and kindred measures, in connexion with profes-

sional reading\* and industry, cannot fail to contribute much to the success, enjoyment, and social standing of teachers. Professional friendships will be formed; professional feeling will be enkindled; professional zeal and emulation will be excited; professional skill and usefulness will be improved; and Teachers will be more respected by the community at large, by thus evincing proper respect for each other. Faithful Teachers have already on their side the enlightened part of the community, the press, the pulpit, and the Legislature. Let them be true to themselves and to their profession. Lord Bacon has said truly—"Every man owes a debt to his profession." \* \* \*

I would also offer a word of caution against discouragement in your work, or disinclination to it, on account of its comparative obscurity. It is true, the circle of your daily labours is narrow, and the results of them are remote; there is little variety in your employment, and the monotony of it is only varied by quarterly examinations and short vacations. It therefore requires more than ordinary patience, perseverance and benevolence to pursue your work, month after month, and year after year, with unabated zeal and energy. Yet your work is now a public profession, recognized by law, and none but a Teacher examined and licensed according to law, is permitted to receive a farthing of the School Fund, (pp. 87, 90) any more than a person not examined and admitted to the Law Society, is permitted to practise as a Barrister at Law. And the results of the work performed in the humble school-house, though remote, will not be uncertain, and may one day appear in the highest position of a free people's gift, or in the most important affairs of a nation's diplomacy, or in the most honored relations of parental and social life. The common school-house is the sole educational college for the vast majority of the present youth and future fathers and mothers of our country. That accomplished scholar and elegant writer, Dr. JARED SPARKS, [late] President of Harvard University, traces his early training, and several years of his apprenticeship in teaching, to the common school; and the great American statesman and orator, DANIEL WEBSTER, was accustomed to refer to the common school as his first *alma*

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\* See N. B. on page 97.

*mater*, in which was laid the foundation of his future character. Through long months, and in retirement and solitude, the Italian painter occupied his brush on a single piece of canvas; but that canvas has, age after age, imparted instruction and delight to hundreds of thousands. For years did the Grecian sculptor, in almost exiled seclusion, employ his chisel on a single block of marble; but that marble has survived the wreck of empires, and still commands the admiration of the refined of all countries. Let the practical philosophy of these facts be engraved upon the heart of every right-minded Teacher, and it will sweeten his toil, and add fresh attractions to every successive year of his increasingly skilful and efficient labours.

#### 7. DUTIES OF TRUSTEES—pp. 29–47.

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

2. While the Trustees employ the teacher—agree with him as to the period during which he shall teach, and the amount of his remuneration—the *mode of teaching* is at the option of the teacher; and the local Superintendent and visitors alone have a right to advise him on the subject. The teacher is not a mere machine, and no Trustee or parent should attempt to reduce him to that position. His character and his interest alike prompt him to make his instructions as efficient and popular as possible: and if he does not give satisfaction, he can be dismissed according to the terms of his agreement with his employers. To interfere with him, and deprive him of his discre-

tion as a teacher, and then to dismiss him for inefficiency, which is the natural and usual result, is to inflict upon him a double wrong, and frequently injures the pupils themselves and all parties concerned. It should then be distinctly understood, as essential to the teacher's character, position and success, that he judge for himself as to the mode of teaching in his school, including, of course, the classification of pupils, as well as the manner of instructing them. It is, nevertheless, the duty of the Trustees to see that the school is conducted according to the regulations authorized by law.

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

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

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

5. In the selection of books to be used in the school, from the general list authorized according to law, p. 69, the Trustees

should see that but *one* series of reading books, *one* arithmetic, or one for the beginners and another for the more advanced pupils, *one* geography, &c., should be used in any *one* school, in order that the scholars may be classified in the several branches which they are studying. Heterogeneous school books (however good each book may be in itself) render classification impossible, increase the labour and waste the time of the teacher, and retard the progress of the pupils. But the teacher and pupils labour at the greatest disadvantage when they are compelled to use books which are as various as the scholars' names.

#### 8. EXTRACTS FROM THE CHIEF SUPERINTENDENT'S CIRCULAR TO TRUSTEES, DATED AUGUST, 1850, AND JUNE, 1853.

##### (1) *Powers and Responsibilities of Trustees.*

As the representatives of the people in the Legislative Assembly determine the amount of money to be expended for any object, or the salary of any public officer to be employed; so the Trustees, as the representatives of the people in a School Section, have the sole power of determining the *amount* of the Teacher's salary, and of the incidental expenses of the School.\* They can also procure such maps, apparatus and text-books as they may judge expedient for the use of the pupils in the Schools.† But the *manner* in which the salary of a Teacher and other actual or estimated expenses of the School shall be raised, is left to a public meeting of the tax-payers, to be called for that purpose [page 24]. Then, if the whole of the expenses are not thus provided for, the Trustees have authority to raise the balance in such manner as they may think proper, either by voluntary subscription, by rates on parents sending children to the school, or rates on all the ratable property of the School Section. Trustees themselves (and not a magistrate) issue the necessary warrants for the collection of all rates levied by them on resident rate-payers [page 38]. \* \* \* \* The Common School property of a Section is no longer vested in the Municipal Council, but in the Corporation of Trustees,

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\* See note † on page 38.

† See page 98.

and is therefore liable for debts contracted by them.\* Trustees are, therefore, furnished with every needful security and means to enable them to establish a good school and provide for its efficient support. Faithful trustees are provided with a still further protection and assistance, in the penalties which the act imposes upon those trustees who refuse or wilfully neglect to perform their duties.—[See (17) on page 42, and (25) on page 46.]

### (2) *Protection of Teachers.*

The *seventeenth* section of the act [p. 51] guards also against an injustice and evil, by providing that “any Teacher shall be entitled to be paid at the same rate mentioned in his agreement with the Trustees, even at the expiration of the period of his agreement, until the Trustees shall have paid him the whole of his salary, according to their engagement with him.” This provision will prevent the injurious accumulation of debts to Teachers in a section; and it will furnish Trustees, desirous of performing their duties, with satisfactory reasons for insisting upon the prompt payment of the rates for the Teacher’s salary, while it will afford protection to the discharged Teacher against any possible attempt to wrong him. \* \* \* \*

### (3) *Establishment of Free Schools—their object.*

It will be seen that the Act of 1850 provides every desirable facility for the establishment of **FREE SCHOOLS**—Schools supported by the property of all, and equally free to the children of all; the only schools which are, in my opinion, based upon the true principles of national education, and adapted to national wants. But I wish every School Municipality to be the judge as to the manner of supporting its own schools; and I think the success of Free Schools will be greatly influenced by the discretion exercised in their first establishment. As the very object of a Free School, and the principle of supporting it, implies a school for the common education of all the children and youth of a School Section, the first requisite towards its accomplishment is to provide a house and

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\* See (3) on page 35, and note † on page 91.

Teacher adequate to that end. To employ a Teacher incompetent to teach all the school-going youth of a section, and yet to tax all the inhabitants to pay the salary of such incompetent teacher, is manifestly unjust. Trustees should, therefore, upon the ground of justice to all school-rate payers, as well as from regard to the interests of their children, employ none but a highly competent Teacher, when it is determined to have a free school. A good school and a free school should be convertible terms; as should an able teacher and a teacher of a free school. Then will the quality and character of instruction be as much advanced, as the number of pupils will be multiplied, with the establishment of every free school.—[August, 1850.]

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#### (4) *Maximum Rate-bill.*

By the thirteenth section of the Supplementary School Act [page 48], no rate-bill can be imposed exceeding one shilling and threepence per month for each pupil attending school.\* All other expenses of each school must be provided for by voluntary subscription, or rate on property. Reducing the maximum of all school-rate bills to one shilling and threepence per month for each pupil, is the next thing to establishing free schools throughout Upper Canada; and all the hitherto agitating questions at school meetings, as to the mode of providing for the support of schools, are now narrowed down to the simple question as to whether a rate-bill of one shilling and threepence—or less, or nothing—per month for each pupil shall be imposed. This provision will largely increase the attendance of pupils at school, as no parent will now keep his children from school for fear of a heavy rate-bill; it will vastly lessen the topics and causes of differences and disputes at school meetings; it will render the duties of trustees more simple and easy to discharge, and the salaries of school teachers more uniform and secure. The real design of this noble provision of the law, and the legitimate inference from it, ought never to be forgotten by trustees. A law providing that a school should be

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\* Payable in advance, see page 102.

supported wholly or mostly by the property of all, could not have been exacted, except with the design that a teacher should be employed who is qualified to teach the children of all—that is, the several branches of an English education to all persons of school age residing in the section. If each man contributes, according to his property, to support a school, each man's child has a right to be taught in such school. Should trustees employ a teacher (for the sake of getting a “cheap” one) who is not qualified to teach all the children of their section the subjects required to be taught in common schools, they would virtually exclude a portion of the children of their section from the benefits of the school; they would abuse the principles and pervert the great objects of the Free School system:—they would, I am inclined to think, render themselves liable to a fine for neglect of duty, and to a prosecution for damages on the part of parents of children deprived of the advantages of the school in consequence of the incompetence of the teacher employed. All trustees should bear in mind, that the principle of Free Schools aims as much to improve the quality of teaching and to elevate the character of the school, as it does to render them accessible, without let or hindrance, to all the children of the land. \* \* \* \* \*

(5) *Rates on the Lands of Absentees.*

While the sixteenth section of the Supplementary Act [page 57] secures to each school section the benefit of all the taxable property situated within its limits, the twenty-second section [page 35] provides a prompt and easy mode of securing the payment of all school-rates on the lands of absentees. These two provisions will be of great advantage to a large proportion of the school sections throughout Upper Canada.

(6) *Rates for Sites and School-houses.*

The sixth section of the Act [page 29] invests the trustees of each school section with the same authority to assess and collect rates for the purpose of purchasing school sites and the erection of school-houses, as they are invested with by law to assess and collect for other school purposes; so that

the trustees need not, unless they choose to do so, apply to a municipal council for any purpose whatever, except in reference to the boundaries of their school section ; nor has any municipal council a right to interfere in the affairs of a school section (except in altering its boundaries), unless at the request of such section, made through its trustees.

(7) *Limitation in the Powers of Trustees.*

There are but two particulars in which the powers of trustees are limited. 1. They cannot change the present school-site, or select a new one, without calling a public meeting of their section to consider it. [See the sixth section of the Supplementary School Act, page 28.] 2. They must also consult the annual, or a special, meeting of their section, as to whether a rate-bill (of one shilling and threepence, or less, per month, for each pupil) should be imposed or not [page 48]. The selection of a new school site does not often occur: the decision as to the rate-bill is annual, and should be made at the annual school section meeting. With this single exception—and it is reduced to the simple question of a small monthly rate-bill—the management of all the affairs of each school section belongs wholly to the trustees, as the elective representatives of such section. They, and they only, are authorized by law to determine the sum or sums that shall be raised, and when and how paid, for all school purposes—whether for the procuring of a school site ; the erection, repairs, or furnishing of a school-house ; the payment of a teacher ; the purchase of apparatus, text-books, maps, library-books, or for any other school purpose whatever. \* \* \* \*

The office of School Trustee being now one of great power, as well as of responsibility, I trust that you will earnestly labour to fulfil its high objects, and thus become instruments of unspeakable good to the rising and future generations of our country.—[June, 1853.]

## (9) DUTIES OF LOCAL SUPERINTENDENTS—PAGE 71.

*Extracts from the Chief Superintendent's Circular to Local Superintendents, dated August, 1850.*

(1) *The Local Inspection of Schools*—page 73.

To perform this duty with any degree of efficiency, a local Superintendent should be acquainted with the best modes of teaching every department of an English school, and be able to explain and exemplify them. It is, of course, the local Superintendent's duty to witness the modes of teaching adopted by the teacher, but he should do something more. He should, some part of the time, be an actor as well as spectator. To do so he must keep pace with the progress of the science of teaching. Every man who has to do with schools, ought to make himself master of the best modes of conducting them in all the details of arrangement, instruction, and discipline. A man commits a wrong against teachers, against children, and against the interests of school education, who seeks the office of local Superintendent without being qualified and able to fulfil all its functions. In respect to the manner of performing the visitorial part of your duties, I have nothing material to add to the suggestions which I made in my circular to local Superintendents of Schools in December, 1846. They are as follows :

“Your own inspection of the schools must be chiefly relied upon as the basis of your judgment, and the source of your information, as to the character and methods of school instruction, discipline, management, accommodations, &c. : and on this subject, we ought not to content ourselves with exterior and general facts, \* \* \* \* But it is not of less importance to know the interior regime of the schools—the aptitude, the zeal, the deportment of the teachers—their relations with the pupils, the trustees and the neighbourhood—the progress and attainments of the pupils, and, in a word, the whole moral and social character and results of the instruction given, as far as can be ascertained. Such information cannot be acquired from reports and statistical tables ; it can only be obtained by special visits, and by personal conversation and observation—by an examination of the several classes, in their different branches of study ;

so as to enable you to ascertain the degree and efficiency of the instruction imparted.

“In the inspection of schools, I would suggest something like the following order and subjects of inquiry and examination :—

“I. *Mechanical arrangements*.—The tenure of the property ; the materials, dimensions and plan of the building ; its condition ; when erected ; with what funds built ; neighbourhood ; how lighted, warmed, and ventilated ; if any class-rooms are provided for the separate instruction of part of the children ; if there is a lobby, or closet, for hats, cloaks, bonnets, book presses, &c. ; how the desks and seats are arranged and constructed, and with what conveniences ; what arrangements for the Teacher ; what play-ground is provided ; what gymnastic apparatus, if any ; whether there be a well, and proper conveniences for private purposes.

“II. *Means of Instruction*.—The books used in the several classes, under the heads of Reading, Arithmetic, Geography, &c. ; the Apparatus provided, as Tablets, Maps, Globes, Blackboards, Models, Cabinets, &c.

“III. *Organization*.—Arrangement of classes ; whether each child is taught by the same teacher ; if any assistant or assistants are employed, to what extent, how remunerated, and how qualified.

“IV. *Discipline*.—Hours of attendance ; usual ages of pupils ; if the pupils change places in their several classes, or whether they are marked at each lesson, or exercise, according to their relative merit ; if distinction depends on intellectual proficiency, or on a mixed estimate of intellectual proficiency and moral conduct, or on moral conduct only ; what rewards, if any ; whether corporeal punishments are employed—[See No. 10 on page 105]—if so, their nature, and whether inflicted publicly or privately ; what other punishments are used ; whether attendance is regular ; is school opened and closed with reading and prayer as provided in the regulations, and what religious instruction is given, if any.

“V. *Method of Instruction*.—Whether mutual or simultaneous, or individual or mixed ; if mutual, the number of

monitors, of what attainments, how appointed, how employed ; if simultaneous, that is, by classes, to what subjects of instruction ; whether the simultaneous method is not more or less mingled with individual teaching, and on what subjects ; to what extent the intellectual, or the mere rote method is pursued, and on what subjects ; how far the interrogative method only is used ; whether the suggestive method is employed ; whether the elliptical method is resorted to ; how the attainments in the lessons are variously tested—by individual oral interrogation—by requiring written answers to written questions—or by requiring an abstract of the lesson to be written from memory.

“ VI. *Attainments of Pupils*.—1. *In Reading* ; whether they can read with ordinary facility, or with ease and expression. 2. *In Writing* ; whether they can write with ordinary correctness, or with ease and elegance. 3. *In Arithmetic* ; whether acquainted with Notation and Numeration, Addition, Subtraction, Multiplication, Division, and skilful in them ; whether acquainted with the Tables of Moneys, Weights, Measures, and skilful in them ; whether acquainted with the compound rules, and skilful in them ; whether acquainted with the higher rules, and skilful in them ; whether acquainted with the exercises in mental arithmetic, and skilful in them. 4. *In Grammar* ; whether acquainted with its divisions, rules of orthography, parts of speech, their nature and modifications, parsing, composition, &c. 5. *Geography, History, Book-keeping, Vocal Music, &c.* ; the order of questions, suggested by the nature of the subject. The extent and degree of minuteness with which the inspection will be prosecuted, in respect to any, or all of the foregoing and kindred subjects, must, of course, depend on circumstances.

“ VII. *Miscellaneous*.—How many pupils have been sent to the Grammar School ; whether a Visitors’ Book and Register be kept as required ; is the *Journal of Education* regularly received by the Trustees ; are the Quarterly Examinations regularly held ; are Prizes given in the School. *Library*.—Is a Library maintained in the Section ; number of volumes taken out during the year ; are books covered and labelled as required ;

are books kept in library case ; is catalogue kept for reference by applicants ; are fines duly collected, and books kept in good order ; are library regulations observed."

(2) *Annual School Lectures.*

Another most important duty required of each local Superintendent is, "*To deliver in each School Section, at least once a-year, a public lecture on some subject connected with the objects, principles, and means of practical education.*"—[Page 73.] The education of a free people is, to a great extent, a system of voluntary exertion. There may be a good School law, and there may be a large school fund ; and yet education may decline. \* \* \* The onward progress of the education of a country does not depend, primarily or chiefly, upon a School fund or School law, but upon the *spirit* and *action* of the *people* ; and the great object of public School lectures is, to awaken that spirit and arouse this action. The law requires that a voice should be lifted up on this subject in every School Section in Upper Canada ; the commanding authority of that voice will depend upon the ability, the industry, the *heart*, of each local Superintendent. No man ought to aspire to the office, or retain it a week, who has not the heart and ability to prepare and deliver public lectures in a spirit and manner worthy, in a good degree, of a cause interwoven with every vital interest of our country's civilization and happiness. We cannot be too strongly impressed with the fact, that the administration of the school system is not like that of any other department of the public service—a vigilant and effective oversight of the execution of the law, the protection and development of the country's resources ; the due administration of the school system—and indeed, properly speaking, the great object of it, besides the ordinary administration of the law—is to excite and maintain, as widely and in as high a degree as possible, among all classes of the community, a correct appreciation of the nature and importance of popular education, and a spirit of intelligence, philanthropy and patriotism in the adoption of the diversified means necessary for the attainment of that end. From the office of the Chief Superintendent, down to the desk of the humblest teacher, a moral influence,

an energy, a vitality should be sent forth in behalf of the education of youth and the diffusion of useful knowledge among the people. If the right spirit glow in the bosom of every Superintendent, it will appear in every public lecture, in every school visit, on every proper occasion in the intercourse of private and public life, and the results will soon be manifest in every municipality of Upper Canada. On the other hand, great must be the responsibility, and deep the disgrace, of any Superintendent, who shall suffer the interests of schools to droop and die, or linger on in a sickly condition, under his oversight. \* \* \*

(3) *Spirit of the Law in regard to the office of Superintendent.*

It remains with each incumbent to say whether the spirit and intentions of the law shall be fulfilled within his jurisdiction, as far as depends on the performance of the duties of his office. The act has been passed by the Legislature in the spirit of a generous nationality; the spirit of patriotism prevailed over the selfishness of party during the parliamentary deliberation on this subject. The Government duly appreciated the wants and interests of the whole country, in the preparation of the measure, and all parties in the Legislature cordially responded to it. In the same non-party and national spirit, I hope to see the law administered. \* \* \*

In a "*Digest of the Common School System of the State of New York*," published in 1844, by the Deputy, under the auspices of the State Superintendent of Schools, I find the following remarks, which I commend to your serious attention:—

"As the usefulness of Local Superintendents will depend mainly on the influence they shall be able to exercise upon the officers and teachers of schools, and upon parents and the inhabitants of districts generally, they will endeavour to deserve that influence by their deportment, and studiously to avoid everything which may impair it. Hence it will be indispensable that they should abstain wholly and absolutely from all interference in any local divisions, or in any questions by which the community in any town or district may be agitated; and although they cannot be expected to abandon their political

sentiments, yet it is obvious that any participation in measures to promote the success of any political party, will not only diminish their influence and impair their usefulness, by exciting suspicion of the objects of their movements and measures, but will expose the office they hold to a vindictive hostility, that will not cease until it is abolished. The intelligence of our people will not tolerate the idea of the agents of public instruction becoming the emissaries of partizan management."

The conviction expressed in the concluding sentences of this quotation has been painfully realized. As party politics ran high, it was found that the appointments of Local Superintendents were made, to a considerable extent, in the spirit of political partizanship, and the influence of the office was frequently employed for partizan purposes. A clamour was soon raised against the office itself, which resulted in its abolition in 1847. Great efforts have been subsequently made, by the State Superintendent and other experienced educationists, to restore the office of County (but not of Township) Superintendent, and place it on a better footing than heretofore. These facts are admonitory. A man's qualifications, irrespective of sect or party, should influence his appointment to the office; but when once appointed, and during his continuance in office, he should act in the spirit of impartiality and kindness towards all persuasions and parties. This has been the avowal of the Government, and the sense of the Legislature in regard to the office and duties of the Chief Superintendent; and I think it was equally understood and intended, that no tinge of partizanship should attach to the supervision of schools, even in the remotest township of the Province. The spirit of the vow made by the Prussian School Counsellor DINTER, should imbue the heart of every School officer in Upper Canada:—"I promised God that I would look upon every Prussian peasant child as a being who could complain of me before God, if I did not provide him the best education, as a man and a Christian, which it was possible for me to provide."

## 10. DUTIES OF COUNTY COUNCILS—PAGE 63.

*Extracts from the Chief Superintendent's Circular to County Councils,  
dated July, 1850.*

(1) *Appointment of Local Superintendents—Page 61.*

A most important duty which the new School Act devolves upon the County Council, (p. 61) is the annual appointment of Local Superintendents of Schools. \* \* \* \* \*

The new School Act gives to each Council authority to appoint a School Superintendent for each Township, or for two, three or four Townships, or for a County, provided it does not contain more than one hundred schools.\* In some municipalities, where the duties of the office have been very imperfectly discharged, doubts are entertained by many persons as to the utility of the office at all; but this is not the case where the office is filled with ability, diligence and skill; and School Countries are unanimous in their judgment and practice as to the vast importance of an efficient local inspection and supervision of Schools. \* \* \* \* \*

The School Act imposing upon a local Superintendent not only miscellaneous duties which require judgment and knowledge of men and things, but a visitatorial examination of each School and a lecture on education in each School Section once a year, and the examination of Teachers for the Schools [p. 73], the County Council should spare no pains to search out and appoint men as local Superintendents who will command public attention as lecturers, who understand the true principles of school organization and the improved modes of school teaching, who will do justice to the great interests entrusted to them by their examinations of teachers, their visitations of schools, and their patriotic exertions to diffuse sound education and knowledge as widely as possible. I doubt not each County Council will respond to the spirit of the New York State Superintendent of

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\* In the important States of New York and Pennsylvania, County Superintendents have been preferred to Township Superintendents, and it has been enacted by the Legislature of Pennsylvania that County Superintendents alone shall be appointed.—[See last paragraph, No. (3), on page 123.]

Schools, when he says, "It is fervently hoped that in every election hereafter to be made of a Local Superintendent the most competent individual, without reference to sect or party, will be selected. On such a subject, where the good of their children is at stake, men should dismiss their narrow prejudices, and tear in sunder the shackles of party. They should consult only the greatest good of the greatest number of the rising generation. They should direct their preferences to those only who are the ardent friends of youthful progress—to those only, the smoke of whose incense offered in this holy cause, daily ascends to heaven; whose lips have been touched with a burning coal from the altar."

(2) *Spirit of the School Law—Non-political.*

And as the selection to the office of Local Superintendent of Schools should be made upon the sole ground of personal qualification and character, and irrespective of party considerations, so should the duties of the office be performed in the same spirit. During the recent discussion in the Legislative Assembly on the School Bill, it was averred on all sides that the office of Chief Superintendent of Schools was, and should be non-political—that whatever might have been the political opinions of the incumbent, or of his mode of advocating them, previously to his appointment to office, that, as in the case of a judge, he should take no part in party political questions during his continuance in office. On this principle I have sacredly acted since my appointment to office, as was admitted in gratifying terms by all parties in the discussion referred to; and I think the same principle should be insisted upon by each County Council in respect to each local Superintendent of Schools, and should be faithfully acted upon by every person filling that important office, thus making it equally confided in by all classes of the community. I am sure every Municipal Council in Upper Canada will agree with me, that the entire superintendence of the School system, in all its parts and applications, should be perfectly free from the spirit or tinge of political partizanship—that its influence, like the genial light and warmth of the sun, should be employed for the equal benefit of all without regard to party, sect, or colour.

\* \* \* \*

The spirit in which the provisions of the new School Act have been, generally speaking, discussed and adopted in the Legislature, I regard as an omen for the good of our country, and worthy of imitation in all Municipal and Local School proceedings throughout Upper Canada. Party differences were not permitted to mar this great measure for the education of the people; and although there were individual differences of opinion among men of different parties as to some details of the Bill, yet men of all parties united in the support of its general principles, and in an earnest desire and effort to render it as perfect as possible in all its provisions. I hope that no party spirit will be permitted to impair the efficiency of its administration in any Municipal Council, public meeting or Corporation. In the great work of providing for the education of the young, let partizanship and sectarianism be forgotten; and all acting as Christians and patriots, let us each endeavour to leave our country better than we found it, and stamp upon the whole rising and coming generations of Canada, the principles and spirit of an active, a practical, a generous and Christian intelligence.

#### 11. DUTIES OF TOWNSHIP COUNCILS—PAGES 52–58.

*(Extracts from the Chief Superintendent's Circular, dated August, 1853.)*

##### (1) *Authority to Levy School Section Assessments—Page 52.*

The authority and duty of the Township Council to levy assessments on certain conditions for the purchase of school sites, the erection of School-houses, and other Common School purposes, are so plainly stated in the first clause of the 18th Section as to require no other remark than this—that the inhabitants of each School Section ought certainly to be the judges as to assessments levied upon them for the school purposes of their own section, and their wishes should be carried into effect without regard to the opinions of any person not belonging to their section; and as the Councillors are the proper representatives of the Township on township affairs, so should the Trustees of each School Section (or a majority of them) be regarded as the representatives of such section in its

School affairs. Such are the true principles involved in this clause of the Act. \* \* \* \* \*

(2) *Formation and alteration of School Sections—Page 54.*

The formation and alteration of School Sections is a duty, on the judicious performance of which, the efficiency of the Schools greatly depends. The conditions and precautions provided in the new Act relative to the time and manner of making changes in the limits of School Sections, will prevent the recurrence of the evils which have been experienced and the complaints which have been frequently made on this subject, and afford due protection to all parties affected by such changes. I know not that I can add anything on this point to the remarks which I made in my first circular addressed to the heads of Municipal Councils, in October, 1846. Subsequent experience has only confirmed me in the correctness and importance of those remarks, which are as follows :—

“Much—very much—in respect to the efficiency of Common Schools depends upon the manner in which School Sections are formed or altered. The tendency is to form small School Sections ; each parent is anxious to have the School-house as close to his own door as possible. But the evil of forming small School Sections is as great as the local tendency is strong. I have been much impressed with the magnitude of this evil by the reports of School Superintendents and Inspectors in the States of Massachusetts and New York—countries similarly situated to our own, and whose experience on this important subject is highly valuable to us. They represent that the efficiency and usefulness of their Schools has been greatly retarded by the unwise multiplication of School Sections—thus multiplying feeble and inefficient Schools, &c., subdividing the resources of the inhabitants, as to put it out of their power to build proper School-houses, or support competent teachers without incurring a burthen, which they are unwilling, if not unable to bear. The same documents also contain many curious statistics, proving that on an average, the punctual attendance or proficiency of pupils residing from one to two miles from the School far exceeds that of those pupils who reside within a

less distance. The purport of these statements is to show, that proximity to the School is not essential either to the punctual attendance or to the proficiency of pupils. The managers of Common School education in these States have of late years directed their particular attention to prevent and remedy this evil of small School Sections ; and they detail many examples of beneficial success. Some of the advantages of large School Sections, are, the lessening of the burthen, upon each inhabitant, in establishing and supporting the schools ; the erection of better buildings ; and the procuring of greater conveniences for instruction ; the employment of better teachers, and, therefore, the benefit of better education for youth. The subject is, therefore, submitted to the grave consideration of the Council, whenever the exercise of this part of its powers may be required." \* \* \* \* \*

### (3) *General Remarks.*

I trust that each Township Council will do honor to its important position in this great work of the country's education and by the united and individual example of its members speedily succeed in rendering a good school accessible to every child in the municipality. I believe the present School Act furnishes greater facilities than any preceding one for the accomplishment of this object ; a party, a selfish, a slothful spirit alone can defeat it.

(The Forms for Township Councils will be found appended.)

## 12. DUTIES OF COUNTY BOARDS OF PUBLIC INSTRUCTION. —Pages 67–71.

(*From the Regulations and the Circular of the Chief Superintendent of Education, October, 1850.*)

### (1) *Qualifications of Candidates*—page 67.

On the fidelity and ability with which County Boards of Public Instruction fulfil the functions assigned to them in the 29th section of the Act, depend the character and efficiency of the schools as affected by the character and qualifications of the teachers. Much has been said about incompetent

trustees, and their employment of incompetent teachers; but trustees can not employ *such* teachers by *means of the school fund*, unless *such* teachers are *licensed* to teach. It therefore remains with the county boards (chiefly with the Local Superintendents) to say whether a penny of the school fund shall be misapplied in payment of any intemperate, immoral, or incompetent teacher. In giving certificates of qualification, county boards should not, therefore, regard individual applicants, but the interests of youth—the destinies of the rising and future generations of the country. \* \* \* \* \*

(2) *Moral Character of Candidates*—page 68.

But the first, and perhaps most important duty which devolves upon you, is that which precedes an examination into the intellectual qualifications of candidates. The law expressly declares, that “no certificate of qualification shall be given to any person, as Teacher, who shall not furnish satisfactory proof of good moral character.” This is a vital point on which you are called to pass a conscientious and impartial judgment, before you admit any candidate to an examination. The law of the land thus makes you the moral guardians of the children and youth of your respective counties, as far as depends upon the moral character of their Teachers, the same as the Divine law makes you the guardians of your own children; and you should certainly license no character to teach the former, whom you would not permit to teach the latter. Many representations have been made to this Department respecting intemperate, and profane, and Sabbath-breaking Teachers. To what extent these representations are well founded, is not for me to say. But when so many parties have been *individually* authorized to license Teachers, it were not surprising if isolated *individual* firmness should be overcome by the importunity of a candidate in some instances, backed by requests of inconsiderate Trustees. Now, however, you meet in council; the candidates come before you on common ground; you judge of the “moral character” of each by a common rule; you are less liable to those plaintive appeals and pleas which have so often been pressed upon the

feelings of individual Superintendents and Visitors. I cannot but regard it as your special mission to rid the profession of common school teaching of unworthy characters and of wholly incompetent persons, to protect the youth against the poison of a vicious teacher's example, and to lay the foundation for greatly elevating the profession of school teaching, and greatly increasing the efficiency and usefulness of Common Schools. The moral character of teachers involves the deepest interests of our offspring, and the wildest destinies of our country. No lax expediency or false delicacy should be permitted to endorse a person of irregular habits or doubtful morals as a "good moral character," and let him loose upon society, authorized and certified as a duly qualified teacher of its youth. I am sure you will agree with me, that your certificate should state what you believe to be strictly true, and therefore be a guarantee to Trustees of Schools and parents of children, in regard to the moral character and intellectual qualifications of every teacher whom you shall license.

### (3) *General Remarks.*

No branch of a system of public instruction has ever been brought into operation in any country without much anxious toil; and the efficient commencement of this most important and too long neglected department of our school system, will require no inconsiderable labor, and much patient and earnest purpose, to promote the welfare of the rising generation. The more serious and difficult part of the task will soon be accomplished, while the results cannot fail to be extensively beneficial, alike upon the application, the aspirations, and improvement of teachers, the character of the schools, and the progress and interests of the pupils.

[*The Programme of Examination and Form of Certificate will be found on pages 132 and 134.*]

## 13. DUTIES OF SCHOOL VISITORS—page 79.

1. The *thirty-second* section of the school act of 1850, provides that all Clergymen recognized by law, of whatever denomination, Judges, Members of the Legislature, Magistrates,

Members of County Councils, and Aldermen, shall be school visitors ; and the thirty-third section of the act prescribes their lawful duties. Page 79.

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

3. The local superintendents are school visitors, by virtue of their office, and their comprehensive duties, as such, are stated with sufficient minuteness in the 3rd clause of the 31st section of the school act, page 73. While each local superintendent makes the careful inquiries and examinations required by law, and gives privately to the teacher and trustees such advice as he may deem expedient, and such counsel and encouragement to the pupils, as circumstances may suggest, he will exhibit a courteous and conciliatory conduct towards all persons with whom he is to communicate, and pursue such a line of conduct as will tend to uphold the just influence and authority, both of trustees and teachers. See also page 118.

4. Too strong a recommendation can not be given to the

establishment of circulating libraries in the various townships and school sections. A township library, with auxiliaries in each school section, might, by means of a comparatively small sum, supply popular and useful reading for the young people of a whole township. It is submitted to the serious attention of all school visitors, as well as trustees, and other friends of the diffusion of useful knowledge. See page 94 and the Departmental notices on page 98.

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#### DIVISION IV.

### SELECTIONS FROM THE GENERAL FORMS AND INSTRUCTIONS FOR EXECUTING THE PROVISIONS OF THE COMMON SCHOOL ACTS.

*[The following selections from the general forms and instructions include only those in constant use by the local school authorities, or such as are required for reference.]*

#### 1. REVISED PROGRAMME FOR THE EXAMINATION AND CLASSIFICATION OF TEACHERS OF COMMON SCHOOLS, BY THE COUNTY BOARDS, PRESCRIBED BY THE COUNCIL OF PUBLIC INSTRUCTION FOR UPPER CANADA.

*To be in full force until repealed or revised by the Council.*

*N.B.—Candidates are not eligible to be admitted to examination until they shall have furnished the Examiners with satisfactory evidence of their strictly temperate habits and good moral character.*

##### *(1) Minimum Qualifications of Third Class Teachers.*

Candidates for certificates are required :

1. To be able to read intelligibly and correctly any passage from any common reading book.
2. To be able to spell correctly the words of an ordinary sentence dictated by the Examiners.
3. To be able to write a plain hand.
4. To be able to work readily questions in the simple and compound rules of arithmetic, and in reduction and proportion, and to be familiar with the principles on which these rules depend.

5. To know the elements of English grammar, and to be able to parse any easy sentence in prose.

6. In regard to teachers in French or German settlements, a knowledge of the French or German grammar may be substituted for a knowledge of the English grammar, and the certificates to the teachers expressly limited accordingly.

7. To be acquainted with the relative positions of the principal countries of the world, with the principal cities, physical features, boundaries of continents, &c.

8. To have some knowledge of school organization and the classification of pupils.

(2) *Minimum Qualifications of Second Class Teachers.*

Candidates for certificates as second class teachers, in addition to what is required of candidates for third class certificates, are required :

1. To be able to read with ease, intelligence, and expression, and to be familiar with the principles of reading and pronunciation.

2. To write a bold free hand, and to be acquainted with the rules of teaching writing.

3. To know fractions, vulgar and decimal, involution, evolution, and commercial and mental arithmetic, and to be familiar with the principles on which the rules depend.

4. To be acquainted with the elements of book-keeping.

5. To know the common rules of orthography, and to be able to parse any sentence in prose or poetry which may be submitted ; to write grammatically, with correct spelling and punctuation, the substance of any passages which may be read, or any topics which may be suggested.

6. To be familiar with the elements of mathematical and physical geography, and the particular geography of Canada.

7. To be familiar with the outlines of general history.

(3) *Minimum Qualifications of First Class Teachers.*

Candidates for certificates as first class teachers, in addition to what is required of candidates for third and second class certificates, are required :

1. To be familiar with the remaining rules of common arithmetic.

2. To be acquainted with the rules for the mensuration of superficies and solids.

3. To be familiar with the simple rules of algebra, and to be able to solve problems in simple and quadratic equations. (Colenso's.)

4. To know the first four books of Euclid. (Potts'.)

5. To be familiar with the outlines of Canadian and English history.

6. To have some acquaintance with the elements of vegetable and animal physiology, and natural philosophy, as far as taught in the fifth book of the national readers.

7. To understand the proper organization and management of schools, and the improved methods of teaching.

8. To be acquainted with the principal Greek and Latin roots in the English language, with the prefixes and affixes; to be able to describe and exemplify the principal changes of construction.

*Female candidates for first class certificates will not be examined in the subjects mentioned in the second, third, and fourth paragraphs under this head.*

Originally adopted the 3rd day of October, 1850, and revised by the Council on the 17th day of December, 1858.

## 2. GENERAL FORM OF CERTIFICATE OF QUALIFICATION

*For Common School Teachers in Upper Canada, to be granted by County or Circuit Boards of Public Instruction, in accordance with the foregoing Programme of Examination.*

**This is to certify** that \_\_\_\_\_ of the \_\_\_\_\_ faith, having applied to the board of Public Instruction for the [County, School Circuit, or United Counties] of \_\_\_\_\_ for a certificate of qualification to teach a common school, and having produced "satisfactory proof of good moral character," the Board has carefully examined [him or her] in the several branches of study enumerated in the "qualification of [first, second, or third, as the case may be] class teachers," contained

in the "programme" of the examination and classification of teachers of common schools, adopted by the Council of Public Instruction for Upper Canada, on the 3rd day of October, 1850; and revised, on the 17th day of December, 1858, and having found the said                    well qualified to teach the several branches named therein, the Board, as authorized by the twenty ninth section of the Upper Canada School Act of 1850, hereby licenses [*him or her*] to teach any common school in the  
 [*If a first class certificate, here insert the name of the county, school circuit, united counties, or city; if a second class certificate, the name of the township; and if a third class certificate, the name of the school section in which the candidate is authorized to teach—all to be determined at the discretion of the board.*]

This certificate of qualification to remain in force [*for one year from the date hereof, or until annulled according to law—the period and the class of the certificate granted, to be determined by circumstances.*]

Dated this            day of            , one thousand eight hundred and

N.B.—The second clause of the twenty-ninth section of the School Act of 1850 requires each certificate to have the signature of at least one Local Superintendent of Schools (See page 68). It should also be signed by the Chairman of the Board of Public Instruction.

### 3. ORDER AND CLASSIFICATION OF STUDIES PRESCRIBED FOR THE COMMON SCHOOLS IN UPPER CANADA.

*As observed in the Upper Canada Model School, Toronto.*

*Adopted by the Council of Public Instruction on the 31st day of December, 1858.*

#### (1) *Table defining the course to be completed in the First or Lowest Division.*

**Enunciation.**—To be able to enunciate clearly and distinctly the elementary sounds of the English language.

**Spelling and Definition.**—To be able to spell any word in the First and Second Book of Lessons, and to give the meaning in familiar terms.

*Reading.*—To be able to read fluently and well any passage contained in the First and Second Books of Lessons, and to know the substance of such lessons.

*Writing.*—To be able to form correctly and legibly all the letters of the alphabet, and combine them into simple words.

*Arithmetic.*—To be able to read and write any combination of not more than FIVE Arabic numerals, and the Roman numerals to the sign for 500 ; to know the Multiplication Table and Tables of Money, Weights, Length and Time ; to be familiarly acquainted with Simple Addition, Subtraction, Multiplication, and Division by factors.

*Grammar.*—To be able to point out the Nouns, Pronouns, Adjectives, Verbs, and Adverbs in any common reading lesson ; to know the number, gender, and person of the nouns and pronouns.

*Geography.*—To know the map of the World, map of America, map of Canada, and other parts of British America.

*Natural History, Object Lessons.*—To have a familiar acquaintance with the habits, uses, instincts, &c., of the most important animals of each class. Other Object Lessons may be used.

*Needle-work* (for girls)—Under the direction of the female teacher.

(2) *Table defining the course of study to be completed in the Second Division.*

*Reading.*—To be able to read fluently and well any passage contained in the Sequel to the Second Book, or in the Third Book of Lessons, and to know the substance of such Reading Lessons.

*Spelling and Definition.*—To be able to spell and define any word contained in the Sequel and Third Books of Lessons.

*Writing.*—To be able to write legibly and correctly.

*Arithmetic.*—To be able to read and write legibly any combination of not more than TEN Arabic numerals to the *left* and *six* to the *right*, of the decimal point, and the Roman numerals to the sign for 1,000 ; to be acquainted with the principles of Arabic and Roman Notation ; to be thoroughly acquainted with the Arithmetical Tables, and to be familiarly and practically

acquainted with the Simple and Compound Rules, Reduction, Greatest Common Measure, Least Common Multiple, Vulgar Fractions, and Simple Proportion, including Addition, Subtraction, Multiplication, and Division of Decimals and Decimal Currency.

*Grammar*.—To be thoroughly acquainted with the grammatical forms, and be able to analyse and parse any easy sentences ; and, as an exercise in slate composition, to be able to write short descriptions of any natural objects.

*Geography*.—In addition to former limit Table, to know the Political and Physical Geography of Europe, Asia, Africa, and America, and Oceanica, the different countries in each, with their capitals ; and to know the position and chief cities in the states of the American Union bordering on British America, from the Pacific to the Atlantic Ocean.

*History*.—To have a general knowledge of the History of the World, as given in the Fifth Book.

*Human Physiology*.—As contained in the Fifth Book.

*Needle-work* (for girls)—Under the direction of the female teacher.

### (3) *Course of Study (Third Division).*

*Reading*.—Fourth and Fifth Books, in same manner as other books are used in lower divisions.

*Spelling and Definition*.—Reading Books and Spelling Book Superseded.

*Derivation*.—Reading Books and Spelling Book Superseded.

*Writing*.—Text, and a bold running hand.

*Arithmetic*.—Second Book of Arithmetic (National Series).

*Grammar*.—Analysis and parsing of compound sentences in prose and verse ; changes in construction, &c. ; composition.

*Geography*.—Mathematical, Physical, and Political, with Map sketching on the blackboard.

*Algebra*.—(Colenso's) Part I.

*Euclid*.—First six books.

*Mensuration*.—Of Surfaces and Solids.

*Drawing*.—Linear and Map.

*English Literature*.—Spalding.

*Book-keeping.*—Elements.

*Human Physiology.*—To possess a familiar acquaintance with the anatomy of the bones and skin, a general knowledge of the structure and uses of the muscles and organs of digestion, and to be familiar with the general principles upon which the healthy action and development of these various organs depend; circulation, respiration, nervous system, senses, &c.

*History.*—General, English, and Canadian.

*Singing.*—Hullah's Vocal Music.

*Natural Philosophy.*—In the Fifth Book of Lessons.

*Needle-work* (for girls)—Under the direction of the female teacher.

| BOYS :                   | GIRLS :                      |
|--------------------------|------------------------------|
| *Trigonometry.           | *Science of things familiar. |
| *Elements of Geology.    | *Elements of Geology.        |
| * ditto Zoology.         | * ditto Zoology.             |
| * ditto Botany.          | * ditto Botany.              |
| * ditto Nat. Philosophy. | *Domestic Economy.           |

REMARKS.—The list of text books prescribed for use in the Common Schools will be found on page 69.

#### FORMS FOR TRUSTEES AND TEACHERS.†

##### 1. FORM OF DEED FOR THE SITE OF THE COMMON SCHOOL-HOUSE, TEACHER'S RESIDENCE.‡

**This Indenture**, made the      day of      , in the year of our Lord one thousand eight hundred and      , in pursuance of the Act to facilitate the conveyance of real property, between      , of the Township, [*Town, City or Village*] of      , in the County of      , and Province of Canada, of the first part, and the Trustees of School Section, Number      , in the Township of      , in the County of      , and Province aforesaid, of the second part. [See remark (3) on page 140.]

\* Extra subjects, to be taken up at the discretion of the school authorities; no two, however, during the same school term.

† Additional Forms, &c., for Trustees and others, will be found on pages 21, 22, 23, 27, 31, 32, 33, 34, 36, 40, 41, and 134.

‡ See pages 36 and 53.

**Witnesseth**, that in consideration of                      of lawful money of Canada, now paid by the Trustees of the School Section aforesaid, to the said party of the first part, the said party of the first part hereby grants unto the Trustees of the school section aforesaid, their successors and assigns for ever, all that parcel of land, &c.

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

The said                      covenants with the Trustees of the School Section aforesaid, that he hath the right to convey the said lands to the Trustees of the School Section aforesaid; And that the Trustees of the School Section aforesaid shall have quiet possession of the said lands, free from incumbrances. And the said                      covenants with the Trustees of the School Section aforesaid, that he will execute such further assurances of the said lands as may be requisite.\*

**In witness** whereof, the said parties to these presents have hereunto set their hands and affixed their seals in the day and year before mentioned.

|                          |                        |                              |
|--------------------------|------------------------|------------------------------|
|                          | W. H. [ <i>Seal.</i> ] |                              |
| Signed, sealed, and      | F. H. }                |                              |
| delivered in presence of | J. G. }                | Trustees. [ <i>Corporate</i> |
|                          | F. R. }                | <i>Seal.</i> ]               |
| W. E. }                  |                        |                              |
| F. E. }                  | Witnesses.             |                              |

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

2. When, however, the land has descended to the wife in her own right, she must, besides joining with her husband in the conveyance, appear before two Justices of the Peace, to declare that she has parted with her estate in the lands intended to be conveyed without any coercion or fear thereof by or on the part of her husband; and the certificates of such Justices must appear on the back of the conveyance the day of its execution. The form of the certificate is as follows: "We, the undersigned Justices of the Peace for                      , do hereby certify that on the                      day of                      , 18                      , at                      , the within deed was duly executed in the presence of                      by                      , wife

of \_\_\_\_\_, one of the grantors therein named; and that the said \_\_\_\_\_, at the same time and place, being examined by us, apart from her husband, did appear to give her consent to depart with her estate in the lands mentioned in the said deed, freely and voluntarily, and without coercion or fear of coercion on the part of her husband, or of any other person or persons whatsoever.

" R. W——J. P.

" T. H——J. P."

3. If the deed be for the site of a school-house in a city, town, or incorporated village, the words, "Board of School Trustees for such city, town, or village," should be inserted instead of the words "Trustees of school section number," &c., in the foregoing form.

## 2. FORM OF A RECEIPT TO PARENTS OR GUARDIANS ON THE PAYMENT OF THEIR RATE BILL—page 34.

Received from [*here write the name of the Pupil or Person paying*] the sum of [*here write the sum in words*] in payment of the Rate Bill due from [*here write the name of the person in whose behalf payment is made*] to School Section No. \_\_\_\_\_, in the township of \_\_\_\_\_, for the [*month or quarter*] ending the day of \_\_\_\_\_, 18\_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_\_.

A. B., *Collector (or Teacher.)*

REMARKS.—When the payment of the rate bill is made by the parent or guardian concerned, the receipt should state it accordingly. The payment of the rate bill to the teacher should be authorized by the trustees. The teacher should, of course, apprise the collector of all payments made to him, so that the collector may not be at the trouble of calling upon such persons. See page 34. Rate bills are payable in advance. See page 102.

## 3. FORM OF TRUSTEES' ORDER UPON THE LOCAL SUPER-INTENDENT.—(page 37.)

To the Local Superintendent of Schools for the Township [or County] of \_\_\_\_\_:

Pay to [*here insert the Teacher's name*] or order, out of the School Fund apportioned to School Section No. \_\_\_\_\_, in the Township of \_\_\_\_\_, the sum of [*here write the sum in words.*]

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_\_.  
A. B., }  
 C. D., } Trustees. [Seal.]  
 E. F., }

## 4. FORM OF A RECEIPT TO TRUSTEES.

Received from the Trustees of School Section No. , in the township of , the sum of [*here write the sum in words*] in payment of my salary in part [*or in full*], for the [*month or quarter*] ending the day of , 18 .

A. B., *Teacher.*

REMARKS.—No part of the school fund is allowed to be paid for any other purpose than for the salary of the teacher (page 90); and the local superintendent is not authorized to give a cheque upon the county treasurer or sub-treasurer to pay the school fund moiety of a teacher's salary to any other than the teacher interested, or to some person authorized by the teacher to receive it.—See page 72.

N.B.—The order of the trustees, delivered to a local superintendent, will be the superintendent's authority and receipt for the cheque upon the county or sub-treasurer, and that cheque will be the treasurer's receipt for the amount specified on the face of it.

## 5. THE TEACHER'S SCHOOL REGISTER—pp. 45, 50, and 104.

NOTE.—As the first clause of the thirty-first section of the Act (page 72), contemplates the distribution of the school money to the several sections of a township, according to the attendance of pupils at school, and not according to school population, the teacher who fails to keep a full and accurate account of the attendance of pupils at his school, lessens the resources of the school section. No teacher is entitled to his salary who neglects to keep a full and accurate school register. On the other hand, according to the thirteenth section of the Act (page 48), any teacher who shall keep a false school register, or make a false school return, will render himself liable to a severe penalty.

School Registers are supplied gratuitously, from the Department, to Common School Trustees in Townships by the County Clerks—through the Local Superintendents. Applications should therefore be made direct to the Local Superintendents for them, and not to the Department.

## 6. FORM OF TEACHER'S CIRCULAR NOTICE OF THE QUARTERLY EXAMINATION OF HIS SCHOOL—pp. 50 and 104.

School Section No. ,

\_\_\_\_\_, 18 .

SIR,—In conformity with the third clause of the sixteenth

section of the Common School Act of 1850, the Quarterly Examination of School Section No. , will be held on day, the of , when the pupils of the school will be publicly examined in the several subjects which they have been taught during the quarter now closing. The exercises will commence at 9 o'clock, a. m., and you are respectfully requested to attend them.

I am, Sir, your obedient servant,

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

REMARKS.—A copy of the above notice ought to be sent to each of the Trustees, and to as many visitors of the school section as possible. Clergymen are school visitors of any township in which they have pastoral charge; all Judges, Members of the Legislature, Members of the County Council, and Justices of the Peace, are school visitors of the townships in which they reside. The teacher should address a circular notice to those of them who reside within two or three miles of his school. He is also required to give notice, through his pupils, to their parents and guardians, and to the neighbourhood, of the examination.

For holidays and vacations, see "General Regulations," page 99; and for remarks on the Duties of Teachers, see pages 49, 99, 103, and 107.

## 7. FORMS AND REGULATIONS FOR SUPERANNUATED COMMON SCHOOL TEACHERS.

### *Special Notice to Teachers.*

1. Public notice is hereby given to all Teachers of Common Schools in Upper Canada, who may wish to avail themselves at any future time of the advantages of the Superannuated Common School Teachers' Fund, that it will be necessary for them to transmit to the Chief Superintendent, without delay, if they have not already done so, their annual subscriptions of \$4, commencing with 1854. The law authorizing the establishment of this fund provides, "*that no teacher shall be entitled to share in the said fund who shall not contribute to such fund at least at the rate of one pound per annum.*"

*The following are the Regulations adopted by the Council of Public Instruction for Upper Canada, pursuant to the provisions of the law, on the 28th day of April, 1854:*

2. Every teacher engaged in teaching since 1854, in order to be entitled, when he shall have become superannuated, to share in this fund, must contribute to it at the rate of one pound per annum; and no teacher now engaged in teaching shall be entitled to share in this fund who shall not thus contribute to it annually. But the amount of the annual subscriptions for the years during which such teacher may have taught before the 1st day of January, 1854, and for which he may hereafter claim as a superannuated teacher, may be deducted from the first year's pension to which such teacher may be entitled.

3. Should any teacher, having a wife and children, subscribe to this fund, and die without deriving any benefit from it, the amount of his subscriptions, and whatever may accumulate thereon, shall be paid to his widow or children, as soon as satisfactory proofs of his decease, and the relationship of the claimant or claimants to him, shall have been adduced.

4. No teacher shall be eligible to receive a pension from this fund, who shall not have been disabled from further service while teaching a Common School, or who shall not have been worn out in the work of a Common School teacher.

5. All applications, according to the prescribed form, accompanied by the requisite certificate and proofs, must be made before the 1st of April, in order to entitle the applicants to share in the fund for such year.

6. In case the fund shall at any time not be sufficient to pay the several claimants the highest sum permitted by law, the fund shall be equitably divided among the several claimants, according to their respective periods of service.

7. The amounts of all subscriptions to this fund, and of any unexpended balances of Legislative grants made to it, shall be invested, from time to time, under the direction of this Coun-

cil ; and the interest accruing thereon shall be expended in aid of superannuated teachers of Common Schools in Upper Canada, according to these regulations. All annual subscriptions to this fund must be made before the end of the year for which they are intended ; and all—

8. Communications and subscriptions in connection with this fund must be made to the Chief Superintendent of Education for Upper Canada. (Subscriptions to be sent in as early in the year as possible.)

Approved by His Excellency the Administrator of the Government in Council, as notified to the Chief Superintendent of Education, 20th May, 1854.

REMARKS.—No certificate, in favour of an applicant, should be signed by any teacher already admitted as a pensioner on the fund ; in all cases they should be signed by a clergyman and other official persons. The following forms, when properly filled up and signed, can be returned to the Department, accompanied by certificates from Ministers or other official persons known to the Department. These certificates must furnish satisfactory proof (1) of good moral character, (2) of sober steady habits, and (3) of the number of years of service for which a pension is claimed. These conditions must be strictly complied with, otherwise the application can not be entertained. The Council meets to consider all applications in July and December only of each year. As soon, therefore, as each case is decided, due notice will be sent to the applicants without further application on their part.

*The following Forms can be obtained from the Department :*

8. FORM OF SUPERANNUATED TEACHERS' APPLICATION.

(C. P. I. Minutes, No. 161, 165, 167, and 174.)

Township of \_\_\_\_\_,  
 \_\_\_\_\_, 185  
*Post Office      Date*

The undersigned, an applicant for aid from the Superannuated Teachers' Fund, hereby most respectfully represents to the Chief Superintendent of Schools—

1. That he is \_\_\_\_\_ years of age.
2. That he was born [*state the country of birth*] in \_\_\_\_\_
3. That he commenced the profession of teaching in \_\_\_\_\_ in the year one thousand eight hundred and \_\_\_\_\_

4. That he is connected as a member [*or hearer*] with the Church.

5. That he commenced teaching a Common School in Upper Canada in School Section No. , in the Township of , County of , in the year one thousand eight hundred and .

6. That he has held certificates of qualification from , and that his last certificate is from the Board of Public Instruction for , is dated , and is for the class.

7. That since he commenced teaching in Upper Canada, he has been engaged as a teacher in the following places:—

8. That he has taught a Common School in Upper Canada for the full period of years.

9. That he has worn self out in the work of teaching, and is, in consequence, utterly unable to teach a school any longer.

10. That he ceased teaching the Common School in Section No. , in the Township of , County of , on the day of 18 , and that he has not since been employed as a Common School Teacher.

A. B. [*Sign Name in full.*]

REMARKS.—The foregoing application must be filled up in every particular, and be accompanied by a Medical Certificate, according to the following prescribed form.

#### 9. FORM OF MEDICAL CERTIFICATE FOR SUPERANNUATED COMMON SCHOOL TEACHERS.

(C. P. I. Minutes, No. 145, 151, 167, and 174.)

In re , applicant for aid out of the Superannuated Common School Teachers' Fund for U. C.:

This is to certify that, having examined into the case of , of , I am of opinion that he has worn self out in the work of a Common School Teacher, and that he is now afflicted with , which renders him , in my opinion, unable to continue any longer in the efficient discharge of his calling, as a Common School Teacher in Upper Canada.

In witness whereof, I, \_\_\_\_\_, a duly licensed Physician  
in Upper Canada, hereto subscribe my name, this \_\_\_\_\_ day  
of \_\_\_\_\_, 18 .

\_\_\_\_\_ [*Name of M.D.*]

N.B.—Modifications or omissions in filling up the foregoing form, will  
invalidate the certificate.

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FORMS FOR TOWNSHIP COUNCILS—pp. 52-58.

1. FORM OF NOTICE TO BE GIVEN BY THE TOWNSHIP CLERK  
TO THE PERSON DESIGNATED BY THE MUNICIPAL AUTHORITY  
TO APPOINT THE TIME AND PLACE OF THE FIRST SCHOOL  
SECTION MEETING.

\_\_\_\_\_ 18 .

SIR,—I have the honor to inform you, that in conformity  
with the third clause of the eighteenth section of the Common  
School Act of 1850, the Municipal Council of this Township  
has authorized and requires you, within twenty days after re-  
ceiving this notice, to appoint the time and place of holding  
the first School Meeting for the election of three Trustees for  
School Section No. —, which School Section is bounded and  
may be known as follows: [*Here insert the description of it.*]  
Copies of your notice are to be posted, in at least three public  
places in the School Section above described, at least six days  
before the time of holding such meeting.

I am, sir, your obedient servant,

A. B., *Township Clerk.*

REMARKS.—In notifying the formation of several School Sections, or the  
formation of parts of Sections, the phraseology of the notices should be  
varied, at the discretion of the Township Clerk, and in accordance with the  
proceedings and directions of the Council: See pages 54 and 55.

The notices of School Assessments, and Assessments for the erection and  
furnishing of School-houses, for the purchasing of School sites, &c., may be  
given in such a manner as the Council shall direct. See pages 52 and 53.

For form of Deed for a School site, &c., see page 138.

2. FORM OF INTIMATING TO TRUSTEES THE ALTERATION OF  
THEIR SCHOOL SECTION—page 54.

Township Clerk's Office,

————— 18 .

SIR,—In conformity with the fourth clause of the eighteenth section of the Common School Act of 1850, I have to acquaint you that the Municipal Council of this Township has altered the School Section of which you are Trustee, in the following manner: [*Here insert the changes which have been made, and the description of the new School Section.*] These changes will go into effect from and after the twenty-fifth day of next December, according to the fourth clause of the eighteenth section of the Act.

You will please communicate this notice to the other Trustees of your School Section.

I am, sir, your obedient servant,

A. B., *Township Clerk.*

To D.E.,

*Trustee of School Section No. —, Township of ———*

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

3. FORM OF INTIMATING TO THE LOCAL SUPERINTENDENT OF  
SCHOOLS THE ALTERATION OF A SCHOOL SECTION.

Township Clerk's Office,

————— 18

SIR,—In conformity with the fourth clause of the eighteenth section of the Common School Act of 1850, I have to acquaint you that the Municipal Council of this Township has altered School Section No. —, in the following manner: [*Here insert the changes which have been made, and the description of the new School Section.*] These changes go into effect from and

after the twenty-fifth day of next December, according to the fourth clause of the eighteenth section of the Act.

I am, sir, your obedient servant,

A. B., *Township Clerk.*

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

N.B.—When the Union School Section is formed or altered, as authorized by the fifth proviso of the fourth clause of the eighteenth section, page 56, the Clerk of the Township in which the school-house of such Union Section is situated, should communicate the requisite notices to the parties concerned. See sixth proviso of the fourth clause of the eighteenth section, page 56, compared with the fourth section of the Act, page 21.

## DIVISION V.

### DEPARTMENT OF PUBLIC INSTRUCTION FOR UPPER CANADA.

#### 1. EDUCATION OFFICE.

Appointed.

HEAD OF THE DEPARTMENT.

1844. The Rev. EGERTON RYERSON, D.D., Chief Superintendent of Education.

*Officers of the Department.*

1844. John George Hodgins, M.A., Deputy Superintendent of Education,  
and Assistant Editor of the *Journal of Education* for U. C.

1854. Alexander Marling, Senior Clerk and Accountant.

1852. Alexander Johnstone Williamson, M.D., Clerk of Correspondence.

1856. Francis Joseph Taylor, Clerk of Statistics.

1857. Herbert Butterworth, Assistant Clerk of Statistics.

1858. James Moore, Messenger.

*Map and Library Depository Branch.*

1853. Samuel Passmore May, Clerk of Libraries.

1856. Thomas Churchill, Assistant Clerk.

1857. Christopher Alderson, Packer and Messenger.

#### 2. COUNCIL OF PUBLIC INSTRUCTION.

1846. Hon. Samuel Bealy Harrison, Q.C., *Chairman.* (Church of England.)

1846. Rev. Egerton Ryerson, D.D., Chief Superintendent of Education.

1850. Right Rev. Armand François Marie de Charbonnel, D.D., Roman  
Catholic Bishop of Toronto.

1846. Rev. Henry James Grasett, B.D., Rector of Toronto.  
 1846. Hon. Joseph Curran Morrison, Q.C., Presbyterian Church of Canada  
 1846. James Scott Howard, Esq., Church of England.  
 1850. Rev. John Jennings, D.D., United Presbyterian Church,  
 1850. Rev. Adam Lillie, D.D., Congregational Theological Institute.  
 1857. Rev. John Barclay, D.D., Church of Scotland.  
 1854. Rev. John McCaul, LL.D., President of University College. *Ex-Officio member for Grammar School purposes.*  
 1846. John George Hodgins, M.A., *Recording Clerk.*

*Normal School.*

1847. Thomas Jaffray Robertson, M.A., Head Master.  
 1858. John Herbert Sangster, Second Master.  
 1858. Alexander Russell Strachan, Teacher of Book-keeping and Writing.  
 1858. John Bentley, Drawing Master.  
 1858. Henry Francis Sefton, Music Master.  
 1852. Henry Goodwin, Teacher of Gymnastics and Calisthenics.

*Inspector of Grammar Schools.*

1855. Rev. Wm. Ormiston, M.A., Inspector of Grammar Schools.

*Model Grammar School.*

1858. George R. R. Cockburn, M.A., Rector.  
 1858. Rev. John Ambery, M.A., First Classical Master.  
 1858. Francis L. Checkley, Scholar T.C.D., First Mathematical Master.  
 1858. John Herbert Sangster, Lecturer in Chemistry and Nat. Philosophy.  
 1858. Emile Coulon, French Master.  


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 1851. Patrick O'Neill, Janitor and Messenger.

*Boys' Model Common School.*

1858. James Carlyle, Master of the School.  
 1858. James Morris, Second Master.  
 1858. John Clark Disher, Third Master.

*Girls' Model Common School.*

1852. Dorcas Clark, Mistress of the School.  
 1855. Henrietta Shenick, First Assistant.  
 1855. Helen Clark, Second Assistant.

In the Model Grammar, and Model Common Schools, Writing and Book-keeping, Drawing, Music, Gymnastics and Calisthenics are taught by the masters of these branches in the Normal School, which see.

1848. John Murphy, Janitor of Normal and Model Schools.  
 1855. James Forsyth, Gardener.  
 1852. James Ryan and [1856] Thomas Gray, Furnace men.

### 3. COMMUNICATIONS TO THE DEPARTMENT OF PUBLIC INSTRUCTION FOR UPPER CANADA.

1. *Appeals to the Chief Superintendent of Education.*—All parties concerned in the operations of the Grammar and Common School Acts have the right of appeal to the Chief Superintendent of Education; and he is authorized to decide on such questions as are not otherwise provided by law. But for the ends of justice,—to prevent delay and save expense,—it will be necessary for any party thus appealing: (1) To furnish the party against whom he may appeal with a correct copy of his communication to the Chief Superintendent, in order that such party may have an opportunity of transmitting any explanation or answer he may judge expedient. (2) To state expressly, in such appeal, that the opposite party has been thus notified, as it must not be supposed that the Chief Superintendent will decide, or form an opinion on any point affecting different parties, without hearing both sides—whatever delay may at any time be occasioned in order to secure such hearing. (3) Application for advice in Common School matters, should, in all cases, be *first* made to the Local Superintendent having jurisdiction in the Municipality.

2. The *Journal of Education* having been constituted by His Excellency the Governor General in Council, the Official medium of communicating all Departmental intelligence and information, parties should refer to its pages on matters relating to the apportionment, blank reports, Depository, Normal School, etc.

3. *Communications generally.*—The parties concerned are left to their own discretion as to the forms of all communications relating to Schools, for which specific instructions are not furnished by the Department; but they are requested to use large sized, or foolscap paper. In *all* communications, however, the *number* of the *School Section*, and the *name* of the *Township* and *Post Office*, with the *Official Title* of the writer, should be given: the *numbers* also, and *dates* of any previous correspondence on the same subject. As all letters are an-

swered in the order of their receipt, parties writing should give ample time for consideration and reply by the Department.

4. *Communications with the Government relating to Schools*, should be made through the Educational Department, Toronto; as all such communications not so made, are referred to the Chief Superintendent of Education, to be brought before His Excellency through the proper Department—which occasions unnecessary delay and expense.

5. *Communications relating to the Journal of Education; to the Educational Depository; to Public Libraries; or to the Superannuated Teachers' Fund*, should be written on *separate sheets* from letters of appeal, or on legal questions, in order that they may be separated and classified.

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#### 4. DOCUMENTS FURNISHED ANNUALLY BY THE EDUCATIONAL DEPARTMENT TO THE SCHOOL OFFICERS OF UPPER CANADA.

The following are furnished gratuitously by the Educational Department of Upper Canada to various school officers, viz. :

1. The *Journal of Education for Upper Canada* is sent monthly to each of the Trustee Corporations in the rural school sections; to the Boards of Grammar and Common School Trustees; to the Local Superintendents; to the Trustees of each of the Separate Schools, and to each County Clerk and Treasurer, Exchanges, &c., &c. Total 4,500 copies.

The *Journal* has been constituted the official medium of communicating all Departmental intelligence. It is regularly sent by the publisher, about the first of each month, to the official address of the parties above enumerated. Should they fail in any case to receive it, immediate notification of the fact should be sent to the Education Office. Missing numbers can generally be supplied. To the public, the price is \$1 per annum—payable in advance. Back volumes, since 1848 (the first year of its existence) can be furnished on the same terms.

2. *The School Registers*, for recording the attendance, recitations, and deportment of pupils, are furnished to each of the Grammar and Common Schools, and to the Separate Schools, in Upper Canada. Total about 4,000 copies. The Registers are sent annually to the County Clerks, for gratuitous distribution, through the Local Superintendents.

3. *The Trustees' Half-yearly Reports* are sent every six months, through the Local Superintendents, to the Trustees of each School Section. Those for the Grammar Schools and Roman Catholic Separate Schools, are sent direct from the Department. Total sent out annually, 7,500 copies.

4. *The Trustees' Blank Annual Reports* are annually sent, through the Local Superintendents, to each of the Trustee Corporations in the rural school sections. Total about 4,000 copies.

5. *The Blank Annual Reports*, from which the General Annual Report of the Department is compiled, is sent to the Local Superintendents and Boards of Common School Trustees and Boards of Grammar School Trustees. Total number sent out annually, 600 copies.

6. *Auditors', Treasurers' and Sub-Treasurers' Returns* are sent to about 450 of these officers, to be filled up and returned.

7. *The Chief Superintendent's Annual Report* to His Excellency the Governor-General, printed by order of the House of Assembly, is also sent to each of the rural Trustee Corporations; to Boards of Common School Trustees, in cities, towns, and villages; to Boards of Grammar School Trustees; to Boards of Public Instruction; to Local Superintendents; and to Separate School Trustees, besides copies to other parties. Total number sent out annually, about 4,500.

8. *Various Forms*.—Forms are also sent, from time to time, to Superannuated Teachers, Trustees (for Maps), Normal School Students, &c. About 800 copies.

## 6. LETTERS RECEIVED AND SENT OUT BY THE DEPARTMENT.

|                           | 1850. | 1851. | 1852. | 1853. | 1854. | 1855. | 1856. | 1857. | 1858. |
|---------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| No. of letters received.  | 1180  | 2026  | 2996  | 4015  | 4920  | 5338  | 5739  | 6294  | 7090  |
| Average No. per week...   | 23    | 39    | 57    | 77    | 95    | 102   | 110   | 121   | 136   |
| No. of letters sent out.. | 760   | 1136  | 1430  | 1936  | 2581  | 3764  | 3966  | 3542  | 4627  |
| Average No. per week..    | 15    | 22    | 27    | 37    | 50    | 72    | 77    | 68    | 88    |

*Recapitulation.*—Total number of copies prepared, or printed, and sent out annually from the Educational Department for Upper Canada :—

|                                                | Copies. |
|------------------------------------------------|---------|
| 1. Journal of Education .....                  | 4,500   |
| 2. School Registers .....                      | 4,000   |
| 3. Trustees' Blank Half-yearly Reports .....   | 7,500   |
| 4. Trustees' Blank Annual Reports .....        | 4,000   |
| 5. Local Superintendents' Blank Annual Reports | 600     |
| 6. Auditors' and Treasurer's Blank Returns ... | 450     |
| 7. Chief Superintendent's Report .....         | 4,500   |
| 8. Various Forms, about.....                   | 800     |
| 9. Letters, &c., sent and received .....       | 11,717  |
| 10. Circulars, about .....                     | 800     |
| Grand Total per year.....                      | 38,867  |

## NORMAL SCHOOL FOR UPPER CANADA.

## 1. APPLICATION FOR ADMISSION TO THE NORMAL SCHOOL, TORONTO.

Register, No. — of the — Session 18—.

TORONTO, — 18—.   
 DATE.

SIR,

I wish respectfully to apply to you for admission to the Normal School for Upper Canada, in accordance with the accompanying Terms of Admission prescribed by the Council of Public Instruction, and to present here-

with a certificate of Moral Character, from the Reverend \_\_\_\_\_  
a Clergyman of the \_\_\_\_\_ Church, dated the \_\_\_\_\_ day of  
\_\_\_\_\_, 18\_\_\_\_\_.

- I have to state that:—1. I am \_\_\_\_\_ years of age.  
2. I reside in the \_\_\_\_\_ of \_\_\_\_\_ County of \_\_\_\_\_.  
3. I was born in \_\_\_\_\_.  
4. I have resided \_\_\_\_\_ years in Upper Canada.  
5. I am connected as a member or hearer with the \_\_\_\_\_ Church.  
6. I have been a School Teacher for \_\_\_\_\_ years.  
7. I hold a \_\_\_\_\_ class Certificate of Qualification from the County  
Board of Public Instruction for \_\_\_\_\_.  
8. My last place of teaching was in School Section No. \_\_\_\_\_, Township  
of \_\_\_\_\_.  
9. I attended the Normal School during the \_\_\_\_\_ Session, ending  
\_\_\_\_\_ 18\_\_\_\_\_, and obtained a \_\_\_\_\_ class Provincial Certificate,  
No. \_\_\_\_\_.

I have also to state, that it is my intention to devote myself to the pro-  
fession of School Teaching, and that my object in coming to the Normal  
School is to qualify myself better for the important duties of that profes-  
sion.

If admitted to the Normal School, it will be my study to observe the  
Rules and Regulations of the Institution,—to be diligent in the performance  
of my duties,—and, at the end of the Session, to return each of the books  
granted for my use during the Session. Should I leave the Normal  
School before the expiration of the Session, I hereby engage to return these  
books in good order.

I have the honor to be,

Sir,

Your very obedient servant,

---

SIGN THE NAME IN FULL HERE.

To

The Chief Superintendent of Education,  
Education Office,  
Toronto.

 The applicant will be very particular to fill up *all* the blanks in  
this application, either affirmatively or negatively; but not to fill up the  
blanks on the back of the sheet, nor make any entries thereon. The appli-  
cation is to be presented in person at the opening of the Session.

## 2. TERMS OF ADMISSION INTO THE NORMAL SCHOOL, TORONTO.

*Adopted by the Council of Public Instruction for Upper Canada, on the 23rd of  
July, 1851, and revised on the 24th day of August, 1858.*

THE COUNCIL OF PUBLIC INSTRUCTION, anxious to adopt such measures as  
appear best calculated to render the training of the Normal School as thorough as

possible, and to diffuse its advantages over every county in Upper Canada as equally and as widely as possible, adopts the following regulations in regard to the duration of the future Sessions of the Normal School, and the mode and terms of admitting and facilitating the attendance of students at that Institution.

**ORDERED, I.** That the semi-annual Sessions of the Normal School shall be held as follows: (1) The Winter Session shall commence on the 8th day of January and close on the 22nd day of June. (2) The Autumn Session shall commence on the 8th day of August and close on the 22nd day of December of each year; [and if those days fall upon Sunday, the day following,] each Session to be concluded by an examination conducted by means of written questions and answers, and followed by a vacation as prescribed.

**II.** That no male student shall be admitted under eighteen years of age, nor a female student under the age of sixteen years. (1) Those admitted must produce a certificate of good moral character, dated within at least three months of its presentation, and signed by the clergyman or minister of the religious persuasion with which they are connected; (2) They must be able, for entrance into the Junior Division, to read with ease and fluency; parse a common prose sentence, according to any recognized authority; write legibly, readily and correctly; give the definitions of Geography; have a general knowledge of the relative positions of the principal countries, with their capitals; the oceans, seas, rivers, and islands of the world; be acquainted with the fundamental rules of arithmetic, common or vulgar fractions, and simple proportion. They must sign a declaration of their intention to devote themselves to the profession of School-teaching, and state that their object in coming to the Normal School is to qualify themselves better for the important duties of that profession.

**III.** That upon these conditions, candidates for school-teaching shall be admitted to the advantages of the Institution without any charge, either for tuition, the use of the Library, or for the books which they may be required to use in the School.

**IV.** That the Teachers in training shall board and lodge in the city, in such houses and under such regulations as are approved of by the Council of Public Instruction.

**V.** That a sum at the rate of one dollar per week (payable at the end of the Session shall be allowed to each Teacher in-training, who, at the end of the *first or second Session*, shall be entitled to either a first or second class Provincial Certificate; but no Teacher in-training shall be entitled to receive aid for a period exceeding two Sessions, nor unless a higher class (*not grade*) of provincial certificate be obtained.

**VI.** That all candidates for admission into the Normal School must present themselves during the *first week* of the Session, otherwise they cannot be admitted; and their continuance in the School is conditional upon their diligence, progress, and observance of the General Regulations prescribed by this Council.

**VII.** That all communications be addressed to the Reverend Dr. RYERSON, Chief Superintendent of Education, Toronto.

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

**EDUCATION OFFICE,**

Toronto, 30th September, 1858.

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**N. B.**—Board and Lodging, for Students, may be obtained, at Houses approved by the Council of Public Instruction, at from \$2.75 to \$3.50 per week.

### 3. PROGRAMME of the Entrance Examination and course of Study in the Normal School for Upper Canada.

(Approved by the Council of Public Instruction, on the 24th day of August, 1858.)

| SUBJECTS.       | FOR ENTRANCE INTO JUNIOR DIVISION.                                                                                                                                | FOR SECOND CLASS CERTIFICATE IN JUNIOR DIVISION, OR FOR ENTRANCE TO SENIOR DIVISION.                                                                                                                                                                                                                                                                      | FOR ORDINARY FIRST CLASS CERTIFICATE IN SENIOR DIVISION.                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ENGLISH .....   | Read with ease and fluency. Parse a common prose sentence according to any recognized authority.                                                                  | Read prose with correct emphasis, intelligence, and inflexion of voice.<br>Rules of Spelling (spelling-book superseded).<br>General principles of the philosophy of Grammar.<br>Analyse and parse any prose sentence.<br>Principal Greek and Latin Roots, Prefixes and Affixes.<br>Prose Composition on any simple subject, with correct punctuation, &c. | Read Poetry and Oratorical Addresses with fluency and expression—Principles of Reading—Science of Languages—General Grammar—Analysis and Parsing of Sentences in Prose and Verse—Changes of construction.<br>Structure of Propositions and Sentences.<br>Etymology—Changes effected in Roots.<br>Correct letter-writing, as regards Composition and mechanical arrangement.<br>Composition on any given subject.<br>History of the Origin and Literature of the English Language. |
| WRITING .....   | Write legibly, and readily and correctly.                                                                                                                         | To write a bold rapid running hand.                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| GEOGRAPHY ..... | The definitions — General knowledge of the relative positions of the principal countries, with their capitals—the oceans, seas, rivers, and islands of the world. | The relative positions of all the countries of the world, with their principal cities and physical features, the Islands; Hodgins' Geography of Canada; Mathematical and Physical Geography, as taught in Sullivan's "Geography Generalized."                                                                                                             | Use of the Globes—(Keith)—Geography of England, Ireland, Scotland, and the United States —British Colonies (Hodgins)—Rudiments of Physical Geography—(Somerville)—Structure of the Crust of the Earth.                                                                                                                                                                                                                                                                            |
| HISTORY .....   | None .....                                                                                                                                                        | General History of the World, from the Creation to the present time, as sketched in 5th book of lessons.<br>Chronological Chart.                                                                                                                                                                                                                          | Historics of England and Canada.<br>Philosophy of History.                                                                                                                                                                                                                                                                                                                                                                                                                        |

**PROGRAMME of Entrance Examination, &c.—(Continued.)**

| SUBJECTS.                                | FOR ENTRANCE INTO<br>JUNIOR DIVISION.                       | FOR SECOND CLASS CERTIFICATE IN<br>JUNIOR DIVISION, OR FOR ENTRANCE<br>TO SENIOR DIVISION.                                                                                                                                                                                                                                                                     | FOR ORDINARY FIRST CLASS CERTIFICATE IN<br>SENIOR DIVISION.                                                                                                                                                                                                                 |
|------------------------------------------|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EDUCATION AND<br>THE ART OF<br>TEACHING. | None .....                                                  | The general principles of the science of Education—General plan of School organization—Practice of teaching as exemplified in <i>Junior</i> division of the Model School.                                                                                                                                                                                      | The science of Education applied to the Teaching of Common Schools—Methods of teaching the different branches—Practice thereof with <i>Senior</i> division, Model School—Organization of Central Schools—Dimensions and structure of School-houses—Furniture and Apparatus. |
| * MUSIC .....                            | None .....                                                  | Hullah's System.                                                                                                                                                                                                                                                                                                                                               | Hullah's System.                                                                                                                                                                                                                                                            |
| DRAWING .....                            | None .....                                                  | None.                                                                                                                                                                                                                                                                                                                                                          | Facility in making perspective outline sketches of common objects.                                                                                                                                                                                                          |
| BOOK-KEEPING..                           | None .....                                                  | The Rudiments.                                                                                                                                                                                                                                                                                                                                                 | Single and Double Entry.                                                                                                                                                                                                                                                    |
| ARITHMETIC<br>AND<br>MENSURATION..       | Fundamental Rules, Vulgar Fractions, and Simple Proportion. | Notation, Numeration, Fundamental Rules in different scales of Notation, Greatest Common Measure, Least Common Multiple, Prime Numbers, Fractions, (Vulgar and Decimal), Proportion (Simple and Compound), Practice, Percentage (including Simple Interest, Insurance, Brokerage, &c.,) Square and Cube Roots, Mensuration of Surfaces, and Mental Arithmetic. | Review past subjects of Junior Division—Discount, Fellowship, Barter, Equation of Payments, Profit and Loss, Allegation, Compound Interest, Annuities, Position, Progression, Logarithms and Applications, Intellectual Arithmetic, Mensuration of Surfaces and Solids.     |

\* Not required of those who are naturally disqualified.

**PROGRAMME of Entrance Examination, &c.—(Continued.)**

| SUBJECTS.                  | FOR ENTRANCE INTO JUNIOR DIVISION. | FOR SECOND CLASS CERTIFICATE IN JUNIOR DIVISION, OR FOR ENTRANCE TO SENIOR DIVISION.                                                                                                                                                                                                                                                                                                       | FOR ORDINARY FIRST CLASS CERTIFICATE IN SENIOR DIVISION.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ALGEBRA</b> .....       | None .....                         | Definitions, Addition, Subtraction, Multiplication and Division.<br>Use of Brackets, Decomposition of Trinomials, Resolution into Factors, Involution, Square of Multinomials, Expansion of $(a+b)^n$ , Evolution, Greatest Common Measure, Least Common Multiple, Fractions, Interpretation of Symbol so $\frac{0}{0}$ , $\frac{a}{0}$ , $\frac{0}{a}$ , and $\infty$ , Simple Equations. | Review past subjects of Junior Division, Indices, Surds, Quadratic Equations, Indeterminate Equations, Arithmetical, Geometrical and Harmonical Progression, Ratio, Proportion, Variation, Permutations, Combinations, Binomial Theorem, Notation, Decimals, Interest, &c., Properties of Numbers, Continued Fractions, Exponential Theorem, Logarithms, Algebraic Series, Cubic and Biquadratic Equations.                                                                                                                                                                                                                                                        |
| <b>EUCLID</b> .....        | None .....                         | Books I and II with Exercises (Potts).                                                                                                                                                                                                                                                                                                                                                     | Books III, IV, VI and Definitions of Book V. Exercises on Six Books (Potts.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>NATURAL PHILOSOPHY.</b> | None .....                         | Properties of Matter, Statics, Hydrostatics, Dynamics, and Hydrodynamics, Human Physiology.                                                                                                                                                                                                                                                                                                | Heat, Light, Electricity, Galvanism, Magnetism, Optics and Acoustics, Vegetable Physiology, General View of Geology.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>CHEMISTRY</b> .....     | None .....                         | None.                                                                                                                                                                                                                                                                                                                                                                                      | Constitution of Matter, Chemical Nomenclature, Symbols, Laws of Combination, Chemical Affinity, Crystallization, Oxygen, Hydrogen, Nitrogen, Carbon, Sulphur, Phosphorus, Chlorine, Calcium, Aluminum, Silicon, Potassium, Sodium, Iodine, Manganese, Magnesium, Iron, Lead, Fluorine and their principal compounds, Nature of Soils, Of Organic Bodies, Germination of the Seed, Development of the Plant, Source of Carbon, Hydrogen and Nitrogen, &c., in Plants, Products of Vegetable growth, Woody Fibre, Gum, Starch, Sugar, Gluten, &c., Cultivation of Plants, Composition and Formation of Soils, Mineral Constituents of Plants, Action of Manures, &c. |

**4. ADDITIONAL QUALIFICATION FOR HONOR FIRST CLASS PROVINCIAL  
CERTIFICATE.**

- I.** Each candidate to have held an Ordinary First Class Provincial Certificate for one year.
- II.** To give evidence of having been a successful Teacher.
- III.** To stand an examination in the following subjects in addition to those necessary for an Ordinary First Class Certificate, viz.:—
  - 1. English History and Literature.
  - 2. Canadian History and Geography.
  - 3. Outlines of Ancient and Modern History and Geography.
  - 4. Latin Grammar and Books IV, V, and VI of Cæsar's Commentaries.
  - 5. Outlines of Geology and Astronomy.
  - 6. Science of Teaching, School Organization, Management, &c.
  - 7. Logic and Mental and Moral Philosophy (Whately and Stewart).
  - 8. Algebra—General Theory of Equations, Imaginary Quantities
  - 9. Euclid—Books XI and XII.
  - 10. Trigonometry as far as solution of Plane Triangles (Colenso).
  - 11. Inorganic Chemistry (Gregory's Handbook).
  - 12. The principles of Book-keeping, Music and Drawing.

EDUCATION OFFICE,  
Toronto, September, 1858.

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**5. LIST OF TEXT BOOKS USED IN THE NORMAL SCHOOL FOR UPPER CANADA;**

*The use of which is gratuitously allowed to Teachers in training during their attendance at the School.*

National First Book of Lessons.  
National Second Book of Lessons.  
National Third Book of Lessons.  
National Fourth Book of Lessons.  
National Fifth Book of Lessons.  
Sullivan's Spelling Book Superseded.

National English Grammar.  
 National Art of Reading.  
 Spalding's English Literature.  
 Hodgins' Geography and History of the British Colonies.  
 Sullivan's Geography Generalized, and Somerville's Physical Geography.  
 National Arithmetic.  
 National Book-Keeping.  
 National Mensuration.  
 Potts' Euclid.  
 Colenso's Algebra (Part I.)  
 Tomlinson's Rudimentary Mechanics.  
 Fownes' Rudimentary Chemistry.  
 Hullah's Manual of Music.  
 Art Examples (Dept. Science and Art.)  
 A Slate.  
 Two Note Books.  
 A Writing Book.  
 A book-keeping book.

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#### EDUCATIONAL MUSEUM FOR UPPER CANADA.

##### *No. 1. Rules for the Admission of Visitors to the Educational Museum, Toronto.*

I. The Museum is open daily for Exhibition, (Sundays and holidays excepted,) from 9 A.M. until 5 P.M.

II. All persons are freely admitted, upon registering their names in the Visitors' Book at the Education Office.

III. Sticks and Umbrellas to be left in the Visitors' room.

##### *No. 2. Character and Objects of the Museum.*

1. This Educational Museum is founded after the example of what is being done by the Imperial Government as part of the system of popular education—regarding the indirect, as scarcely secondary to the direct means of training the minds and forming the taste and character of the people. It consists of a col-

lection of school apparatus for Common and Grammar Schools, of Models of Agricultural and other implements, of specimens of the Natural History of the Country, Casts of Antique and Modern Statues and Busts, &c., selected from the principal Museums of Europe, including busts of some of the most celebrated characters in English and French History; also copies of some of the works of the great Masters of the Dutch, Flemish, Spanish, and especially of the Italian Schools of Painting. These objects of art are *labelled*, for the information of those who are not familiar with the originals, and a descriptive historical catalogue of them can be purchased at the Museum. In the evidence given before the Select Committee of the British House of Commons, it is justly stated, "that the object of a National Gallery is to improve the public taste, and to afford a more refined description of enjoyment to the mass of the people;" and the opinion is at the same time strongly expressed, that as "people of taste going to Italy constantly bring home beautiful modern copies of beautiful originals," it is desirable, even in England, that those who have not the opportunity or means of travelling abroad, 'should be enabled to see, in the form of an accurate copy, some of the celebrated works of Raffaele and other great Masters; an object no less desirable in Canada than in England. What has been thus far done in this branch of public instruction, is in part the result of a small annual sum which, by the liberality of the Legislature, has been placed at the disposal of the Chief Superintendent of Education, out of the Upper Canada share of School Grants, for the purpose of improving school architecture and appliances, and to promote arts, science and literature by means of models, objects and publications, collected in a museum in connection with this department.

### *No. 3. Principal contents of the Museum.*

2. The Museum contains a large selection of objects of art, models, &c., arranged under the following heads, as detailed in the Report of 1856, page 246.

- I. SCULPTURE:    1. Antiques.
- 2. Modern.
- 3. Architectural.
- II. PAINTINGS:    1. Italian Schools.
- 2. Flemish School.
- 3. Dutch School.
- 4. Miscellaneous Dutch and Flemish.
- 5. German School.
- 6. French School.
- 7. Spanish School.
- III. ENGRAVINGS: 1. On Steel and Copper.
- 2. Lithographs.
- IV. WORKS ILLUSTRATING THE HISTORY OF ART, &c.,
- 1. In French and Italian.
- 2. In English.
- V. OTHER OBJECTS OF INTEREST:
- 1. Illustrations of Mediæval History, Figures in  
                                Armour, Weapons, &c.
- 2. Maps and Plans in Relief.
- 3. Specimens of Natural History.
- 4. Geological Specimens.
- 5. Models of Agricultural Implements.
- 6. Philosophical Models and School Apparatus.

#### DIVISION VI.

### DECISIONS OF THE COURTS OF QUEEN'S BENCH AND COMMON PLEAS ON SCHOOL QUESTIONS, IN UPPER CANADA.\*

The abbreviation 3, Q. B. R. 241, means Vol. 3, Upper Canada Queen's Bench Reports, page 241.

The abbreviation 7, C. P. R. 227, means Vol. 7, Upper Canada Common Pleas Reports, page 227.

#### TRUSTEES AND TEACHERS.

- (1) *A Local Superintendent Signing a Contract with a Teacher is a mere approval of the appointment.*

A Local Superintendent signing, together with Trustees, a contract with a Teacher, will be considered as having signed the same only as approving of the appointment, and not as contracting with the Teacher.—*Campbell v. Elliott et al.*, 3 Q. B. R. 241.

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\* Several of the following abstracts of decisions are taken from the "Canada Educational Directory for 1857-58," edited by Thomas Hodgins, Esq., LL.B., Barrister-at-Law, Toronto.

- (2) *The Trustees (and not the Teacher,) the proper parties to sue for a Trespass on the school-house.*

Under the forty-fourth section of the School Act of 1843, 7 Vic. c. 29, the Trustees of the School, and not the Teacher, should sue for a trespass on the school-house ; unless it can be shown that the Trustees have given the Teacher a particular interest in the building, beyond the mere liberty of occupying it during the day for the purpose of teaching.—*Monaghan v. Fergusson et al.*, 3 Q. B. R. 484.

- (3) *Trustees agreeing to furnish a Teacher with fuel, must be applied to for same.*

A Teacher charged Trustees upon a special agreement stated to have been made by them, to furnish the said Teacher with fuel when required :

*Held*, that they could not be charged with a breach of covenant, as a request with time and place had not been stated in the Teacher's declaration. — *Anderson v. Vansittart et al.*, 5 Q. B. R. 335. [*Qy.*, whether such an agreement could be enforced. See (6), page 164.]

- (4) *Teacher's agreement with Trustees should be under Corporate Seal.*

In an action brought by a Teacher against Trustees appointed under the [old] School Act of 1846, 9 Vic. c. 20, setting out a special agreement to retain said Teacher in their employment for a year at a certain salary ; and also in a special action brought by the Teacher, founded on a verbal agreement for wrongfully and without cause turning the Teacher away, and preventing him thereby earning his salary, &c.

*Held*. In both cases that the declaration was bad, in not stating that the agreement was made by the Trustees with their corporate seal. (See 56, page 181.)—*Quinn v. Trustees*, 7 Q. B. R. 130.

- (5) *Trustees cannot be sued for money, but for order when it is their duty to give an order.*

If the School Trustees refuse to sign the order upon the Local Superintendent for the payment of the School Fund as provided

for by the Act, they may be proceeded against by Mandamus; or, perhaps, they may be sued in a special action for not making the order; but they cannot be sued for the money, as that is not in their hands.—(*Idem.*)

(6) *Trustees cannot agree to provide a Teacher with board and lodging.*

Trustees have no power under the School Act to make an agreement for providing the Teacher with board and lodging.—(*Idem.*)

(7) *No Rate can be imposed for the payment of an Unqualified Teacher.*

No rate can legally be imposed for the salary of an unqualified Teacher.—*Stark v. Montague et al.*, 14 Q. B. R. 473.

(8) *Nor for the re-imbursement of Costs in defending illegal acts.*

School Trustees cannot impose a rate to re-imburse themselves for costs incurred in defending unsuccessfully, a suit brought against them for levying an unauthorized rate, or for travelling expenses incurred in order to consult with the Superintendent.—(*Idem.*) (See 42, page 176.)

(9) *Arbitration is the only mode of settling disputes between Trustees and Teacher.*

No action in Law or Equity can be sustained by a School Teacher against Trustees for his salary; arbitration is the only remedy.—*Tiernan v. Trustees, No.* — *Nepean*, 14 Q. B. R. 15.

(10) *Arbitrations with Teachers—Difference in two awards.*

The Trustees of a certain School Section had agreed to engage a certain teacher, but differences having arisen as to his salary, &c., an arbitration was had, and the award made was to the effect, that there was due to the Teacher from the Trustees £50, for which they were individually liable. This award not having been complied with, the Teacher named an arbitrator and gave notice to the Trustees, claiming for his salary since the date of the first award; but they, acting under legal advice, did

nothing; and the second arbitration took place without their concurrence. The following was the award then made:—1st. That the arbitrators having received indisputable evidence of the former award, and of its recognition by the parties, agreed to adopt the same. 2nd. That as the Trustees had failed to perform said award, and as, by the 17th section of the School Act of 1850 (p. 51), the Teacher was entitled to his salary at the rate agreed on till fully paid, the said Teacher was entitled to his salary from the date of such award to the present time, with costs of the arbitration, making altogether £95 12s. 3½d.; and further, that he was entitled to such salary for all time to come, until he should be paid in full. (See 4, page 166.)

At the trial, however, the arbitrators quoted an award which was materially different from that proved to have been made by them. (See 1 below.)

On the second award the arbitrators issued their warrant to a bailiff to make the whole sum awarded (which included the sum due under the first award), by seizure and sale of the goods and chattels of said Trustees. (See 6 & 7, page 166.)

The Teacher had been engaged by the Trustees at a certain salary, by verbal agreement only. (See 2 below.)

*Held*, 1. That as the award of the arbitrators proved, differed materially from their award as pleaded, such plea could not be supported.—*Kennedy v. Burness et al.*, 15 Q. B. R., 473.

(11) *Agreements with Teachers must be in writing.*

2. That the averment of an agreement with the Teacher could be supported only by a written agreement.—(*Idem.*) (See 4, page 163.)

(12) *Personal liability of Trustees dependent upon their neglect or refusal to exercise their Corporate powers.*

3. That as by the Upper Canada School Act of 1850, sec. 12, sub-section 16 (p. 42), the Trustees can only be personally liable when they have wilfully neglected or refused to exercise their corporate powers, such neglect or refusal should have been alleged and shown in the award, to warrant its directions to levy on the Trustees personally. *Semble*, also, that the evidence showed no sufficient ground for such liability. (See 15, page 166.)

*Quære.* Whether the arbitrators have authority to determine the question of personal liability on the part of the Trustees.—(*Idem.*)

(13) *The Arbitrators' award is final as to Teacher's claim for further salary.*

4. That the non-payment of the first award was not a non-payment of the Teacher's salary under his agreement, so as to entitle him to such salary after the award; nor was it a matter in difference, within the meaning of the Act, which could authorize a second reference.—(*Idem.*) (See 16, page 167.)

(14) *Duties and Responsibilities of Arbitrators.*

5. That the arbitrators were not precluded from raising these objections by the provision in the statute that such award shall be final.

6. That the plea which the arbitrators set up, that the grievances charged related solely to judicial acts done in good faith in their capacity of arbitrators and within their jurisdiction, was insufficient, for not stating any-thing which could authorize an award against the trustees as personally liable.

7. That the plea of their bailiff on similar grounds was also bad.

8. That if the award had been good as to the salary since the first award, yet the including in it the sum given by such award, and for which a levy had been already made, would make the whole award bad.—(*Idem.*)

(15) *Neglect or refusal of Trustees to exercise their corporate powers must be proved.*

In an action of replevin for goods of School Trustees distrained under an award for the salary of a School Teacher, declaring the Trustees individually liable on the ground, "that the Trustees did not exercise all the corporate powers vested in them by the School Acts for the due fulfilment of the contract," made by them with such Teacher.—*Kennedy v. Hall et al.*, 7 C. P. R., 218.

*Arbitration—Replevin—Personal liability.*

*Held.* That the award as evidence did not support pleas

which averred as required by the 16th clause of the 12th section (page 42) of the School Act of 1850, a wilful neglect or refusal by the Trustees to exercise their corporate powers as the ground for making them personally liable.

2. That, on the facts, the defendants as Trustees were not personally liable, the award ascertaining for the first time the exact amount due to the Teacher, and declaring the Trustees personally liable without giving them any opportunity to exercise their corporate powers to raise the money to pay it.

3. That the action being of replevin, no notice of action was required.—(*Idem.*)

(16) *Arbitrators' award final as to Teacher's claim for further salary.*

*Arbitration—Personal liability.*

A School Teacher, after an award had been made in his favor on a dispute as to salary with the Trustees, afterwards made a claim in a second arbitration for the amount payable under the first award, together with his salary for the further period which had elapsed since such award, and sought under an award obtained *ex parte* and a warrant thereon to recover the amount by a seizure of the Trustees' goods. (See 12 page, 165.)

*Held.* On replevin by the Trustees, that such a course was illegal and not contemplated by the School Acts.—*Kennedy v. Burness et al.*, *Murray v. Burness et al.*, 7 C. P. R. 227. (See 13, page 166.)

(17) *Representation as to the character of a Teacher by a rate payer, with a view to obtain redress, is a privileged communication. Malice and falsehood of the representation must be proved in action for libel.*

A representation by the assessed inhabitants of a School Section as to the character of a Teacher, made with a view of obtaining redress, is a privileged communication, which it is of importance to the public to protect; and such a statement would not be the less privileged if made by mistake to the wrong quarter.

*Quære.* Whether a communication of this nature made by an inhabitant of any other part of the Province, would not be privileged.

Where the libel complained of is clearly a privileged communication, the inference of malice cannot be raised upon the face of the libel itself, as in other cases it might be, but the plaintiff must give extrinsic evidence of actual express malice, he must also prove the statement to be false as well as malicious; and the defendant may still make out a good defence by showing that he had good ground to believe the statement true, and acted honestly under that persuasion.—*McIntyre v. McBean et al.*, 13 Q. B. R. 534.

#### SCHOOL SECTIONS AND SITES.

(18) *Alteration in the boundaries of a School Section does not constitute it a New Section so as to require an Election of three Trustees.*

An alteration in the boundaries of a School Section under the fourth clause of the eighteenth section of the School Act of 1850 (p. 54), does not constitute it a new section, nor make it necessary to call a school meeting to elect new Trustees. Such an alteration only involves a change of parties, from being members of one School Section, and becoming members of another School Section, and takes effect the 25th December next after. Nor is it necessary to show that the people desire an alteration of the boundaries to authorize the Council to make it.—*Chief Superintendent Appellant, in re Trustees No. 2 Moore v. McRae*, 12 Q. B. R. 525.

(19) *The Union of two or more Sections would require a new Election of Trustees.*

The union of two or more School Sections in the same Township into one, may take place at any period of the year, and would then require a new election of Trustees.—(*Idem.*)

(20) *Trustees must sue persons residing outside their Section.*

Trustees are bound to collect by Warrant from the *residents* of the School Section; and to sue for and recover by their name

of office from persons residing without the limits of the Section and making default of payment.—(*Idem.*)

(21) *Township Councils in altering Sections are not required to give notice to parties residing outside of their Township. What is due notice.*

The Municipal Council of a Township passed a by-law, disuniting a Union Section with another Township, and uniting such part Section and two distinct Sections in its own Township into one, after a petition from certain inhabitants of the Sections concerned.

*Held.* That the Council was not bound to give notice to the inhabitants of that part of the Union Section belonging to the other Township—it being out of its jurisdiction; but in regard to the parties within its authority, it was required to be satisfied that *due notice* had been given. It is made the judges of such “due notice.”—*In re Ness v. Municipality of Saltfleet*, 13 Q. B. R. 408.

(22) *Notice to parties concerned only is required in altering Sections, or their consent in uniting them.*

The authority of a Township Council “to alter any School Section already established,” is one to which no restriction save *notice*, is attached; but the authority “to unite two or more School Sections into one, at the request of the majority of the freeholders or householders *in each of such Sections*,” is accompanied with a restriction at once expressed; and which restriction does not, by grammatical construction, extend to the power of merely altering boundaries. In the Supplementary Act, the “restrictions in regard to alterations” are spoken of as distinct from any other expression. The intention of the fourth clause of the eighteenth section of the School Act of 1850 (p. 54), is, that in a measure for merely altering the boundaries of Sections, the Township Council may take the initiative; and can act without any previous request of a public meeting; but if they enter it of their own accord, they must see that all parties to be affected by the alteration have been duly notified of the intended step; and if they have been applied to on the subject, they are not

bound to entertain it until they see that due notice has been given.—(*Idem.*)

(23) *Detaching parts of new Sections.*

The intention of the seventeenth section of the Supplementary Act, is that the Township Council may pass a by-law for bringing back exclusively to its own jurisdiction, any part of the Township united to another; and that it may make what arrangement it thinks most convenient for giving the inhabitants the benefit of the Common School laws; but it cannot do so unless it clearly appears that all parties have had due notice.—(*Idem.*)

(24) *Formation or alteration of Union School Sections can only be made by Reeves and Local Superintendents.*

The Municipality of a Township may alter the boundaries of School Sections within its township, by taking from one and adding to another, without any previous request of freeholders and householders, and notwithstanding their disapprobation of the change—provided that those affected by the alteration have notice of the intention to make it. But the Municipality has no power to alter the boundaries of a union School Section consisting of parts of different townships—such power pertaining only to the Reeves and Local Superintendents of the townships concerned.—*In re Ley v. Municipality of Clarke*, 13 Q. B. R. 433.

(25) *Dividing a School Section makes only one New Section. — Rate by Trustees de facto.*

On application of the resident inhabitants of a Section, the Municipality of a Township, in 1853, passed a resolution to divide the Section, by taking away a part to constitute a new Section (but no By-law was passed until 1855, when one was adopted confirming the resolution.) A meeting was called for the 16th January, 1854, to elect three new trustees for the Section. In the meantime, on the 10th of January, the ordinary annual meeting was held, and a dispute arose as to whether Trustees should not then be elected for the ensuing year? Some thought not, and left the meeting; while others remained, and proceeded with the election. The Local Superintendent being

appealed to, declared the election illegal, considering the Section had become a new Section ; and appointed another election to take place on the 16th, when the three defendants were appointed Trustees. In January, 1855, the dispute was renewed and elections held, so that there were two sets of Trustees claiming the office. The first elected Trustees in 1854, abstained from acting ; and the defendants imposed a rate, which the plaintiff resisted.

*Held.* (affirming No. 18, *Chief Superintendent, in re Trustees*, No. 2, *Moore v. McRae*, 12 Q. B. R. 525,) that the alteration did not constitute the Section a new one ; but that the rate was legal, being imposed by Trustees *de facto*, who had not been removed.

*Quære*—Whether such alteration could be made by resolution only.

*Quære*, also—Whether the decision of the Local Superintendent can be thus incidentally reviewed in an action to recover back the rate.—*Chief Superintendent Appellant in re Gill v. Jackson et al.*, 14 Q. B. R. 119.

(26) *If two Sections be united, in rearranging the School Sections of a Township, an election of three Trustees is necessary.*

In the township of Harwich, prior to February, 1854, School Section No. 1 consisted of the Town of Chatham and a part of the Township ; there was also a School Section in operation, known as section No. 2½. In February, 1854, the Township Council passed a resolution dividing the Township into sixteen School Sections. No. 1 (of the new sections) was formed of that part of the Township of Harwich, which, together with the Town of Chatham, had previously been No. 1, added to the whole of 2½ as it existed previously.

In January, 1855, an election for the new Section No. 1 (as created by the resolution of February, 1854) was held, at which one trustee only was elected, and the two other trustees elected the previous year for the then section gave defendant the warrant under which he acted.

*Held*, That there should have been three trustees elected for Section No. 1 at the election in January, and that a warrant

signed by the other two was inoperative.—*MacGregor v. Pratt*, 6 C. P. R. 173.

(27) *Notice should be given before the alteration of School Section Limits be made.*

Before any alteration can be made in the limits of a School Section, notice must be given to the parties interested in the proposed alteration, before the passing of the by-law authorizing the same.—*Griffiths v. Municipality of Grantham*, 6 C. P. R. 274. (See 21, page 169.)

(28) *By-laws for the alteration of School Sections can only be quashed within a reasonable time.*

Where a great length of time (fourteen months) had elapsed before motion was made, the court refused to quash a By-law altering School Sections, it being on its face legal, and having been acted upon, although it was doubtful whether sufficient notice had been given to interested parties.—*Hill v. Municipality of Tecumseth*, 6 C. P. R. 297.

(29) *Two Trustees cannot act without consulting the third.*

Two of the Trustees of a School Section are not competent to act in all cases without consulting the third, and giving him an opportunity of uniting in, or opposing, the acts of his colleagues. (See No. 39.)—*Orr v. Ranney et al.*, 12 Q. B. R. 377.

(30) *In selecting a Site, Trustees cannot act without consulting their constituents.*

Nor can the whole body of Trustees, without any reference to the freeholders and householders of the Section, determine upon a site for the school house, and impose a rate to meet the expense of its purchase.—(*Idem.*)

(31) *First arbitration in regard to a School Site cannot be set aside by a subsequent special meeting.*

When a meeting was held to change the site of a School house, and arbitrators appointed who met and decided the question, but their decision was not acted upon; subsequently another meeting was called, and their decision and proceedings were acted upon, and the site changed.

*Held*, That the proceedings were irregular, and that the trustees had not authority to change the site of the school house without the sanction of a special meeting of the freeholders and householders, and that the second meeting had no authority to alter the determinations previously made.—*Williams v. Trustees*, No. 8 *Plympton*, 7 C. P. R. 559.

(32) *School Rates must be levied upon all taxable property.*

#### SCHOOL RATES IN TOWNSHIPS.

When the municipal council of a Township, intending to act under the Upper Canada School Act of 1850, section 18, cl. 3, for Common School purposes, levied a rate upon the resident inhabitants of a School Section only, it was held, that under the School Act, as well as the Municipal and Assessment acts, the by-law was invalid, because the rate should be levied on all taxable property, whether real or personal, of the inhabitants resident as well as non-resident.—*In re De la Haye v. Municipality of the Gore of Toronto*, 2 C. P. R. 317. (See 48, page 178.)

(33) *Executors equally with the testator liable for School-Rate on Non-Resident Land.*

A resolution of the freeholders and householders of a School Section passed at their annual meeting, that the trustees should tax the property in such Section to pay the teacher's salary and the expenses of the school, followed by a resolution of the Trustees, directing a rate to be levied on the ratable property of such Section to raise the sum required, and the preparation of a rate-bill and warrant, are sufficient to render a non-resident, having real estate within the Section, liable for the sum rated by the Trustees according to the assessed value of his real property; and that being so liable, an executor representing the estate is liable in an action of the same nature to which the testator might have been subjected.—*Trustees No. 2, Dunwich v. McBeath*, 3 C. P. R. 228. (See 43, page 177.)

(34) *A Corporation aggregate is not bound to appear as Witnesses in Court, but its Members may be Subpœnaed.*

A corporation aggregate is not bound to appear at the trial as witnesses, under a notice served on its attorney under the Statute 16 Vic., cap. 19, sec. 2. If the individual members are required to appear they may be individually subpœnaed.—(*Idem.*)

(35) *Discretion to raise a Loan for School Section purposes rests as much with the Council as with the Section.*

A by-law of a Township Council authorizing the levy of certain rates in a school section having been quashed, the council then without a second School Section meeting having been called, passed another by-law for the same purpose, it was

*Held*, That the discretion to raise the sum within any number of years, not more than ten, rests as much with the council as with the school meeting or trustees.

That a second meeting of the inhabitants after the former by-law had been quashed, was not necessary.

That the rate was not declared on the property assessed in a previous year; but only the amount to be raised was determined by reference to the assessed value of property in that year.—*In re De la Haye v. Municipality of the Gore of Toronto*, 3 C. P. R. 23.

(36) *A rate may be levied for a larger sum than is required.*

That the rate not being complained of as excessive, its being calculated to realize more than the precise sum required, did not render the by-law invalid.

That the duty imposed on the clerk in making out the assessment list of the section in accordance with the Township by-law, was in accordance with the Statute.

That a proviso of the by-law sanctioning receipts, *pro tanto*, given to those who had paid under the invalid by-law, did not render the second by-law void—because such parties, although entitled to restitution, would have to pay *de novo*.—(*Idem.*)

(37) *Townships have no power to levy a School-rate for County purposes.*

A Township by-law was quashed in so much of it as related to the raising of a sum of money, to defray the demands of the County Council on the township, and as an equivalent to the Legislative School grant; it not appearing in the face of the by-law that it was directed to the purpose of meeting a deficiency.

It follows therefore that a Township Council has not power to pass a rate in aid of any county rate, as the thirty-first section of the Act 16 Vic., cap. 182, authorizes the County Councils to pass by-laws to raise money for County purposes, and the Township Council for Township purposes; and the 27th section of the School Act 13 and 14 Vic., cap. 48, expressly makes it the duty of the County Council (and not the Township Council) to cause to be levied each year upon the several townships of the County, such sums of money as shall at least be equal, clear of all charges of collection, to the amount of school money apportioned to the several townships out of the government grant.—*Fletcher v. Municipality of Euphrasia et al.*, 13 Q. B. R. 129.

(38) *Trustees' Warrant to Collect School Rates, only legal within their own Section. They must sue non-residents.*

School Trustees can only give a warrant to collect School rates within the limits of the Section for which they are appointed. They can only sue non-residents.—*Gillies v. Wood*, 13 Q. B. R. 357. (See 20, page 168.)

(39) *Form of Warrant.*

The warrant may be signed by two Trustees (but see 29, page 172).

In making cognizance under such warrant, it is sufficient to state that the plaintiff was duly assessed, and that the collector was duly appointed. It is not necessary to state therein that the rate was decided upon at a meeting, as required by statute, or how the appointment was made.—(*Idem.*)

- (40) *An undivided Lot must be in the same Municipality. Municipal Boundaries Divide Lots.*

Certain property, through which ran a municipal division line between a Town and Township, was assessed by the Trustees of a School Section in the Township, according to the value of that portion of it lying in their section, and outside the town. The owner refused to pay, and was sued by the Trustees as a non-resident, in accordance with the provisions of the School Law. The Judge of the Division Court decided against the Trustees, on the ground that the proviso in the 15th section of the Supplementary School Act of 1853, referred to undivided lots within different municipalities, as well as within but one municipality. The Chief Superintendent appealed the case, and it was

*Held*, That the Trustees acted rightly,—they being guided by the assessment roll of their municipality; and that the proviso referred to applies only to the case of an undivided property extending into more than one School Section of the *same* municipality, and not where the land lies in different municipalities. Hence municipal boundaries divide lots.—*Chief Superintendent appellant in re Trustees No. 4, Hallowell v. Storm*, 14 Q. B. R. 541.

- (41) *Trustees can levy a rate for the erection of a School-house without consent of a public meeting.*

Under the School Act of 1850, Trustees are authorized to levy a rate for the erection of a school-house in their section. This authority is more clearly and definitely expressed in the sixth section of the Supplementary School Act of 1853.—*Chief Superintendent Appellant, in re Kelly v. Hedges et al.*, 12 Q. B. R. 531.

- (42) *Trustees can levy rate for defraying costs of defending a groundless action.—Separate school supporters, when exempt.*

A rate may be levied to reimburse School Trustees for the costs of defending a *groundless* action brought against them (See 8, page 164). Where such charge was incurred before the establishment of a separate Roman Catholic school :

*Held.* That the supporters of that school were not exempt from the rate.—*In re Tiernan and Municipality of Nepean* 15 Q. B. R. 87.

(43) *Testator's estate liable for School Assessment rate in the hands of devisees and executors.*

An action of replevin may be brought upon a distress for school rates, and notice of action is not necessary, where several devisees and executors were rated for a school rate in respect to the property of their testator, as “John Applegarth and brothers,” which entry appeared to have been made at the instance of some of them; but two of them only had slept on the premises occasionally, although such was not their ordinary place of residence, and they had received the usual notice of assessment in that form without appealing, and the same two had paid taxes on an assessment on the township roll in their individual names.

*Held.* 1st. That the facts afforded sufficient evidence to show that the plaintiffs were “inhabitants” for the purposes of the rate.

2nd. That the parties were sufficiently named on the roll to render the rate lawful.

3rd. That a demand made by the collector on “John Applegarth,” named on the roll, was sufficient to bind all the plaintiffs.—*Applegarth et al. v. Graham*, 7 C. P. R. 171.

#### CITIES, TOWNS, AND VILLAGES.

(44) *Boards of School Trustees, in Cities, Towns and Villages, not subject to the restrictions of rural Trustees in regard to the number of schools to be established.*

The School Trustees in cities, towns, and villages, have unlimited discretion, under the twenty-fourth section of the School Act of 1850, as to the number of schools to be kept up, and are not subjected to the restrictions in this respect imposed upon school section trustees in Townships.—*In re Board of School Trustees v. Municipality of Brockville*, 9 Q. B. R. 302.

(45) *Payment by the Town Council of a part of the Trustees' Estimate a recognition of the whole.*

When an estimate of the sum required for school purposes was sent to the Municipal Council, by the Board of School Trustees, and the Council recognized the presentation of such estimate by paying a portion of the amount, and submitted to court their reasons for refusing to pay the balance.

*Held.* That by such recognition of the Trustees' estimate, they were precluded from pleading that it had not been laid before them as the law required.—(*Idem.*)

(46) *A resolution of a Board of School Trustees is not the Estimate required by law.*

The communication by a Board of School Trustees to the Municipal Council of a town, of a resolution of the Board, that the chairman do order the Town Council to furnish the Board with a sum of money immediately, for the purpose of purchasing a site and erecting a school-house—a copy of which resolution was sent to the Town Council—is not a compliance with the sixth clause of the twenty-fourth section of the School Act of 1850, requiring the Board to prepare an *estimate* of the sums it may require; and consequently does not render the Town Council liable to be compelled to pay the amount by mandamus.—*In re Board of School Trustees v. Municipality of Port Hope*, 4 C. P. R. 418.

(47) *A vote of the school rate-payers not necessary in Cities, Towns, and Villages, as in school sections.*

A vote of the rate-payers is not necessary in cities, towns, and villages—although it is in school sections—to authorize an application to the Town Council, or a rate by the Board.—(*Idem.*)

(48) *Ward School Assessments of a City or Town illegal.*

A Board of School Trustees applied to a Municipal Council to levy a distinct sum in each of the wards of the Municipality, and the Council passed a By-law for that purpose :

*Held*, that it was illegal. An assessment for School (as well as Municipal) purposes must be levied equally upon the rate-payers of the Municipality in proportion to their ratable property, and cannot be levied by an unequal rate in the different wards of such Municipality.—*In re Scott v. Municipality of Ottawa*, 13 Q. B. R. 346. (See 82, page 173.)

(49) *Order on Treasurer must precede an application for writ of Mandamus to compel payment.*

The Board of School Trustees of a village applied to the Village Municipality to levy a sum of money required to pay for a School site which they had contracted to purchase. The Municipality refused to do so, and the Board applied for a mandamus. It did not appear that the Trustees had appointed a Secretary-Treasurer.

*Held*, that the Board should first have given an order to the person from whom they had agreed to purchase, upon the Treasurer of the Municipality.—*In re Board of School Trustees v. Municipality of Galt*, 13 Q. B. R. 511. (See 56, page 181.)

(50) *Meaning of "Taxable Inhabitants," in Cities, Towns, and Villages.*

Persons who are rated for statute labor only, and who are not householders, are not "taxable inhabitants" within the meaning of the twenty-second section of the School Act of 1850, and cannot therefore vote at the election of School Trustees.—*The Queen ex rel. McNamara v. Christie et al.*, 9 Q. B. R. 682.

(51) *Extension of time for collection of School rates.—Power of Collector.*

The time for levying a School tax in the City of Kingston, imposed by By-law in December, 1855, was extended by resolutions of the City Council, under 18 Vic., ch. 21, sec. 3, until the 1st August, 1856, and again, on the 22nd December, 1856, to the 1st March, 1857.

*Held*, That the collector, who was the same person for both

years, might distrain, between the 1st August and the 22nd December, 1856, although no resolution extending the time was then in force.—*Newbury v. Stephens, et al*, 16 Q. B. R. 65.

(52) *Moneys collected under a By-law of any Municipality must be paid to the Municipal Treasurer.*

Under a By-law of the District of Huron Municipal Council, a certain School Section was assessed in £25 to build a school-house therein;

*Held*, that all monies collected for the erection of school-houses under any By-law of the District Municipal Council were payable to the District Treasurer, who alone under the late Act was authorized to take security from collectors for the payment of moneys collected for public purposes.—*Brown v. Styles et al*, 2 C. P. R. 346.

MISCELLANEOUS.

(53) *Decisions on School Questions by the Chief Superintendent.*

The duties imposed upon the Chief Superintendent and the several Local Superintendents by the School Acts, show that the Legislature intended to provide a domestic forum for the settlement of school questions; and the reference of several other matters involving legal considerations to arbitration, answers the objection sometimes urged that the Legislature did not mean legal questions to be determined by an officer who, perhaps, might not be versed in legal technicalities. It appears, therefore, looking at the whole scope of the acts that it was supposed the affairs of the schools could be managed by means of arbitrators, and references to the Local Superintendent, and finally to the Chief Superintendent, without troubling the Courts.—10 Q. B. R. 475.

(54) *Maximum rate of interest to be paid by Municipal Councils.*

Municipal Corporations cannot, by By-law, provide for money at a rate of interest exceeding that authorized by the Statute.—*Wilson v. Municipality of the County of Elgin*, 13 Q. B. R. 129.

(55) *Treasurer must honor Trustees' Orders for School Moneys.*

That portion of the rate which by the enactment of law goes into the hands of the Treasurer, is subject to the order of the Trustees. He may not have received the money, or may refuse to obey their order, but in neither case can they be liable to an action for not paying the money. They are public officers, who have only to discharge their proper duty. If they refused to make an order, a Mandamus would lie against them, or perhaps a special action for not making the order, but not an action for the money, for that is not in their hands. If the Treasurer fails in his duty he is liable to indictment, and might be found liable also to a remedy by action.—*Quin v. Trustees, No. 4, Seymour*, 7 Q. B. R. 138. (See 49 and 52, pages 179, 180.)

(56) *School Trustee contracts not valid without their Corporate Seal.*

The Trustees of a School Section being a corporation under the School Act of 1850, are not liable as such to pay for a school-house erected for and accepted by them, not having contracted under seal for the erection of the same. The seal is required as authenticating the concurrence of the whole body corporate.\*—*Marshall v. Trustees No. 4. Kitley*, 4 C. P. R. 375. (See 4, page 163.)

(57) *School Trustees contract under Seal signed by a majority of the Corporation binding.*

A contract was entered into by two of the Trustees of a Section under their corporate seal for building a school house, after the house was built the Trustees refused to pay on the

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\* "A corporation being an invisible body, cannot manifest its will by oral communication; a peculiar mode has heretofore been devised for the authentic expression of its intention,—namely, the affixing of its common seal; and it is held that though the particular members may express their private consent by words, or signing their names, yet this does not bind the corporation; it is the fixing of the seal, and that only, which unites the several assents of the individuals composing it; and makes one joint assent of the whole."—*Smith's Mercantile Law, B, J. C. 4,*

plea that the contract was not legal, a jury having given a verdict in favor of the Trustees, a new trial was ordered, and the verdict set aside.—*Forbes v. Trustees, No. 8, Plympton*, 8 C. P. R. 73. (See 4, page 163; and 56, page 181.)

(58) *A Township Superintendent can only sue Collector for Penalties.*

A Township Superintendent has no legal authority to sue the collector of the Township for monies received by him, *not in the nature of penalties*.—*Shirley v. Hope*, 4 Q. B. R. 240.

(59) *Separate Schools for Coloured Inhabitants.*

(1) Where no Separate School is established for the children of the coloured inhabitants, such children have the same right to attend the Common School as the other children of the Section.—*Washington v. Trustees, No. 14, Charlottesville*, 11 Q. B. R. 569.

(2) Residents of a School Section in which a Separate School has been established for the class to which it belongs—as in this case for coloured people—are not entitled to send their children to the general Common School of such Section.—*In re Dennis Hill v. Trustees, Camden and Zone*, 11 Q.B.R. 573.

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