

CAP. XXVIII

Education Act.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

PRELIMINARY TITLE

INTERPRETATIVE AND DECLARATORY

CHAPTER FIRST

INTERPRETATIVE

1. In this act or in any act amending the same, the following words, terms and expressions, wherever found therein, have the sense, meaning and application assigned to them, respectively. R. S., 1850. Interpreta-
tion :

2. The words : " Superintendent " or " Superintendent of Education." designate the Superintendent of Public Instruction. R. S., 1860, § 2. Superinten-
dent ;
Superinten-
dent of Edu-
cation ;

3. The term " school municipality " means any territory erected into a municipality for the support of schools under the control of school commissioners or trustees. R. S., 1860, § 5. School muni-
cipality ;

4. The terms " school corporation " or " school board " mean indifferently corporations of school commissioners or trustees. R. S., 1860, § 6. School corpo-
ration, &c. ;

5. The terms " country municipality " include and mean parish municipalities, municipalities of part of a parish, of a township, of part of a township, of united townships, and generally every local municipality other than city, town or village municipalities. M. C., 19, § 2. Country mu-
nicipality ;

6. The words : " local municipality " mean, indifferently, any city, town, village or rural municipality managed by a municipal council. M. C., 19, § 3, *am.* Local muni-
cipality ;

- District :** **7.** The word "district" means a judicial district established by law, and designates the district in which the municipality is situated. M. C., 19, § 6.
- County :** **8.** The word "county" means any territory erected into a county for the purposes of representation in the Legislative Assembly of the Province. If two or more counties are united to constitute an electoral division the word "county" designates each of such counties severally. M. C., 19, § 7.
- Parish :** **9.** The word "parish" means any territory erected into a parish by civil authority. M. C., 19, § 4.
- Township :** **10.** The word "township" means any territory erected into a township by proclamation. M. C., 19, § 5.
- Circuit court of the county ;
County circuit court :** **11.** The terms "circuit court of the county" or "county circuit court" mean the circuit court in and for the county ; and if there is more than one circuit court in the county, they include all that are therein established. M. C. 19, § 9.
- Magistrate's court ;
Magistrate's court of the county :** **12.** The words "magistrate's court" or "magistrate's court of the county" mean the magistrate's court established in the county by proclamation of the Lieutenant-Governor and presided over by the district magistrate. M. C. 19, § 19.
- School, &c.** **13.** The terms "school," "public school," or "school under control" designate every school under the control of school commissioners or trustees ;
Subsidized school : By "subsidized school" is meant any private school which receives a grant from the Government out of the funds voted for education. R. S., 1860, § 1 ; 2230, *mod.*
- Officers of primary instruction :** **14.** The term "officers of primary instruction," designates every certificated person who has the direction, administration or supervision over one or more classes or educational institutions under the control of school commissioners or trustees; school inspectors, professors and teachers of normal schools, male and female certificated teachers teaching in an institution under the control of school commissioners or trustees, or in those subsidized by them or by the Government out of the funds voted for education, but does not include members of the clergy or of religious communities or professors in colleges or universities. R. S., 2238, *am.*
- Teacher ;
Professor :** **15.** The words "teacher" or "professor" apply also to female teachers and to all persons, whether lay or religious, teaching in virtue of this act. R. S., 1860, § 3.

16. The words "real estate" "land" or "immoveable" mean all lands or parcels of land, possessed or occupied by one person or by several persons conjointly, and include the buildings and improvements thereon. *M. C., 19, § 24.* Real estate ;
Land ;
Immoveable ;

17. The term "taxable property" means the real estate liable for school taxes. *R. S., 1860, § 13.* Taxable
property ;

18. The words "school tax" or "tax" designate and mean all and every the contributions that may be levied in virtue of this act. *New.* School tax ;
Tax ;

19. The words "school assessment" mean the tax which is levied on the taxable property of a school municipality. *New.* School assess-
ment ;

20. The words "monthly fees" mean the contribution exacted for each child who, in virtue of this act, should or may attend the public schools. *New.* Monthly
fees ;

21. The words "valuator" and "assessor" mean any person appointed by school commissioners or trustees or by the Superintendent of Public Instruction to value the taxable property of the school municipality. *R. S., 1860, § 8, mod.* Valuator ;
Assessor ;

22. The term "rate-payer" means any person who, in virtue of any provision of this act, is liable for the payment of school taxes. *R. S., 1860, § 7.* Rate-payer ;

23. The word "occupant" denotes the person who occupies any immovable under any title other than that of proprietor, tenant, or usufructuary, either in his own or his wife's name, and who dwells upon the same and derives revenue therefrom. *M. C., 19 § 19.* Occupant ;

24. The word "absent" designates all persons residing without the limits of the school municipality ; nevertheless, any person, corporation, railway or other company, which has any place of business within the municipality, shall be deemed present in such municipality. *R. S., 1860, § 14, mod.* Absent ;

25. The word "guardian" means, as the case may be, Guardian ;

1. The guardian appointed to a seizure ;

2. Any person who has the care or control of one or more children of school age. *R. S., 1860, § 9.*

26. The words "religious majority" or "religious minority" mean the Roman Catholic or Protestant majority or minority, as the case may be. *R. S., 1860, § 4.* Religious ma-
jority ;
Religious mi-
nority ;

- School year ; **27.** The words " school year " mean the twelve months from the first of July of one year to and including the thirtieth of June of the next year. R. S., 1860, § 15.
- Month ; **28.** The term " month " means a calendar month. R. S., 1860, § 16.
- Following day. **29.** The expression " following day " does not mean or include holidays, except when an act may be done upon a holiday. M. C., 19, § 30.

CHAPTER SECOND

DECLARATORY

SECTION I

APPOINTMENTS BY THE LIEUTENANT-GOVERNOR

- Lieutenant-Governor in Council may annul, &c., appointments by him made, &c. **30.** The Lieutenant-Governor in Council may, at any time, and whenever he deems it necessary, annul any appointment made by him and make new appointments in place of those he has annulled. R. S., 1868, *mod.*

SECTION II

OATHS AND SOLEMN DECLARATIONS

- Who may administer oaths under laws respecting education. **31.** All oaths or solemn declarations, required by the laws or regulations concerning education, may be administered or received by the Superintendent of Public Instruction, either of the secretaries of the Department of Public Instruction, any school inspector, any justice of the peace or any commissioner of the Superior Court. R. S., 1864, *am.*

SECTION III

FORMS

- Forms. **32.** The forms inserted in this act form part thereof and are sufficient for all cases for which they are proposed. Any other form to the like effect may also be employed. R. S., 1879.

SECTION IV

QUORUM

- Quorum. **33.** The quorum of any corporation, board, committee or other body constituted under this act, shall, unless otherwise provided, be an absolute majority of all the members thereof. R. S., 1861.

34. The members present at any meeting regularly held, at which there is a quorum, may exercise all the powers of the corporation of which they are members. R. S., 1861, *in part, mod.*

Members present, if a quorum, exercise powers of corporation.

SECTION V

DEFAULT OR INSUFFICIENCY OF AND DELAYS AFTER NOTICE

35. Whoever has had knowledge of a matter for which a notice is required cannot take advantage of any default, error in form, or insufficiency of such notice. R. S., 1865, *in part.*

Certain persons not to take advantage of default, &c., of notice.

36. The intermediate delay after a notice dates from the day on which such notice was served, that day and the one given in the notice not counting. M. C., 231.

Reckoning of delays after notice.

TITLE FIRST

DEPARTMENT OF PUBLIC INSTRUCTION—SUPERINTENDENT OF PUBLIC INSTRUCTION—COUNCIL OF PUBLIC INSTRUCTION—SCHOOL VISITORS—SCHOOL INSPECTORS—CENTRAL BOARD OF EXAMINERS

CHAPTER FIRST

DEPARTMENT OF PUBLIC INSTRUCTION

SECTION I

GENERAL PROVISIONS

37. The Department of Public Instruction forms part of the Civil Service of the Province. R. S., 1881, *in part.*

Department forms part of Civil Service.

SECTION II

STAFF OF THE DEPARTMENT

38. The Department of Public Instruction consists of:

1. The Superintendent of Public Instruction appointed by the Lieutenant-Governor in Council, during pleasure. His salary is three thousand dollars per annum.
2. Two secretaries who, as deputy-heads of the Department, have under the direction of the Superintendent the general control of the Department, and exercise the other powers and duties assigned to them by the Lieutenant-Governor in Council.

Composition of Department. Superintendent. Salary. Secretaries and their powers.

Powers in absence of Superintendent.

In the absence of the Superintendent, they may suspend any employee of the Department who refuses or neglects to obey their orders, or whose conduct they may deem blameworthy ; but they shall afterwards report such suspension to the head of the Department.

Other officers.

3. All other officers required to carry out the law respecting education. R. S., 1882, 1883, 1884, *in part, mod.*

CHAPTER SECOND

SUPERINTENDENT OF PUBLIC INSTRUCTION

Superintendent administers Department. Attributions of Superintendent.

39. The Superintendent of Public Instruction has the administration of the Department of Public Instruction.

He is *ex officio* member of the Council of Public Instruction, and of each of the two committees thereof, but he has a right to vote only in the committee of the religious belief to which he belongs ; he is also a member of the Council of Arts and Manufactures, and visitor of the schools of Arts and Manufactures. R. S., 1882, 1888, 1895, *in part, mod.*

Powers, &c., of Superintendent.

40. The Superintendent possesses all the powers, functions, rights and attributions, and is subject to all the duties and obligations conferred and imposed upon him by the various articles of this act.

Superintendent to comply with certain directions.

The Superintendent, in the exercise of his functions, is bound to comply with the directions of the Council of Public Instruction or with those of the Roman Catholic and Protestant Committee, as the case may be. R. S., 1885, 1886.

Delegation of powers by Superintendent.

41. In case the Superintendent is absent from the Province or in case of continued illness, he may delegate to one of the secretaries of the Department, the powers conferred upon him by law. R. S., 1887.

Superintendent depository of documents, &c.

42. The Superintendent is the depository of all documents relating to matters concerning the Department of Public Instruction, and he may deliver copies or extracts, on payment of the fee fixed by the Lieutenant-Governor in Council.

Authenticity of certain copies, &c.

Every document, whether an original or a copy, signed by the Superintendent or by one of the secretaries of the Department of Public Instruction, is authentic and is proof of its contents without it being necessary to prove the signature. R. S. 1863.

Retention of grant from municipality in certain cases.

43. The Superintendent may retain the grant of any municipality or educational institution which has not forwarded to him the returns prescribed by this act, which has adopted or allowed the use of any unauthorized text-books,

or which has refused or neglected to comply with any of the provisions of the law, or of the regulations respecting public instruction. R. S. 1929, 1959, 2026, § 9, 2041, 2075, § 6, 2183, 2184.

44. The Superintendent may hold or delegate his power to hold inquiries, the cost whereof, in case of non-payment he may recover from the party who has been condemned. If the inquiry is held upon the application of one or more rate-payers, the Superintendent may exact from the party applying therefor the deposit of a sum sufficient to cover the costs.

Holding of inquiries. Deposit, if held on application of rate-payers.

For the purposes of such inquiries, the Superintendent, or the person so delegated, may summon, swear and hear witnesses and the parties to the case, and compel them to produce all books, papers and documents connected with such inquiry. R. S., 1889, *in part, am.*

Powers during inquiry.

45. It is especially the duty of the Superintendent :

Duties :

1. To receive from the Provincial Treasurer and distribute, in conformity with the law, the grants intended for public schools, and all other educational institutions entitled thereto ; R. S. 1892, § 1, 2173, 2174, 2179, 2203.

To receive and distribute grants for public schools :
2. To prepare a detailed statement of the sums required for public instruction, which he shall submit annually to the Legislature ; R. S., 1891, *am.*

To prepare statement of sums required annually ;
3. To compile and publish statistics and information respecting educational institutions, public libraries, and art, literary and scientific societies, and in general respecting all subjects connected with literary and intellectual progress ; R. S., 1890.

To compile, &c., school statistics ;
4. To communicate annually to the Legislature a detailed statement upon the state of education in the Province, with statistics upon the number of schools and other educational institutions, the children attending the same and other matters connected therewith. These statistics shall be furnished to him, during the course of the month of July in each year, by the school commissioners and trustees and all educational institutions, in accordance with the forms for that purpose prepared by the Committee of the Council of Public Instruction of the religious belief of such schools or educational institutions ; R. S. 1890, *am.*

To communicate detailed statement annually to Legislature respecting state of education, &c. ;
5. To indicate in his annual report, to the Legislature, what has been done with the grants for education, during the period to which such report relates ; R. S. 1892, § 7.

To indicate in statement what has been done with grants ;
6. To keep books and statements in detail of every thing which is under his supervision and control, so as to be in a position to furnish to the Government and Legislature any required information ; R. S., 1892, § 4.

To keep books, &c. ;

- To verify, &c., accounts of persons, &c., accountable for public moneys ;
7. To verify and control the accounts of all persons, corporations or associations accountable for any public moneys appropriated and distributed under any provision of this act, and to report whether the said moneys were applied for the purposes for which they were granted ; R. S., 1892, § 5.
- To prepare, &c., recommendations, &c., for schools ;
8. To prepare and cause to be printed recommendations and advice on the management of schools, for school commissioners and trustees, and for secretary-treasurers and teachers ; R. S., 1892, § 3.
- To prepare, &c., forms ;
9. To prepare and cause to be printed and distributed all necessary forms. R. S. 1892 § 2.
- Other powers :
10. Further, he may, with the authorization of the Lieutenant-Governor in Council :
- (a) Establish and assist art, literary or scientific societies, museums or picture galleries founded by such societies, by the Government or by institutions receiving a government grant ;
- (b) Establish competitions and distribute diplomas, medals or other marks of distinction for scholastic, artistic, literary or scientific works ;
- (c) Establish schools for adults for the instruction of the working classes ;
- (d) In general, do everything that concerns the encouragement and advancement of public instruction, arts, letters and sciences. R. S. 1892, §§ 8b, 8c, 8d, 8e.
- Establishment of art societies, &c. ;
- Establishment of competitions, &c. ;
- Establishment of schools for adults ;
- Encouragement of education.

CHAPTER THIRD

COUNCIL OF PUBLIC INSTRUCTION AND COMMITTEES THEREOF

SECTION I

COUNCIL OF PUBLIC INSTRUCTION

46. The Council of Public Instruction is composed of Roman Catholic and Protestant members. In the performance of their duties the members are subject to the lawful orders and instructions given to them by the Lieutenant-Governor in Council.

The Council is divided into two committees, one composed of Roman Catholic members, and the other of Protestant members. R. S. 1893, 1894, 1896, *in part*.

47. The Roman Catholic Committee is composed of :
The Bishops, ordinaries or administrators of the Roman Catholic dioceses and apostolic vicariates, situated either in whole or in part in the Province, who are members *ex officio* ;

An equal number of Roman Catholic laymen who are appointed by the Lieutenant-Governor in Council during pleasure ;

2. The Protestant Committee is composed of :

Protestant
Committee.

A number of Protestant members, equal to the number of Roman Catholic lay members, who are also appointed by the Lieutenant-Governor in Council.

The Protestant Committee may associate with themselves six persons, and the Provincial Association of Protestant Teachers may, each year, at their annual meeting, elect one of their members to be also an associate member of the Protestant Committee for the following year.

Associate
members of
Protestant
Committee.

The persons so added shall not form part of the Council of Public Instruction, but shall have, in the Protestant Committee, the same powers as the members of such Committee.

Not to form
part of Council.

R. S., 1896, 1903, *in part*.

48. School questions, in which the interests of Roman Catholics and Protestants are collectively concerned, are under the jurisdiction of the Council of Public Instruction and shall be decided by it. R. S., 1910, *mod*.

School ques-
tions within
jurisdiction of
Council.

49. School questions, in which the interests of Roman Catholics or Protestants are exclusively concerned, are decided by that one of the two committees which represents the religious belief which the party concerned professes. R. S., 1911, *mod*.

School ques-
tions within
jurisdiction of
each commit-
tee.

50. The Superintendent of Public Instruction is President of the Council. R. S., 1888, 1895, *in part*.

President of
Council.

51. The two secretaries of the Department of Public Instruction are joint secretaries of the Council.

Secretaries of
Council.

They keep the accounts of the Council and enter the deliberations in a book kept for that purpose. R. S., 1897, *in part, mod*.

Accounts and
minutes to be
kept by them.

52. The expenses of the Council are paid by the Superintendent of Public Instruction out of the funds voted for that purpose by the Legislature. R. S., 1898, *am*.

Expenses of
Council how
paid.

SECTION II

COMMITTEES OF THE COUNCIL OF PUBLIC INSTRUCTION

53. Each of the two committees of the Council of Public Instruction has separate sittings. It appoints its chairman and its secretary. R. S., 1901, *in part*.

Meetings of
committees,
&c.

54. It is the duty of each committee to make regulations, subject to the approval of the Lieutenant-Governor in Coun-

Classification
of schools.

cil. to determine what constitutes an elementary school, a model school and an academy. R. S., 1912 § 3, *mod.*

Power to
make certain
regulations.

55. The Roman Catholic or Protestant committee, as the case may be, and as the provisions which concern them require, may, with the approval of the Lieutenant-Governor in Council, make regulations: R. S., 1912.

1. For the organization, administration and discipline of public schools. *Id.* § 3.

2. For the division of the Province into districts of inspection and for establishing the boundaries of such districts;

3. For the government of normal schools; *Id.* § 2, 2220.

4. For the government of boards of examiners; R. S., 1913.

5. For the examination of candidates for the office of school inspector; R. S., 1944, § 5.

6. For determining the holidays to be given in schools. R. S., 1878.

Approval of
text-books,
&c.

56. Each committee shall approve the text-books, maps, globes, models or other articles for use in the schools of its religious belief, and, when it deems it expedient, it may withdraw the approval it has given. R. S., 1927, *mod.*

Revocation of
teachers di-
plomas for
misconduct,
&c.

57. Each of the two committees may revoke the diploma of any teacher of its religious belief convicted of bad conduct, immorality, drunkenness, or grave neglect of duty, by proceeding in the following manner: R. S., 1915, *mod.*

Service of
charge upon
accused
teacher, with
notice to ap-
pear and what
to contain.

1. When a charge, in writing, is laid before a committee of the Council of Public Instruction, against any teacher by the school inspector or by one or more persons, the Superintendent of Public Instruction causes to be served, by a bailiff, upon the accused teacher, a copy of such charge or of such report, as well as an order to reply thereto within fifteen days by registered letter, or to appear before him at the Department of Public Instruction in Quebec, or in any other place indicated by him to declare whether he admits or denies the charges brought against him.

Proceedings
on appear-
ance.
Documents to
be submitted
to meeting.

If the teacher appear, the Superintendent shall then take his admission or denial which must be in writing; R. S. 1916.

Proceedings
by committee
thereon.

2. The Superintendent shall submit the above mentioned documents at the next meeting of the committee; R. S. 1917, *in part.*

3. If, after having taken communication thereof, the committee decide that an investigation should be held, it shall hear the witnesses, who shall be sworn by the chairman, or if it decide that an inquiry is not necessary, it dismisses the accusation; R. S., 1917, *in part.*

Submission of
complaint to
subcommit-
tee, &c.

4. The complaint and the documents connected therewith may be submitted to a special or permanent subcommittee

which shall have the same powers as the committee which named it; R. S., 1917, *in part*.

5. If the committee or the special or permanent subcommittee, as the case may be, decide that the investigation should be held in the locality of, or in the immediate neighborhood of the locality of the persons interested and of the witnesses, it may appoint one or more commissioners to take the evidence of witnesses; R. S., 1918.

Appointment of commissioners to take evidence in certain cases.

6. The appointment of these commissioners is signed by the secretary of the committee of the council of Public Instruction from which it emanates; R. S., 1919.

Signature to appointment of commissioners.

7. The said commissioner or commissioners shall give the parties a notice, of at least eight days, of the time at which they must appear; R. S., 1920, *in part*.

Notice to be given by commissioners.

8. The said commissioner or commissioners shall swear the witnesses, and the evidence shall be taken and afterwards transmitted by him or them to the secretary, who shall lay it before the committee; R. S., 1920, *in part*.

Power to swear witnesses, &c.

9. If the teacher do not appear, or if he neglect to answer the charge, the committee or subcommittee, as the case may be, shall proceed by default against him, and shall take the evidence, or cause it to be taken; R. S., 1921.

Proceedings by default.

10. If the charge be not proved, the committee shall dismiss it, and, if it be proved, the committee shall revoke the diploma of such teacher, and cause his name to be struck from the book containing the names of teachers; R. S., 1922.

Decision of committee. Revocation of diplomas.

11. The costs of the inquiry if not paid, may be recovered, by action at law, against the losing party, brought by the Superintendent of Public Instruction; R. S., 1923, *in part*.

Recovery of costs of inquiry.

12. The certificate of the said commissioners establishing the amount of these costs shall be sufficient proof of their being due; R. S., 1923, *in part*.

Certificate as to costs.

13. After the lapse of two years from the revocation of his diploma, any teacher who establishes to the satisfaction of the committee which revoked the diploma, that his conduct has been satisfactory, and that he has completely satisfied the judgment to which he has been condemned, may be relieved of the sentence and restored to his functions as teacher; R. S., 1924.

Proceedings by teacher to be reinstated.

14. A diploma may be revoked a second time for the causes above-mentioned; but such second revocation is irrevocable, and such teacher cannot thereafter exercise the functions of a teacher. R. S., 1925.

Second revocation.

Effect thereof.

54. Each of the two committees may also, for one of the causes mentioned in the preceding article, after observing, in so far as applicable, the formalities prescribed in the said article, hold or cause to be held an inquiry into the conduct of any inspector of schools, and after such inquiry shall, if there

Inquiry into conduct of school inspector.

be occasion, forward all the documents to the Lieutenant-Governor in Council, recommending the cancelling of his commission.

Cancelling of inspector's commission thereafter.

The Lieutenant-Governor in Council may then cancel such inspector's commission, and the inspector so dismissed cannot afterwards hold such office. R. S., 1926, *mod.*

Duty of secretary :

59. It shall be the duty of the secretary of each committee :

To keep minutes ;

1. To keep a record of the proceedings of his own particular committee in a register ;

To report to committee, &c., certain matters ;

2. To report to his own committee and to the Superintendent of Public Instruction all documents coming into his hands or matters within his notice, which lie within the jurisdiction of his particular committee :

To deposit correspondence, &c., in archives ;

3. To deposit, among the archives of the Department of Public Instruction, such record of proceedings, such correspondence and all documents in his possession ;

Enter names of persons receiving diplomas, &c.

4. Enter in a book kept for that purpose the name of each person who has received a diploma from a board of examiners or from a normal school, indicating the class and grade of the diploma and the language which the holder is authorized to teach, together with the date at which such diploma has been granted. R. S., 1902, 1912, § 6.

Power of committees to receive gifts, &c.

60. Each of the committees of the Council may receive by donation, legacy, or otherwise, by gratuitous title, money or other property, moveable or immoveable, which it may dispose of, in its discretion, for the purposes of education.

Each committee a corporation, &c.

Each committee constitutes a corporation for all the purposes for which it is authorized to acquire or to possess property in virtue of this act. R. S., 1936, *mod.*

Legacies made to council without indication of committee for which it was intended.

61. Every legacy made to the Council of Public Instruction, without indication by the testator of the committee for which he intended the same, shall be the property of the committee of the religion to which, at the time of his death, the testator belonged. R. S., 1937.

If testator neither Roman Catholic nor Protestant.

62. If the testator was neither a Roman Catholic nor a Protestant, the legacy shall be divided between the two committees, in the proportion of the Roman Catholic and Protestant populations of the Province. R. S., 1938.

Deposit of unexpended grants at end of fiscal year.

63. The sums of money granted to Roman Catholics or Protestants, for the purposes of public instruction, and not expended at the end of any fiscal year, shall be placed at the credit of the Superintendent of Public Instruction and paid by him, with the approval of the Lieutenant-Governor in Council, on the recommendation of the committee of the religious belief to which the said sums had been assigned.

The Superintendent shall every year furnish to the Legislature a statement of the amount of the said deposits, as well as of the sums withdrawn for each of the two committees. R. S., 1939, *am. and new.*

Statement of such to be furnished to Legislature.

SECTION III

PROVISIONS APPLICABLE TO THE COUNCIL OF PUBLIC INSTRUCTION AND TO THE TWO COMMITTEES

64. The Council of Public Instruction and each of the two committees may fix the date of their sessions, their quorum, and regulate the manner of proceeding at their meetings. R. S., 1900, 1901, *in part, mod.*, 1912, § 1.

Sessions, quorum and procedure of council and committees.

65. The president of the council and that of each committee have, on all questions, in case of a tie, a second or casting vote. R. S., 1907.

Casting vote of president.

66. Special meetings of the council and of each committee may be called by their president or the Superintendent. Such special meetings are called by a notice given, at least eight days before that fixed for the meeting, to each member thereof. R. S., 1899, 1904, *am.*

Calling of special meetings. Notice therefor.

67. When at least two members of the council or of one of the committees, in writing, require their president or the Superintendent to call a special meeting, he must convene such session in the manner prescribed by the preceding article. R. S., 1905, *am.*

Calling of meetings by two members.

68. Each Roman Catholic bishop, vicar apostolic, or administrator of a Roman Catholic diocese, if unable to be present at the meetings of the council, or at those of the committee of which he forms part, may appoint a delegate to represent him, and such delegate shall have all the rights of the person appointing him; and any other member may cause himself to be represented, for the same purposes and with the same effect, by one of his colleagues, who, in such case, may vote in his stead. R. S., 1908, *am. and new.*

Representation of absent members of committee or council.

69. The Council of Public Instruction and either committee may hold and cause to be held inquiries into all questions concerning education which come under their respective control. R. S., 1941, *am.*

Power to hold inquiries, &c.

70. The Council and each committee thereof may appoint subcommittees, or one or more delegates for the examination of all matters within their jurisdiction.

Appointment of delegates or subcommittees.

Such subcommittees or delegates shall report their proceedings to the council or to the committee which appointed them. R. S., 1909, *in part.*

Report to council or committee.

CHAPTER FOURTH

SCHOOL VISITORS

71. The Superintendent of Public Instruction is visitor of all schools in the Province. R. S., 1888, *in part, am.*

72. Any public school established in town or country, may be visited by the persons hereinafter mentioned, as often as they deem it requisite; but such persons shall visit only the schools of their own religious belief. R. S., 1950.

73. The following persons shall be school visitors for the whole Province:

(a.) Members of the two Committees of the Council of Public Instruction;

(b.) Judges of the Supreme Court, of the Court of Queen's Bench, and of the Superior Court, residing in the Province;

(c.) Members of the Federal Parliament, residing in the Province.

(d.) Members of the Legislature of Quebec;

(e.) The secretaries of the Department of Public Instruction;

(f.) The principals and the professors of normal schools.

School visitors in their own municipality.

2. The following persons shall be visitors only for the municipalities in which they reside:

(a.) Members of the Council of Arts and Manufactures;

(b.) The mayor and justices of the peace;

(c.) The colonels, lieutenant-colonels, majors, and senior captains of the militia. R. S., 1951, *am.*

Priests and ministers visit schools.

74. Roman Catholic priests and Protestant ministers may visit the schools of any school municipality or part of a school municipality in which they exercise their ministry. R. S., 1951, *am.*

Communication of school documents to visitors.

75. School visitors shall be entitled to have communication of the regulations and other documents relative to each school, and to obtain any information concerning it. R. S., 1954, *in part.*

CHAPTER FIFTH

SCHOOL INSPECTORS

Appointment of schools inspectors.

76. The Lieutenant-Governor in Council may appoint school inspectors for public schools, selected from the persons who are qualified within the terms of article 78 of this act,

whose salary shall not exceed twelve hundred dollars per annum. R. S., 1942, *in part*, 1948, *am.*

77. Every inspector for public schools shall reside within the limits of his district of inspection, at the discretion of the Superintendent of Public Instruction. Residence of school inspectors.

In the performance of his duties, each school inspector shall comply with the instructions given to him by the Superintendent of Public Instruction, and conform to the regulations adopted by the committee of the Council of Public Instruction of the religious belief to which he belongs. Inspectors to comply with instructions of Superintendent, &c.

He can hold no office under the control of the school commissioners or trustees of any municipality in his district of inspection. R. S., 1945, *in part*, *am.*, Not to hold office under commissioners in his district.

78. To be appointed school inspector, it is necessary : Qualifications of schools inspectors.

1. To have attained the age of at least twenty-five years ;
2. To have obtained a certificate or diploma for an academy or model school ;
3. To have taught school during at least five years ;
4. Not to have discontinued teaching for more than five years.

5. To have successfully passed an examination in accordance with the regulations upon this subject adopted by either committee of the Council of Public Instruction, as the case may be. R. S., 1944, *in part*.

79. The inspectors of Roman Catholic schools for the inspection district of Saguenay and the Magdalen Islands, and the inspectors of Protestant schools for the inspection district of Gaspé and the Magdalen Islands, may be exempted from the above prescribed formalities. R. S., 1944. *am.* Certain inspectors exempt from provisions of article 78.

80. The principal duties of inspectors of public schools are : Duties of school inspectors.

1. To visit the public schools of each school municipality in their district of inspection ;
2. To examine the registers of the school commissioners or trustees and the presence roll of the schools of each school municipality under their control ;
3. To examine the accounts of the secretary-treasurers of the school municipalities under their control, and to assure themselves whether the procedure prescribed by articles 332 and following of this act has been observed.
4. To ascertain whether the provisions of the school law and regulations are there carried out and obeyed ;
5. To conform to the provisions of the school law and regulations which concern them. R. S., 1942, *am.*

81. Any school inspector may oblige secretary-treasurers and teachers under his control, under a penalty of eight Inspection documents by inspector.

dollars for every refusal or neglect, to exhibit to him all the documents in their charge relating to their offices. R. S., 1946, *mod.*

May be sent to visit school's in another district.

82. Upon the order of the Superintendent of Public Instruction, any school inspector may visit the schools in a district of inspection other than his own. R. S., 1953, *in part, mod.*

Costs of inspection in certain cases.

83. Whenever an inspector is appointed by the Superintendent of Public Instruction to make an inspection, inquiry or investigation, unless such inspection, inquiry or investigation takes place at the time of his ordinary visit to the schools of the municipality, his travelling and other disbursements and any remuneration which the Superintendent of Public Instruction considers he should allow him, may be paid him. R. S., 1949, *am.*

CHAPTER SIXTH

CENTRAL BOARD OF EXAMINERS

Appointment of Central Boards of Examiners.

84. The Lieutenant-Governor in Council may, upon the recommendation of the Roman Catholic or Protestant Committee, as the case may be, constitute by proclamation a Roman Catholic Central Board of Examiners and a Protestant Central Board of Examiners for the examination of candidates of each of the two religious beliefs for teachers' diplomas.

Issue of diplomas by Central Board of Examiners.

This Board may issue diplomas valid for the elementary, model, academy and kindergarten schools under the control of the committee which recommended its appointment. R. S., 1966.

Composition of Board.

85. The Central Board of Examiners shall be composed of not less than five nor more than ten members, and a secretary, who are appointed by the Lieutenant-Governor in Council, upon the recommendation of the Roman Catholic or Protestant Committee, as the case may be.

President of Board.

It selects its president. R. S., 1967, *am.*

Government of Board.

86. The Central Board of Examiners is governed by the provisions of this act and the regulations of the committee which recommended its appointment.

Expenses of Board.
Salary of secretary.

The fees exacted from the candidates are employed in paying the expenses of the board, which shall fix the salary of its secretary. R. S., 1969, *in part, am.*

87. The Central Board of Examiners shall :

Duties of
Central
Board.

1. Prepare or cause to be prepared the examination questions upon the various subjects of the programme ;

2. Appoint deputy examiners to supervise the examination, and cause the questions to be submitted to the candidates to be sent to them ;

3. Make a careful examination of the answers given by the candidates and deliver, to those deserving the same, certificates of efficiency, which shall be signed by the president and secretary, and to which shall be affixed the seal of the Department of Public Instruction ;

4. Cause to be entered, in a register to be kept for the purpose, the names and surname of each teacher admitted, the class and degree of his diploma, the language or languages which such diploma gives the right to teach, and the standing obtained ;

5. Have a register in which the proceedings of each session are entered, which shall be signed by the president and the secretary ;

6. Cause to be registered, by its secretary, the certificates of age, morality and capacity which have been produced by the successful candidates ; and the secretary shall also prepare and address the diplomas and perform all the duties which his office requires.

7. Make use of the forms of diploma, which shall be supplied by the Superintendent of Public Instruction. R. S., 1962, §§ 7, 11, 12, 1968, *am.*

88. Candidates for the various diplomas must, previous to the examination, comply with the requirements of the programme which either committee of the Council of Public Instruction, as the case may be, may, from time to time, establish, with the approval of the Lieutenant-Governor in Council. R. S., 1913.

Duties of can-
didates for
examination.

89. The secretary of the Central Board of Examiners shall, during the sixty days following the examination, transmit to the Superintendent of Public Instruction a list of the candidates received, mentioning the class and degree of their diploma, the language or languages which it gives the right to teach and the standing obtained. R. S., 1962, § 10, *am.*

Duty of sec-
retary after
examination.

90. The Central Board of Examiners shall yearly send to the Superintendent of Public Instruction a detailed statement of the receipts and expenditure for each session. *New.*

Statement of
receipts, &c.,
to be sent to
Superintend-
ent annually.

91. The Superintendent of Public Instruction, or any person delegated by him, may examine the registers, books and all other documents of boards of examiners. *New.*

Examination
of register,
&c., by Su-
perintendent,
&c.

Duties may be modified by Lieutenant-Governor in Council.

92. The Lieutenant-Governor in Council may, upon the recommendation of either committee of the Council of Public Instruction, as the case may be, modify the details of the duties imposed upon boards of examiners. R. S., 1963, *in part*.

Teachers to hold diplomas.

93. Unless he has obtained a diploma in virtue of some provision of this act, every person, to be enabled to teach in any school under the control of school commissioners or trustees, must be provided with a diploma from a board of examiners, saving nevertheless, ministers and members of either sex of a religious corporation constituted for educational purposes, who are exempt.

Exception.

Power of Protestant Committee to withdraw privilege.

The Protestant Committee of the Council of Public Instruction may, however, by resolution, declare that the persons of its religious belief so exempted shall no longer enjoy such exemption; and after the date of such resolution the privilege granted by this article shall no longer exist for such persons. R. S., 1959, 1960, *am.*

TITLE SECOND

SCHOOL MUNICIPALITIES AND DISTRICTS—DISSENTIENTS—SCHOOL CORPORATIONS—SCHOOL COMMISSIONERS AND TRUSTEES—NOTICES—TRUSTEES OF DISSENTIENT SCHOOLS—SECRETARY-TREASURERS OF SCHOOL COMMISSIONERS AND TRUSTEES

CHAPTER FIRST

SCHOOL MUNICIPALITIES AND DISTRICTS

SECTION 1

SCHOOL MUNICIPALITIES

Each school municipality to contain one or more schools.

94. Each school municipality in the Province shall contain one or more public schools, under the control of school commissioners or trustees. R. S., 1970, *mod.*

Inhabitants to be under jurisdiction of school commissioners or trustees.

95. The inhabitants of each school municipality, unless otherwise provided by special statutes, are, for the purposes of this act, submitted to the jurisdiction of school commissioners or trustees elected or appointed for such municipality. R. S., 1972, *am.*

96. The Lieutenant-Governor in council may, at the request of the interested parties and upon the recommendation of the Superintendent of Public Instruction, erect school municipalities, divide such municipalities and alter the limits of those already existing. R. S., 1973, *in part, am.*

Power of Lieutenant-Governor, to erect, &c., school municipalities.

97. The erections, divisions, or alterations of the limits of school municipalities may apply only to the Roman Catholics or the Protestants, as the case may be, comprised within their territory. In such case, the notice to be given by the Superintendent of Public Instruction in the *Quebec Official Gazette*, as stated in the following article, shall make mention of the fact. R. S., 1973, *in part, am.*

Erections, &c., may apply to Roman Catholics or Protestants only. Notice in such case.

98. When the request for the erection, the division, or the alteration of the limits of a municipality is addressed to him, the Superintendent of Public Instruction shall so inform the corporations concerned, requiring them without delay to make their objections, if any they have, and, fifteen days after they have given this information, he shall, if the erection, division, or alteration prayed for seems to him to be expedient, publish a notice respecting such application in two consecutive numbers of the *Quebec Official Gazette*; but such alteration, division, or erection of a school municipality shall not apply to the dissentient minority existing in any municipality affected by the alteration, division, or erection unless the trustees have consented thereto. R. S., 1973, *in part, am.*

Duty of Superintendent when request for erection, &c., submitted to him to notify corporations concerned.

Notice if granted.

Not to apply to dissentient minority.

99. Erections or alterations of the limits or divisions of school municipalities cannot be granted until fifteen days after the last publication of the notice mentioned in the preceding article. They do not take effect until the first day of July following the date of the order in council granting them.

Delay before erection, &c., to be granted.

When to take effect.

Notice of such erections, alterations in the limits, or divisions of municipalities shall be published in the *Quebec Official Gazette*. R. S., 1971, 1973, *in part, am.*

Notice to be published

100. The Superintendent of Public Instruction may require that the costs incurred by the erection, alteration of the limits, or division of a municipality be guaranteed by the persons applying for the same. R. S., 1973, *in part, am.*

Security for costs to be incurred may be required.

101. The costs occasioned by the annexation of any territory to a school municipality are at the charge of the municipality to which such territory is annexed. R. S., 1973, *in part, am.*

Costs of annexation at whose charges.

102. The rate-payers, whose properties are detached from one municipality to form a new municipality or to be annexed

Taxes payable by rate-

payers whose properties are detached from one municipality. to another, are obliged to pay all special taxes that have been imposed in the municipality in which such properties were before the application made by them to be detached from the said municipality. *New.*

103. When a municipality is divided owing to the formation of a new municipality or the annexation of its territory to a municipality already existing, the debts or assets, as the case may be, are divided *pro rata* to the valuation of the real estate.

The same rule applies when the religious minority declares itself dissentient. *New.*

104. In the case of an erection of a new municipality, the rate-payers of the said municipality shall, upon the first Monday, or if that be impossible, upon one of the other judicial Mondays of the month of July following the publication of the notice of such erection in the *Quebec Official Gazette*, elect their school commissioners in the manner prescribed in articles 150 and following of this act. If not, such school commissioners are appointed by the Lieutenant-Governor in council, upon the recommendation of the Superintendent of Public Instruction. R. S., 1974.

105. When, by the erection of one or more municipalities, the municipality or the municipalities from which they have been detached cease to exist, or if one or more municipalities are abolished by their annexation to one or more neighboring municipalities, or by the union of two or more municipalities, the Superintendent of Public Instruction, if a demand be made upon him by five interested rate-payers during the six months which follow such annexations or abolitions of municipalities, or any other person appointed by him for that purpose, may enquire into the state of affairs of the abolished municipalities. R. S., 1975, *am.*

106. The person charged with the said inquiry shall give a notice of at least eight days to the school commissioners or trustees, as the case may be, of the old and new municipalities interested, of the place where and of the day and hour when the examination in question will be proceeded with, so that they may be present or be represented thereat.

For the purposes of the inquiry, the person holding it shall have all the powers conferred by article 44 of this act upon the Superintendent of Public Instruction himself. R. S., 1976, *in part.*

107. The Superintendent of Public Instruction, after having heard the interested parties, or upon the report of the person whom he has delegated in his stead for that purpose, shall give his decision, which shall have the effect of an

award of arbitrators, and shall be final and without appeal. R. S., 1976, *in part*.

108. Until the Superintendent of Public Instruction has made his award above-mentioned, the school municipalities interested shall remain in the same state, and the commissioners or trustees shall remain vested with the same rights and powers, as before the said abolition and annexation, as regards the management of the schools; but they cannot contract any new debt or obligation. R. S., 1977, *in part*.

Pending award school municipalities interested to remain in *status quo*.

109. If the Superintendent of Public Instruction decides that the school commissioners or trustees of the abolished municipality shall pay a part of their debts, or do anything whatever which requires the continuation of the existence of their school municipality, he shall expressly so declare it in his award. In such case, the school municipality or municipalities in question shall, for the purpose of carrying out the said award, continue to exist as if the abolition of such municipalities and annexation of its territory had never taken place, and may levy taxes until the said award shall be completely carried out, without prejudice to the right of the new school municipality or municipalities to levy and recover taxes, according to the provisions of the law, from the rate-payers under their control. R. S., 1977, *in part*.

Continuation of abolished municipality until award is carried out.

110. The school municipality or municipalities, which shall so continue their legal existence for the purpose of carrying out the said award, shall every year, on or before the first day of July, make a report to the Superintendent of Public Instruction of all that has been done in carrying out the award, until the Superintendent declares the award completely carried out.

Report by such school municipalities to Superintendent, &c., until he declares award carried out.

From the day of the publication of such declaration in the *Quebec Official Gazette*, such school municipality or municipalities shall cease to have any legal existence. R. S., 1978, *in part*.

Notice in *Quebec Official Gazette* and effect thereof.

111. The Superintendent of Public Instruction may, in the said award, order that the new school municipality or municipalities shall have the right to levy, upon the territory from which they have been detached, or upon the abolished municipality or municipalities, a special tax in addition to the ordinary school tax, during one or more years; and then the said tax so levied may be recovered at the same time and in the same manner, and with the same rights and privileges as the ordinary school taxes, whether the new school municipality or municipalities have or have not a special school law.

What Superintendent may order in award.

Proof in suits
for recovery
of tax.

In all proceedings for the recovery of such special tax, an extract from the award, with the certificate of the chairman of the school municipality interested, or of the clerk of the corporation charged with the collection, shall be proof of the existence of the tax in question. R. S., 1979.

SECTION 11

SCHOOL DISTRICTS

Division into
school dis-
tricts.

112. The school commissioners and trustees shall divide their respective municipalities into school districts which they shall designate by numbers.

Alteration of
limits, &c.

They may also, whenever they deem expedient, alter, by resolution, the limits of districts already existing and erect new ones or divide them. R. S., 1981, *in part*.

Certain mu-
nicipalities
need not be
divided.
If divisions
made may
be cancelled.

113. School commissioners or trustees need not divide into school districts the incorporated cities, towns or villages, erected into school municipalities. If such division has already taken place, they may, by resolution, annul it, in which case the whole of such school municipality shall form one school district. R. S., 1983, *mod.*

Description
of school dis-
trict to be
entered in
minutes.

114. A description of the limits assigned to each district shall be entered in the register of proceedings of the school board. R. S., 1981, *in part*.

District to
contain
twenty chil-
dren.
Exception.

115. To be established, a school district shall contain at least twenty children from five to sixteen years of age.

The commissioners or trustees may, for special reasons, however, establish one school district containing a smaller number of children. R. S., 1984, *mod.*

Size of dis-
tricts.
Exception.

116. No district shall exceed five miles in length or breadth, unless the school commissioners or trustees have provided means for the transport of the children to the school, in conformity with the provisions of article 118 of this act. R. S., 1981, *in part and new*.

A school to
be in each
district.
Proviso.

117. The school commissioners or trustees shall take care that there be, as far as possible, a school in each district; but they may, when they deem it necessary, unite two or more districts for the same school, and again separate them.

Superintend-
ent to be noti-
fied.

The Superintendent of Public Instruction shall, in either case, be notified of any such changes. R. S., 1982.

Conveyance
of pupils to
and from
school in cer-
tain cases.

118. When the commissioners or trustees unite two or more school districts to maintain one school, or when a district is too extended, they may make arrangements for

the conveyance to and from school of the pupils living at a distance. *New.*

119. The school commissioners or trustees may, with the authorization of the Superintendent of Public Instruction, build and maintain two or more school-houses in each district in their municipality. R. S., 2050, *mod.*

Two or more schools in one district.

120. Children domiciled in a district in which there is a school in operation cannot attend the school in another district in the municipality, except under special permission of the school commissioners or trustees, as the case may be. But any rate-payer in a district in which there is no school in operation, may send his children to the school in a neighboring district in the same municipality, upon payment of the monthly fee charged for children of the latter district. R. S., 2070; *am.*

Children to attend school in their own district.
Exception.

121. Any child may attend the model school or academy in his municipality. But no child resident outside the district in which such school is situated can attend the same if he has not the attainments required to follow the model or academy course. *New.*

Attendance at model school, &c.

122. Model schools, academies and girls' schools established in virtue of articles 272 and 273 of this act, are each considered as a school district. R. S., 2181, *in part.*

Certain schools to be considered as separate districts.

CHAPTER SECOND

DISSENTIENTS

123. In any school municipality, any number of proprietors, occupants, tenants or rate-payers professing a religious belief different from that of the majority of the rate-payers of such municipality, may give, to the chairman of the school commissioners, a notice in writing by which they inform him of their intention to withdraw from the control of the school commissioners in order to form a separate corporation under the administration of school trustees. R. S., 1985, *in part, mod.*

Declaration of dissent.

124. The notice of dissent shall be made in triplicate, and be, before the first of May, served upon the chairman of the commissioners or upon their secretary and upon the Superintendent of Public Instruction, and shall be signed by all the rate-payers who wish to be dissentients.

Notice to be in triplicate, &c., signed by all dissentients.

One copy of such notice shall be deposited and kept in the archives of the trustees. (*See Form No. 6.*) R. S., 1985, *in part, mod.*

Copy to be kept in archives of trustees.

When dissent takes effect.

125. The dissent shall take effect only on the first of July following the date of the service of the notice mentioned in the preceding article, except in the case of the erection of a new school municipality as provided in article 130 of this act. R. S., 1985, *in part*

After notice, *status quo* maintained until after annual elections.

126. When a notice of dissent is served in conformity with article 123 of this act the *status quo* is maintained until the ordinary time for the annual elections, and at that date the dissentients shall elect three trustees, following the method prescribed by articles 154 and following of this act. R. S. 1986, *in part*.

Organization, if minority become the majority.

127. When, in any municipality, the rate-payers who belong to the religious denomination of the dissentients become the majority, they may organize themselves as a corporation of school commissioners.

Notice for that purpose and service thereof.

For that purpose, they shall give a notice in triplicate, like the notice of dissent, which shall be served upon the chairman of the commissioners and upon the Superintendent of Public Instruction, on or before the first of May. (*See Form No. 8.*)

After notice, *status quo* maintained until after election.

The *status quo* is maintained up to the month of July following, and at that date an election is held in the usual way for the election of five school commissioners, either for all the rate-payers, if the former majority, which has become the minority, has not declared itself dissentient in accordance with the following article, or for the religious majority, if the minority has declared itself dissentient. R. S., 1987, *mod.*

Declaration of dissent by former majority.

128. When the dissentients have declared their intention of organizing themselves as a corporation of school commissioners, in accordance with the preceding article, the former majority, which has become the minority, may at once declare itself dissentient, by giving notice to the Superintendent of Public Instruction and to the chairman of the trustees. (*See Form No. 7.*)

When notice to be served.

The notice of dissent must, in such case, in order to have effect the same year, be served on or before the fifteenth of June.

Election of trustees.

In the month of July following, the new dissentients elect their school trustees in the usual manner.

If notice not served within prescribed delay.

If the notice of dissent is not served before the fifteenth of June, the minority is governed by the school commissioners until it declares itself dissentient, in the manner prescribed by articles 123 and following of this act. R. S., 1987a, *mod.*

Liability of dissentients for taxes.

129. Dissentients are not liable for any taxes or school-rates which may be imposed by the school commissioners,

except for the assessments for the then current year, or those for the building of any school-house previously contracted for, or for the payment of debts previously incurred, provided always, that such assessments are imposed within six months from the date of the receipt of the declaration of dissent. R. S., 1988, *in part*. Proviso.

130. In the case of newly organized municipalities, if the declaration of dissent be served upon the chairman of the school commissioners within thirty days after the organization of the school corporation, the dissentients shall not be liable for any taxes imposed by the school commissioners. Dissentients not liable for taxes in certain cases.

During the thirty days which follow the service of the declaration of dissent, the dissentients elect their trustees in the manner prescribed by article 150 and following of this act. R. S., 1988, *in part, am.* Election of trustees.

131. The dissentients in any municipality who, as such, form a school corporation may, upon their application, with the approval of the Superintendent of Public Instruction, unite with a neighboring school municipality of their religious belief, either completely or only for the purpose of sending their children to school. Dissentients may unite.

In the case of a complete union, the school funds of the dissentient municipality which applied for the union shall be remitted to the school municipality to which it has been united, and the territory comprised in such municipality shall form part of the municipality to which it has been united for all school purposes. Case of complete union.

If the union is only for the purpose of sending the children of dissentients to the schools of a neighboring school municipality, the school trustees of the municipality who have applied for the union, shall continue to collect the school taxes from the rate-payers bound to the payment thereof, but shall be bound to remit the amount to the school municipality to which they are united within sixty days after the taxes have become due and payable. If union for purpose of sending children to other city school only.

In both cases above-mentioned, there shall be but one rate of taxation for school purposes for the two municipalities. Rate of taxation in such case.

Such union may be cancelled by the Superintendent of Public Instruction upon the petition of either school municipality after twelve months' notice to that effect published in two consecutive numbers of the *Quebec Official Gazette*. R. S. 1989, *am.* Cancellation of union.

132. Any number whatever of the proprietors, occupants, tenants and rate-payers of a township or parish, divided into two or more school municipalities, professing a religion different from that of the majority of the said township or parish, Notice of dissent by proprietors &c., in township or parish divided into

two or more municipalities.

may dissent and maintain one or more dissentient schools situated in the said township or parish, by giving notice in writing to the chairman of the school commissioners of their respective municipalities according to the mode prescribed by article 124 and following of this act.

Election of trustees.

In the month of July following the date upon which the above mentioned notice was given such dissentients shall elect three school trustees.

Trustees to maintain school in such parish, &c.

The trustees shall maintain, under their immediate control, or subsidize a school of their own religious belief situated in the said township or parish. R. S., 1990, §§ 1, 2, *mod.*

In certain cases and with certain formalities, corporation of trustees may be declared extinct.

133. Whenever the trustees of a dissentient school municipality shall have been a year without schools, either in their own municipality or jointly with other school commissioners or trustees in an adjoining municipality, or when it is shown that they are taking no steps toward obtaining schools, the Superintendent of Public Instruction, after giving three consecutive notices in the *Quebec Official Gazette* to that effect, three months after the publication of the first of the said notices, may recommend the Lieutenant-Governor in Council to abolish the corporation of trustees of dissentient schools for such municipality. R. S., 1991, § 1.

Effect of such abolition.

134. When the abolition of a corporation of trustees is granted, a notice to that effect shall be published by the Superintendent of Public Instruction in the *Quebec Official Gazette*, and, after the publication of the said notice, the rate-payers who were, up to that time, under the control of the trustees, shall then be subject to all taxes levied by the school commissioners, and shall be further held to pay to the latter a sum equal to their share of all school taxes and assessments levied by the commissioners during all the time for which the said dissentient trustees had neglected to keep one or more schools in operation.

The publication of the notice in the *Quebec Official Gazette* is made at the expense of the school board that has applied for the dissolution of the dissentient school corporation. R. S., 1991, § 2, *am.*

Minority may, one year thereafter, again form new corporation.

135. One year after the publication in the *Quebec Official Gazette* of the notice of the dissolution of such dissentient school corporation, any number whatever of proprietors, tenants, occupants or rate-payers professing a religious faith other than that of the majority of the residents of such municipality may again form a new corporation as provided by the provisions of articles 123 and following of this act. R. S., 1992, *am.*

136. Whenever there is no dissentient school in a municipality, any resident head of a family professing a religious belief other than that of the majority of the residents in the said municipality, and having children of school age, may declare, in writing, to the chairman of the school commissioners, observing the formalities prescribed by article 123 and following of this act, that he intends to support a school in a neighboring municipality, provided that his children attend such school. R. S., 1993, *am.*

Contribution by dissentients to school in adjoining municipality.

137. From the first of July following the service of the declaration mentioned in the preceding article, such head of a family shall pay his taxes to the commissioners or trustees, by whom the school to which he contributes shall be maintained; but the reports of the school boards, under whose control such school is, shall make special mention of children belonging to such neighboring municipality, and such children shall not be taken into account in apportioning the school grants between the commissioners and trustees. R. S., 1993, *am.*

Payment of taxes in such case and how to be taken notice of.

138. Whenever, in any municipality, the dissentients are not sufficiently numerous in any district to establish a school, children from such district may attend another school in another district of their municipality of the same religious belief. R. S., 1995, *am.*

Children from other school districts may attend dissentient schools.

139. Any rate-payer professing a religion different to that of the majority of the inhabitants of any municipality, may become a dissentient, and any dissentient may, in like manner, declare his intention of ceasing to be a dissentient, by giving simultaneously to the chairmen of the school commissioners and trustees or to their secretaries, and to the Superintendent of Public Instruction, a notice to that effect before the first of May, subject, however, in either case to the restrictions of article 129 of this act. R. S., 1996, *in part, am.*

Members of religious minority may become or cease to be dissentients, on giving notice.

140. The receipt, by the chairman of the commissioners and by the chairman of the trustees or by their secretary, of the notice which must be made, in either of the cases mentioned in the preceding article, shall be sufficient to place the rate-payer serving such notice under the control of commissioners or trustees, as the case may be, from the first of July after the service of the notice of dissent or withdrawal thereof. R. S., 1996, *in part, am.*

Effect of receipt of declaration by chairman of commissioners or trustees.

CHAPTER THIRD

SCHOOL CORPORATIONS

School commissioners and trustees to be a corporation.

141. The school commissioners and trustees in each municipality shall be a corporation under the name of "The school commissioners (or trustees) for the municipality of _____ in the county of _____ (or in the counties of _____ if a municipality be situate partly in several counties.)

Succession

They shall have perpetual succession.

Rights and powers.

They may sue and be sued, and shall generally have the same powers which any other body politic and corporate has with regard to the purposes for which they were constituted. R. S., 2019, *mod.*

School corporation not to cease for want of school commissioners or trustees. Property, &c., how then held.

142. No school corporation shall cease by reason of the want of school commissioners or trustees; but when there are no longer any school commissioners or trustees, the powers of the corporation, as regards the possession of any property, moveable or immoveable, shall become vested, in trust, in the Superintendent of Public Instruction, or in his default, in the Lieutenant-Governor in Council, until a school board has been reorganized. R. S., 2034, *in part, am.*

Administrative acts to be made under resolution.

143. All administrative acts of school commissioners and trustees shall be made in virtue of resolutions adopted at regular sessions of their school board. *New.*

Powers, &c., of commissioners equally those of trustees.

144. Any powers conferred or any obligation imposed upon any school commissioners also apply to trustees of dissentient schools in reference to the school municipalities under their control. R. S., 1862.

CHAPTER FOURTH

SCHOOL COMMISSIONERS AND TRUSTEES

SECTION I

QUALIFICATIONS REQUIRED TO BE A SCHOOL COMMISSIONER OR TRUSTEE

Qualifications of school commissioners and trustees.

145. Every Roman Catholic *curé* or every minister of any other religious faith ministering in the school municipality, although not qualified with respect to property, and all male resident rate-payers, able to read and to write, qualified to vote under article 148 of this act, are eligible as school commissioners or trustees. R. S., 2006, *in part, am.*; 55-56 V., c. 35, s. 1.

146. In any municipality in which there is a corporation of school trustees, individuals of the minority, who have declared themselves to be dissentient, shall not be elected as school commissioners; and those of the majority shall not be elected as school trustees. R. S., 2006, *mod*; 55-56 V., c. 35, s. 1. Dissentients not to be elected commissioners, &c.

147. No person holding an office to which he has been appointed by a school board in virtue of this act, nor one who has a contract for such corporation, nor one who is in the condition provided for by article 313 of this act, shall be a member of such school board. R. S., 2007, *am*. Persons who cannot become members of school boards.

SECTION II

QUALIFICATIONS REQUIRED TO BE AN ELECTOR

148. To have a right to vote at any election of school commissioners or trustees, it is necessary to be proprietor of real estate, or to be proprietor of the buildings only upon a lot of land belonging to another, to be entered as such upon the valuation roll, and to have paid all school contributions. R. S., 2005, *in part, am*. Who may vote.

2. In any municipality in which there is a corporation of school trustees, individuals of the minority who have declared themselves to be dissentient, shall not vote at the election of school commissioners; and those of the majority shall not vote at the election of school trustees. R. S., 2006, *part*. Dissentients not to vote at elections of school commissioners, &c.

149. Whoever votes without having the qualifications required to be an elector, incurs a penalty of twenty dollars. R. S., 2005, *in part, am*. Penalty for voting when not qualified.

SECTION III

MEETING FOR THE ELECTION OF SCHOOL COMMISSIONERS AND TRUSTEES

150. Unless otherwise provided by some special provision of this act, on the first juridical Monday in July in each year, there shall be held in each municipality for the election of school commissioners or trustees a general meeting of all the rate-payers qualified to vote at an election of school commissioners or trustees. R. S., 1997, *in part, am*. Annual meeting for election of school commissioners or trustees.

151. The secretary-treasurer of the school commissioners or trustees shall be bound to convene the annual meeting or any special meeting for the election of commissioners or trustees by public notice given in the manner prescribed by articles 277 and following of this act, seven clear days at least before the day fixed for the meeting; in case he neglects so to do, he is liable to a fine of not less than five dollars nor more than twenty dollars. Secretary-treasurer to convene meeting for election.

Hour and place of meeting to be indicated in notice.

Such meetings shall be convened for ten of the clock in the morning at a central place in the municipality, which shall be indicated in the notice of convocation given for that purpose. (*See Form 3.*) R. S., 1997, 1999, 2003, *in part, am.*

Chairman to act in case of absence, &c., of secretary-treasurer.

152. In the case of an annual meeting, if there be no secretary-treasurer or if he be absent from the municipality or incapable of acting, the meeting shall be convened by the chairman of the school commissioners or trustees, and in default of either, by the senior member of the school board. R. S., 1999, *in part.*

Chairman of meeting.

153. The chairman of each annual meeting for the election of school commissioners or trustees shall be chosen from among the rate-payers of the school municipality, able to read and write, and appointed for that purpose by a resolution of the commissioners or trustees, as the case may be. He may be chosen from the members of the school board who do not go out of office that year.

Secretary-treasurer to act in certain cases.

If the appointment of a presiding officer has not been made, or if the person appointed to perform this duty is absent or unable to act, the secretary-treasurer of the school board shall preside over the meeting. R. S., 2001, *mod.*

Election of five commissioners or three trustees at meeting, &c.

154. At the meeting above-mentioned, the rate-payers, qualified to vote in virtue of article 148 of this act, shall elect five school commissioners or three school trustees, as the case may be, who are able to read and write, or the number of commissioners or trustees necessary to fill the vacancies caused by the retirement of such commissioners or trustees who are to go or have gone out of office. R. S., 2004, *in part, am.*

If meeting not held on first Monday in July.

155. When the annual general meeting for the election of school commissioners or trustees cannot be held on the first juridical Monday in July, such meeting and election may be postponed to any juridical Monday in the same month, by observing the same formalities. R. S. 1998.

Convocation of first meeting.

156. If the meeting be the first held in the municipality for the election of a board of school commissioners or trustees, it shall be convened by a resident justice of the peace, or, in default of a justice of the peace, by any three proprietors of real estate, by observing the formalities prescribed by article 151 of this act. R. S. 2000.

Chairman of first meeting.

157. The first meeting for the election of school commissioners or trustees is presided over by a rate-payer of the municipality, able to read and write, selected by those who compose the meeting. R. S. 2001, *in part.*

SECTION IV

ELECTION OF SCHOOL COMMISSIONERS AND TRUSTEES

158. The presiding officer, after having opened the meeting, requests the electors present to propose those persons whom they wish chosen as school commissioners or trustees. After opening of meeting nominations called for.

He is bound to nominate as candidates the names of all persons submitted to him, whether verbally or in writing, by at least two electors present. R. S., 2002, § 1 *and part* § 2. Presiding officer bound to accept nominations.

159. No one can be nominated for election unless, at the time, his name and surname, as well as the names and surnames of the electors who propose him, are given. R. S., 2002, § 2, *in part*. How nominations are made.

160. The nomination of candidates shall take place during the first hour after the opening of the meeting. *New.* When to be made.

161. One hour after the opening of the meeting, the chairman proclaims elected the candidate or those of the candidates who are unopposed, and when two or more candidates are proposed in opposition, he proceeds without delay to the registration of the votes of the electors. R. S., 2002, §§ 3, 4 *in part, mod.* After first hour, chairman to proclaim elected those who are unopposed, and proceeds with election for the others.

162. When voting takes place, the chairman shall enter or cause to be entered, in a register kept for that purpose, and in the order in which they are given, the votes of the electors, indicating the names and qualities of each. R. S., 2002, § 6. If voting takes place, votes to be entered in book.

163. Each page of the poll-book shall be numbered in writing and initialed by the person presiding over the election. R. S., 2002, § 10. Pages of book to be numbered, &c.

164. Every elector may vote for as many candidates as there are school commissioners or trustees to be elected in the municipality. R. S., 2002, § 7. Number of votes of each elector.

165. Any person tendering his vote must make the following declaration before the presiding officer, if required so to do by him, by any elector, by any candidate, or by the representative of any candidate : If required, elector must take oath.

“ I swear (*or affirm*) that I am qualified to vote at this election, that I am at least twenty-one years of age, that I have paid all school taxes due by me, and that I have not already voted at this election : So help me God.”

If he refuses, his vote must be refused, &c. If such elector refuse to take such oath, his vote must be refused and he cannot again present himself to vote at the election. R. S., 2002, § 8, *am. and new.*

Entry in poll-book in case oath has been taken, &c. **166.** If an elector take the required oath, or refuse to take the same, or if objection be made to his vote, mention of each of these facts must be made in the poll book, in the following terms: "Sworn," "Refused," or "Objected to," as the case may be. R. S., 2002, § 11.

Appointment of interpreter. **167.** Whenever the presiding officer does not understand the language spoken by one or more of the electors, he must appoint an interpreter, who before acting as such takes the following oath before the said presiding officer:

Oath. "I swear (*or affirm*) that I will faithfully translate the oaths, declarations, affirmations, questions and answers which the presiding officer shall require me to translate respecting this election: So help me God." R. S., 2002, § 9.

Close of election if one hour have elapsed without any votes. Proviso. **168.** If, at any time after the votes have commenced to be polled, one hour elapses without any votes having been polled, the presiding officer must close the election. Nevertheless, if a declaration under oath is given to the presiding officer that an elector has been prevented from approaching the poll by violence, the election cannot be closed until the expiration of one hour after such violence has ceased. M. C., 324.

Vote of presiding officer in case of tie. **169.** In case of an equal division of votes in favor of two or more of the candidates, the presiding officer is bound to vote immediately for one or other candidate, under a penalty of not less than twenty or more than fifty dollars. R. S., 2002, § 13.

Certificate of number of votes given to be made at close of election, &c. **170.** At the close of the election, which shall be at five o'clock in the afternoon, except in the case provided for by article 168 of this act, the presiding officer must certify, under his signature, on the poll-book, the total number of votes entered, from the first to the last entry in the book, and also the total number of votes given for each of the candidates, and then he declares such of the candidates as have obtained the largest number of votes duly elected. R. S., 2002, §§ 12, 14, 2003.

Commissioners & trustees when elected bound to serve. Proviso. **171.** The school commissioner or the trustee so elected is bound to accept office and cannot retire before the expiration of his term. Nevertheless members of the Roman Catholic or Protestant clergy, persons over sixty years of age, and all who have been commissioners or trustees within

four years, may refuse to accept office, or, having accepted, may afterwards resign. R. S., 2004, 2008 *in part, am.*

172. The officer presiding over any general meeting for the election of school commissioners or trustees shall, within eight days thereafter, under a penalty of five dollars for failure so to do, notify in writing the school commissioners or trustees elected, and make a report to the Superintendent of Public Instruction mentioning the date and the place at which the meeting was held and the names of the persons elected. R. S., 2009, *mod.*

Notification to be given to those elected and report to Superintendent. Penalty for default.

173. If the meeting for the election of school commissioners or trustees has not been held, or if, having been held, there has been no election, the secretary-treasurer shall within the same delay so inform the Superintendent of Public Instruction, under the same penalties. *New.*

Superintendent to be notified if election not held, &c.

174. For the municipalities in which no election of commissioners or trustees has taken place within the time prescribed by law, the Lieutenant-Governor in Council may, upon the recommendation of the Superintendent of Public Instruction, appoint the school commissioners or trustees required. R. S., 2016.

Appointment of school commissioners in default of election.

SECTION V

TERM OF OFFICE OF SCHOOL COMMISSIONERS AND TRUSTEES

175. Except in the cases specified in the following article, and in article 198 of this act, school commissioners and trustees shall remain in office for three years. R. S., 2017, *in part.*

Term of office of school commissioners, &c.

176. School commissioners or trustees, forming part of the first board elected, or appointed by the Lieutenant-Governor in Council after the erection of a school municipality, are replaced in the following manner: Two of them in the case of commissioners, and one in the case of trustees, determined by lot, shall retire from office at the end of the first year, and from amongst those who have not been replaced, two of them for commissioners, and one of them for trustees, determined in the same manner, at the end of the second year, and the remaining commissioner or trustee, at the end of the third year.

Retiring of school commissioners or trustees, by drawing lots.

The chairman shall be liable, in common with the other school commissioners, to go out of office, if so determined by lot. Chairman.

The drawing of lots must be held by the secretary-treasurer at a regular meeting of the commissioners or trustees, at least eight days before the publication of the notice to be

How lots to be drawn.

given for convening the meeting for the election. R. S., 2017, *in part, and new.*

Replacing of schools commissioners, &c.

177. Commissioners and trustees going out of office shall be replaced by election, and in default of an election by the Lieutenant-Governor in Council upon the recommendation of the Superintendent of Public Instruction. R. S., 2018.

SECTION VI

CONTESTATIONS OF ELECTIONS OF SCHOOL COMMISSIONERS AND TRUSTEES

By whom and for what reasons elections of school commissioners may be contested.

178. Any election of school commissioner or trustee may be contested by any candidate or by five electors, when it has been carried by violence, corruption or fraud, or by the votes of persons who have voted without being qualified as electors on the ground of disability, or on the ground of the non-observance of the formalities required. R. S., 2015, § 1, *am.*

Before what court taken, &c.

179. The examination and decision of a contestation of an election of school commissioner or trustee is vested in the circuit court of the district or county, or in the magistrate's court of the county, in which the municipality is situated, to the exclusion of every other court. R. S., 2015, § 2.

Petition in contestation and what to contain.

180. The contestation is brought before the court by a petition in which are set forth the facts and reasons alleged in support of the contestation.

May indicate persons having right of office.

The parties interested may also, in their petition, indicate the persons who have a right to the office in question and state the facts necessary to establish such right.

How presented.

Such petition is presented in open court, together with the returns of the preliminary services. R. S., 2015, §§ 3, 8.

Service of copy of petition with notice.

181. A copy of the petition mentioned in the preceding article, with a notice stating the day on which the petition will be presented to the court, is served upon every school commissioner or trustee whose election is contested, within fifteen days from the date of such election; otherwise the right of contesting is forfeited.

Time for presenting petition.

No such petition can be presented or received after the close of the first term of the court next following the day when the controverted election was held.

Delay extended.

Nevertheless, if the election was held within the thirty days preceding such first term, the petition may be presented on the first day of the following term. R. S., 2015, §§ 4, 5.

Security for costs to be given.

182. The petitioners in the contestation of the election must give security for the costs at least ten days before the

petition is presented to the court; otherwise such petition cannot be received. R. S., 2015, § 6.

183. The security required by the foregoing article is given before the clerk of the court. R. S. 2015, § 7, *in part*. Before whom given.

184. The sureties must be owners of real estate of the value of at least two hundred dollars, over and above any incumbrances there may be on such property. Sureties to justify on real estate to certain value.

One surety suffices, provided he is an owner of real estate of the required value. R. S., 2015, § 7, *in part*. One suffices in certain cases.

185. If, after having heard the parties, the court is of opinion that the grounds set forth in the petition are sufficient in law to have the election declared null, it orders proof to be adduced and the parties interested to be heard on a day in term. R. S., 2016, § 9. If facts alleged sufficient to annul election, court orders proof.

186. The court proceeds in a summary manner to hear and decide the contestation. R. S., 2015, § 10, *in part*. Proceedings summary.

187. The evidence may be taken orally or in writing, in whole or in part, as the court shall order. R. S., 2015, § 10, *in part*. Evidence how taken.

188. The court by its judgment may confirm or annul the election, or declare another person duly elected. R. S., 2015, § 11. Judgment.

189. The court may condemn either party to pay the costs of the contestation; and such costs are taxed and are recoverable as well against the parties to the suit as against their sureties. R. S., 2015, § 12, *in part*. Costs. Taxation and recovery of costs.

190. The judgment of the court, in so far as regards the costs, is executory against the sureties, fifteen days after a copy thereof has been served upon them. R. S., 2015, § 12, *in part*. When judgment executory against sureties for costs.

191. The court may order that its judgment be served at the expense of the party against whom the judgment has been rendered, upon any person to whom it may deem it proper to communicate it. R. S., 2015, § 13. Service of judgment.

192. If the trial of the contestation of the election is not concluded at the close of the term of the court during which the petition was presented, the sitting judge must continue it without interruption out of term and during the vacation, adjourning from day to day until he delivers his final judgment upon the merits of such contestation. R. S., 2015, § 14. Case to be continued during vacation.

If election annulled without stating who is to fill office, judgment to provide for new election, &c.

Delay for election.

193. If the court by its judgment annuls the election of the commissioners or trustees or any one of them, without stating who should fill such offices, the court must in such judgment order a new election to replace those whose elections are so annulled, name for that purpose a person to preside at such election, and fix the day and hour for the meeting at which the election is to be held.

Such day must not be sooner than fifteen nor later than twenty days from the date of the judgment. R. S., 2015, § 15.

Notice of such election how given.

194. The election which is held by order of the court must be announced by public notice given by the chairman of the commissioners or trustees, or, if there be no chairman in office, or if he be the commissioner or trustee whose election has been annulled, by the secretary-treasurer.

By whom given in certain cases.

If there be neither a chairman nor a secretary-treasurer, the notice is given by a justice of the peace, residing in the municipality or, in default of a justice of the peace, by three proprietors of real estate, as soon as a copy of the judgment has been served upon them. R. S., 2015, § 16, *in part*.

Effect of want of notice.

195. The omission of the notice prescribed by the preceding article prevents a meeting of the electors from being held, and renders the persons, whose duty it is to give it, subject to a penalty of not less than five or more than twenty dollars. R. S., 2015, § 16, *in part*.

Penalty.

Who to preside.

196. In default of the person appointed by the court, the election is presided over by the secretary-treasurer, and, in default of that officer, by a rate-payer of the municipality, able to read and write, selected by the rate-payers present at the meeting.

Election how held.

The election is held and conducted in conformity with the rules and formalities prescribed in articles 150 and following of this act. M. C., 363, *in part*.

Powers and term of office of commissioners, &c., so elected.

197. The commissioners and trustees elected at the election mentioned in the preceding article are vested with the same rights and are subject to the same obligations and penalties as those appointed at general elections, and remain in office only for the time for which the persons whose elections have been set aside were appointed. M. C., 363, *mot.*

SECTION VII

REPLACING SCHOOL COMMISSIONERS AND TRUSTEES WHEN VACANCIES OCCUR DURING THEIR TERM OF OFFICE

Vacancies in boards how filled and

198. In case of death, change of domicile, lack of qualification, refusal to accept office when the law authorizes such

refusal, resignation legally given, or in case of incapacity, during three consecutive months, by reason of absence or sickness, school commissioners or trustees are replaced by the school commissioners or trustees remaining in office, within the thirty days next after the date upon which the vacancy occurred.

within what delay.

The secretary of the school board in which such appointment is made shall notify the Superintendent of Public Instruction within fifteen days after the same is made. R. S., 2010, *am. and new.*

Superintendent to be notified.

199. Whenever the replacing mentioned in the preceding article has not been effected within the prescribed delay, the Lieutenant-Governor in Council may, upon the recommendation of the Superintendent of Public Instruction, appoint a school commissioner or trustee, as the case may be, to fill such vacancy. R. S., 2011, *am.*

Appointment by Lieutenant-Governor.

200. A school commissioner or a trustee who has been appointed by the school board under article 198 of this act, or by the Lieutenant-Governor in Council, to fill any vacancy ceases to hold office at the date when the term of the person whom he replaces would have expired. M. C., 116.

Term of office of replacing commissioner, &c.

201. When school commissioners or trustees are prevented from performing their duties owing to sickness, no election or appointment to fill the said office shall take place, unless such incapacity has been established by the certificate of a physician, sworn to before a justice of the peace, deposited with the secretary-treasurer of the school board.

Provision in case of sickness. How sickness is to be established.

The vacancy arising from such incapacity shall date from the day of the deposit of such certificate with the secretary-treasurer. R. S., 2012.

Date of vacancy.

SECTION VIII

MEETINGS OF SCHOOL BOARDS

202. On the first Monday following the organization of a school municipality, and, in subsequent years, on the first Monday following the notice of the election of school commissioners or trustees who, in the month of July each year, replace retiring members on the school board, or when no election has been held on the first Monday following the notice given to those appointed by the Lieutenant-Governor in council, the school commissioners or trustees shall meet to elect their chairman, who shall remain in office until the appointment of a successor.

Meeting of school board for election of their chairman, when to be held.

At such meeting also, if necessary, the secretary-treasurer must be engaged.

Secretary-treasurer.

If such meeting cannot be held on the day fixed, it may be held on any day of the same week. R. S., 2020, §§ 1, 3, *am., and new.*

If meeting not then held.

Who presides until chairman is elected.

203. Until the appointment of the chairman for the current school year, the first session of the school commissioners or trustees is presided over by one of them. R. S., 2020, § 4, *am.*

Appointment of chairman by Lieutenant-Governor.

204. If the appointment of a chairman has not been made at the first meeting of the school board or within fifteen days thereafter, it may be made by the Lieutenant-Governor, on the recommendation of the Superintendent of Public Instruction. M. C., 332.

Absence of chairman.

205. In case of the absence of the chairman, the school commissioners or trustees shall name one of themselves as chairman for the time being, who shall then be vested with the same powers and be subject to the same obligations as the ordinary chairman. R. S., 2021.

Convocation of meetings.

206. The chairman may call meetings of the school board by a notice in writing signed by the secretary-treasurer, which shall be given at least two days before the time fixed for such meetings. (*See form No. 9.*) R. S., 2022, *am.*

If all members present, omission of formalities in convening not to be pleaded.

207. The omission of the necessary formalities for the convening of a meeting of school commissioners or trustees cannot be pleaded when all the members present in the municipality have actually attended. *New.*

Who may require calling of meeting.

208. Two commissioners, one trustee or five rate-payers, may, by written notice, require the chairman or, in his default, the secretary-treasurer of their respective school boards to convene such meeting.

Duty of chairman, &c. Penalty for neglect.

The chairman and secretary-treasurer, so notified, shall thereupon be obliged to convene such meeting under penalty of a fine of ten dollars. R. S., 2023, *am.*

Meetings to be public. Proviso.

209. The meetings of school commissioners and trustees are public; but the commissioners or trustees may refer to a committee, whose meetings shall be private, all complaints made against teachers or pupils, applications for employment or any other subject of a personal nature. R. S., 2024, *in part and new.*

Meetings may be held in neighbouring municipality. Proviso.

210. School commissioners or trustees may, by resolution to that effect, fix a place for their meetings in a neighbouring school municipality or in an adjacent city, town or village; but in no case shall such meetings be held in a hotel or other place where spirituous liquors are retailed. R. S., 2024, *in part.*

Meetings on non-judicial days.

211. Meetings of school commissioners and trustees may be held on non-judicial days. *New.*

212. At meetings of school commissioners or trustees all questions shall be decided by the majority of votes of the members present. It is not necessary that proposed resolutions be seconded. The officer presiding shall vote upon each question, and in case of a tie is always obliged to give a casting vote. R. S., 2025, *and new.*

Decision of questions.
 Seconded n required.
 Presiding officer's vote.

213. The minutes of each meeting shall be entered in the register of proceedings of the school board known as the "Minutes of Proceedings." After having been read and approved at the beginning of the following meeting, they are signed by the person presiding and countersigned by the secretary-treasurer. (*See Form No. 10.*) R. S., 2096, 2097, *mod.*

Entry of minutes.
 Name of book.
 Signature by certain officers at next meeting.

214. Whenever a by-law or a resolution of the school commissioners or trustees is amended or repealed, mention must be made thereof in the margin of the minutes of proceedings, opposite such by-law or resolution, together with the date of its amendment or repeal. R. S., 2098, *mod.*

Entry of repeal, &c., of by-laws in minutes opposite original entry thereof.

SECTION IX

POWERS AND DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING THE MANAGEMENT OF SCHOOLS

- 215.** It is the duty of school commissioners and trustees :
1. To engage teachers duly qualified to teach in the schools under their control ;
 2. After mature deliberation at a meeting called for that purpose, to cancel the engagements of teachers on account of incapacity, negligence in the performance of their duties, insubordination, misconduct or immorality ;
 3. To take the measures necessary to insure that the course of study authorized by the Roman Catholic or Protestant Committee, as the case may be, shall be followed in each school ;
 4. To require that no books be used in the schools under their control other than those authorized, which must be the same for all schools in the municipality ; the *curé* or the priest in charge of the Roman Catholic Church, however, has exclusive right to choose the school books having reference to religion and morals, for the use of pupils of his religious belief, and the Protestant Committee has the same powers respecting Protestant pupils ;
 5. To make regulations for the management of their schools, and to communicate them in writing to the teachers under their control ;
 6. To fix the time of the annual public examination, and to attend the same ;
- Duties respecting :
 Engagement of qualified teachers ;
 Canceling engagements ;
 Course of study ;
 School books ;
 Religious books.
 Regulations for schools, &c ;
 Examinations ;

- Hygiene in schools, &c : 7. To make and carry out regulations respecting hygiene in schools, provided such regulations are not contrary to those of the central board of health ;
- Visitors, &c : 8. To name two or more from among themselves to visit each school under their control at least once every six months, and to report to the corporation of which they are members the state of the school, and whether their regulations are strictly observed, also the progress of the scholars, the character and capacity of the teachers, and every other matter relating to the management of the schools ;
- Accounts, &c. 9. To comply, as regards the accounts and register kept by their secretary-treasurer, with all instructions, whether special or general given them by the Superintendent of Public Instruction ;
- Annual report : 10. To cause to be made each year, before the fifteenth of July, a report to the Superintendent of Public Instruction upon a form which he shall furnish them.
- Minutes : 11. To keep a register in which are entered the minutes of their meetings, which are signed by the chairman and by the secretary-treasurer, in accordance with the provisions of article 213 of this act ; (*See Form No. 10*)
- Accounts : 12. To keep books of account in the manner and form indicated by the Superintendent of Public Instruction ;
- Disputes between parents or pupils, and teachers : 13. To settle all disputes arising in relation to the schools in their municipality between the parents or children and the teachers ;
- Dismissal of pupils : 14. To dismiss from the school any pupil who is habitually insubordinate or whose conduct is immoral either in word or deed ;
- Books for poor children, &c. : 15. To furnish, if necessary, text-books to indigent children attending the schools under their control, the books being paid for from the funds of the municipality ;
- Payment of teachers. 16. To pay their teachers at the end of each month of teaching. R. S. 2026, *am.* ; 2040, *mod.*

SECTION X

DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING TEACHERS

- Term of engagement of teachers. **216.** The engagement of a teacher shall be for the term of a school year, or to complete a year already begun, or for more than one school year in special cases approved by the Superintendent of Public Instruction. R. S., 2027, *in part, am.*
- To be in writing, &c. **217.** The engagement is made in writing in virtue of a resolution adopted by the school board. R. S., 2026, § 1, *mod.*
- Form of deed. **218.** The deed of engagement may be drawn up according to form No. 19 of this act. R. S., 2027, *in part.*

219. In the deed of engagement the school board is represented by its chairman or on his absence by the secretary-treasurer. *New.* Who represents school board in deed

220. Engagements of teachers are made in triplicate. Engagements in triplicate. How copies are disposed of.
A copy is sent to the Superintendent of Public Instruction within fifteen days next after its completion, another is given to the teacher, and the third is deposited in the archives of the school board. *New.*

221. When a teacher has not reached the age of majority, his engagement is nevertheless valid for all purposes, and he may sue and be sued for any purpose connected with such engagement, as if he had attained his majority. *New.* Engagement of teachers under age.

222. Excepting in the cases specified in article 93 of this act, or in the regulations of the committee of the Council of Public Instruction, school commissioners or trustees shall employ as teachers only those who are provided with diplomas, on pain of losing their share of the Government grant. R. S., 1959, *mod.* What teachers to be employed.

223. School commissioners and trustees, after having decided by resolution at a regular meeting not to reengage for the following year a teacher already in their service, shall, before the first of May preceding the expiration of the engagement of such teacher, notify him in writing of their intention to terminate the said engagement. (*See Form No. 20.*) R. S., 2028, *in part, am.* Notification to teacher who is not to be reengaged.

224. Teachers who have not received the notification mentioned in the preceding article shall be deemed to be re-engaged for the following school year, for the same school and upon the same terms, unless one of the causes specified in paragraph 2 of article 215 of this act may be invoked against him. R. S., 2028, *in part, am.* If not given.

225. In the notification given to teachers informing them that their services will not be required for the following year, the school commissioners and trustees are not bound to state the reason for their decision. *New.* No reason need be given in notice.

226. All notices given collectively or simultaneously to teachers by commissioners or trustees and all agreements made with them, with the view of evading the provisions of the school law or regulations, are null. Collective, &c. notices void.

But the commissioners or trustees may, by one resolution, declare that the services of several of their teachers are not required for the following school year. R. S., 2029, *am.* Provido as to resolution.

Notification to be given by teacher.

227. Every teacher, who does not intend to continue his engagement for the following year, must give notice of his intention to the school commissioners or trustees, as the case may be, before the first of May preceding the expiration of his engagement. R. S., 2030, *am.*

Teachers need not be employed who do not suit.

228. Except in the case provided for in article 224 of this act, school commissioners or trustees shall not be obliged to employ a teacher who does not suit them. R. S., 2027, *in part.*

SECTION XI

DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING SCHOOL PROPERTY

Duties :

229. It is the duty of the school commissioners or trustees in each municipality :

To administer property :

1. To administer any moveable and immoveable property belonging to their school corporation in virtue of any title whatsoever ;

To acquire property :

2. To acquire and hold for the corporation all moveable or immoveable property, moneys or income, and to apply the same for the purposes for which they are intended ;

To acquire, &c., school sites, &c., build school-houses ;

3. To select and acquire the land necessary for school sites, to build, to repair, to keep in order all school-houses and their dependencies, to purchase or repair school furniture, to lease temporarily or accept the gratuitous use of houses and other buildings, fulfilling the conditions required by the regulations of the committees, for the purpose of keeping school therein ;

To appoint managers :

4. To associate with themselves, permanently, or for a time only, managers to aid them in matters connected with the administration of school-houses, the erection and repair, warming and cleaning thereof, and with keeping in good order the property, moveable and immoveable, belonging to their corporation. (*See Form No. 12.*)

To insure property.

5. To have the buildings and furniture belonging to their school corporation insured for at least half their value. R. S., 2032, *am.*

Certain agreements for school purposes may be made by them.

230. With the authorization of the Lieutenant-Governor in Council, given upon the recommendation of the Superintendent of Public Instruction, school commissioners and trustees may enter into agreements for school purposes with any person, institution, or corporation. *New.*

Power to hold real estate limited.

231. No school corporation shall, unless otherwise specially provided by law, hold real property the annual revenue whereof exceeds three thousand dollars. R. S., 2033.

232. No school corporation shall, without the approval of the Lieutenant-Governor in Council, upon the recommendation of the Superintendent of Public Instruction, hypothecate, sell, alienate or exchange the property belonging to it, or borrow money thereon. No school property to be sold, &c., without approval.

All sales of school property authorized by this article must be made by auction by the secretary-treasurer, after public notice. R. S., 2035, *am. and new.* Sales to be by auction.

233. Any school corporation in a city, town or incorporated village may, with the authorization of the Lieutenant-Governor in Council, upon the report of the Superintendent of Public Instruction, capitalize the debts by it lawfully contracted or to be contracted, and stipulate for the payment thereof by annuities covering a period of not more than fifty years. R. S., 2035*a.* Capitalization of debts of school corporation of city, town or village. Payment thereof by annuities.

Such annuities include the interest and the portion of the capital which is to be paid yearly to extinguish the debt at the date agreed upon. R. S., 2035*b.* Annuities what to include.

Such corporation may, with the authorization of the Superintendent of Public Instruction, issue, for the payment of such annuities, debentures maturing every six months or every year until the loan is paid off. R. S., 2035*c.* Debentures may be issued to pay annuities.

234. Any school corporation may also, with the authorization of the Lieutenant-Governor, upon the recommendation of the Superintendent of Public Instruction, borrow moneys, and, to that end, issue debentures or obligations, but only in virtue and under the authority of a resolution indicating : School corporations may borrow money.

1. The objects for which the loan is to be contracted ;
2. The total amount of the issue ;
3. The term of the loan ;
4. The rate of interest ;
5. All other details relating to the issue and to the loan.

235. Any issue of debentures or obligations heretofore made and which may be in conformity with the requirements of the preceding article is hereby declared good and valid. Issue of debentures, &c., heretofore made declared valid.

Pending cases shall not be affected by these provisions. Pending cases not affected.

SECTION XII

DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING SCHOOL TAXES

236. It is the duty of school commissioners and trustees to cause to be levied by taxation, in their respective municipalities, the taxes necessary for the support of the schools under their control. R. S., 2036. School taxes to be levied for support of schools.

How taxes shall be imposed.

237. School assessments shall be imposed uniformly according to valuation upon all taxable property in the municipality, and shall be payable by the owner, occupant, or possessor of such property. If not paid, such assessments shall be a special charge upon such property, bearing hypothec and not requiring registration. R. S., 2038.

Case of person having children of religious belief other than his own.

238. Every person, being a rate-payer in a municipality in which there is a corporation of commissioners, and also a corporation of trustees, or in a municipality erected for either of the two religious denominations, who has children of from five to sixteen years of age not belonging to the religious belief which he professes, shall pay his taxes to both these corporations in proportion to the number of such children of the religious faith of each. *New.*

Property exempt from taxation : That belonging to Her Majesty :

239. The following are exempt from the payment of school assessments :

1. All property belonging to Her Majesty, or held in trust for the use of Her Majesty ; and that owned or occupied by the municipal corporation in which they are situated, as well as buildings in which are held courts of justice and registry offices ;

That to the Federal or Provincial Government ; That to *fabriques*, &c., or occupied by them for certain purposes ; Cemeteries, &c.

2. All property occupied by or belonging to either the Federal Government or the Government of the Province of Quebec ;

3. Property belonging to *fabriques*, or to religious, charitable, or educational institutions or corporations legally constituted, or property occupied by such *fabriques*, institutions or corporations, for the purposes for which they have been established and not possessed by them for purposes of revenue ;

4. Cemeteries, bishops' palaces, presbyteries and their dependencies ;

Private educational institutions not receiving grants from municipality : *Proviso.*

5. Every private educational institution receiving no grant from the municipality in which it is situated, and the land on which it is erected, and its dependencies ; but every private educational institution that wishes to take advantage of this exemption shall be obliged, after having its title to such rights filed in the Department of Public Instruction, to make each year to the Superintendent of Public Instruction, according to a form which shall be furnished for that purpose, a report establishing the fact that it has at least ten pupils, and the number of pupils attending such school, and all information that may be required by the Superintendent of Public Instruction ;

That to agricultural and horticultural societies, &c.

6. All property belonging to or used especially for exhibition purposes by agricultural and horticultural societies. R. S., 2044, *am.*

Taxes upon property outside town or village.

240. The Superintendent of Public Instruction may authorize the school commissioners and trustees of a municipi-

pality in which a town or village is comprised, to levy, upon the real estate of such town or village, a different tax from that which they levy upon the real estate outside such limits; but in such case the tax upon real estate situate outside the limits of such town or village must not be less than one-half of that imposed upon the said town or village. R. S., 2039, *mod.* Proviso.

241. The school commissioners or trustees shall collect from the rate-payers in their municipality a sum sufficient to pay the salaries of the teachers, at the expiration of each month of teaching, and their report to the Superintendent of Public Instruction shall show that this has been done. R. S., 2040. Taxes to be collected so as to allow of monthly payment of salaries, &c.

242. The school commissioners or trustees shall value and tax any lot of land separated from any land already valued and taxed, upon which one or more buildings have been erected since the publication of the valuation roll then in force, and make, in such valuation roll and in the collection roll, such alterations as become necessary by the separation of such lot, or the erection of such building. The commissioners or trustees shall, however, not be bound to make such valuation when the alterations resulting therefrom are unimportant. R. S., 2045, *in part*, 2046. Corrections in valuation roll. Proviso.

243. All alterations in the valuation and collection roll shall be made and published in the manner prescribed for the making and publishing of the valuation and collection rolls in any school municipality. R. S., 2046, *in part*. Publication of corrections in valuation roll.

244. The school commissioners or trustees, as the case may be, may also, every year, with the authorization, or upon the order of the Superintendent of Public Instruction, exempt from school contributions any rate-payer living more than five miles from the nearest school of his religious belief, provided he does not send his children to such school, but this provision does not apply to the proprietors of unoccupied lots. R. S., 2047, *am.* Exemptions from school contribution in certain cases.

SECTION XIII

DUTIES AND POWERS OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING MONTHLY FEES

245. School commissioners and trustees shall fix a monthly fee at the time when they determine the school tax. Monthly fees to be fixed.

Such fee shall be uniform for all elementary schools in the same municipality. To be uniform for all elementary schools in same municipi-

It is payable to the secretary-treasurer by the father, mother, tutor, curator or guardian for each child from seven

pality and to whom and by whom paid. Not to be paid to teacher.

to fourteen years of age able to attend school, for the months during which the school in their district is in operation. In no case shall this fee be collected by the teacher under pain of the nullity of the payment. R. S., 2068, *am. and new.*

Maximum and minimum of school fees.

246. In elementary schools, the fees shall in no case exceed fifty cents per month, but it must in no case be less than five cents per month.

Fees for model schools and academies.

The fee may be higher for pupils attending a model school or an academy. R. S., 2069.

For which children are monthly fees exigible.

247. The monthly fee is exigible for each child from seven to fourteen years of age, whether he attends school or not; unless exempted in virtue of article 249 of this act, as well as for each child from five to seven years, or from fourteen to sixteen years of age who attends the school, and for any pupil from sixteen to eighteen years of age who attends a model school or an academy in that municipality.

Non-payment not to exclude certain children from school.

But no child from seven to fourteen years of age shall be excluded from school for non-payment of monthly fees. R. S., 2070, *am. and new.*

Privilege, &c., of monthly fee and how collected.

248. The monthly fee is subject to the same privileges and hypothecs as the school assessment. It may be collected in the same manner and at the same time as the school assessment, or may be exacted monthly and in advance, except in municipalities in which the manner of collecting this fee is regulated by a special act or by-law of the school corporation approved by the Superintendent of Public Instruction. R. S., 2071, *mod.*

Fees not to be exacted from certain persons or for certain children.

249. School fees cannot be exacted :

1. From indigent persons ;
2. For insane, deaf, dumb or blind children ;
3. For children who are unable to attend school owing to serious and prolonged illness ;
4. For children who are absent from the school municipality for the purpose of receiving their education or for children who follow the course as boarders, part boarders, or day pupils in a college or other incorporated educational institution, or one receiving a special grant from the public funds, and independent of school commissioners or trustees. R. S., 2072, *am.*

Commissioners, &c., to transmit statement of fees.

250. School commissioners and trustees, in the report which they are bound to transmit to the Superintendent of Public Instruction, shall state the amount of monthly fees fixed for the municipality, and the amount of such fees actually collected. R. S., 2074, *am.*

251. The Superintendent of Public Instruction may refuse the school grant to any municipality whose commissioners or trustees have not fixed the monthly fee or have not collected it. R. S., 2075, *am.* Refusal of school grant, if fees not collected, &c.

SECTION XIV

DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING SCHOOL-HOUSES AND SCHOOL-LOTS

252. School-houses shall be built in accordance with and upon plans and specifications approved or furnished by the Superintendent of Public Instruction. R. S., 2053, *in part.* Plans for school-houses to be approved or furnished.

253. If it be necessary to purchase or enlarge a school site to build, rebuild, enlarge or repair one or more school-houses or dependencies, or to purchase or repair school furniture or equipment, the school commissioners or trustees may, for this purpose, tax either the particular district or the whole municipality, according as one or the other plan has already been adopted in the municipality. Taxation for purchase &c., of school site, and building school-house, &c.

The plan adopted in the case just mentioned can be changed only by resolution of the school board, approved by the Superintendent of Public Instruction, six months after a notice to that effect has been given to the rate-payers, in conformity with the provisions of article 293 of this act. R. S., 2049, *in part, am. and new.* Change in plan of taxation.

254. If the assessment for a model school or academy be in question, the district in which the said school is situated, if it is obliged to bear the tax provided for in the preceding article, is first assessed for an amount which would have been necessary for an elementary school. Taxation for model school-house or academy.

The additional sum required for the model school-house shall be levied on the whole municipality, the district also paying its share. Surplus.

The notices required shall be given as specified in the preceding article. R. S., 2049, *in part.* Notice.

255. No assessment exceeding the sum of three thousand dollars shall be levied for the purchase or construction of a house for a superior school, academy or model school, nor exceeding the sum of sixteen hundred dollars for the purchase or construction of an elementary school-house and its dependencies, unless the school commissioners or trustees are specially authorized by the Superintendent of Public Instruction to levy for such purposes a larger sum. R. S., 2053. Assessment for school-houses limited.

256. In the case of a special assessment imposed upon one school district, or upon the whole municipality, for the purchase, building, rebuilding, enlarging or repairing of a school-house, or its dependencies, any rate-payer may, after Appeal to circuit court respecting assessment.

the imposition of such assessment, appeal therefrom, in virtue of article 482 and following of this act, to the circuit court of the district or county in which the municipality is situated. R. S., 2052, *am.*

Arbitration respecting land for a school-house*

257. If, after having selected a vacant lot of land as a site for a school-house, or for enlarging the same, the school commissioners or trustees, as the case may be, cannot agree with the proprietor respecting the price for the site, or in case the proprietor refuses to deliver possession of the land required, within the eight days next after application in writing shall have been made to him, the matter shall be settled by arbitration in the following manner :

Appointment of arbitrators by the parties.

1. The commissioners or trustees, as the case may be, shall appoint an arbitrator, and the owner of the land shall appoint another within thirty days after the aforesaid delay of eight days.

Appointment of third arbitrator.

The judge or one of the judges of the superior court for the district, within which the said land in question is situated, shall name the third at the diligence of the parties.

Appointment by judge in default of parties.

2. If the commissioners, or trustees, or the proprietor, do not appoint their respective arbitrators within the prescribed delay, the arbitrators shall be appointed by the judge or one of the judges of the superior court for the district, upon the application of either of the parties.

Powers of arbitrators.

The arbitrators so appointed shall have all the powers necessary for the summoning, hearing, swearing, and examination of the witnesses. R. S., 2057, *am.*

Arbitrators to be sworn.

258. Before proceeding in virtue of the preceding article, the arbitrators shall take an oath before a justice of the peace for the district according to form No. 1 of this act. R. S., 2058, *mod.*

When award is to be made, service of copy.

259. The arbitrators shall, within thirty days after the appointment of the last appointed, make their award, and serve a copy thereof upon each of the interested parties.

Award final and what it decides.

The award of the arbitrators is final; it shall decide upon the merits, determine the amount to be paid for the costs of the arbitration, and designate the party who shall be liable therefor. R. S., 2057, § 4, 2059, *am.*

When possession of land may be taken, and after what formalities.

260. Upon deposit in the hands of the prothonotary of the district, in which the expropriated lands are situated, of the compensation awarded to the persons entitled to receive the same, the commissioners or trustees may take immediate possession of the land. R. S. 2060.

Payment of indemnity.

261. After all interested persons, creditors or assigns have been called in, in the manner and form and after the delay which the court or judge shall deem expedient and

just, the superior court for the said district shall order the payment over to the party or parties to whom it has been awarded. R. S., 2061.

262. If any person shall offer any opposition to the execution of the award, any judge of the superior court may, upon proof that the procedure required by the preceding articles has been followed, issue his warrant addressed to any sheriff or bailiff, or other person having the necessary power to put the commissioners or trustees in possession; which such sheriff, bailiff, or other person shall be bound to do, taking with him such assistance as may be necessary. R. S., 2062, *mod.*

Taking possession by authority of justice.

263. No property exempt from paying school assessments in virtue of article 239 of this act can be expropriated for the purposes herein above-mentioned. R. S., 2063.

Property that cannot be expropriated.

264. When a school district is divided by the formation of a new district or of a new municipality, or by the annexation of a part of its territory to a municipality or district already existing, the part on which the school-house is situated shall retain the property thereof, but shall refund to the other an amount which shall be established *pro rata* by the valuation of the real property which was taxed for its erection.

Effect of the division of a district as to a school-house.

The same rules shall be followed when the religious minority shall declare themselves dissentient; unless an understanding to the contrary be come to with the minority, the majority shall keep the said school-house on payment of an amount determined as above. R. S., 2064, *in part, am.*

Rule as to dissentients.

265. In either of the cases mentioned in the preceding article, the school-house and the site upon which it is built are, in case of contestation, valued by valutors as follows: When two school boards are interested, each names an expert, or if two schools in the same municipality are in question, the school board of such municipality appoints the two experts. If the two experts cannot agree, they shall appoint a third. R. S., 2057, *in part.*

Arbitration in such case.

266. Upon default by a school board to appoint its expert or both experts, as the case may be, within a delay of one month after having been put in default so to do by one of the interested parties, the appointment of such experts is made by the judge or any of the judges of the superior court of the county or of the district in which the municipality is situated when an application is made to him for that purpose and, in the absence of the judge, by the prothonotary. R. S., 2057, § 2.

Appointment of arbitrators by judge in default of parties.

Powers of arbitrators. Award final. What it decides.

267. The experts appointed in virtue of the preceding articles have all necessary powers to summon witnesses, swear, examine and hear them. Their award is final; it fixes the value of the school-house and the land, as well as the amount of the costs of the valuation and designates the party who shall pay the same. R. S., 2057, §§ 3, 4.

Payment of sum so fixed.

268. When the experts having given their award, the school commissioners or trustees of the municipality or municipalities concerned, without delay, apportion between the proper persons the amount to be paid, collect the money as soon as possible by suit or seizure as in the case of the collection of taxes and render account to the persons interested. R. S., 2064, § 5.

Union of school municipalities to build, &c., schools, &c.

269. Two or more school municipalities may unite to build or maintain an elementary school, a model school or an academy, which shall be then under the control of the school corporation of the municipality in which it is situated.

Management of school, &c.

Nevertheless, the school commissioners or trustees of the other municipality or municipalities, which are united for the purpose of contributing to the erection or maintenance of such elementary or model school or academy, shall have the right to be represented by one or more of their number at all meetings of the school corporation of the municipality in which such school is situated, to take part in the discussions, and to vote upon all questions respecting the administration of the affairs of such school.

Who may attend meetings.

In the absence of an agreement to the contrary, the right to attend such meetings of the school board extends to all the school commissioners or trustees of the said municipalities. R. S., 2065 *am.*

Corporations desiring to cooperate in building must pass resolution.

270. All school corporations that desire to cooperate, in the manner above set forth, in the erection of such elementary or model school or academy building, shall pass a resolution to that effect, naming the amount which it shall furnish as its share.

Payment of sum.

Such sum may be paid in one amount, but at least one instalment shall be paid annually till the whole is paid.

Corporations that desire to participate in maintaining school to pass resolution, &c.

2. All school corporations that desire to participate in the maintenance only of one of such schools shall also pass a resolution naming the amount to be levied annually for that purpose.

Approval of rate-payers required.

3. The resolution adopted in either of the cases above-mentioned shall be submitted by the school board at a meeting of the rate-payers of the municipality, called for that purpose in the ordinary manner.

Notice calling meeting.

The notice calling such meeting shall contain a copy of the resolution to be submitted.

At such meeting, the persons qualified to vote shall record their votes for or against the resolution in the manner provided for the election of school commissioners and trustees.

Who may vote.

If the majority vote against the resolution, the said resolution shall become null ; but if the majority are in favor of the resolution, the school board of the said municipality shall levy the amount named in the resolution, and shall pay the said amount over to the board of the school municipality in which the school is situated.

Effect of vote.

4. The amount named for the maintenance of the school shall be paid over each year until it is decided by vote of the rate-payers to discontinue such payment. R. S., 2066.

When sum to be paid over and when to be discontinued.

271. When a school board accepts from another school municipality aid for the construction or maintenance of one of the above-mentioned schools situated in its territory, the children in the municipality which has furnished such aid shall have the right to attend such school upon the same conditions as the children of the municipality in which such school is situated. R. S., 2067.

Right of children to attend such school, &c.

SECTION XV

DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING SCHOOLS FOR GIRLS AND BOYS

272. School commissioners or trustees may establish in their municipality girls' schools distinct from those for boys, and each of these schools for girls or for boys shall be considered as a district. R. S., 2076, *mod.*

Establishment of separate schools for girls and boys.

273. A religious community that places its school under the management of commissioners or trustees, shall be entitled to all the advantages granted by this act to public schools. R. S., 2077, *mod.*

Advantages to religious community placing school under school commissioners.

SECTION XVI

DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING THE ANNUAL CENSUS OF CHILDREN

274. School commissioners and trustees shall cause their secretary-treasurer to make, between the first day of September and the first day of October of every year, a census of the children of their school municipality. In such census he must distinguish those children who are from seven to fourteen years of age, those from five to seven, and those from fourteen to sixteen, showing the number in each of these categories actually attending school. R. S., 2078, *am.*

Annual census of children.

To be transmitted to Superintendent with report.

275. School commissioners and trustees shall, in their report, transmit such annual census of children in their municipalities to the Superintendent of Public Instruction. R. S., 2078, *am.*

Penalty, on refusing, &c., information.

276. Every head of a family, tutor, curator or guardian who refuses to give to the secretary-treasurer the information prescribed by article 274 of this act, or who makes a false declaration, is liable to a fine of not less than five nor more than twenty-five dollars. R. S., 2079, *in part.*

CHAPTER FIFTH

PUBLIC NOTICES—SPECIAL NOTICES—NOTICES TO BE GIVEN RESPECTING CERTAIN ACTS OF SCHOOL COMMISSIONERS AND TRUSTEES

SECTION I

PUBLIC NOTICES

Posting of public notices at certain places.

277. The publication of a public notice for school purposes is made by posting up a copy of such notice at two different places in the municipality, indicated by resolution of the school commissioners or trustees, as the case may be. R. S., 1869, *am.*

Where to be made, if no places indicated by school corporation.

278. In default of localities indicated by the school corporation, the public notice must be posted upon the principal door of at least one place of public worship of the religious belief to which the commissioners or trustees concerned belong, if such place exists, and at some other public place in such municipality. R. S., 1869, *am.*

Posting of notices in other places.

279. The school corporation may also, by resolution, fix one or more localities in the municipality or in a neighboring city, town or village municipality, if such city, town or village municipality forms part of the same parish or of the same township, where such notices are to be posted. R. S., 1870, *in part, am.*

Reading of public notices.

280. The publication of a public notice must be made at one of the places where the posting must be made under the preceding articles, by reading it aloud, in a distinct manner, on the Sunday next following the day on which the same was published, at the close of divine service in the morning, if such service has been held.

The omission to read such notice does not invalidate the publication of the notice, but the persons who were bound to read it thereby incur a penalty of not less than two or more than ten dollars. R. S., 1870, *in part, mod.*

Effect of omission.

Penalty for omission.

281. Every notice which should be published in the newspapers, must be inserted in those published at least once a week in the county, or if there are none in the county, in the district in which is situate the municipality giving the same, or in the neighboring district if none are published in such county or district.

How notices are published in the newspapers.

The same rule applies when such notice must appear in two newspapers published in different languages. R. S., 1871, *mod.*

282. No notice can be inserted in English and in French in a newspaper published in one of these languages only. R. S., 1872.

Publications in English and French.

283. Every public notice convening any public meeting or given for any other object whatever, must be given and published seven clear days before the day appointed for such meeting or other object, except in cases otherwise provided for by this act. R. S., 1873, *mod.*

Delays upon public notice convening meetings.

284. The delay upon a notice published in a newspaper counts from the day of the first insertion of the notice in the paper, and if the notice be published in several papers on different days, the delay counts from the first insertion in the newspaper which has last published the same. M. C., 239.

Delays after notice published in newspapers.

285. Except in cases otherwise provided for, public notices are binding upon proprietors or rate-payers domiciled out of the municipality, in the same manner as they are upon residents. R. S., 1874.

Effect of public notices.

SECTION II

SPECIAL NOTICES

286. Every special notice must be drawn up in writing in the language of the person to whom it is addressed, unless such person speaks a language other than French or English. M. C., 224.

Special notice how drawn.

287. The special notice addressed to any person who speaks neither the French nor the English language, or who speaks both of these languages, is given to him in either language. (*See Form No. 2.*) M. C., 224.

If person to whom notice is to be given speaks neither French nor English.

Service of special notice.

288. The service of a special notice is effected by leaving a copy of the notice with the individual to whom it is addressed, in person, or with a reasonable person at his domicile or at his place of business, except in cases where the service is made by mail in virtue of any provision of this act. M. C., 225.

Service of special notice upon agent.

289. Every special notice addressed to an absent proprietor or rate-payer, who has appointed an agent residing in the municipality, must be served on such agent.

If no agent appointed.

If an agent, resident in the municipality, has not been appointed by such absent rate-payer, every such notice is served by lodging in the post-office of the locality a copy thereof in a sealed and registered envelope, addressed to the absent proprietor or rate-payer. M. C., 226.

Special notice need not be given to absent rate-payer who has not appointed agent &c.

290. No one is bound to give a special notice to any absent rate-payer, who has not appointed an agent, unless such rate-payer has made known his address in writing by filing the same in the office of the secretary-treasurer of the school board. M. C., 228.

When special notices may be served.

291. Special notices may be served between the hours of seven o'clock in the morning and seven o'clock in the evening, on juridical days.

If at places of business.

However, they cannot be served at places of business, except between the hours of nine in the morning and four in the afternoon. M. C., 229.

If doors, &c., are closed.

292. If the doors of the domicile or place of business, where service of a special notice in writing should be made, are closed, or if there is no reasonable person therein, service is effected by affixing a copy of the notice to one of the doors of the domicile or place of business. M. C., 230.

SECTION III

NOTICES TO BE GIVEN RESPECTING CERTAIN ACTS OF SCHOOL COMMISSIONERS AND TRUSTEES

Certain resolutions, &c., to be read and posted by secretary-treasurer, under penalty.

293. The secretary-treasurer of a school board shall, under penalty of a fine of ten dollars, read and post up, in accordance with article 277 and following of this act, during the fifteen days following their adoption, the resolutions adopted in the following cases :

1. When the school commissioners or trustees establish new school districts, alter the limits of districts already established, reunite two or more districts or separate such districts, fix the location of a school-house, decide to acquire a site for a school-house, or to build, enlarge or repair a school-house or its dependencies ;

2. When the school commissioners or trustees have imposed a special assessment for the purchase of land for a school-house, for the building, enlarging, repair or maintenance of a school-house and its dependencies, or for the purchase and repair of school furniture ;

3. When the school commissioners or trustees have changed the system of assessment followed in the municipality for the purposes mentioned in the preceding paragraph. (*See Form No. 21.*)

No resolution passed under the provisions of the preceding paragraphs shall come into force before thirty days after the publication of the above-mentioned notice. *New.*

Coming into force of such resolutions.

CHAPTER SIXTH

TRUSTEES OF DISSIDENT SCHOOLS

294. School trustees form a corporation for the purposes of the dissentient schools of their municipality. They are subject to the same duties and exercise the same powers as school commissioners for the administration of the school municipality under their control. R. S., 2080, 2081, 2085, *in part.*

School trustees form corporation. Powers and duties.

295. The school trustees shall receive a share of the general school fund, bearing the same proportion to the whole sum allotted to such municipality as the number of children attending such dissentient schools bears to the entire number of children attending school in the whole municipality. R. S., 2081, *in part, mod.*

Share of school fund to be received by them.

296. Trustees of dissentient schools alone have the right to impose and collect the taxes to be levied upon the dissentient inhabitants. R. S., 2082.

Trustees alone to have right to tax dissentients.

297. Whenever the school trustees in two adjoining municipalities are unable to support a school in each municipality, it shall be lawful for them to unite and to establish and maintain, under their joint management, a school situated as near the limits of both municipalities as possible, so as to be accessible to both.

Union of trustees of neighboring municipalities to establish school, &c.

In such case, the trustees jointly report their decision for such purpose to the Superintendent of Public Instruction, who shall remit the share of the public school grant to the secretary-treasurer of the municipality indicated in the report as the person who should receive it. R. S., 2083, *am.*

Report to Superintendent.

298. The trustees have the right to obtain a copy of the collection roll in force, of the list of children capable of

Copies of papers to be furnished to trustees.

attending school, and of all other documents in the hands of the school commissioners or of their secretary-treasurer which concern them. R. S., 2084, § 1.

Imposition of assessment by trustees in certain cases.

299. If there is no collection roll, or if the assessment imposed does not appear to them a proper one, the trustees may, during the two months following their election or their appointment, impose a new assessment upon the dissenting inhabitants according to the procedure prescribed by articles 363 and following of this act. R. S., 2084, § 2, *am.*

School districts constituted by trustees.

300. Trustees may constitute their own school districts, distinct and separate from the school districts established by the school commissioners. R. S., 2035, *in part, am.*

CHAPTER SEVENTH

SECRETARY-TREASURERS OF SCHOOL COMMISSIONERS AND TRUSTEES

SECTION I

GENERAL PROVISIONS

Appointment of secretary-treasurer and his remuneration.

301. Every school board shall have an officer called the secretary-treasurer, whom it appoints and may dismiss at pleasure, and whose remuneration it fixes by resolution. R. S., 2087, *am.*, 2110.

When to be appointed in newly formed municipality.

302. In every newly formed municipality, the secretary-treasurer must be appointed within thirty days after the election or the nomination of the members of the school board. M. C., 142, *in part, mod.*

Oath of secretary-treasurer and security to be furnished by him.

303. Every secretary-treasurer, before acting as such, must make oath faithfully to discharge the duties of his office, and must have given the security required by article 308 of this act. (*See Forms Nos. 1 and 11*). M. C., 144, *part, mod.*

Where to reside and hold his office.

304. The secretary-treasurer may reside beyond the limits of the municipality, but he must have his office in the place where the sessions of the school board are held, or in any other place fixed by resolution of the school board; provided the same be not in a hotel, inn, or in any other place where intoxicating liquors are sold. M. C., 171, *in part, mod.*

Hours during which office to be open.

305. The school board shall also fix by resolution the days and hours during which the office of the secretary-treasurer is open to the public. *New.*

306. The secretary-treasurer may appoint an assistant secretary-treasurer, with the same rights, powers and obligations as the secretary-treasurer himself.

Assistant secretary-treasurer.

The assistant secretary-treasurer shall enter into office as soon as he has received written notice of his appointment, and he may be removed at pleasure by the secretary-treasurer. He is not bound to give security, and, in the exercise of his functions, he shall act under the responsibility of the secretary-treasurer who appointed him, and under that of the sureties of that officer. R. S., 2113, §§ 1, 2, 3.

Entry into office.

Not bound to give security, and acts under responsibility of secretary-treasurer.

307. The secretary-treasurer and the assistant secretary-treasurer cannot be either a member of the school board or a teacher that it employs. R. S., 2111, *am.*

Neither to be member of the school board nor teacher in its employ.

SECTION II

SECRETARY-TREASURER'S SECURITY

308. Every secretary-treasurer shall, before entering upon his duties as such, give security to the school commissioners or trustees, either by a notarial instrument, the minute of which shall remain with the notary receiving it, or by a bond under private seal signed and acknowledged before a justice of the peace, or by a policy of a guarantee insurance company, under the provisions of article 311 of this act. R. S., 2088, 2094a, *in part.*

Security to be furnished by secretary-treasurer.

309. The security, by notarial instrument or by bond under private seal, is given by at least two solvent sureties, jointly and severally, to the satisfaction of the chairman of the school commissioners or trustees, as the case may be. (*See Form No. 11.*)

If furnished by bond.

A copy of such surety bond shall be sent to the Superintendent of Public Instruction within fifteen days after it is executed. R. S., 2088, 2089, *in part, mod.*

Copy to be sent to Superintendent.

310. Whenever the security is entered into by bond under private seal, the original thereof shall, within thirty days after its acceptance, be deposited in the hands of the registrar of the county, who shall keep the same in his custody, and may deliver certified copies thereof, which shall, to all intents and purposes, be authentic.

Deposit thereof with registrar.

For every such copy the registrar may demand and receive ten cents for every hundred words therein. R. S., 2090.

Fee for copies.

311. The security by insurance policy or contract shall be made in favor of the school commissioners or trustees by a guarantee insurance company lawfully constituted, and accepted by the said school commissioners or trustees by resolution adopted by them for that purpose.

Security by insurance policy.

Payment of premiums.

The insurance premium may be paid by the school commissioners or trustees and afterwards retained by them out of the salary or remuneration of the secretary-treasurer.

Notice to be given to Superintendent.

Notice of such security shall be given to the Superintendent of Public Instruction during the fifteen days following the receipt of the insurance policy which it guarantees. R. S., 2094*a*, *mod.*

How long it remains in force. When renewed.

312. Such security remains in force in case the engagement of the secretary-treasurer is continued; but it shall be renewed whenever its renewal is required by the school commissioners or trustees. R. S., 2089, *and new.*

SECTION III

THE SECRETARY-TREASURER'S SURETIES

Sureties not be members of school board, &c.

313. The sureties of a secretary-treasurer cannot be members of the school board whereof such secretary-treasurer is or was the employee, before being discharged from all obligations arising out of the security bond. M. C., 155.

Obligation incurred by sureties.

314. The sureties bind themselves, jointly and severally with the secretary-treasurer, towards the school corporation for the faithful performance of the duties of his office and for the payment of all moneys for which he may be accountable in the exercise of his office, in principal, interest, costs, penalties and damages. R. S., 2089, *mod.*

If surety fails, &c., secretary-treasurer to notify school board.

315. Whenever one of his sureties dies, fails or becomes insolvent, or removes his domicile outside the limits of the district, the secretary-treasurer must, as soon as he becomes aware of such fact, notify the same, in writing, to the chairman of his school corporation, under a penalty of one hundred dollars. R. S., 2093, *in part.*

How sureties become discharged and when.

316. The sureties of the secretary-treasurer may at any time free themselves from the suretyship. Thirty days after having served a notice of their intention to that effect upon the secretary-treasurer himself and upon the chairman of the school board, they become free, for the future, from all liability towards the secretary-treasurer and the school board.

Notice to that effect.

Such notice is given and served by a notary or by the surety himself in writing delivered in presence of a witness. R. S., 2091.

Other sureties to be furnished.

317. The secretary-treasurer shall, within fifteen days after the service of the notice mentioned in each of the two preceding articles, furnish other sureties; in default of his so doing, he shall not perform any of the duties of his office, under a penalty of a fine of twenty dollars for each infringement. R. S., 2092, *am.*

Penalty if secretary-treasurer acts in the meantime.

318. The sureties of the secretary-treasurer, after they are freed from their bond, or after the secretary-treasurer has ceased to discharge the duties of such office, may exact from the chairman of the school board a certificate of discharge, which certificate shall be deposited in the registry office when the surety bond is under private signature. R. S., 2094, *am.*

Formal discharge may be exacted by sureties.

Registration thereof.

SECTION IV

GENERAL DUTIES OF SECRETARY-TREASURERS.

319. The secretary-treasurer, in consideration of the remuneration which he receives, shall fulfill all the duties imposed upon him by this act. R. S., 2112, *in part.*

Duties to be performed by secretary-treasurer.

320. The secretary-treasurer is the keeper of all the registers, books, plans, maps, and other documents produced, filed and preserved in his office.

To keep books, &c.

He cannot divest himself of the custody of any documents contained in the archives of the school board, except with the permission of such board or under the order of a competent court or of the Superintendent of Public Instruction. R. S., 2095, *am.*

Cannot divest himself thereof without permission.

321. The secretary-treasurer attends all meetings of the school corporation and, in accordance with article 213 of this act, draws up minutes of all the acts and proceedings thereof, in the book kept for that purpose. R. S., 2096.

To attend all meetings, &c.

322. Copies and extracts, certified by the secretary-treasurer from all books, registers, archives, and other documents, are deemed authentic. R. S., 2099, *mod.*

Authenticity of copies, &c., certified by him.

323. The secretary-treasurer collects and has charge of all the moneys of the school corporation. R. S., 2100, *am.*

To collect all moneys of corporation.

324. The secretary-treasurer shall pay, out of the funds of the school corporation, all sums of money due by it; but he shall not make any payments except when authorized so to do by resolution of the school board.

To pay all sums due by it. Authorization required.

If, however, the sum to be paid does not exceed ten dollars, the authorization of the chairman is sufficient. R. S., 2101, *mod.*

Same if amount under ten dollars.

325. In the absence of authorization from the school corporation or from its chairman, the secretary-treasurer may pay, out of the funds of the corporation, any draft or order drawn upon him, or any sum demanded by any one empowered so to do by the provisions of the school laws or regulations.

Payments under certain conditions.

Order to show application of moneys. No draft or order shall, however, be legally paid, unless it specifies the use to be made of the sum therein mentioned. R. S., 2102, 2103.

Secretary-treasurer under penalty not to : Grant discharges, &c., without payment ; Lend corporation moneys.

326. No secretary-treasurer shall, under a penalty of twenty dollars for each infraction :

1. Grant discharges to rate-payers, or other persons indebted to the school corporation, without having received the amount mentioned in such discharges ;

2. Lend, directly or indirectly, to rate-payers, or to any other persons, money belonging to the school corporation. R. S., 2104.

Secretary-treasurer to keep in prescribed form books of account, &c. :

327. The secretary-treasurer is bound to keep, in the form prescribed, books of account, in which he enters, according to date, each item of receipt and expenditure, mentioning therein the names of all persons who have paid money into his hands, or to whom he has made any payment. R. S., 2105.

To keep all vouchers for expenditure ;

328. The secretary-treasurer must keep, amongst the archives of the school corporation, all vouchers for his expenditure. R. S., 2106.

To keep repertory for certain purposes.

329. The secretary-treasurer is bound to keep a " repertory," in which he mentions, in a summary manner and in the order of their dates, all reports, acts of apportionment, valuation rolls, collection rolls, judgments, statements, notices, letters, maps, plans, and other documents whatsoever, that he makes or are in his possession during the exercise of his office. R. S., 2107.

All secretary-treasurer's books, &c., open to inspection.

330. The secretary-treasurer's books of account and vouchers for his expenditure, together with all the registers or documents in the archives of the school board, are open for inspection and examination by any interested party, or their attorneys, on office days.

Notes thereof may be taken.

Such persons, either themselves or by their attorneys, may take all notes or copies which they require. R. S., 2108.

Secretary-treasurer to deliver copies of entries on lists, &c., upon payment of fees. To deliver same gratuitously to certain persons.

331. The secretary-treasurer is bound to deliver, upon payment of his fees, which are ten cents per hundred words, to any person applying for the same, copies of or extracts from any book, roll, register, document, or other paper which forms part of the archives.

He is, nevertheless, bound to furnish, gratuitously, any copy or extract required by the Lieutenant-Governor, the Superintendent of Public Instruction, the Council of Public Instruction and its committees, or by members of the school corporation or its officers. R. S., 2109. *am.*

SECTION V

ACCOUNTING BY SECRETARY-TREASURERS

332. Unless otherwise specially provided, every secretary-treasurer shall prepare and submit to the school commissioners or trustees, during the first week of the month of July in each year, a detailed statement, duly audited, of the receipts and expenditure of the municipality for the year ending on the preceding thirtieth of June. R. S., 2114, § 1, *am.*

Detailed statement of accounts during July yearly.

333. Each year, during the month of July, the school commissioners and trustees shall have the accounts of the secretary-treasurer audited by one or more auditors whom they appoint.

Accounts to be audited.

Before entering into office, such auditors shall take an oath to conscientiously perform the duties of their office. R. S., 2115, *am.*

Oath of office of auditors.

334. As soon as his accounts have been audited under the provisions of the preceding article, the secretary-treasurer shall prepare a summary of receipts and expenditure, as well as of assets and liabilities, which he afterwards submits to the rate-payers of the municipality at a meeting called by him for the purpose, which he must convene in the same manner as a meeting for the election of commissioners or trustees. R. S., 2114, § 2, *in part, am.*

After accounts are audited secretary-treasurer to submit summary to public meeting.

335. On the Sunday preceding the meeting which he shall convene in virtue of the preceding article, the secretary-treasurer shall read or post or read and post the summary of his statement of accounts in the manner prescribed by articles 277 and following of this act, or he causes the same to be inserted in a newspaper at least eight days before such meeting, in conformity with the provisions of article 281 of this act.

Reading or posting of such summary on Sunday before meeting, &c.

He shall furnish to every rate-payer, requiring the same, a copy of such summary in consideration of the payment of the sum of twenty-five cents or a copy of the statement as approved by the school board, upon payment of ten cents per hundred words for each copy. R. S., 2114, *in part, §§ 2, 3.*

Copy to be furnished upon payment of fees.

SECTION VI

EXAMINATION OF THE ACCOUNTS OF SECRETARY-TREASURERS

336. Whenever they deem it necessary, or upon a written application addressed to them by at least five rate-payers, or by the secretary-treasurer himself, school commissioners and trustees shall order an audit of the accounts of the secretary-treasurer in office or out of office for the year ending upon the first of the preceding July, or for any of the five previous years, by one or more auditors appointed by them for that purpose, even when the accounts have already been

Audit at the instigation of school commissioners, &c.

audited in conformity with the provisions of article 333 of this act.

Payment of costs thereof.

The costs of such audit are payable by the secretary-treasurer if there is a deficiency in his accounts, if not, they are chargeable to the persons who have demanded it, if it did not benefit the school municipality concerned. R. S., 2121, 2123, *am. and new.*

Notice to secretary-treasurer of any regular or special audit.

337. In the case of any regular or special audit of the accounts of the secretary-treasurer, the auditor or auditors shall, at least five days before the date fixed for the audit, give special notice to the secretary-treasurer in conformity with the provisions of this act or a written notice served by a bailiff upon him who makes a return of such service, requiring such secretary-treasurer to attend, so as to give all the explanations or documents that may be required of him. R. S., 2116, § 1, *am.*

Auditing proceeds in absence of secretary-treasurer, &c.

338. If the secretary-treasurer refuse or neglect to comply with the order served upon him, under the preceding article, the auditor or auditors shall, nevertheless, proceed to the examination and auditing of the accounts, and shall make and forward their report to the commissioners or trustees, as the case may be, together with a statement of the amount of their costs and expenses. The commissioners or trustees shall, at a regular meeting, adopt the said report, in whole or in part, shall certify the amounts, if any, to which the auditors are entitled for expenses, and shall cause a copy of the resolutions, adopted by them respecting the report, to be served upon the secretary-treasurer by a bailiff. R. S., 2116, § 2.

Payment by secretary-treasurer of sum deficient.

339. If the auditor's report establish a deficiency in the accounts, the secretary-treasurer shall, within fifteen days after such service, pay the amount which shall have been so found deficient. R. S., 2117, *am.*

Recovery by suit.

340. If the secretary-treasurer refuse or neglect to comply with the provisions of the preceding article, he may be sued by the school board or by any interested rate-payer before the circuit court of the county or district, and may be condemned to pay the amount which he admits or which has been declared to be due, together with all such other sums as the court may inflict upon him, including the costs of the prosecution.

Coercive imprisonment.

Such judgment carries with it coercive imprisonment if the same has been demanded in the action. M. C., 167, *mod.*

Prescription of suits against secretary-treasurer.

341. All actions or claims against the secretary-treasurer resulting from his administration are prescribed in five years from the day on which such actions or claims originated. M. C., 170.

TITLE THIRD.

VALUATION OF PROPERTY—SCHOOL TAXES.

CHAPTER FIRST

VALUATION OF PROPERTY

342. The valuation of property, which has been made by order of the municipal authorities, shall serve as the basis of the assessments to be imposed by school corporations. Basis for valuation of property.
R. S. 2128, *in part, mod.*

343. In all municipalities where a valuation roll has been made by order of the municipal authorities, the secretary-treasurer of the municipal council or any other person who may be the custodian thereof, shall, within fifteen days after demand in writing from the chairman or the secretary-treasurer of any school municipality comprised in whole or in part within the limits of such municipality, furnish a certified copy of the valuation roll or of that part of it which may be indicated to him, under penalty of a fine of twenty dollars in the case of refusal or neglect. (*See Form No. 13.*) R. S., 2132, § 1. Certified copy of municipal valuation roll to be supplied to secretary-treasurer after notice to that effect. Penalty for refusal.

344. Whenever the valuation roll of the municipal council comprises more territory than the school municipality, a copy of so much thereof as relates to such school municipality shall be sufficient. Copy of part in certain cases only.

For every copy of the valuation roll or part thereof thus supplied, the depository thereof shall be entitled to receive the sum of ten cents per hundred words and fifty cents for the certificate. R. S. 2132, §§ 2, 3. Fee therefor.

345. The secretary-treasurer of the municipal council is bound to give notice of the changes that have been made in the valuation roll to the secretary-treasurers of the school boards which such changes affect, within fifteen days after such changes have been made. *New.* Notice of changes in roll.

346. If no valuation has been made by order of the municipal authorities, or if the valuation roll could not be obtained within the delay prescribed by article 343 of this act, the school board shall at once cause a valuation to be made by three competent persons residing in the municipality. R. S., 2129, *mod.* Roll to be made by school board in certain cases.

Superintendent to appoint valuers if school board does not proceed.

New roll to be made for municipality formed out of several; if valuations higher in one than in the other.

If not, such may be ordered by Superintendent.

Powers of valuers.

Penalty for interfering with valuator in performance of his duties, &c.

Deposit of roll after completion.

Notice of deposit, &c.

Examination and correction of the roll.

347. If, in the case mentioned in the preceding article, the school commissioners or trustees, as the case may be, do not proceed to the valuation of the property of their municipality, the Superintendent of Public Instruction may appoint three competent persons resident in the municipality to make such valuation. R. S., 2130, *am.*

348. When a school municipality has been formed of parts of different municipalities, or when a part of a municipality has been annexed to another already in existence, and when the property is valued at a higher rate in one than in the other, the commissioners or trustees of the new school municipality or of the municipality to which a part of another municipality has been annexed, shall cause to be made, by three competent persons residing therein, a valuation of the property within its limits. If not, such valuation may be ordered by the Superintendent of Public Instruction, as in the case provided for in the preceding article. R. S., 2131, § 1, *mod.*

349. The persons authorized to make the valuation, upon which school taxes in any municipality are to be based, have the right to enter at any reasonable time in and upon any property to inspect the said property, and to require from the proprietor or occupant any useful information. R. S., 2133, *in part.*

350. All persons who interfere with a valuator in the exercise of his duties, or who refuse to give him the information which he demands, are liable to a fine of four dollars. R. S., 2133, *in part.*

351. After the completion of the valuation roll which they were instructed to make, the valuers shall, after having certified to the same before a justice of the peace, deposit the valuation roll in the office of the secretary-treasurer of the school board for which it was made. R. S., 2131, § 2, *in part.*

352. The secretary-treasurer of the school board must then, without delay, give notice, in the manner prescribed by article 277 of this act, that the valuation roll has been deposited in his office, where it will remain during thirty days for examination by those interested. (*See Form No. 14.*) R. S., 2131, § 2, *am.*

353. The school commissioners or trustees shall, during the thirty days that follow the notice given in virtue of the preceding article, even when there have been no complaints, examine and amend the valuation roll, correct any errors.

made in entering valuations or the names of persons assessed, in the description of the lands included and in the calculation of the assessments, and strike out or insert the names of persons, and the description of the lands which have been included or omitted by error. M. C., 734.

354. Any rate-payer may demand that the valuation roll be amended, either by making written application at the office of the secretary-treasurer, on or before the day fixed for the examination of the roll by the school board, or by making verbal complaint before the school board at the time of the examination. M. C., 735.

Complaints
against roll.

355. The school board shall, before proceeding to the examination of the valuation roll, prescribed in the preceding article, make known to the rate-payers of the municipality, by public notice, the day and the hour of the session at which the same is to be commenced. M. C., 736.

Notice to be
given for ex-
amination of
roll.

356. The school board, during the examination of the valuation roll, shall take cognizance of the written complaints produced at its office and hear all interested parties present, as well as their witnesses. M. C., 737.

Examination
of written
complaints,
&c.

357. After the expiration of the thirty days mentioned in article 353 of this act, the commissioners or trustees may amend the valuation roll when they deem it expedient, after having, by public notice to that effect, given eight days in advance, indicated the day and the hour when they will hold the meeting during which the amendment will be made.

Examination
and amend-
ment of roll,
after notice.

The roll is homologated *pleno jure* if the commissioners or trustees neglect or refuse to examine it during the thirty days mentioned in article 353 of this act. R. S., 2131, § 3, *mod.*

Homologation.

358. Every amendment made to the valuation roll shall be entered on the roll itself or annexed to it on a sheet of paper initialed by the secretary-treasurer. M. C., 738.

Amendments
how entered.

359. A declaration, bearing the signature of the chairman and of the secretary-treasurer, attesting the correctness of the amendments and determining their number, also the date on which they were made, should there be any, shall be inscribed on the roll or be annexed thereto, whereupon the roll is *pleno jure* homologated. M. C., 738.

Certificate
respecting
amendments,
&c.

360. The valuation roll shall serve as a basis for the collection roll of the school commissioners or trustees, and it remains in force until such time as the municipal or school authorities have made another according to law. R. S., 2131 § 4.

Valuation roll
basis of col-
lection roll,
&c.

Amendment
of valuation
roll.
Amendment
of assessment.

361. The valuation roll can be amended only by the authority which had ordered its preparation.

Qualification
of valuers.

But the assessment based on such valuation roll shall be amended only by the school commissioners or trustees, as the case may be. R. S., 2134, *mod.*

362. Every valuator for school purposes shall possess immoveable property in the municipality in which he is called upon to act, representing a net value of four hundred dollars according to the valuation roll of the municipality, and any one acting in the capacity without this qualification is liable to a fine of ten dollars. R. S., 2135, *am.*

CHAPTER SECOND

SCHOOL TAXES.

SECTION I

IMPOSITION OF SCHOOL TAXES

When assess-
ments, &c.,
are to be
imposed.

363. School assessments and monthly fees are imposed by all school corporations, whether school commissioners or trustees, between the first day of July and the first day of September in each year.

If made
thereafter.

The imposition of these taxes shall not, however, be considered null if made after the delay fixed. R. S., 2136, §§ 1, 2, *in part.*

Collection
roll to be
then made.
Special col-
lection roll in
certain cases.

364. After the imposition of these taxes, the secretary-treasurer shall, without delay, make a collection roll.

He shall also make a special collection roll whenever a special assessment has been imposed after the making of the general collection roll, or whenever he is ordered so to do by the school board. M. C., 954, *mod.*

What collec-
tion roll to
contain.

365. If the collection roll is general, it should mention in detail in as many distinct columns all the taxes, as well for assessments as for the monthly fees. M. C., 955, *mod.*

Notice of de-
posit of col-
lection roll,
and what to
contain.

366. The secretary-treasurer, after having completed a general or special collection roll, shall announce, by public notice given in conformity with articles 277 and following of this act, that the roll is deposited in his office, where it may be examined by those interested during the thirty days following the date of said notice; and that it will be homologated at a meeting of the school board, the date being given, which must be within the delay of ten days mentioned in the following article, and that, during the twenty days fol-

lowing the thirty days' delay above-mentioned, all rate-payers should pay their taxes at his office without further notice. (*See Form No. 15*). R. S., 2136, §§ 4, 5, 7, *in part, mod.*

367. The commissioners or trustees must, during the ten days following the delay of thirty days during which the roll remains in the office of the secretary-treasurer for examination by the parties interested, even though no complaint has been made, examine and amend the collection roll, rectify the errors made in transcribing the valuations, the names of persons taxed, the descriptions of lands entered therein, or in the calculations of the taxes imposed and homologate such roll. R. S., 2136, § 6, *am.* Examination, &c., of roll.

368. Any rate-payer may demand that the collection roll be amended either by producing a complaint in writing before or upon the day fixed for the examination and homologation of the roll, or by stating his complaint orally at the examination. R. S., 2136, § 8, *in part.* Complaints against roll.

369. The school commissioners or trustees must take into consideration all complaints made orally or in writing and hear all interested persons present. R. S., 2136, § 8, *in part.* All complaints to be taken into consideration, &c.

370. Any amendment made to the collection roll must be entered upon it or on a paper annexed thereto with the initials of the secretary-treasurer. R. S., 2136, § 9, *in part.* Entry of amendments to roll, &c.

371. A declaration indicating the amendments must be entered upon or annexed to the collection roll, under the signatures of the chairman and the secretary-treasurer; after which the said roll comes into force and the said taxes are exigible. (*See Form No. 15*). R. S., 2136, § 9, *in part.* Certificate as to amendments to roll, &c. Coming into force thereof.

372. School taxes bear interest after thirty days from the date when they become exigible. Interest on school taxes.

They are prescribed by three years. R. S., 2136, § 9, 2189, *in part.* Prescription of school taxes.

SECTION II

COLLECTION OF TAXES

373. The local council of any city, town, village or rural municipality, when it is so required by the school commissioners or trustees of a school municipality situate wholly or partly in its territory, shall collect the taxes of such school municipality at the same time as its own. R. S., 2141, *in part, am.* Collection of school taxes at the same time as municipal taxes by municipalities.

Payment over to school secretary-treasurer. **374.** The secretary-treasurer of the municipal council charged, under the preceding article, with the collection of school taxes, shall, so soon as he has collected them, hand over the entire amount to the secretary-treasurer of the school board to which they belong. R. S., 2141, *in part, am.* C. M., 952.

Collection of taxes by secretary-treasurer of school boards. **375.** If the school commissioners or trustees, as the case may be, have not availed themselves of the provisions of article 373 of this act, the secretary-treasurer of the school board, at the expiration of the delay of twenty days prescribed by article 366 of this act, shall demand payment of all sums entered in the collection roll and remaining uncollected from the persons liable for the same, by serving or causing to be served upon them a special notice to that effect, accompanied by a detailed statement of the sums due by them. (*See Form No. 16.*) R. S., 2137, §§ 1, 2, *in part, am.* M. C., 961.

Notice.

Service of school notices how effected: On residents; On non-residents. **376.** The service prescribed by the preceding article is effected, as respects rate-payers residing in the municipality, by leaving a copy of the special notice with the person to whom it is addressed, in person, or with a reasonable person at his domicile or place of business; as respects non-resident rate-payers, by depositing a copy thereof in a sealed and registered envelope, addressed to the person for whom it is intended at the place of his residence or business, or at the nearest post-office. But no non-resident rate-payer can plead that he has not received such notice, if he has not a known agent in the municipality, or if he has not left his address in writing at the office of the secretary-treasurer of the school board. R. S., 2137, § 3, *in part.*

Fees on notice how fixed. **377.** The fees to which the secretary-treasurer has a right for such special notice and for the costs of service shall be fixed by resolution of the school board. R. S., 2137, § 3, *in part.*

SECTION III

SEIZURE OF MOVEABLES

Seizure and sale of goods and chattels. **378.** Fifteen days following the service of the notice prescribed by article 375 of this act, the secretary-treasurer may levy the sums due and costs by seizure and sale of all the goods and chattels of the persons entered on the roll, which may be found within the limits of the municipality. R. S., 2137, § 4, *am.*

Warrant for such purpose. **379.** The seizure and sale, which are had in conformity with the provisions of the preceding article, are made under a warrant signed by the chairman of the school board. (*See Form No. 17.*) R. S., 2137, § 5, *in part, mod.*

380. The warrant issued for the seizure and sale is addressed to a bailiff, who shall execute it under his oath of office and according to the same rules as a writ of execution *de bonis* issued by the circuit court. How addressed, &c.

The chairman of the school board, in issuing such warrant, does not incur any personal responsibility; he acts under the responsibility of the school corporation in whose interest the distress is made. R. S., 2137, §§ 5, 6, *in part, mod.* Personal irresponsibility of person signing same.

381. The day and place of sale of the goods and chattels so seized must be announced by the seizing bailiff by public notice in the ordinary manner. Notice of sale.

Such notice must also state the names and quality of the person whose goods and chattels are to be sold. (*See Form No. 18.*) R. S., 2137, § 7. What to contain.

382. If, at the time of the seizure or sale, the debtor is absent, or if there is no person to open the doors of the house, cupboards, chests or other closed places, or in the event of refusal to open the same, the bailiff may, by an order of the chairman of the school commissioners or trustees, or of any justice of the peace, cause the same to be opened by the usual means in presence of two witnesses, with all necessary force. R. S., 2137, § 8; M. C., 965. If doors, &c., closed, &c.

SECTION IV

OPPOSITIONS TO THE SEIZURE AND SALE OF MOVEABLES AND OPPOSITIONS FOR PAYMENT.

383. The party seized upon and any person having a right of property or of pledge in the effects seized may oppose the seizure and sale, the former for any of the reasons enumerated in article 645 of the Code of Civil Procedure, and the latter for any of the reasons enumerated in article 646 of the said Code. Opposition to seizures and sales.

384. The opposition must be accompanied by an affidavit attesting that the allegations therein contained are true, and that it is not made with intent to unjustly retard the sale, but with the view of obtaining justice. It is served upon the bailiff entrusted with the execution of the distress warrant and is returned to the office of the circuit court of the county or district or of the magistrates' court within the eight days following the service thereof. R. S., 2138, § 2, *mod.* Affidavit in support thereof. Service upon seizing bailiff.

385. On the service of an opposition, the bailiff must stay his proceedings, and, within the eight days following such service make a return of all his proceedings respecting the distress warrant to the clerk of the court mentioned in the opposition. R. S. 2138, § 5, *in part.* Stay of proceedings and return to court.

Contestation thereof, &c.

386. The opposition is subsequently contested, heard, and decided according to the rules of procedure governing oppositions to the seizure and sale of moveables before the court before which it is brought.

Proceedings upon dismissal of opposition.

387. When the opposition to the seizure and sale is dismissed, the court orders the bailiff entrusted with making the same or any other bailiff to proceed with the distress warrant and, upon the delivery to him of such warrant and of a copy of the judgment, the bailiff proceeds with the sale of the goods and chattels seized, after having given notice in the usual way. R. S., 2138, § 8.

Payment over of proceeds of sale, if no opposition made.

388. When no opposition to the distribution of the proceeds of the sale of the moveables is made, the bailiff returns the warrant and his proceedings thereon, and pays over the proceeds of the sale, after deduction of the costs of seizure and sale, to the secretary-treasurer who applies such proceeds towards the payment of the school taxes for which the distress warrant was issued. R. S., 2138, § 9.

Payment in cases of opposition.

389. If opposition is made to the payment of the proceeds of the sale, the bailiff must pay over the moneys in his hands, after deduction of the costs of seizure and sale, to the secretary-treasurer, who receives the same on deposit, and make a return of all his proceedings respecting the seizure and sale to the court mentioned in the opposition.

Contestation thereof.

The opposition is afterwards contested, heard and decided according to the rules of procedure governing oppositions for payment before the court before which it is brought.

Distribution and payment of proceeds.

The proceeds of the sale are distributed by the court, and they are paid by the secretary-treasurer according to its order. R. S., 2138, §§ 6 and 7.

Payment of surplus to party seized upon.

390. If there be any surplus, it is paid by the secretary-treasurer to the rate-payer whose goods and chattels were sold.

SECTION V

SALE OF IMMOVABLES FOR TAXES

Secretary-treasurer to prepare :
Statement of school assessments, &c., due ;

391. The secretary-treasurer must prepare, in the course of the month of November in every year :

Statement of balances due after issue of warrant of distress, &c.

1. A statement of the school assessments and monthly fees remaining due by rate-payers residing in the municipality and by those who are absent.

2. A statement of the school assessment and monthly fees due by rate-payers residing in the municipality and by those who are absent, with respect to whom either a warrant of distress or a writ of execution has been returned unsatisfied, and of any costs incurred and unpaid ; showing the names

and qualities of such rate-payers, and a description of the lands liable for the payment of such taxes, according to the valuation and collection rolls. R. S., 2139, *am.*, 2140 *in part*.

392. Such statement shall be submitted to the school commissioners or trustees, as the case may be, and must be approved by them. R. S., 2139, *am.*, 2140, *in part*.

Statement to be submitted to school board.

393. The secretary-treasurer shall, before the twentieth day of December, transmit the statements mentioned in the preceding article to the secretary-treasurer of the county council; and the latter shall proceed to the sale and adjudication of the lands mentioned therein in the same manner as in the case of a statement of municipal tax arrears transmitted by the secretary-treasurer of a local municipality.

Statement to be sent to secretary-treasurer of county council who proceeds to sell immoveables.

394. The provisions of the Municipal Code respecting the redemption of immoveables sold for arrears of municipal taxes apply to the redemption of immoveables sold in virtue of this article. R. S., 2140, *in part, am.*

Provisions respecting redemption apply to such sales.

395. The secretary-treasurer of the county council shall, without delay, pay over the amounts recovered to the secretary-treasurer of the school corporation for which he collected them. R. S., 2140, *in part, am.*

Payment to secretary-treasurer of amounts collected.

396. Whenever the taxes to be collected are due upon town or city properties, the procedure prescribed in the preceding articles may be followed by the clerks or secretary-treasurers of the municipal corporations of the said town or city when it is not otherwise provided by special statute. R. S., 2140, *in part, am.*

When taxes are due in city or town, proceedings to be adopted by them.

SECTION VI

COLLECTION OF TAXES FROM CORPORATIONS AND COMPANIES LEGALLY CONSTITUTED.

397. The school commissioners for any school municipality shall alone have the power of levying assessments on the lands and real estate of corporations and companies legally constituted; but they shall annually pay over to the trustees, when there are any, a portion of all the assessments levied and collected by them on such corporations or companies, in the same proportion as the Government grant for the same year is divided between them and the said trustees, as provided by article 295 of this act. R. S., 2143, § 1, *mod.*

Levying of assessments on corporations &c., by commissioners. Payment over of portion to trustees.

398. The portion of assessments levied from corporations and companies legally constituted for the purpose of building or repairing school-houses, paid over to the trustees, shall

Application of moneys received by trustees.

be set apart by them for the building or the repairing of their school-houses. R. S., 2143, § 2.

If property situated within limits of two school corporations.

399. When the immoveable property of corporations and companies legally constituted are situate within a territory placed under the administration of two corporations of school commissioners of different religious belief established in virtue of article 97 of this act, that one of the two corporations, which comprises the greatest number of rate-payers entered on the valuation roll, shall be bound to levy the taxes affecting such property, and to divide the same proportionately to the number of children from five to sixteen years of age residing in each of them. R. S., 2143, § 3, *am.*

Commutation of assessments on property for certain time by commissioners.

400. School commissioners may, by a resolution approved by the Lieutenant-Governor in Council, upon the recommendation of the Superintendent of Public Instruction, commute for the payment annually of a certain determinate sum of money for a number of years not to exceed ten, the school assessments on immoveable property belonging to any person, firm or company lawfully constituted for carrying on any manufacturing or industrial undertaking within the limits of their municipality. R. S., 2048, *in part.*

Same by trustees.

Collection in such case.

401. School trustees may, in the same manner as school commissioners, commute their share of such school assessments. But in such case, the school commissioners shall collect from such person, firm or company mentioned in the preceding article, the sum for which the said dissentient school trustees have commuted and account to the latter. R. S., 2048, *in part.*

If trustees do not commute.

402. If the school trustees do not deem it advisable to commute their share of school assessments, the school commissioners shall continue to levy and collect from any such person, firm or company above-mentioned, and shall pay annually to the school trustees, the amount of the assessments which the said trustees would have been entitled to receive, in accordance with article 397 of this act, if the commissioners had not commuted their share of the said school assessments. R. S., 2048, *in part.*

What commutation shall affect.

403. Unless there is an agreement to that effect, the commutation of assessments shall not apply to the special assessments which may be imposed in virtue of any of the provisions of this act. *New.*

Exempted property.

404. No religious, charitable or educational institution or corporation shall be assessed, under any provision of this act, on the property occupied by them for the objects for which they were instituted. R. S. 2144, *in part.*

405. All property held by any of the institutions or corporations mentioned in the preceding article for the purpose of deriving any income therefrom, shall be assessed by the school commissioners or trustees of the religious majority or minority to which such corporations or institutions belong, and to the exclusive benefit of such majority or minority, or in conformity with the declarations which they may make to that effect. R. S., 2144, *mod.*

Assessment of property held for purposes of revenue.

406. When the religious body to which such corporations or institutions belong is not defined, or where no such declaration has been made, then the taxes to which they are liable are collected in the same manner and have the same destination as those of the properties of other corporations and companies legally constituted mentioned in article 397 of this act. R. S., 2144, *mod.*

If religious body to which institution belongs not defined.

SECTION VII

ASSESSMENT OF NON-RESIDENT RATE-PAYERS

407. Any rate-payer, being a proprietor, who does not reside in a municipality in which a board of trustees is established, may declare in writing to the school commissioners and trustees his intention of dividing his assessments between the schools under control of the commissioners and those under control of the trustees.

Division of assessments under declaration of absent owner.

In such case, the school commissioners shall collect such assessments, and shall pay over to the trustees such part and proportion thereof as such proprietor may direct. R. S., 2145, *am.*

Collection in such case.

SECTION VIII

SPECIAL ASSESSMENTS FOR CERTAIN PURPOSES

408. Whenever a general or special assessment imposed by the school commissioners or trustees in any school municipality, is annulled, such school commissioners or trustees shall forthwith, in a summary manner, cause an assessment roll to be made, which new assessment shall have effect in such municipality for the whole time, past and future, for which the assessment so annulled or set aside would have been in force if it had been valid. R. S., 2142, § 1.

New roll in certain cases.

409. Every assessment annulled shall be declared invalid for the future only, and shall not affect any judgments then already rendered to enforce such payments. R. S., 2142, § 2, *in part.*

Effect of annulling roll.

410. In every school municipality, the school commissioners or trustees may levy special assessments with the approval of the Lieutenant-Governor in Council, given

Special assessment for payment of debts con-

tracted for building school-houses, &c.

on the recommendation of the Superintendent of Public Instruction, for the payment of debts contracted in good faith, for the construction of model or elementary schools, for an amount greater than that authorized by article 255 of this act ; and the collection of such special assessment cannot be opposed by any judgment annulling a previous assessment, either because it exceeded the amount permitted by law or because of the omission of certain formalities.

Costs may be included.

Such special assessment may also include the costs incurred by the school corporations for suits to recover assessments previously levied. R. S., 2146*a*, *in part*.

Effect of annulling roll upon payments.

411. In case a special assessment is annulled as mentioned in the preceding articles, the rate-payers who have paid their share of such assessment shall not have the right to be reimbursed ; but in any subsequent assessment imposed for the same purpose, they shall have credit for the sums paid on the assessment so annulled. R. S., 2146*a*, *in part* 2142, § 2.

SECTION IX

CERTAIN EXECUTORY PROCEEDINGS AGAINST INDEBTED SCHOOL CORPORATIONS

Special assessment for payment of debts.

412. The Superintendent of Public Instruction may authorize or order special assessments to be levied in any school municipality or district for the payment of the debts incurred by the school commissioners or trustees within the limits of their powers, or which have been adjudged by a court of justice to be due by such school municipality or district. R. S., 2146, *in part, am.*

Apportionment of debts in certain cases.

413. Debts which have been contracted by a municipality, subsequently divided into several municipalities or the limits of which have been subsequently altered, are apportioned by the Superintendent of Public Instruction among the several municipalities liable for the same. R. S., 2146, *in part, am.*

When judgment is served upon school corporation, meeting to be called.

414. Whenever a copy of judgment condemning a school corporation to pay a sum of money has been served at the office of the secretary-treasurer of such corporation, he must forthwith convene a meeting of the school board which must then order the payment of the amount due.

Special assessment to be levied in such cases.

If the school board has no funds at its disposal, or if those at its disposal are insufficient, it must apply to the Superintendent of Public Instruction for authorization to levy a special assessment to pay the amount of the judgment. R. S., 2147.

Special collection roll in such case.

415. If, for the reasons specified in the previous article, the Superintendent of Public Instruction authorizes the levying of such special assessment, steps shall be taken

without delay by the school board to prepare a special collection roll, in the manner and with the formalities required for completing an ordinary collection roll. R. S., 2148.

416. The creditor who has a judgment against a school corporation may obtain a writ of execution against such school corporation on production of a copy of the judgment and of one or more affidavits establishing to the satisfaction of the court or judge :

Where creditor or may obtain writ of execution against a school corporation.

1. That the Superintendent of Public Instruction has not given, within the fifteen days that have followed the demand therefor, the authorization to impose the special assessment ;

2. That the special assessment which had been authorized has not been collected ;

3. That the school commissioners or trustees have not proceeded to complete such roll within the fifteen days following the date when the Superintendent of Public Instruction authorized or ordered them to impose the special assessment ;

4. That the school commissioners or trustees refuse or neglect to proceed with the special assessment, the completion of the roll, or the collection of the assessment, in whole or in part. R. S., 2149, *mod.*

417. The court which has rendered the judgment, or a judge of such court, may, on petition, grant to the Superintendent of Public Instruction, or to the commissioners or trustees, the delay deemed necessary by the court or judge for completing the collection roll, or for levying the sums of money specified therein, or for any other purpose connected with such roll. R. S., 2150.

Delay may be granted to make collection roll, &c.

418. The writ of execution, issued under article 416 of this act, is addressed and delivered to the sheriff of the district in which the school municipality in question is situated, and enjoins him :

Contents of writ of execution and to whom addressed.

1. To levy from the school corporation, without delay, the amount of the debt with interest and the costs of the judgment and of the execution ;

2. In default of immediate payment by the school corporation, to seize and sell the moveable property of the school corporation, if any, and the real estate belonging to it upon which the judgment creditor may have a privilege or hypothec, and of which the seizure and sale are ordered by such judgment. R. S., 2151.

419. In the event of there being no moveable or immovable property belonging to the school corporation to be seized and sold, or, in the event of any such property being insuf-

Alias writ of execution.

ficient to satisfy the judgment, on the production of the return of the sheriff to the court to that effect, or after the homologation of the judgment of distribution establishing its insufficiency, an *alias* writ of execution may be issued against the school corporation in default, addressed to the sheriff and enjoining him :

1. To levy from the school corporation the whole or the sum remaining due, as the case may be, of the debt, with interest and costs, including those of the judgment and the subsequent costs incurred, by apportioning the sum required on all the taxable immoveable property in the school municipality liable for the judgment ;

2. To collect the assessment thus imposed and to report to the court as soon as the amount of the debt, interest and costs has been collected, or from time to time, as the court may order. R. S., 2152.

Duty of sheriff, &c., to procure valuation roll, &c.

420. The sheriff shall, on payment of the usual fees, to the secretary-treasurer or secretary-treasurers of the municipal corporation or corporations in which the school municipality is situated, procure from him or them a copy of the valuation roll in force ; and, on the refusal or neglect of such secretary-treasurer or secretary-treasurers to furnish such copy, the sheriff is authorized to take possession of the valuation roll or rolls and to make a copy.

If sheriff cannot procure rolls.

If the sheriff cannot obtain the valuation roll, or if none exist, the sheriff proceeds to make a valuation of the taxable property of the school municipality himself. R. S., 2153.

Fees and costs of sheriff.

421. The fees and costs of the sheriff in connection with the writ of execution shall be taxed by an order of the court or of a judge thereof ; and such fees and costs, with all lawful disbursements, are added to the amount to be levied. R.S., 2154.

Apportionment and roll to be made by him.

422. The sheriff shall proceed to apportion the sum to be levied on all the taxable immoveable property in the school municipality in proportion to its value, according to the valuation roll in force, or according to the valuation made by himself, as the case may be ; and he shall make a special collection roll in accordance with such apportionment. R. S., 2155.

Collection of assessments.

423. The sheriff, after having given a similar notice to that prescribed by article 366 of this act, shall collect the assessment, proceeding in the same way as the secretary-treasurer of a school corporation.

Where payable.

Such special assessment is payable at the office of the sheriff. R. S., 2156, 2157, 2158.

424. The proceeds of the sale, arising from any seizure in virtue of a warrant issued by the sheriff, shall be paid to the sheriff himself, and not to the secretary-treasurer of the school board. R. S., 2159, *in part*.

Payment to sheriff and not to secretary-treasurer.

425. Any rate-payer or other person having a right of property in or a privilege over the moveables and effects seized, may make an opposition to such seizure or sale or to the payment of the proceeds thereof, for the causes, in the manner and to the ends mentioned in articles 383 and following of this act. R. S., 2160.

Opposition to seizure and sale.

426. The sheriff shall collect the unpaid assessments of the resident and non-resident rate-payers, which he had been unable to collect from the sale of their chattels and effects, by the sale and adjudication made by him of their immoveable property for the amounts for which such property is liable, on the first Monday of March in any year, in the manner and according to the rules laid down for the sale of immoveable property for arrears of municipal assessments, after having given or caused to be made or given the publications and notices required to be made or given by the secretary-treasurer of a county council. R. S., 2161.

Sale of lands by sheriff.

427. If any land advertized to be sold by the sheriff is advertized to be sold on the same day by the secretary-treasurer of the county, the latter cannot sell the land, but must forthwith transmit to the sheriff a statement of his claim and costs, which the sheriff shall levy with the special assessment, and shall hand over to the secretary-treasurer.

If land is advertized for sale by sheriff, &c.

The provisions of the Municipal Code respecting the redemption of immoveables sold for arrears of municipal taxes apply to the redemption of immoveables sold in virtue of this article. R. S., 2162, *am*.

Provisions of Municipal Code apply to redemption.

428. The title for lands sold by the sheriff which have been redeemed shall be granted by him, and, if the redemption has not taken place, he shall give the deed of sale. R. S., 2163, *am*.

Deeds on redemption and deeds of sale to be granted by sheriff.

429. After having levied the whole amount set forth in the *alias* writ of execution, with costs and interest, the sheriff must transmit to the commissioners or trustees, a copy of his special collection roll shewing thereon what amounts have been collected from each rate-payer.

Copy of collection roll to be sent to commissioners after levy.

If any surplus remain in the hands of the sheriff, he shall pay it over to the school corporation to which it belongs. R. S., 2164.

Payment of surplus to school corporation, &c.

430. All arrears shall belong to the school corporation, and may be recovered in the same manner as ordinary contributions. R. S., 2165.

Arrears to belong to school corporation.

Orders that may be obtained by sheriff.

431. The sheriff may obtain from the court any order calculated to facilitate and ensure the execution of the writ addressed to him. R. S., 2166.

Fees, &c., of sheriff.

432. The sheriff shall be entitled, with respect to the special notices to rate-payers, to such fees and disbursements as may be fixed by an order of the court or of a judge thereof, and with respect to the sale and adjudication of lands, to the same fees and disbursements as the secretary-treasurer of the county. R. S., 2167.

If judgment for debt due for building school-house, same must be mentioned therein and in writ, &c. Levy in such case upon part only of municipality.

433. When judgment is rendered against a school corporation for a debt due for the building of a school-house for which a portion only of the school municipality is liable, the judgment, the writ of execution and the *alias* writ of execution shall mention such fact.

The assessment, in such case, shall be imposed only upon the immoveable property situated in that part of the school municipality which is liable under the judgment. R. S., 2168.

Sale of real estate other than school-houses belonging to school corporation.

434. When the school corporation, against which any judgment has been rendered, ordering the payment of any sum of money, holds any immoveable property, other than school-houses, which is not affected by privilege or hypothec in favor of the judgment creditor, such property may, with the authorization of the Superintendent of Public Instruction, be seized and sold in the manner prescribed by the Code of Civil Procedure.

Sale of moveables, &c., of school corporation.

The moveable property of the school corporation in the possession of a third party and debts due to it may also be attached and sold in the same manner. R. S., 2169.

TITLE FOURTH

PUBLIC SCHOOL FUND — SUPERIOR EDUCATION FUND — POOR MUNICIPALITIES' FUND

CHAPTER FIRST

PUBLIC SCHOOL FUND

SECTION I

APPLICATION OF PUBLIC SCHOOL FUND

Superintendent to deposit legislative grant in bank.

435. The grant voted annually by the Legislature for public schools is payable upon the application of the Superintendent of Public Instruction, who shall deposit it in a

bank indicated to him by the Lieutenant-Governor in Council. R. S., 2173, *in part, am.*

436. The sums destined for public schools are distributed by the Superintendent of Public Instruction among the school municipalities in proportion to their population, according to the preceding census. R. S., 1892, §1, 2173, *in part.* Distribution of such funds.

437. The Superintendent of Public Instruction shall pay semi-annually to the school commissioners and trustees the share belonging to the school corporations they represent by cheques payable to the order of their respective secretary-treasurers. In this division the share of the school trustees is in the proportion provided by article 295 of this act. R. S., 2173, 2174, *in part.* Semi-annual payments to school boards by cheque.
Proportion of share of trustees.

438. To have a right to a share of the Public School Fund a municipality must furnish proof: Conditions of right to share of fund.

1. That it has been under the management of school commissioners or trustees in the manner directed by this act;

2. That its schools have been in actual operation during the school year;

3. That each of its schools had been attended at least by fifteen children, excepting the case provided for by article 439 of this act and when epidemic or contagious diseases have raged in the municipality;

4. That a public examination of each school has taken place at the end of the school year;

5. That a report signed by the majority of the commissioners or trustees, and by the secretary-treasurer, has been transmitted to the Superintendent of Public Instruction, before the fifteenth day of July in each year;

6. That the monthly fees have been collected;

7. That teachers with diplomas have been employed therein, saving the case provided for by article 93 of this act;

8. That the teachers have been regularly paid;

9. That only authorized books have been used;

10. That the regulations of the Council of Public Instruction or of either committee thereof, as the case may be, and the instructions of the Superintendent of Public Instruction have been observed. R. S., 2175.

439. If, however, the school commissioners or trustees, as the case may be, of a school municipality, have endeavored in good faith to have the law carried out, a share of the school fund may be allowed them. R. S., 2176. Effect of non-observance of law, if school board has evinced good faith.

440. The Superintendent of Public Instruction may refuse the school grant to any municipality in which the school commissioners or trustees have not rendered sufficient accounts. Refusal of grant in certain cases.

accompanied by vouchers, or have refused or neglected to observe any of the provisions of this act. R. S., 2183, 2184, *in part*.

SECTION II

DISPOSAL OF LOCAL SCHOOL FUNDS

Application of funds not specially set apart.

441. In every municipality, all sums of money, which have not been specially appropriated by provision of the donors, vendors, or others, form a common fund for all the schools, and shall be employed for the payment of teachers, the maintenance of school-houses, the purchase of books and school furniture, and other school purposes, without regard to the amount which each district shall have contributed to the common fund. R. S., 2180, *in part, am.*

Payment of expenses.

442. The school commissioners and trustees may direct the payment, out of the fund of their school corporation, of such expenses as are not specially provided for by this act. R. S., 2174, *in part*.

SECTION III

DISPOSAL OF LOCAL SCHOOL FUNDS IN CERTAIN CASES

Deposit of unexpended funds in bank by school corporations.

443. Whenever the school funds of a municipality have not been completely disbursed, the surplus shall, at the end of each school year, be deposited in the name of the school corporation, at interest, in a legally constituted bank. R. S., 2186, *in part*.

CHAPTER SECOND

SUPERIOR EDUCATION FUND—POOR MUNICIPALITIES' FUND

Annual apportionment of superior education fund.

444. The Superintendent of Public Instruction shall, upon the recommendation of the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be, annually apportion to and amongst the universities, colleges, seminaries, academies, high schools, superior schools, model schools and educational institutions other than the ordinary elementary schools, the whole or so much of the grants voted for education as prescribed by the Lieutenant-Governor in Council, and in the proportion approved by him.

Payment and distribution of fund.

Such grants shall be paid by the Provincial Treasurer, on the warrant of the Lieutenant-Governor, to the Superintendent of Public Instruction, who shall pay the same to the institutions entitled thereto. R. S., 2203.

445. The aid granted for the purposes of superior education shall be divided each year between the Roman Catholic and Protestant institutions in the relative proportion of the respective Roman Catholic and Protestant population of the Province according to the then last census.

Division between Roman Catholic and Protestant institutions.

The aid granted under this distribution is for one year only.

Aid for one year only.

The Lieutenant-Governor in Council may attach to the grants such conditions as he may deem to be for the advancement of superior education. R. S., 2204, *am.*

Conditions may be attached to grants.

446. The Superintendent of Public Instruction shall refuse a grant to any school or institution which has not produced in support of its demand a report during the month of July, showing :

Report to be produced in support of application for grant.

1. The composition of the governing body ;
2. The number and names of the directors, principals, professors, teachers or lecturers ;
3. The number, the names, the nationality and the religious belief of its pupils, indicating those who are under, and those who are over, sixteen years of age ;
4. The course of instruction and the books used ;
5. The annual cost of maintaining the institution, and the sources from which its revenues are derived ;
6. The value of its immoveable property ;
7. A statement of its liabilities ;
8. The number of pupils taught and boarded gratuitously, or taught gratuitously only ;
9. The number of books, globes and maps, and the value of any museum and physical and chemical apparatus belonging to it. R. S., 2208, *am.*

447. The Superintendent of Public Instruction may in addition require all the information that he may think necessary, and, in such case, the report mentioned in the preceding article must contain the same. *New.*

Additional information may be required.

448. To be entitled to a grant, every superior school or educational institution must have been actually in operation at least one year, and have fulfilled all the conditions required by law. R. S., 2207, *am.*

Grant withheld unless institution in operation for one year, &c

449. The sum annually voted by the Legislature in aid of poor municipalities shall be distributed by the Superintendent of Public Instruction, in proportion to the Roman Catholic and Protestant population of the Province, and in accordance with the division made upon the recommendation of the Committee of the Council of Public Instruction of the religious belief to which such municipalities belong, which has been approved by the Lieutenant-Governor in Council. R. S., 2179, *am.*

Distribution of grant to poor municipalities.

Distribution
of funds from
marriage
licenses of
Protestants.

450. The sums paid over to the Provincial Treasurer, arising from licenses for the celebration of marriages by Protestant ministers, shall be by him annually paid over to the Superintendent of Public Instruction to be apportioned, under the authority of the Lieutenant-Governor in Council, upon the recommendation of the Protestant Committee of the Council of Public Instruction, among the Protestant institutions of superior education or Protestant poor municipalities or both, in addition to and in the same manner as the other grants to these institutions and municipalities. R. S., 2205, *am.*

TITLE FIFTH

NORMAL SCHOOLS—FABRIQUE SCHOOLS—COUNTY ACADEMIES

CHAPTER FIRST

NORMAL SCHOOLS

SECTION I

ESTABLISHMENT OF NORMAL SCHOOLS

Establishment of normal schools.

451. The Lieutenant-Governor in Council may adopt all needful measures for the establishment and maintenance of normal schools, for the training of teachers for public schools in the science of education and art of teaching in the Province.

Model schools in connection therewith.

Model schools may be conducted in connection with these normal schools. R. S., 2209, *mod.*

Expenditure for such schools.

452. The sum necessary for the establishment and maintenance of normal schools is voted by the Legislature. *New.*

SECTION II

MANAGEMENT OF NORMAL SCHOOLS

Control of normal schools

453. Normal schools shall be under the control of the Superintendent of Public Instruction and shall be subject to the regulations concerning them. R. S., 2215, *in part.*

Report by principal of normal schools.

454. The principals of the normal schools shall, yearly and whenever required so to do by the Superintendent of Public Instruction, make a report to him concerning their administration, furnishing a detailed statement of their receipts and expenses. R. S., 2215, *in part.*

455. The professors, directors and principals of normal schools are appointed or removed by the Lieutenant-Governor in Council, on the recommendation of the Roman Catholic or Protestant Committee of the Council of Public Instruction, according as such appointments or removals concern Roman Catholic or Protestant normal schools. R. S., 2216.

Appointment and removal of professors, &c., of normal schools.

456. Pupils shall be admitted to a normal school upon the order of the Provincial Secretary in accordance with a report of the principal showing that they have fulfilled the conditions required by the regulations for that purpose made by the Committee of the Council of Public Instruction of the religious belief to which such normal school belongs. *New.*

Admission of pupils to normal schools.

457. The principal of a normal school shall, before admitting any pupil into such school, make him sign, in presence of two witnesses, a document, by which he shall bind himself to pay his board therein, or if he be a bursar, to refund the amount of his bursary if he does not fulfil the conditions required by the school law and regulations, and to pay, if necessary, the fines which may be imposed by the Lieutenant-Governor in Council.

Conditions imposed upon admission to normal school.

2. Every father, tutor or friend of a pupil, may become responsible for the payment of all sums exigible under the above-mentioned document and the conditions so fixed by the Lieutenant-Governor in Council.

Parents, &c., may assume obligations, &c.

3. The Attorney-General, upon the recommendation of the principal of a normal school, may sue in any competent court of justice, for the recovery of all sums due under such obligation. The action shall be brought in the name of the principal of the normal school who shall be designated in such suit by the words "the principal of the normal school of" (*name of the school.*)

Suit for recovery of sums due under such obligations.

4. The principal shall account to the Superintendent of Public Instruction for all sums collected in virtue of this article, which applies also to the recovery of any sum due to normal schools under regulations in force. R. S., 2217, *mod.*

Account to be rendered to Superintendent.

458. The Superintendent of Public Instruction shall grant a diploma of qualification to any pupil of a normal school who has obtained from the principal thereof a certificate showing that such student has successfully followed a regular course of study therein. R. S., 2218, *mod.*

Certificates to students who have successfully followed normal school course.

459. By virtue of such diploma and while it remains valid, such person shall be eligible to be employed as teacher, according to the grade of the diploma obtained by him, in any academy, model school or elementary school under the control of school commissioners or trustees. R. S. 2219.

Effect of certificate.

CHAPTER SECOND

FABRIQUE SCHOOLS

Joint school may be held by *Fabrique* and school commissioners.

460. The *Fabrique* of any parish, and the school commissioners or trustees of the school municipality of which it forms part, may, by mutual agreement in due form, unite, for one or more years, the *Fabrique* schools in operation with any of the public schools held under this act. R. S., 2222, § 1.

Right of *curé*, &c., to be commissioner in certain cases.

461. Any *Fabrique* contributing not less than fifty dollars annually towards the support of any school under the management of school commissioners or trustees shall thereby acquire a right to the *curé* and church-warden in office to be commissioners or trustees for the management of that school only, if they were not so before. R. S., 2222, § 2.

Agreement required for union in certain cases.

462. No *Fabrique* shall unite its schools to those managed by commissioners or trustees of another religious belief, except under an express and formal agreement with the school commissioners or trustees of such other faith. R. S., 2222, § 3.

CHAPTER THIRD

COUNTY ACADEMIES

Establishment of county academies, &c., and procedure for that purpose.

463. School commissioners or trustees, as the case may be, of any municipality in any county, counties or parts of counties, may combine for the purpose of establishing one or more academies therein, by proceeding in the following manner:

Appointment of delegates.

1. The chairmen of the said school corporations may be appointed academy delegates to represent the said corporations by virtue of a resolution adopted for that purpose by each.

Calling of meeting by the last appointed delegate.

The last of the delegates who have been appointed shall convene the first meeting of the delegates by giving a written notice of eight days of the time and place of such first meeting.

Chairman and secretary.

2. At the first meeting, the delegates shall elect a chairman and a secretary.

Petition if majority think establishment of academy necessary.

If the majority of the delegates pass a resolution by which they declare that it is necessary to establish one or more academies in a county, counties, or parts of counties, a petition to that effect, founded on such resolution, may be forwarded to the Roman Catholic or Protestant Committee, as the case may be, stating the facts of the case. Such petition shall be signed by the chairman and secretary of the meeting.

3. At the next ensuing meeting of the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be, or at a meeting specially called for that purpose, the said petition shall be taken into consideration, and, if approved by the majority of the members of the committee, the said petition shall be delivered to the Superintendent of Public Instruction for transmission to the Lieutenant-Governor in Council.

Consideration of petition.

If the Lieutenant-Governor in Council approve such petition, he may, by proclamation in the *Quebec Official Gazette*, establish such academy or academies, and designate them as the "Academy" or "Academies of the county of _____" or "counties of _____," if academies of county or counties, or "County of _____ Academy No. 1," (2 or 3) as the case may be, if an academy of parts of counties.

Proclamation respecting establishment of academy.

4. Within the thirty days which follow the proclamation establishing an academy, the board of delegates shall again meet, and shall elect three of their members to act as the first trustees of such academy.

Meeting of delegates after proclamation and election of first trustees. Term of office of first trustees.

Such trustees shall remain in office until the first juridical day of the month of August then ensuing, when there shall be a regular annual meeting of the board of delegates. R. S., 2232, § 1, 2, 3, 4, *in part*.

464. At the first meeting and at the meeting which takes place yearly on the first juridical day of August, the board of delegates shall, under the provisions of the preceding article, appoint three of their number to act as trustees of the said academy for the ensuing year. They shall also appoint an auditor or auditors to examine the accounts of the academy. R. S., 2232, § 4, *in part*.

Subsequent election of trustees. Auditors.

465. The academy trustees shall present annually to the said board of delegates at such annual meeting a report of the educational work of such academy for the past year, with a balance sheet and statement of income and expenditure, duly audited. R. S., 2232, § 4, *in part*.

Annual report of academy trustees.

466. The secretary of the board of delegates may be the secretary-treasurer of a board of academy trustees. R. S., 2232, § 4, *in part*.

Secretary-treasurer of academy trustees.

467. The academy trustees, the secretary-treasurer and auditors shall, in the performance of their several duties, conform, in all respects, to the provisions of the school law which refer to school corporations and their officers, and also to the rules and regulations of the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be. R. S., 2232, § 4, *in part*.

Laws to which the academy trustees must conform.

Imposition of assessment for purchasing land necessary for maintenance of academy.

468. To provide for the building and maintenance of any county academy or academy of parts of counties, the Roman Catholic or Protestant school commissioners or trustees, as the case may be, who have contributed to the establishment of such academies, may levy a tax on the taxable immoveable property of the school municipality under their control, sufficient in amount to provide a sum not exceeding three thousand dollars for the purchase of the site for and the building of an academy, and not less than three hundred dollars per annum towards the payment of the teachers and the incidental expenses of such academy, as may be agreed on by the said board of delegates. R. S., 2233.

Responsibility of school commissioners, &c., to academy trustees.

469. The school commissioners and trustees, as the case may be, shall be jointly and severally responsible for the payment of the sums mentioned in the preceding article, and shall pay over the said sums to the said academy trustees by equal semi-annual payments on the second day of January and second day of July in each year or the following juridical day. R. S., 2233, *am.*

Monthly fees exigible from pupils attending academy.

470. The academy trustees shall be entitled to charge monthly fees to the pupils attending the same, varying with the course of study followed, such fees not to exceed one dollar and fifty cents per month, to be paid monthly in advance.

Exclusion if fee not paid.

No pupil, being two months in arrear for such fees, shall be permitted to attend such academy. R. S., 2234.

Right to share in grant allowed by Legislature.

471. Each academy fulfilling the conditions of the preceding articles of this chapter, and conforming to the regulations in respect to academies adopted or which may be adopted by the Roman Catholic or Protestant Committee, shall be entitled to a share of the legislative grant for superior education in the discretion of the committee of its religious faith. R. S., 2235.

TITLE SIXTH

PROSECUTIONS — PENALTIES — APPEALS

CHAPTER FIRST

PROSECUTIONS

Suits for recovery of assessments.

472. The school commissioners or trustees of any school municipality may institute such suits or prosecutions as they deem necessary for the recovery of sums due as well for

school assessments and monthly school fees as for the arrears of such taxes. R. S., 2189, *in part*.

173. All suits or prosecutions, instituted under the preceding article, may be brought before the circuit court, or before the magistrate's court of the district, provided the amount does not exceed the lawful jurisdiction of the said courts. Before what courts to be brought.

In all such suits or prosecutions, judgment may be rendered with costs. R. S., 2190, *am.* Costs.

174. Every action shall be brought in the name of the school corporation, in virtue of a resolution adopted for that purpose. R. S., 2192, *am.* By whom to be instituted.

CHAPTER SECOND

PENALTIES

175. Every person lawfully called upon to accept any office or perform any functions under this act, who refuses to accept or neglects to perform the same, or who, in any way, wilfully contravenes the provisions of this act, or of the regulations thereunder, shall for each such offence, whether of commission or omission, incur a penalty of not less than five dollars nor more than ten dollars. R. S., 2193. Penalty for refusing to accept or to perform duties of office.

176. If any school commissioner, trustee, secretary-treasurer or other person makes any false certificate or return, by means of which he fraudulently obtains, or seeks fraudulently to obtain, money provided for the purposes of education under any of the provisions of this act, he shall not only restore the money so obtained, but shall also incur a penalty of not less than ten dollars nor more than forty dollars. Penalties on school commissioners, &c., making fraudulent returns to obtain money.

If the penalty which may be imposed as aforesaid is not paid within ten days after judgment, it shall be levied, with costs, by seizure and sale of the goods and chattels of the defendant. Enforcement of penalty.

In default of sufficient goods and chattels, the defendant may be committed to the common gaol and detained therein one day for each sixty cents of the amount of the fine and costs, or of the balance which may be due. R. S., 2196, *mod.* Imprisonment.

177. If any school commissioner, trustee, or secretary-treasurer, after dismissal, or retirement from office, or any other person whosoever, retains, keeps, or takes possession of or refuses to deliver up any sum of money, register, book, Refusal to restore school corporation property.

- paper, or other article belonging to a school corporation he shall thereby incur, for each day during which he retains, appropriates or refuses to deliver such sum of money, register, book, paper, or other article whatever, a fine of not less than five dollars nor more than twenty dollars, from the day following that upon which the notice mentioned in the following paragraph has been served upon him. Such suit shall be instituted by the school corporation interested, which, in the same action, may require the return of the moneys, registers, books, papers or other articles whatever above-mentioned.
- Fine.** Suit therefor and to recover property.
- Notice to be given by Superintendent.** 2. Before instituting a suit for the recovery of such fine, notice shall be given by the Superintendent of Public Instruction to the person who retains the sums of money or articles above-mentioned, ordering him to deposit or deliver them within a specified time into the hands of the person indicated in such notice. Such notice shall be served by a bailiff of the superior court upon the person withholding the said money or other article or at his domicile, and the said bailiff shall make his return of such service.
- Service of notice.** 3. Such fine shall be considered as a personal debt, and the person upon whom it is inflicted may be condemned to be imprisoned, in default of payment of the fine, or in case of refusal or neglect to return the said sums of money, registers, books, papers, or other articles whatever, or any of them, until he shall have conformed to the judgment. R. S., 2198, 2199, 2200, *mod.*
- Fine and imprisonment.** **478.** Every person, who voluntarily troubles, disturbs or interrupts any school or educational institution by indecent, improper or injurious expressions or conduct, or by making any noise in or near such school or educational institution so as to disturb the classes or the school, shall be liable to a penalty not exceeding twenty dollars and costs, or thirty days' imprisonment, or to a fine and imprisonment at the same time. R. S., 2197, *in part, am.*
- Penalty for disturbing classes in school, &c.** **479.** Except when otherwise provided by some other provision of this act, any suit taken for the recovery of a fine shall be taken before the circuit court, or the district magistrate's court, which may, after judgment, cause the penalty and costs to be levied under a warrant or order for the seizure and sale of the goods and chattels of the offender. R. S., 2194, § 1, *am.*
- Suits for fines before what court brought and how judgment levied.** **480.** Save in the case specified in article 477 of this act, any person intrusted with its execution or qualified to vote at an election of school commissioners or trustees may prosecute in his own name for the recovery of the fines imposed in virtue of any provision of this act. R. S., 2195, *am.*
- Who may prosecute.**

481. The amount of every penalty levied in virtue of the preceding articles shall be paid into the school funds of the corporation of the commissioners or trustees of the municipality in which the offence has been committed. R. S., 2194, § 2, *mod.*

Application
of fines and
penalties.

CHAPTER THIRD

APPEALS

482. An appeal or recourse lies to the circuit court of the county or district :

1. When the school commissioners or trustees have :

(a) Selected a school site :

(b) Established a new district ;

(c) Altered the limits of a district already existing ;

(d) Levied a special tax in virtue of the provisions of article 253 of this act.

Cases in
which an
appeal or re-
course to the
circuit court
lies.

2. When the school commissioners or trustees refuse to exercise any of the attributions which they may or should exercise in virtue of articles 112, 117, 229, 252, 253, 254, or 255. *New.*

483. The appeal or recourse may be taken by any rate-payer of the school municipality :

(a) During the thirty days following the notice given in virtue of article 293 in the cases in which such notice is required ; or

(b) If the school commissioners or trustees refuse or neglect to perform some of the duties or to exercise the attributions mentioned in articles 112, 117, 229, 252, 253, 254, or 255, during the thirty days following the expiration of a delay of thirty days counting from the notice given by a rate-payer to the school commissioners or trustees to exercise the same, if within such delay the school commissioners or trustees have not granted the application of such rate-payer. *New.*

Delay within
which appeal
or recourse
may be taken.

484. The appeal or recourse is brought or exercised by means of a simple notice of which service is made by a bailiff upon the secretary-treasurer of the school board interested in the suit, personally or at the office or domicile of the latter. *New.*

Notice of ap-
peal or re-
course and
service there-
of.

485. A duplicate of such notice, and the certificate of the service thereof, shall be returned into the office of the court within five days after the service. *New.*

Production of
duplicate,
&c., in office
of court.

Production of documents in office of court.

Penalty in case of default.

Inscription upon roll and hearing.

Case privileged.

Judgment.

Penalty for not complying with judgment.

Appeal suspends decision appealed from.

Costs.

486. Within ten days after the service of the notice, all the documents concerning the matter must be produced at the office of the court at ten of the clock in the morning by the secretary-treasurer of the school board, under a penalty not exceeding twenty dollars which may be imposed, sitting the court. *New.*

487. As soon as the ten days mentioned in the preceding article have expired, the case must be placed by the clerk upon the roll for proof and hearing and may be heard on the fifth juridical after such inscription or on any other day fixed by the judge. If the case is not concluded during the term it may be continued to the next term. *New.*

488. The case shall be heard by privilege. *New.*

489. The court may, by its judgment, confirm the resolution appealed from or annul the same, correct any error of procedure connected therewith, render such decision as the school commissioners or trustees should have originally rendered, or order them to exercise the attributions respecting which recourse is had. *New.*

490. If the court, by its judgment, condemns the school board to do anything which has been required of it, such board shall incur a penalty not exceeding twenty dollars per day, for each day's delay in the carrying out of that which it is bound to do. *New.*

491. The execution of the decision of the school commissioners or trustees appealed from is suspended until the judgment on the appeal is rendered. *New.*

492. The costs of the appeal or the recourse are in the discretion of the court or judge and shall be taxed against either party. *New.*

TITLE SEVENTH

PENSIONS OF OFFICERS OF PRIMARY INSTRUCTION

CHAPTER FIRST

PENSIONS OF OFFICERS

Annual pension of retired officers.

493. Every person who has reached the age of fifty-six years, and who has been employed as an officer of primary instruction, during a term of twenty years or upwards, has

a right to an annual pension, based upon the average salary received by him during the years he has passed in teaching, and for which he has paid the stoppages. R. S., 2240, *am.*

494. The pension, except in the case provided for by article 518, is fixed at one-fiftieth of the average salary, for each year of service up to thirty-five years. R. S., 2241, *am.* Pension how calculated.

495. The average salary of officers of primary instruction shall not, for the purposes of this act, exceed the sum eleven hundred and fifty dollars, except that any officer of primary instruction who by reason of his age, the length of his services, and the previous payment of stoppages is entitled, at the time of the coming into force of this act, to a higher pension, shall not suffer any diminution in his pension, owing to this article; the amount of his pension which shall exceed the pension that may be allowed under this act shall be paid annually out of the capitalized pension fund. R. S., 2242, *am.* Salary for pension.

496. After twenty years' service, every officer of primary instruction, whatever be his age, may receive a pension when a serious accident, or enfeebled health renders it impossible for him to continue such service, provided such accident or ill-health has not arisen through any conduct forbidden by law or against good morals. Pension after twenty years' service in certain cases.

After ten years' and less than twenty years' service, an officer of primary instruction, who is obliged to retire from teaching for any of the reasons above-mentioned, may be reimbursed the sums which he paid in to the pension fund, without interest. But any officer who, after having been so reimbursed the sums by him paid into the pension fund, again takes up teaching, shall recover his rights to a retiring allowance on returning to the pension fund the sum received by him, within the two years next after his again taking up teaching. R. S., 2243, *am. and new.* Reimbursement of sums after ten years' service.

497. In the event of an officer applying for leave to retire owing to enfeebled health or serious illness, such infirmities and the cause thereof shall be established by means of certificates from the physician who has attended such officer, and, if the administrative commission deems it expedient, by another physician selected by it and at its own expense. (*See Form No. 23.*) R. S., 2244, *am.* Certificates required in such cases.

498. The physicians' certificates, prescribed by the preceding article, shall be prepared according to form No. 23 of this act, and verified under oath before a justice of the peace or any other person authorized to receive an oath. R. S., 2245, *mod.* How to be prepared and verified.

Stopping of pension.

499. Such pension is stopped from the moment the cause which gave rise to it has ceased to exist. R. S., 2246.

Years to be counted in computing years of service.

500. From the age of eighteen, the years that have been passed in teaching shall be included in the years of service, at the time of establishing the amount of the pension. R. S., 2247.

Years not to be counted.

501. The years, during which officers of primary instruction have taught outside of the Province, cannot be counted in the number of those which entitle them to a pension. R. S., 2248.

Proof required on application for pension.

502. Every officer of primary instruction who wishes to claim his right to a pension shall establish, before the administrative commission of the pension fund of officers of primary instruction, that he has served as such during the five last years preceding his application, and that he has complied with the other provisions of this title. R. S., 2250.

Documentary proof for same.

503. An officer of primary instruction, in order to be pensioned, must produce, in addition to his certificate of birth and a declaration of his domicile, a certificate stating his name, surname and quality, the date when he first acted as such officer, his services, and the date and the reasons for his applying for a pension. R. S., 2251, *am.*

CHAPTER SECOND

PENSION OF WIDOWS OF OFFICERS

Widows have a right to half-pension on certain conditions.

504. The widow of an officer of primary instruction, dying between the 24th of July, 1880, and the 1st July, 1886, after having paid his stoppages under the act 43-44 Victoria, chapter 22, shall, so long as she remains a widow, have a right to one-half of the pension to which her husband was entitled. R. S., 2252, *in part.*

Pensions to widows of officers dying after 1st July, 1886.

505. Such half-pension is allowed to the widow of an officer of primary instruction, dying after the 1st of July, 1886, only when the latter has paid into the pension fund, in addition to the stoppages payable by him, and at the same times, a sum equal to one-half of such stoppages; nevertheless this latter stoppage is only exacted for the years during which the officer was married. R. S., 2252, *in part.*

506. For the years previous to the 24th of July, 1880, the stoppage in question shall be paid as follows : Certain stoppages how to be paid.

Two-fifths shall be paid before the first of January, 1887.

One-fifth of the total amount shall be deducted from the annual pension of the officer of primary instruction himself, or,—if he died without having obtained a pension,—from the said widow's pension during each of the first three years.

These sums also form part of the capital. R. S., 2253. To form part of capital fund.

507. In order that a widow may be eligible for a pension, the marriage must have been contracted six years before the husband had ceased to act as an officer of primary instruction. R. S., 2254. Marriage to have been contracted for certain time.

508. The widow is not allowed to pay the stoppages which her husband neglected to pay into the pension fund. R. S., 2255. Certain stoppages cannot be paid by widows.

509. The widow of an officer of primary instruction claiming the pension is bound to furnish, in addition to the vouchers which her husband would have been obliged to produce :

1. Her certificate of birth ;
2. The burial certificate of her husband ;
3. Her marriage certificate. (*See Form 24.*) R. S., 2256. Documentary proof required.

CHAPTER THIRD

INSTALMENTS AND STOPPAGES

510. Any officer of primary instruction, who, before the first of January, 1887, has paid into the pension fund the stoppages required by this title, for the years of service immediately preceding the 24th of July, 1880, may count the said preceding years of service to establish his right to a pension. R. S., 2257. Certain payment if made to entitle officers to count certain years.

511. The stoppages upon the salaries of officers of primary instruction for the years previous to the 24th July, 1880, were five per cent per annum without interest. Rate of stoppages for years previous to 24th July, 1880.

Two-fifths of the total amount of the stoppages for the said years previous to the 24th July, 1880, should have been paid before the first of January, 1887 ; and one-fifth of the total amount of the said stoppages shall be deducted from the annual pension of the officer for each of the first three years after he retires.

Application of such sum to capital fund.

The sums so stopped do not form part of the yearly revenue of the pension fund, but shall be placed in the capital fund. R. S., 2258.

Interest to be allowed upon certain payments.

512. The officers of primary instruction, who, between the 24th of July, 1880, and the 1st July, 1886, paid the stoppages required by the act 43-44 Victoria, chapter 22, for their years of service previous to the 24th July, 1880, have a right to interest, at the rate of five per cent, upon the sums so paid in, up to the first of July, 1886, such interest to be deducted from the stoppages to be hereafter paid by them, out of their salary or pension, as the case may be. R. S., 2259.

How pension fund is constituted

513. The pension fund of officers of primary instruction is made up of :

1. A reduction or stoppage at the minimum rate of two per cent. and a maximum rate of four per cent., per annum, from the pension of every pensioner and from the salary of every officer and of every layman teaching without a diploma in schools of commissioners or trustees or in those subsidized by them or by the Government ;

2. A reduction of four per cent., annually, from the Public School Fund, as well as from that portion of the Superior Education Fund, appropriated to the support of institutions managed or directed by officers of primary instruction ;

3. An annual grant not exceeding five thousand dollars from the Government of the Province. R. S., 2260, *am.*

Deposit of stoppages and grant between certain dates, with Provincial Treasurer.

514. The total amount of these various stoppages and grants, made from the 24th July, 1880, to the 1st July, 1886, shall be deposited with the Provincial Treasurer, and be by him converted into Provincial or Dominion bonds, at the current price of such bonds, and capitalized for the benefit of the pension fund for officers of primary instruction. R. S., 2261.

Not be paid into consolidated revenue fund.

515. The fund arising from the stoppages shall not form part every year of the Consolidated Revenue Fund of the Province, notwithstanding any provision to the contrary in the act respecting the Treasury Department, but it shall be held in trust by the Provincial Treasurer for the purposes of this act. R. S., 2262.

If amount insufficient to pay pensions, stoppage may be increased to certain per centage.

516. If the interest on the said capitalized fund and the total of the different stoppages and grants do not suffice to pay the pensions applied for, the stoppages from the salaries of the officers of primary instruction, and from those of any other layman teaching in schools under control or subsidized, may be increased to the amount of four per cent., the maximum rate of the stoppages. R. S., 2263, *am.*

517. Every excess of receipts over expenditure in the pension fund shall be first employed in paying the deficits of previous years, if any, and the balance shall be placed with the Provincial Treasurer in trust for the purposes of this act. R. S., 2264.

Deposit of excess with Provincial Treasurer.

518. If the stoppages and grants be not sufficient to pay the pensions as above established, the administrative commission shall reduce the pensions and proportion them to the amount at its disposal. R. S., 2265.

If amount insufficient pensions to be reduced.

519. The portion of the pension fund established by the act passed on the 22nd December, 1856, (19-20 Victoria, chapter 14, section 7), which shall, from time to time, be relieved, according to the provisions of the said act, by the death of pensioned officers, shall be paid into the pension fund established by this act, so that the whole shall be so paid in when the last of such officers dies. R. S., 2266.

Application of pension fund under 19-20 V., c. 14, s. 7 after death of pensioners

520. The Superintendent of Public Instruction shall retain, half-yearly, out of the grant payable to each municipality, the sums necessary to pay the stoppages out of the salary of every person who should pay the same under this act; and the school authorities are authorized to deduct, from the salaries of such officers, when paying the said salaries, each year, and not afterwards, the amount retained by the Superintendent of Public Instruction.

Retention of amounts out of salaries to pay stoppages

For the same purposes also, a semi-annual deduction shall be made from the salaries of all other officers of primary instruction paid directly by the Department of Public Instruction. R. S., 2267, *mod.*

CHAPTER FOURTH

PAYMENT OF PENSIONS

521. The pension in the case of an officer of primary instruction shall run from the day on which his salary ceases to be paid, and in that of a widow, when entitled thereto under articles 504 and following of this act, from the day following the decease of her husband. R. S., 2268.

Time when pension begins to run.

522. All pensions shall be paid half-yearly; but if an officer should die, without leaving a widow entitled to receive a pension, his lawful heirs shall be entitled to receive his pension for the current six months. R. S., 2269.

Pensions payable half yearly. Payment to heirs in certain cases.

523. Every officer of primary instruction, who has resigned his office, or whose diploma or commission has been cancelled for any causes provided by law, shall for-

Forfeiture of right to pension and stoppages.

feit his right to a pension and also his stoppages ; but if his diploma is restored or he is reinstated, his former service shall count. R. S., 2270.

Prescription of pensions.

524. Pensions, if they have not been claimed, shall be struck from the books of the pension fund after three years, and their replacement thereon shall not entitle to arrears prior to the claim.

The same forfeiture shall apply to the heirs of pensioners, who do not establish their rights within three years from the death of the person whom they represent. R. S., 2271.

Officer who resigns and teaches in private school not to forfeit right to pension.

525. An officer of primary instruction who, after resigning his office opens a private school or temporarily accepts a position therein, with the authorization of the Superintendent of Public Instruction, to whom he must apply therefor, shall not forfeit his right to a pension, provided he regularly pays the stoppages on his salary. (*See form No. 25.*) R. S., 2272, *am.*

Time for filing claims for pensions.

526. All claims for pensions must be made before the first of November of each year ; pensions claimed after that date will only be paid the following year. (*See form No. 22.*) R. S., 2274.

CHAPTER FIFTH

VALUATION OF SALARIES

Valuation of salaries of officers in private schools.

527. The salary of officers of primary instruction, employed in private schools, subsidized by the Government or by school municipalities, shall be valued by the school inspector of the division to which such officers belong, to the satisfaction of the Superintendent of Public Instruction, who may order an enquiry for such purpose, in accordance with the laws respecting education. R. S., 2275.

Value limited to certain amounts.

528. In no case shall the value of the annual salary, including benefits, in private schools subsidized by the Government, exceed the following amounts, to wit :

For male teachers of elementary schools :—in towns, four hundred dollars,—in country municipalities, two hundred and fifty dollars ;

For female teachers of elementary schools :—in towns, two hundred dollars,—in country municipalities, one hundred and twenty-five dollars ;

For male teachers of model schools :—in towns, five hundred dollars,—in country municipalities, three hundred dollars ;

For female teachers of model schools :—in towns, two hundred and fifty dollars,—in country municipalities, one hundred and fifty dollars ;

For male teachers of academies :—in towns, six hundred dollars,—in country municipalities, four hundred dollars ;

For female teachers of academies :—in towns, three hundred dollars,—in country municipalities, two hundred dollars. R. S., 2276.

529. Officers of primary instruction may, in addition to the specific salary agreed upon between them and the school commissioners or trustees, include, as forming part of their salary, all the benefits derived from their position, such as lodging, light and fuel. Benefits to be included.

If, however, such officers give private lessons or exercise at the same time any profession, trade or business whatsoever, the benefits they derive therefrom shall not be included in such valuation. R. S., 2277. Proviso.

530. The valuation of the benefits so derived by officers of primary instruction shall be made by the school inspector of the district, certified to be correct, and revised by the administrative commission. R. S., 2278. By whom valuation to be made.

531. It shall be the duty of school boards or administrative bodies, employing officers of primary instruction, to make a yearly report stating the name, office and salary during the previous year of each certificated and non-certificated lay teacher teaching in the schools under their control. R. S., 2279. Report by commissioners.

532. In no case shall the valuation of such benefits in the schools under control exceed the following amounts, to wit : Value of benefits limited to certain amounts.

For an elementary school :—in towns, one hundred dollars,—in country municipalities, thirty dollars ;

For a model school :—in towns, one hundred and fifty dollars,—in country municipalities, fifty dollars ;

For an academy :—in towns, two hundred dollars,—in country municipalities, seventy-five dollars. R. S., 2280.

CHAPTER SIXTH

ADMINISTRATIVE COMMISSION

- 533.** The pension fund for officers of primary instruction is administered by an administrative commission composed of the Superintendent of Public Instruction as chairman and of four delegates appointed as follows: one by the convention of Roman Catholic teachers in Montreal, one by the Convention of Roman Catholic teachers in Quebec, and two by the Provincial Association of Protestant teachers. Their services are gratuitous, but their travelling expenses are paid out of the pension fund. These delegates remain in office until they are replaced by those who appointed them. The commission appoints its secretary. R. S., 2281, 2282, *in part, am.*
- 534.** In case of absence, through illness or for some unavoidable cause, any delegate may have himself replaced by an officer of primary instruction being a member of the Convention of Roman Catholic teachers or the Provincial Association of Protestant teachers, as the case may be, to which he belongs. R. S., 2283, *am.*
- 535.** The administrative commission determines all questions connected with the pension fund and pensioners, and its decision is final. R. S., 2282, *in part.*
- 536.** The minutes of each meeting of the administrative commission of the pension fund of the officers of primary instruction shall be published in the French and English journals of education in the Province. *New.*
- 537.** The administrative commission shall be bound to make all regulations which it may deem necessary to put this title into operation and to provide for unforeseen cases. Such regulations, when sanctioned by the Lieutenant-Governor in Council and published in the *Quebec Official Gazette*, shall have operation of law for the carrying out of the present title of this act. R. S., 2285.

CHAPTER SEVENTH

MISCELLANEOUS PROVISIONS

- 538.** The accounts of the pension fund are kept by the Department of Public Instruction, certified yearly by the Provincial Auditor, and published in the report of the Superintendent of Public Instruction. R. S., 2286.

539. It shall be the duty of the school inspectors, whenever they make their official inspection, to visit, at least once a year, the pensioners in their respective districts, and to report to the Superintendent of Public Instruction, every year, before the month of November, upon the state of the health of the pensioners, and upon their qualifications for receiving a pension under the terms of the law.

Pensioners to be visited by school inspectors and reported upon as to health.

They shall also indicate the date of the death of any pensioners who may have died during the year, and add any remarks which may assist the work of the administrative commission. R. S., 2284.

Further contents of report.

540. Pensions are not assignable and are not liable to seizure. R. S., 2287.

Pension not assignable nor liable to seizure.

541. The provisions of this title do not apply to teachers receiving pensions before the first of July, 1886. R. S., 2288, *mod.*

Not to apply to certain pensioned officers.

TITLE EIGHTH

TEACHING OF DRAWING, HYGIENE AND AGRICULTURE —
SCHOOL LIBRARIES—SCHOOL BOOKS—SCHOOL EXHIBITIONS

CHAPTER FIRST

TEACHING OF DRAWING, HYGIENE AND AGRICULTURE IN
SCHOOLS

SECTION I

TEACHING OF DRAWING AND HYGIENE IN SCHOOLS

542. Drawing shall be taught in all schools. R. S., 1875, *in part, am.*

Drawing in schools.

543. Hygiene shall be taught in all schools.

Hygiene in schools.

SECTION II

TEACHING OF AGRICULTURE IN SCHOOLS

544. Agriculture shall be taught in all schools in rural municipalities. *New.*

Agriculture in certain schools.

CHAPTER SECOND

SCHOOL LIBRARIES

Grant of a certain sum for libraries.

545. The Lieutenant-Governor in Council, may order that a sum, not exceeding two thousand dollars, may be appropriated annually, or during a certain number of years, out of the Superior Education Fund, to assist the establishment of city, town, village, parish or township libraries, in school municipalities in which suitable contributions have been made by school corporations for that purpose.

How grant is to be made.

2. Such assistance shall be given in money or in books, upon the conditions deemed expedient by the Lieutenant-Governor in Council. R. S., 2236.

Fund for purpose.

546. School corporations may, for the establishment and maintenance of libraries, appropriate any sum of money whatever, and, with the authorization of the Superintendent of Public Instruction, issue debentures to create a fund for that purpose.

Management of libraries.

Such libraries shall be under the management, inspection and regulations which the Roman Catholic or Protestant Committee, as the case may be, of the Council of Public Instruction may, with the approval of the Lieutenant-Governor in Council, prescribe; and such regulations shall be published by the Superintendent of Public Instruction in the *Quebec Official Gazette*. R. S., 2237.

CHAPTER THIRD

SCHOOL BOOKS

SECTION I

ACQUISITION OF BOOKS, MAPS, ETC.

Acquisition of copyright of books, maps, &c.

547. The Lieutenant-Governor in Council may acquire, for the Province, the copyright of books, maps and other publications whatsoever, approved by either committee of the Council of Public Instruction. R. S., 1912 § 5. *am.*

SECTION II.

GRATUITOUS DISTRIBUTION OF SCHOOL BOOKS.

Gratuitous distribution to pupils in schools of books, &c.

548. The Lieutenant-Governor in Council may distribute gratuitously to pupils in schools, under the conditions which may be imposed, books, or series of books, maps, and other publications whatsoever selected, from among

those that have been approved by either committee of the Council of Public Instruction in accordance with article 56 of this act. *New.*

CHAPTER FOURTH

SCHOOL EXHIBITIONS

549. The Lieutenant-Governor in Council may, on the report of the Superintendent of Public Instruction, or on the recommendation of the Council of Public Instruction or of either of its committees, promulgate regulations establishing, holding, directing and maintaining school exhibitions, and may appoint one or more commissioners for that purpose, whose duty it shall be to obey the instructions given by him.

Such regulations shall be published in the *Quebec Official Gazette*. R. S., 1877.

TITLE NINTH

LAWS REPEALED, TEMPORARY PROVISIONS—COMING INTO FORCE

550. Title fifth of the Revised Statutes respecting public instruction and the laws amending the same are repealed.

551. Such repeal shall in no way affect or invalidate any matter proceeding, or thing commenced, done or completed in virtue of the repealed provisions, or any regulation respecting school matters now in force, but they shall be continued or terminated in virtue of the provisions of this act, in so far as such provisions allow of the same.

552. The present officers of the Department of Public Instruction, school inspectors and other employees exercising functions under the school laws, shall continue to perform their duties until it is otherwise ordered by the Lieutenant-Governor in Council in accordance with this act.

553. This act shall come into force on the day which the Lieutenant-Governor in Council shall fix by proclamation.

APPENDIX

FORMS

No. 1--OATH OF OFFICE

Province of Quebec, }
 School Municipality of }

I, A. B. having been duly appointed (*arbitrator, secretary-treasurer*) of this municipality, make oath that I will well and faithfully discharge the duties of my office, according to the best of my judgment and ability. So help me God.

Sworn at this day of }
 the month of (*insert the date*) }
 before me } *Signature of the person*
 the undersigned justice of } *taking the oath.*
 the peace. }

Signature of the justice of the peace

No. 2 --SPECIAL NOTICE IN WRITING

Province of Quebec, }
 School municipality of }

To

Joseph B

(name and occupation of person to whom notice is given.)

Sir,

Special notice is hereby given you by the undersigned, L. M. (*name and occupation of person giving notice*) that (*the object of the special notice*).

Given at this day of the
 month of one thousand hundred and

Signature of person giving notice.

NO. 3—NOTICE FOR ELECTION OF SCHOOL COMMISSIONERS
OR TRUSTEES

Province of Quebec, }
School municipality of . }

Public notice is hereby given that there will be held on Monday, the day of July, one thousand hundred and at the hour of ten of the morning, at the door of the church in the said municipality (*or at indicate any other place*), a meeting of the proprietors of real estate of this municipality, entered as such upon the valuation roll and having paid all their school taxes and other contributions, to proceed with the election of a board of school commissioners, *or trustees*, (*or of one or more school commissioners or trustees*,

Given at this day of
one thousand hundred and

(*Signature of person or persons giving the notice.*)

NO. 4—REPORT OF ELECTION OF SCHOOL COMMISSIONERS
OR TRUSTEES

Province of Quebec, }
School municipality of . }

To the Superintendent of Public Instruction.

SIR.

On Monday, the day of July, one thousand hundred and , at a public meeting of the electors of this municipality, duly convened and held according to law, at the door of the church in the said municipality *or at (mention the place)*, at the hour of ten in the morning, Messrs. (*insert the names and surnames written very plainly*) were elected as school commissioners (*or trustees, as the case may be*), for the said municipality.

Given at this . day ,

(*Signature of the
Presiding Officer.*)

No. 5—NOTICE TO SCHOOL COMMISSIONERS OR TRUSTEES ELECTED

Province of Quebec }
School municipality of . }

To Mr. A. B.,
School Commissioner (or Trustee.)

SIR,

I hereby notify you that, at a public meeting of the electors of this municipality, duly convened according to law, and held on the _____ day of _____ one thousand eight hundred and _____ you were elected a school commissioner (or trustee, as the case may be.)

Given at _____ this _____ .

(Signature of the Presiding Officer.)

No. 6.—NOTICE OF DISSENT.

Province of Quebec, }
School municipality of . }

To the Chairman (or secretary-treasurer) of the school commissioners of the municipality of _____ county of _____

SIR,

We, the undersigned, proprietors, occupants, tenants and rate-payers of the municipality of _____, county of _____, professing the _____ religion, have the honor, under article 123 of the Education Act, to notify you of our intention of withdrawing from the control of the school corporation of which you are the chairman (or secretary-treasurer) from the first day of July next.

Given at _____ this _____ day of _____

(Signatures of the dissentients.)

No. 7.—NOTICE OF DISSENT SO AS TO WITHDRAW FROM CONTROL OF FUTURE COMMISSIONERS

Province of Quebec, }
School municipality of . }

To Mr.

Chairman of the school trustees of the municipality of
county of

SIR,

We, the undersigned, proprietors, tenants, occupants and rate-payers of the municipality of in the county of professing the religion, have the honor to inform you that, in virtue of article 128 of the Education Act, we do not intend to be governed by the school commissioners who shall be elected in July next, and that we intend to elect three trustees to administer our schools in the month of July next.

Given at this day of

(Signatures of those interested.)

No. 8.—NOTICE BY DISSENTIENTS DECLARING THEMSELVES THE MAJORITY.

Province of Quebec, }
School municipality of . }

To Mr.

Chairman of the school commissioners of the municipality of , county of

SIR,

We, the undersigned proprietors, tenants, occupants and rate-payers of the municipality of , in the county of , now under the control of the school trustees of the said municipality, have the honor to inform you, in virtue of article 127 of the Education Act, that we have become the majority, and that we intend accord-

ingly to organize ourselves and to elect five school commissioners for the administration of our schools, in the month of July next.

Given at this day of .

(Signatures of those interested.)

NO. 9—NOTICE CONVENING MEETING OF SCHOOL COMMISSIONERS OR TRUSTEES

Province of Quebec, }
School municipality of . }

To Mr. A. B.,
School Commissioner (or Trustee.)

SIR,

I am instructed by the chairman of the school commissioners (or trustees) to inform you that a meeting of the board of school commissioners (or trustees) of this municipality, of which you are a member, will be held at (*the place*) at the hour of in noon, the day of the month of , one thousand hundred and

Given at this

(Signature of the Secretary-Treasurer.)

FORM. 10—MINUTES OF PROCEEDINGS OF SCHOOL COMMISSIONERS OR TRUSTEES

Province of Quebec, {
School municipality of . }

At a meeting of the school commissioners (or trustees) of the municipality of , in the county of , held at (*mention the place*) in this municipality, on the day of the month of , one thousand hundred and , at the hour of in the noon, at which meeting were present:

MM. (*insert the names of all the members present*), all school commissioners (or trustees.)

The chairman (or acting chairman, in the absence of the chairman) in the chair.

The secretary-treasurer being also present.

M. (*his name*) moves, that (*write out the motion.*)

Carried unanimously (or on the following division.)

(*If there be a division, the votes shall be taken by the chairman as follows :—*)

Yeas :—Messrs. }
Nays :—Messrs. } (*Insert the names.*)

(*If the votes be equal, the chairman votes, and then he declares the motion carried or not, as the case may be.*)

(*If there be an amendment, say :*)

Mr. _____, moves in amendment that
(*State the amendment.*)

For the amendment;—Messrs. }
Against the amendment :—Messrs. } (*Insert the names.*)

Signature of the Chairman.

Signature of the Secretary-Treasurer.

FORM 11—SURETY BOND OF THE SECRETARY-TREASURER

Province of Quebec, }
School municipality of . }

Whereas I, (*name of the secretary-treasurer*), have been appointed secretary-treasurer of the school commissioners (or trustees) for the municipality of _____ in the county of _____, and whereas, in conformity with the provisions of the law, we (*names of the two sureties and their quality and domicile*) have been accepted by (*name of the chairman*) the chairman of the said school commissioners (or trustees) as sureties of the said (*name of the secretary-treasurer*), for the total amount for which the said (*name of the secretary-treasurer*) is and shall be, at any time whatever, responsible, for all sums of money which he may have in his hands belonging to the said school commissioners (or trustees,) and for the due execution of his duties as secretary-treasurer ;

Know by these presents that we, the said (*names of the secretary-treasurer and of the two sureties*), acknowledge ourselves to be jointly and severally bound to pay and to reimburse the school commissioners (*or trustees*) of the municipality of _____, in the county of _____, all sums of money for which the said (*name of the secretary-treasurer*), by himself or by any person for whom he is responsible, may, in the exercise of his office, become responsible towards the school commissioners (*or trustees*) of the said municipality, or towards any other person for them, in principal, interest, costs, penalties or damages, if any.

The condition of this bond is that if the said (*name of the secretary-treasurer*) shall well and faithfully at all times perform the duties and functions of the office of secretary-treasurer, to which he has been appointed, and accounts for, pays over or remits to the school commissioners (*or trustees*) of the municipality of _____, in the county of _____ or to any person indicated by them, all sums of money for which he himself, or any person for whom he is responsible, shall become responsible, during his tenure of office, towards the said school commissioners (*or trustees*) of the said municipality, in principal, interest, costs, penalties, or damages, then this bond shall be null, otherwise it shall remain in full force and effect.

Made and passed in triplicate, at _____ the _____ day of the month of _____, one thousand _____ hundred and _____

(*Signatures of chairman of the school commissioners or trustees, of the secretary-treasurer and of the sureties.*)

(*Signature of the notary or of a justice of the peace, as the case may be.*) }

No. 12—NOTICE OF APPOINTMENT OF MANAGER

Province of Quebec,)
 School municipality of .)

To Mr. (*name of manager.*)

SIR,

I hereby give you notice that at a meeting of the school-commissioners (*or trustees*) of this municipality, held on the _____ day of the month of _____, one thousand _____ hundred and _____, you:

were named (permanently or temporarily or for what time, must be stated) manager to assist them in the management of the school-houses, the building, repairing, heating and cleaning the same, and also to keep the furniture belonging to the schools in order.

Given at this day of the month
of .

(Signature of the Secretary-Treasurer.)

NO. 13.—DEMAND FOR COPY OF THE VALUATION ROLL

Province of Quebec, }
School municipality of . }

To the Secretary-Treasurer of the Municipal Council of the
Municipality of County of

SIR,

I hereby require you to forward and deliver to me, within fifteen days from this date, for the use of the school commissioners (or trustees) of the municipality of (*name of the school municipality*) situated (*state whether wholly or in part*) in the limits of the municipality of (*name of the rural municipality*) a certified copy, according to law, of the valuation roll (or of a part of the valuation roll) of the property situate within the limits of your municipality.

Date

(Signature of the Secretary-Treasurer.)

NO. 14.—NOTICE TO RATE-PAYERS FOR EXAMINATION OF
VALUATION ROLL

Province of Quebec, }
School municipality of . }

PUBLIC NOTICE

Is hereby given to all proprietors of real estate and resident householders of this municipality that the valuation roll made by order of the school commissioners (or trustees) of the municipality is deposited in my office,

PROVINCE OF QUEBEC

SCHOOL MUNICIPALITY OF

SCHOOL MUNICIPALITY OF

M

Dr. to The School Corporation of

Copy of account of

Name of the rate payer

\$

Notice served

Insert, date of notice

COSTS.

Notice. \$

Service. \$

Total....\$

Taxes on your (here mention the property, as house, farm, &c.) valued at \$....., at the rate of (state amount) in the \$

Monthly fee for (state number of children) during (state number of months) at (state amount) per month. *

Total.....\$

\$	cts.

Sir,—Take notice that, having failed to pay the above-mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from this date, to pay the said sum to me, in my office, together with the costs of the present notice and of the service thereof, detailed hereunder, in default whereof an execution will be issued against your goods and chattels.

(Place and date)

Costs :

Notice. \$

Service. \$

Total....\$

(Signature.)
Secretary-Treasurer.

* If the monthly fee is payable monthly in advance it should not be demanded by this notice.

1899. No. 16.—SECRETARY-TREASURER'S NOTICE FOR THE PAYMENT OF SCHOOL TAXES.

No. 17—WARRANT OF DISTRESS FOR SCHOOL TAXES

Province of Quebec, }
 School municipality of . }

The school commissioners (or trustees) for the municipality of : , in the county of :

To any bailiff of the Superior Court, acting in and for the district of :

Whereas (*name and description of the debtor*) has been required by the secretary-treasurer of the school commissioners (or trustees) for the municipality of in the county of , to pay into his hands, for the use of the said school commissioners (or trustees,) the sum of being the amount due by him to the said school commissioners (or trustees) as appears by the collection roll of the said municipality for the year 18 ; and whereas the said (*name of the debtor*) hath neglected and refused to pay to the said secretary-treasurer, within the delay required by law, the said sum of (*the amount in words*) with the costs of notice and service amounting to (*the amount in words*;) these are therefore, to command you to seize, without delay, the goods and chattels of the said (*name of the debtor*) which may be found within the limits of the said municipality; if, within the space of eight days after such seizure, the above mentioned sums, with the reasonable expenses of the said seizure, be not paid, then you shall sell according to law the said goods and chattels so by you held, and you shall pay over the moneys arising from such sale to the secretary-treasurer of the said school commissioners (or trustees,) so that he may apply the sum as by law directed, and return the surplus, if any, when demanded, to the said (*name of the debtor*), or to whom it may concern; and, if such seizure cannot be effected, in default of goods liable to seizure, you shall then certify the same to me so that such proceedings may be had as the law may require.

Given under my hand and the seal of the said corporation of school commissioners (or trustees) this day of the month of in the year of Our Lord one thousand hundred and at in the aforesaid district.

(*Signature of the Chairman of the School Commissioners (or Trustees)*)

NO. 18.—NOTICE OF THE DAY AND PLACE OF SALE OF GOODS
AND EFFECTS SEIZED FOR SCHOOL TAXES

PUBLIC NOTICE

Is hereby given that on (*day of the week*) the
day of the month of instant (*or next*) at the
hour of in the noon at (*designate the place*)
the goods and chattels of (*name of the person*) now under
seizure in default of payment of the taxes due to the said
school commissioners (*or trustees*) will be sold at public
auction at (*name the place*.)

Given under my hand at (*place*), in the district of
this day of

Signature of the Bailiff.

NO. 19.—FORM OF TEACHER'S ENGAGEMENT.

Province of Quebec. }
School municipality of . }

On the day of the month of in the
year 18 , it is mutually agreed and stipulated between
the school commissioners (*or trustees*) of the municipality
of , in the county of , represented by
(*name of chairman*) their chairman, under a resolution of
the said commissioners (*or trustees*) passed on the
day of 18 , and (*name of teacher*) teacher hold-
ing a diploma for a (*insert grade*) school, residing at ,
as follows :

The said teacher makes an engagement with the said
school commissioners (*or trustees*) for the school
 year from the first of July
(unless the diploma of the said teacher be withdrawn, or
any other legal impediment arise) to teach the (*gradé of*
school) school in district No. , according to law, and to
the rules and regulations established or to be established
by the competent authorities, and, amongst others, to ex-
ercise an efficient supervision over the pupils attending
the school ; to teach the subjects authorized, and to use only
authorized text-books ; to fill up all blank forms required by
the Department of Public Instruction, the school inspectors
or commissioners (*or trustees*) ; to keep the required school
registers ; to preserve amongst the archives of the school
such copy-books and other work of the pupils as may be
ordered to be put aside ; to keep the school rooms in good

order and not to allow them to be used for any other than school purposes without permission to that effect ; to follow such rules as may be established ; in a word, to fulfil all the duties of a good teacher ; to hold school every day, except during the vacations, and on Sundays and festivals and on the holidays authorized by law and the school regulations.

The commissioners (or trustees) undertake to pay every month to the said (*name of teacher*) the sum of (*state sum in full*) for the said school year in current money and not otherwise.

In default of any other engagement, the present agreement shall continue to remain in force between the parties until it be legally set aside.

And the parties have signed, after hearing the same read.

Made in Duplicate at _____ the
 day of _____
 one thousand _____ hundred and _____

(*Signature.*)

Chairman of the School Commissioners (or Trustees.)

(*Signature*)

Teacher.

NO. 20.—NOTICE TO TEACHERS, INFORMING THEM THAT
 THEIR SERVICES ARE NO LONGER REQUIRED

Province of Quebec
 School municipality of _____

To Mr. _____

Teacher of school district No. _____

SIR,

I have the honor to inform you that, by a resolution adopted at their meeting of (*insert the date*), the school commissioners (or trustees) of this municipality have decided that they will not require your services for the next year.

Date.....

(*Signature of the Secretary-Treasurer.*)

No. 21.—NOTICE RESPECTING RESOLUTIONS ADOPTED IN CERTAIN CASES

Province of Quebec, }
School municipality of . }

PUBLIC NOTICE

Is hereby given that at a meeting of the school commissioners (or trustees) of this municipality held on the day of the month of one thousand hundred and , it was resolved :

(Enter the resolution adopted.)

Date.....

(Signature of the Secretary-Treasurer.)

No. 22.—APPLICATION FOR PENSION

To the Superintendent of Public Instruction.

SIR,

I have the honor to submit for your consideration the following reasons which constitute my right to the pension enacted in favor of officers of primary instruction :

I was born at , county of , on the day of the month of (state the date)

I am a (Roman Catholic or Protestant or as the case may be)

If the officer be married add :

I am married to (name in full) since the (date of the marriage)

I reside at , in the county of , (If the officer reside in a city or town, he must give the name of such city or town, the name of the street and the number of his residence.)

Letters for me should be addressed to the Post Office of

I hold a school diploma which I obtained from the board of examiners (or.....normal school) of on the 18

I commenced teaching school in (state the date) and ceased teaching on the day of the month of 18

I taught school for _____ years.
Since the first of July (*state the date*), I taught in the following municipalities :

At (1) _____ from (2) 18 _____ to (2) _____

My reasons for making the present application are the following :

(*Give the reasons*)

At _____ this _____ day of _____ 18_____.

(*Signature of the officer*).

NO. 23—MEDICAL CERTIFICATE

I, the undersigned _____ physician, domiciled at _____, county of _____ solemnly declare that on the _____ day of the month of _____, I examined an officer of primary instruction, and I found that _____ is affected by _____ (*state the cause, duration and gravity of the disease so as prima facie to establish that the officer is unable to teach*), which renders _____ completely incapacitated from performing _____ duties as an officer of primary instruction.

Sworn before me at this _____ day of _____ A.D. 18 _____ }
(*Signature of the Justice of the Peace*) } *Signature of the Physician.*

J. P.

NO. 24.—APPLICATION FOR PENSION BY WIDOW

Province of Quebec, _____ }
School municipality of _____ . }

To the Superintendent of Public Instruction.

SIR,

I, the undersigned (*family name of widow*) was the wife of the late (*name of deceased teacher*), in his lifetime an officer of primary instruction, who died on the (*date of decease*), at _____ (*parish and county*).

(1) Name of the municipality in which officer taught school.
(2) Date.

I was born on the (*date of birth*), and was married to the said (*name of deceased teacher*), on the (*date of marriage*), as shewn by the annexed documents ; and in consequence, I claim the pension allowed to widows of officers of primary instruction in virtue of the Education Act.

Dated at the day of 18

(*Signature of the widow*).

NO. 25.—REQUEST FOR AUTHORIZATION TO TEACH IN AN
INDEPENDENT SCHOOL.

Province of Quebec,)
School municipality of .)

To the Superintendent of Public Instruction.

SIR,

I have the honor to inform you that I have abandoned the occupation of a teacher under the control of the school commissioners (*or school trustees*) of (*name of the municipality*), for the reason that (*give reasons*), and I have accepted employment in (*name of the institution*), under the control of (*name of person in charge*), with a salary of _____ dollars per annum.

Or that I keep a private school in the municipality of _____, county of _____, and that my salary has been valued by Mr. (*name of the school inspector of the district*), inspector of schools, at the sum of \$ _____, as appears by the annexed certificate, and that in virtue of article 525 of the Education Act, I desire to continue my contributions to the Pension Fund, if the reasons stated above be approved by you.

Dated at the day of 18 .

(*Signature of the teacher.*)