

## CAP. XXXVI.

An Act to amend the laws respecting Public Instruction.

[Assented to 12th July, 1888.]

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

**1.** The words " of dissentient schools," in section 120 of chapter 15 of the Consolidated Statutes for Lower Canada, and in section 1 of the act 40 Victoria, chapter 22, are repealed.

Words "dis-  
sident  
schools" re-  
pealed.

**2.** Sections 112 and 138 of chapter 15 of the Consolidated Statutes for Lower Canada are amended so that the words " teacher " or " professor," applies to all female teachers and to all persons, whether lay or religious, teaching in virtue of the law respecting public instruction.

C. S. L. C., c.  
15, ss. 112 and  
138, amended,  
" teacher or  
professor."

**3.** Section 138 of the said chapter 15 is amended so that the term " school municipality," means any territory erected into a municipality for the support of schools under the control of school commissioners or trustees ;

C. S. L. C., c.  
15, s. 138,  
amended.  
" School mu-  
nicipality."

And by adding thereto the following sections :

**" 138a.** The term " school corporation " means indifferently corporations of schools commissioners or of trustees.

" School cor-  
poration."

**" 138b.** The term " rate-payer," means any proprietor, lessee, occupant, inhabitant or other individual who, by reason of the taxable property which he owns or occupies in a municipality, is liable for the payment of school taxes.

" Rate-payer."

**" 138c.** The terms " valuator," and " assessor " mean any person appointed by school commissioners or trustees or by the Lieutenant-Governor in Council to value the taxable property of the municipality.

" Valuator " or  
" assessor."

**" 138d.** The term " guardian " means :

" 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.

**" 138e.** The terms " auditor " and " verifier," mean any person appointed by school commissioners or trustees, the superintendent, or the Lieutenant-Governor in Council, to revise or examine the accounts or financial statements of secretary-treasurers.

" Auditor " and  
" verifier."

**" 138f.** The term " audit " means the examination or revision of the accounts of secretary-treasurers, by an auditor or verifier, the production of vouchers in support such accounts, and the report made by such auditor or verifier.

" Audit."

" 138g. The terms "school office" or "school duties" mean all offices or duties filled or performed by persons charged with the enforcement of this act. "School office" and "school duties."

" 138h. The term "taxable property" means and includes the real property liable for school taxes. "Taxable property."

" 138i. The term "absent" denotes all persons whose domicile is without the limits of the school municipality; nevertheless, any person, corporation, railway or other company, which has any place of business whatsoever within the municipality, shall be deemed present or domiciled in such municipality; but such person cannot be appointed school commissioner or trustee. "Absent."

" 138j. The term "school year" means the twelve months from the first of July of one year to and including the thirtieth of June of the next year. "School year."

" 138k. The term "month" means a calendar month." "Month."

4. The following sections are added after section 137 of the said chapter 15 : Section added after C. S. L. C., c. 15, s. 137.

#### PUBLIC NOTICES.

" 137a. 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 from time to time indicated by resolution of the school corporation. Public notices given by posting in two places indicated by school corporation.

In default of localities indicated by the school corporation, the public notice must be posted upon or near the principal door of at least one place of public worship, if any there be, and at some other place of public resort in such municipality. If no place indicated, then at one place of public worship and at one of public resort.

In either case, if there is a Roman Catholic church in the municipality, the notice must be posted upon or near the principal door of such church. In either case, at Catholic church, if any.

" 137b. 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, in which any public notice must be read out aloud, in a distinct manner, on the Sunday next following the day on which the same was published, at the close of divine service, if such service has been held. School corporation may fix one or more localities in municipality or in neighboring city, &c. where notices to be read, on Sunday after service.

The omission to read such notice does not invalidate the publication of the notice, but the persons who were bound or who undertook to read it thereby incur a penalty of not less than two nor more than ten dollars. Omission to read not to invalidate, but person in default liable to fine.

" 137c. Every time a notice is ordered to be published in one or more newspapers, such notice must be inserted in newspapers published at least once a week in the county if any there be, if not, in newspapers of the district, or of If notice to be published in newspapers, when and where published.

the neighboring district if no newspapers are published in the first district.

The same rule applies when such notice must appear in two newspapers published in different languages.

Notice not to be published in two languages in same newspaper. Seven clear days' notice required before public meetings.

"137*d*. No notice can be inserted in English and in French in a newspaper published in one of these languages only.

"137*e*. Every public notice convening any public meeting or for any object whatever, must be given and published seven clear days before the day appointed for such meeting or other proceeding, except in cases otherwise provided for.

Public notices binding upon rate-payers domiciled out of municipality.

"137*f*. Public notices are applicable to and binding upon proprietors or rate-payers domiciled out of the municipality, in the same manner as they are upon residents, except in cases otherwise provided for."

Section added after 41 V., c. 6, s. 9.  
Roman Catholic and Protestant committee to fix holidays.

**5.** The following subsection is added after section 9 of the act 41 Victoria, chapter 6 :

"The Roman Catholic and Protestant Committee may, with the approval of the Lieutenant-Governor, fix the other holidays in the schools under their respective control."

Section added after 41 V., c. 6, s. 8.

**6.** The following paragraph is added after section 8 of the act 41 Victoria, chapter 6.

Deposit for expenses of investigation, at request of rate-payers.

"When the investigation is held at the request of one or more rate-payers, the superintendent may require the person who applies for the same, to deposit an amount sufficient to cover the expenses."

32 V., c. 16 ; 35 V., c. 12, 39 V., c. 15 ; 40 V., c. 22, amended :  
Members *ex-officio* of Council of Public Instruction.  
Roman Catholic Bishops, &c.

**7.** The acts 32 Victoria, chapter 16, 35 Victoria, chapter 12, 39 Victoria, chapter 15, and 40 Victoria, chapter 22, are amended so that the persons who are members *ex-officio* of the Council of Public Instruction, shall be the following :

The Roman Catholic bishops, ordinaries or administrators of each of the Roman Catholic dioceses and apostolic vicariates situated either in whole or in part in the Province.

C. S. L. C., c. 15, s. 19, § 3, amended :

**8.** Subsection 3 of section 19 of chapter 15 of the Consolidated Statutes for Lower Canada is replaced by the following :

Secretaries of the Council.

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

Keep minutes and accounts, &c.

They shall enter its proceedings in a book kept for that purpose and shall, as they may be directed, procure all maps, books and stationery, and keep the accounts of the Council."

**9.** Section 3 of the act 32 Victoria, chapter 16, as amended by the act 33 Victoria, chapter 25, section 6, is replaced by the following :

“ 3. The Council fixes its quorum and also a particular quorum for special meetings held in virtue of the provisions respecting the cancelling of teacher's diplomas.”

32 V., c. 16, s. 3, as amended by 33 V., c. 25, s. 6, replaced :  
Quorum of Council and of special meetings.

**10.** The following subsection is added after section 20 of the act 39 Victoria, chapter 15 :

“ 2. It shall be the duty of the secretary of each Committee to keep a record of its proceedings in a register, and conduct the correspondence of his own particular Committee. He shall also report to his own Committee all documents coming into his hands or matters within his notice, which lie within the jurisdiction of his particular Committee, and he shall deposit, among the archives of the Department of Public Instruction, such record of proceedings, such correspondence and all such documents.”

Subsection added after 39 V., c. 15, s. 20 :

Secretary to keep minutes, conduct all correspondence, report all documents and deposit such with department

**11.** The following paragraph is added after section 22 of the act 39 Victoria, chapter 15 :

“ The superintendant shall also call a special meeting of the Council of Public Instruction by giving the notice above mentioned, when required so to do by the Lieutenant-Governor in Council or by either Committee.”

Paragraph added after 39 V., c. 15, s. 22 :  
Superintendent to call special meeting of council, when requested.

**12.** Section 3 of the act 41 Victoria, chapter 6 is replaced by the following :

3. The Council and each of the Committees thereof may appoint sub-committees, or may appoint one or two delegates, for the consideration of all affairs submitted to them ; every such sub-committee and delegate shall make a report of their proceedings to the Council or to the Committee, which appointed them.”

41 V., c. 6, s. 3, replaced :

Appointment of delegates or sub-committee.  
Report of their proceedings.

**13.** Subsection 2 of section 22 of chapter 15 of the Consolidated Statutes for Lower Canada, as amended by the act 40 Victoria, chapter 22, section 7, is replaced by the following :

C. S. L. C., c. 15, s. 22 § 2, as amended by 40 V., c. 22, s. 7, replaced :

“ 2. This revocation cannot take place except upon an accusation in writing against the teacher, made by one or more persons, and addressed to the Committee of the Council of Public Instruction of the religious faith of such teacher, or contained in the report of a school inspector made to the Superintendent.

Revocation to take place only on complaint in writing, or on report of school inspector.

In either the case, the Superintendent shall send a copy of the complaint or of the report to the teacher accused, requiring him to appear before him at the Department of Public Instruction, at Quebec, or at any other place named

Copy of complaint or report to be sent to accused, with order to appear within

eight days at place indicated, to admit or deny in writing the charges.

by him, within eight days from the date of the service upon him by a bailiff, of the said accusation or report, to declare whether he admits or denies the charges brought against him; and the Superintendent shall receive this admission or denial, which shall be made in writing."

C. S. L. C., c. 15, s. 22, §§ 3, 4 and 5, as amended by 40 V., c. 22, s. 7, replaced :  
Complaint to be submitted to committee.

**14.** Subsections 3, 4 and 5 of the said section 22 of the said chapter 15, as amended by the said act 40 Victoria, chapter 22, section 7, are replaced by the following :

"The Superintendent shall submit the documents mentioned in the preceding article at the next meeting of the Committee of the religious faith to which the accused, teacher belongs.

Hearing of witnesses if necessary.

If the Committee decides that an investigation shall be held, it shall hear the witnesses who shall be sworn by the president, or, in the contrary case, the Committee dismisses the accusation.

Submission to sub-committee.

The said documents may also be submitted to a special or permanent sub-committee named by the Roman Catholic or Protestant Committee, as the case may be, which shall have the same powers as the committee which named it.

Commissioners to take evidence in or near locality of persons interested or of witnesses.

If the Roman Catholic or Protestant Committee, or the special or permanent sub-committee, as the case may be, decides 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 the witnesses.

Appointment of commissioners to be signed by secretary of committee appointing.

The document appointing the commissioners shall issue from either Committee or from the said sub-committee, and shall be signed by the Roman Catholic or Protestant secretary of the Committee, as the case may be."

C. S. L. C., c. 15, s. 22, §§ 6 and 7, amended.

**15.** Subsection 6 of the said section 22 of the said chapter 15, as well as the words "upon the receipt of such instrument" in the first line of subsection 7 of the said section are repealed.

C. S. L. C., c. 15, s. 22, § 8, as amended by 40 V., c. 22, s. 7, replaced :  
Proceedings by default against teacher.

**16.** Subsection 8 of the said section 22 of the said chapter 15, as amended by the act 40 Victoria, chapter 22, section 7, is replaced by the following :

"If the teacher do not appear, or if he neglect to answer the charge, the Committee or sub-committee, as the case may be, shall proceed by default against him; it shall receive and take the evidence, or cause it to be received and taken, in the manner provided in the preceding articles."

**17.** Sections 8, 9 and 10 of the act 43-44 Victoria, 43-44 V., c. 16, ss. 8, 9 and 10, replaced : chapter 16, are replaced by the following :

“ Each Committee shall prepare and revise from time, Committee to prepare list of books, &c. a list of text-books, maps, globes and models, and other articles for use in the schools.

The list of authorized text-books shall be revised once in List to be revised once in four years, and to be published. every four years, and the changes made therein shall be published by the superintendent in the Quebec Official Gazette.

Any text-book excluded therefrom shall not be with- Text books when to be withdrawn. drawn as a text-book until after one year from the revision such list.”

**18.** Section 115 of chapter 15 of the Consolidated C. S. L. C., c. 15, s. 115, replaced : Statutes for Lower Canada, is replaced by the following :

“ 115. In the performance of his duties each inspector Inspector to comply with instructions of superintendent. shall comply with the instructions given to him by the Superintendent, in accordance with the regulations of the Committee of the Council of Public Instruction of the religious faith to which he belongs.”

**19.** Section 119 of the said chapter 15 is repealed. C. S. L. C., c. 15, s. 119, repealed.

**20.** Section 120 of the said chapter is replaced by the C. S. L. C., c. 15, s. 120, replaced : following.

“ 120. The public schools established in each municipality, whether in town or country, may be visited, by one of the visitors hereinafter mentioned, as often as they deem it requisite ; but no visitor shall be entitled to visit a school belonging to inhabitants not of his own religious faith. ” Public schools may be visited, but not by visitors of different religious faith.

**21.** Section 121 of the said chapter 15 is replaced by C. S. L. C., c. 15, s. 121, replaced the following :

“ 121. The following persons shall be school visitors School visitors. for the whole Province :

1st. Members of the two Committees of the Council Visitors for the whole Province. of Public Instruction ;

2ndly. Judges of the Supreme Court, of the Court of Queen's Bench, and of the Superior Court, residing in the Province ;

3rdly. Members of the Federal Parliament residing in the Province ;

4thly. Members of the Legislature of Quebec ;

5thly. The Secretaries of the Department of Public Instruction ;

6thly. The Principals and Professors of Normal Schools.

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

- 1st. Roman Catholic Priests and Protestant Ministers ;
- 2ndly. Members of the Council of Arts and Manufactures ;
- 3rdly. The Mayor and Justices of the Peace ;
- 4thly. The Colonels, Lieutenant-Colonels, Majors and senior Captains of the militia."

40 V., c. 22, s. 35, repealed. **22.** Section 35 of the act 40 Victoria, chapter 22, is repealed.

C. S. L. C., c. 15, s. 110, § 3, replaced : **23.** Subsection 3 of section 110 of chapter 15 of the Consolidated Statutes for Lower Canada is replaced by the following :

Admission of candidates to examination upon production certificate of character and as to age. "3. To admit to examination no candidate who is not provided with a certificate of good moral character, signed by the *curé* or minister of his own religious faith, and by at least three school commissioners or trustees or school visitors of the locality in which he has resided for the previous six months, and with a certificate establishing that he is at least eighteen years of age."

C. S. L. C., c. 15, s. 110, § 5, as replaced by 40 V., c. 22, s. 21, amended : **24.** Subsection 5 of the said section 110 of the said chapter 15, as replaced by section 21 of the act 40 Victoria, chapter 22, is amended by striking out all the words from the beginning of the said subsection 5 down to the words "have been taken" in the thirteenth line, and replacing them by the following :

Successful candidate to receive certificate, establishing : "5. To deliver to each candidate, deemed worthy, a diploma as a teacher, signed by the president or vice-president and the secretary, sealed with the seal of the board, bearing a date and distinctly indicating :

- Compliance with law. *a.* That the candidate has complied with all the provisions of subsection 3 of this section.
- Age, etc. *b.* His age residence and religious belief.
- Grade. *c.* The grade of the diploma allowed.
- Language. *d.* The language which the diploma authorizes the candidate to teach."

C. S. L. C., c. 15, s. 110, § 12, replaced : **25.** Subsection 12 of the said section 110 of the said chapter 15 is replaced by the following :

Seal and forms to be used. "12. To have a particular seal and to make use of the forms of diplomas furnished by the superintendent."

Sections added after 29 V., c. 48, s. 2 : **26.** The following sections are added after section 2 of the act 29 Victoria, chapter 48 :

Central Board for examination of candidates for teachers' diplomas. "3. The Lieutenant-Governor in Council may, upon the recommendation of the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be, constitute by proclamation a Central Board of Examiners for the examination of candidates for teachers' diplomas.

Such Central Board shall alone have the right of issuing diplomas valid for the schools under the control of the Committee upon whose recommendation the said Board was constituted.

" 4. The said Central Board of Examiners shall be composed of five members and a secretary who shall be appointed by the Lieutenant-Governor in Council, upon the recommendation of the Roman Catholic or Protestant Committee, as the case may be.

" 5. It shall be the duty of such Board :

1st. To prepare the examination questions in the different subjects prescribed,

2ndly. To submit the examination questions to the candidates at central localities,

3rdly. To examine the answers given by the candidates and after due deliberation to grant diplomas to the candidates deemed worthy.

" 6. The examinations conducted by the Central Board shall be held at such time and places and in such manner as may be prescribed, from time to time, by the regulations of the Committee upon whose recommendation the said Central Board was constituted.

The fees payable by the candidates shall be used towards defraying the expenses of the Central Board."

**27.** Section 5 of the act 41 Victoria, chapter 6, is replaced by the following :

" 5. The Lieutenant-Governor in Council may, (1) upon the recommendation of the superintendent, alter the limits of existing municipalities for school purposes, subdivide such municipalities or erect new ones ; but these alterations, subdivisions or erections shall only take place after notice to that effect, inserted twice in the Quebec Official Gazette, and for two consecutive weeks in two newspapers, one in French and the other English if there are any published in the municipality, if not, in two newspapers published in the nearest municipality, as provided in section 137c added by this act to section 137 of chapter 15 of the Consolidated Statutes for Lower Canada, and after the school corporations, affected by the proposed alterations, have been notified and their representations thereon carefully considered.

If such alterations, subdivisions or erections take place, public notice thereof shall also be given by the superintendent in the Quebec Official Gazette.

The notices in the Official Gazette and in the newspapers shall be given by the superintendent, at the expense of the parties applying for such alterations, subdivisions or erections.

(1) See chapter 37 of these Statutes.



Election or nomination of commissioners or trustees for new municipalities.

Appointment by Lieutenant-Governor in default of election.

41 V., c. 6, s. 22, replaced and s. 24 repealed. If school municipality abolished or annexed to another, superintendent to make inquiry into state of affairs and resources.

Eight days' notice of inquiry to old and new municipality.

Delegate to have powers of superintendent.

Report of examination to superintendent, who shall give his decision.

Decision final.

Pending decision, things to remain as before, but no new debts to be contracted.

2. In the case of the erection of a new municipality, the rate-payers of the said municipality shall, in accordance with the notice published in the Quebec Official Gazette, elect their commissioners or trustees in the manner prescribed in sections 34 and following of chapter 15 of the Consolidated Statutes for Lower Canada, as amended by the act 45 Victoria, chapter 29, section 1; if not, such appointments of school commissioners and trustees are made by the Lieutenant-Governor in Council in virtue of section 45 of the said chapter 15 of the Consolidated Statutes for Lower Canada."

28. Section 22 of the act 41 Victoria, chapter 6, is replaced by the following, and section 24 is repealed :

"22. If, on account of the erection of new municipalities, the municipality from which they are detached ceases to exist, or if a school municipality is abolished and its territory annexed to a neighboring municipality, by the annexation or uniting together of two or more municipal corporations, the superintendent shall, either personally or by a school inspector or any other person specially appointed by him for that purpose, within the three months following the said abolition and annexation, inquire into the state of the affairs of the old municipality and the resources of and claims against the municipality within the limits of which the abolished municipality was situated.

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 municipality and of the new municipality, of the place where and of the day and hour when the examination in question will be proceeded with, so that the said municipalities may be represented thereat.

For the purposes of such examination the person charged therewith shall have all the powers conferred upon the superintendent himself by section 8 of this act.

A report of the said examination shall be made to the superintendent, if the examination was not made by him, and the superintendent, after hearing the representatives of both school municipalities interested, shall upon such examination give his decision, which shall have the effect of an award of arbitrators on all the parties, and shall be final and without appeal.

2. Until the superintendent has made his award, the school municipalities interested shall remain in the same state, and the commissioners or trustees shall remain invested 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 debts or obligations.

If by the award the superintendent 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 the school municipality, he shall expressly so declare in his award, and then the school municipality in question shall, for the purpose of carrying out the said award, continue to exist, as if the abolition and annexation of its territory had never taken place, and may levy taxes according to the provisions of the laws respecting education until the said award shall be completely carried out, without prejudice to the rights of the new school municipality to levy and recover taxes in the new territory according to law.

If Superintendent decides that there are debts to be paid, &c., he shall so declare, and school municipality shall continue for purpose of settling same, and may levy taxes, saving rights of new municipality.

3. The school municipality, which shall so continue its 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 all that has been done in carrying out the award, until the superintendent declares the award completely carried out.

Municipality so continued to report annually to superintendent, until he declares award to be carried out.

From the day of the publication of such declaration in the Quebec Official Gazette, such school municipality shall cease to have any legal existence.

Such declaration to be published.

4. The superintendent may in the said award, if he deems it expedient, order that the new school municipality shall have the right to levy, upon the territory from which it has been detached or upon the territory of the abolished municipality, a special tax in addition to the ordinary school tax, during one or more years, and then the school 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 has or has not a special school law; and 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.

Superintendent may empower new municipality to levy special tax, recoverable as an ordinary tax

Proof required.

5. Any school municipality, whose territory has been annexed to a neighboring municipality before the passing of the present provisions, but which continued to exist under a special provision of law to that effect, may notify the superintendent that it intends to avail itself of the provisions of this act, and after such notification such school municipality shall be proceeded with under the provisions of this section.

Municipality previously annexed may avail itself of act, on notifying superintendent.

29. Section 31 of chapter 15 of the Consolidated Statutes for Lower Canada is amended by adding thereto the following:

C. S. L. C., c. 15, s. 31, amended:

Extent of  
school district  
limited.

" But no school district shall exceed five miles in length or breadth."

C. S. L. C., c.  
15, s. 32, re-  
placed :  
School sec-  
tions to con-  
tain at least  
twenty child-  
ren,  
Except for one  
district in each  
municipality.

**30.** Section 32 of the said chapter 15 is replaced by the following :

" 32. Every section of territory to be erected into a school district shall contain at least twenty children over five and under sixteen years of age.

The commissioners or trustees may, however, allow one school district in each municipality to contain a less number of children."

C. S. L. C., c.  
15, s. 55, § 1,  
amended.

**31.** Subsection 1 of section 55 of the said chapter 15, is amended, by striking out the words " collectively " in the sixth line thereof :

By striking out all the words after the words " chair-  
man of the commissioners," in the seventh line thereof,  
and by replacing them by the following :

After notice of  
dissent, three  
trustees to be  
elected.

" During the month following the service of the notice of dissent; the said persons shall elect three school trustees, in the manner prescribed by sections 34 and following of this chapter.

Trustees to  
notify chair-  
man of school  
commission-  
ers.

During the eight days following their election, the trustees must give notice thereof to the chairman of the school commissioners "

By further adding to the said subsection 1 of the said section the following subsection :

Form of  
notice of dis-  
sent.

How notice  
disposed of.

" Such notice of dissent, which may be in the form appended to this act, shall be made and signed in triplicate : one copy shall be served upon the chairman of the school commissioners, one copy shall be kept in the archives of the trustees, and one copy shall be sent to the Superintendent of Public Instruction."

32 V., c. 16, s.  
10, amended :

**32.** Section 10 of the act 32 Victoria, chapter 16, is amended by replacing the word " levied " in the seventh line thereof by the word " imposed," and by adding thereto the following :

Dissentients  
not liable for  
school taxes,  
if dissent  
served within  
one month of  
organization  
of school cor-  
poration.

" But in the case of newly organized municipalities, if the declaration of dissent be served upon the chairman of the school commissioners, within one month after the organization of the school corporation, the dissentients shall not be liable for any taxes imposed by the school commissioners."

46 V., c. 20, s.  
1, amended :

**33.** Section 1 of the act 46 Victoria, chapter 20, is amended by inserting after the words " Superintendent of Public Instruction " in the third line thereof, the words " upon the demand of both parties," and by adding thereto the following :

“ In the above cases, the trustees of such dissentients are obliged to levy the same rate of taxes in their municipality as that imposed by the school corporation of the municipality to which they are so united.”

Rate of taxes by trustees to be the same as that of school corporation.

**34.** The following subsection is added after subsection 2 of section 1 of the act 46 Victoria, chapter 20 :

46 V., c. 20, s. 1, § 3, amended :

“ 3. Any number whatever of the proprietors, occupants, tenants, and rate-payers of a township or parish, divided into two or more municipalities for school purposes, professing a religious faith different from that of the majority of the said township or parish, may dissent and maintain one or more dissentient schools situated anywhere in the said township or parish, by giving notice in writing to the chairman of the school commissioners of their respective municipalities, and electing three trustees for school purposes, as provided in sections 34 and following of chapter 15 of the Consolidated Statutes for Lower Canada.

Dissentients in township or parish divided into two or more school municipalities may maintain dissentient schools, by giving notice and electing three trustees.

“ *a.* The trustees of the said dissentients shall either maintain, under their immediate control, or subsidize a school of their own religious faith situated in the said township or parish.

Trustees to maintain or subsidize dissentient school.

“ *b.* If the members of the religious minority, in any one of the school municipalities into which the said township or parish is divided, desire to send their children to the school maintained by the said trustees without becoming dissentients, it shall be lawful for the school commissioners of such municipality to make an annual grant from the school funds of the municipality to the said trustees in aid of the said dissentient school.”

Members of religious minority may send children to dissentient school, without becoming dissentients.

Grant in such cases.

**35.** Section 16 of the act 32 Victoria, chapter 16, is amended by replacing the word “rate-payers” in the twenty-fifth line thereof by the words “proprietors, tenants and occupants.”

32 V., c. 16, s. 16, replaced.

**36.** Section 12 of the said act 32 Victoria, chapter 16, is replaced by the following :

32 V., c. 16, s. 12, replaced.

“ Any person belonging to the religious minority may, at any time, become a dissentient, and any dissentient may, in like manner, declare his intention of ceasing to be a dissentient, subject however in either case to the restrictions of section 10 of this act.

Members of religious minority may become or cease to be dissentients.

The receipt by the chairman of the commissioners and the chairman of the trustees of the declaration, made in either of the above mentioned cases, shall be sufficient to place the persons so making the said declaration under the control of the commissioners or the trustees, as the case may be.”

Declaration for that purpose and effect thereof.

C. S. L. C., c.  
15, s. 34, § 1,  
as amended  
by 45 V., c. 29,  
s. 1, amended.

**37.** Subsection 1 of section 34 of chapter 15 of the Consolidated Statutes for Lower Canada, as amended by the act 45 Victoria, chapter 29, section 1, is amended by inserting, after the word "first" in the first line, the word "juridical."

34 V., c. 12, s.  
6, amended.

**38.** Section 6 of the act 34 Victoria, chapter 12, is amended by striking out, in the fourth, fifth, sixth and seventh lines thereof the words "read and posted up in the manner prescribed in and by the thirty-fourth section of chapter fifteen of the Consolidated Statutes for Lower Canada," and by replacing them by the words "given in the manner prescribed by sections 137a and following added by this act to section 137 of chapter 15 of the Consolidated Statutes for Lower Canada."

C. S. L. C., c.  
15, s. 34, § 1,  
amended.

**39.** Subsection 1 of section 34 of chapter 15 of the Consolidated Statutes for Lower Canada is amended by striking out all the words after the words "public notice" in the eighth line, and replacing them by the words "in the manner provided by section 6 of the act 34 Victoria, chapter 12, as amended by the preceding section."

C. S. L. C., c.  
15, s. 34 § 3,  
amended.  
If meeting  
cannot be held  
on first Mon-  
day in July,  
may be held  
on any en-  
suing Mon-  
days of same  
month.

**40.** Subsection 3 of the said section 34 of the said chapter 15, is replaced by the following :

"3. If, from any cause, the annual general meeting for the election of school commissioners or trustees cannot be held on the first juridical Monday in July, such meeting may be held and the election may take place on any of the ensuing juridical Mondays in the same month by observing the same formalities."

C. S. L. C., c.  
15, s. 37,  
replaced.  
If election  
contested, five  
voters may  
demand poll.  
Election, how  
held :  
Proposal of  
candidates.

**41.** Section 37 of the said chapter 15 is replaced by the following :

"37. If the choice of the commissioners or trustees is contested, any five persons present and qualified to vote may demand a poll, which shall be held in the following manner :

"1st. 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.

"2ndly. The presiding officer is bound to receive and propose as candidates the names of all persons submitted to him, whether verbally or in writing, by at least two of the electors present.

Nevertheless no one can be proposed for election, unless, at the time, his name and surname, as well as the names and surnames of his proposers, are given.

After first  
hour, election  
to end if only

"3rdly. If, during the first hour after the opening of the meeting, as many candidates as there are school com-

missioners or trustees to be elected, or fewer candidates than the required number, have been proposed for election as school commissioners or trustees, the election is declared at an end, and the presiding officer proclaims the candidates proposed for election duly elected.

sufficient candidates nominated to fill offices vacant.

“ 4thly. One hour after the opening of the meeting, if more candidates have been put in nomination than there are school commissioners or trustees to be elected, the presiding officer, upon a requisition by five electors present, proceeds without delay to hold a poll, and to register the votes of the electors present.

If more candidates proposed, poll to be held on requisition of five voters.

Nevertheless, if among the candidates put in nomination there are any to whom there is no opposition, the presiding officer proclaims such candidates elected, and the poll is held for the other candidates only.

If no opposition to certain candidates, they are declared elected.

“ 5thly. In the absence of a demand from five electors present to the effect that a poll be held, the presiding officer proclaims school commissioners or trustees those candidates who have the majority of electors present in their favor, after having established such majority by counting the electors who are in favor of each candidate.

If no demand made for poll, presiding officer counts electors and proclaims election.

Twenty electors present may, however, appeal from his decision, by requiring a poll to be held.

Appeal by twenty electors.

“ 6thly. The presiding officer, if a poll is opened, must enter or cause to be entered, in a book kept in accordance with the conditions hereinafter prescribed, and in the order in which they are given, the votes of the electors, by entering therein the names and qualities of each.

If poll opened, votes to be entered in book.

“ 7thly. Every elector may vote for as many candidates as there are school commissioners or trustees to be elected in the municipality.

Number of votes of each elector.

“ 8thly. Any person tendering his vote, must take the following oath or affirmation, 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 following oath :

‘ I swear (or I 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.’

Oath of elector.

If such elector refuse to take such oath, his vote must be refused.

On his declining oath, vote refused.

“ 9thly. Whenever the presiding officer does not understand the language spoken by one or more electors, he must appoint an interpreter, who before acting takes, before such person presiding, the following oath :

Appointment of interpreter.

“ 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.’

Oath of interpreter.

- Each page of poll book to be numbered and initiated. "10thly. Each page of the poll book must be numbered in writing, and initialed by the person presiding at the election.
- Entry to be made if elector be sworn, &c. "11thly. 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.
- Presiding officer to certify number of votes entered, &c. "12thly. At the close of the election, but before proclaiming the candidates elected, 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.
- In event of tie, presiding officer to vote, under penalty. "13thly. In case of an equal division of votes, in favor of one or more of the candidates, the presiding officer is bound to vote, under a penalty of not less than twenty or more than fifty dollars.
- Proclamation of election. "14thly. At the close of the election, the presiding officer proclaims such of the candidates as have attained the largest number of votes duly elected school commissioners or trustees."
- C. S. L. C. c. 15, s. 35, replaced. **42.** Section 35 of the said chapter 15 is replaced by the following :
- Election of commissioners or trustees. "35. At such meeting, the proprietors of real estate paying taxes or monthly fees qualified to vote shall elect five school commissioners or three trustees, as the case may be, or the number of commissioners or trustees required to fill the vacancies caused by the retiring of such of the commissioners or trustees as go out of office.
- Persons elected obliged to accept, but not clergy-men. All persons so elected, except Roman Catholic and Protestant clergyman, are bound to accept the office to which they have been elected."
- C. S. L. C., c. 15, s. 36, amended. **43.** Section 36 of the said chapter 15 is amended by replacing the words “all other persons” in the second line by the words “all voters."
- C. S. L. C., c. 15, s. 51, replaced. **44.** Section 51 of the said chapter 15 is replaced by the following :
- No commissioner or trustee to be school teacher or contractor. "51. No school commissioner or trustee shall be a teacher of any school in his municipality, nor shall he be a contractor for any work for any school corporation of which he is a member."
- C. S. L. C., c. 15, s. 44. **45.** Section 44 of the said chapter 15 is amended by adding thereto the following :
- Notification of election. "He shall also, within the same delay, notify in writing the persons elected, of their election."

**46.** Section 47 of the said chapter 15 is amended by re-  
placing the words "the permanent absence from the  
municipality, death or incapacity from sickness" in the  
second and third lines, by the words "death, absence from  
the municipality or incapacity from sickness, infirmity or  
otherwise during three consecutive months." C. S. L. C., c.  
15, s. 47,  
amended.

**47.** Section 48 of the said chapter 15, is amended by  
inserting after the word "may" in the fifth line, the words,  
"upon the recommendation of the superintendent." C. S. L. C., c.  
15, s. 48,  
amended.

**48.** Section 41 of the said chapter 15, as replaced by  
section 2 of the act 45 Victoria, chapter 29, is replaced by  
the following : C. S. L. C., c.  
15, s. 41, as re-  
placed by 45  
V., c. 29, s. 2,  
replaced :

"41. For the purpose of the preceding section, the proce-  
dure to be adopted shall be the following : Procedure.

#### CONTESTATION OF ELECTIONS OF SCHOOLS COMMISSIONERS AND TRUSTEES.

"1st. Any election of school commissioners or trustees  
may be contested by any candidate or by five electors, on  
the ground of violence, corruption, fraud or incapacity, or  
on the ground of the non-observance of the essential form-  
alities. Contestation  
of election—  
causes for.

"2ndly. The examination and decision of such contesta-  
tion is vested in the Circuit Court of the district or county,  
or in the magistrate's court of the county in which the mu-  
nicipality is situated, to the exclusion of all other courts. Where con-  
testations heard.  
Petition—con-  
tents of.

"3rdly. Such contestation is brought before the court by  
a petition in which are set forth the facts and reasons  
alleged in support of the contestation.

The petitioners 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. Petitioners—  
may claim  
seat.

"4thly. A copy of the petition, with a notice stating the  
day on which the petition will be presented to the  
court, is served upon and left with every school commis-  
sioner or trustee whose election is contested, within thirty  
days from the date of such election ; otherwise the  
right of contesting is forfeited. Copy of peti-  
tion served  
within thirty  
days upon  
person whose  
seat is con-  
tested.

"5thly. No such petition can be presented or received  
after the close of the first term of the court, next following  
the day when such contested election was held. Time for pre-  
senting peti-  
tion.

Nevertheless, if the election was held within the  
fifteen days preceding such first term, the petition may  
be presented on the first day of the second term.

"6thly. The petitioners must give security for costs,  
at least ten days before the petition is presented to the  
court ; otherwise such petition cannot be received. Security for  
costs to be  
given.



Security to be put in before clerk of court. Sureties to own real estate of two hundred dollars.

One surety sufficient.

Petition to be presented in open court.

If facts alleged sufficient to annul election, court orders proof.

Proceedings summary.

Evidence taken orally or in writing. Judgment.

Costs as court decides ; costs recoverable from party and sureties.

Judgment when executory against sureties.

Service of judgment.

Case to be continued during vacation.

If election annulled without stating who is to fill offices, judgment provides for new election.

Delay for such election.

Notice of such election, how given.

" 7thly. The security required by the foregoing paragraph is put in before the clerk of the court.

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

One surety suffices, provided he is an owner of real estate to the required value.

" 8thly. Such petition is presented in open court, together with the returns of the preliminary services.

" 9thly. 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 the day in term it deems the most convenient.

" 10thly. The court proceeds in a summary manner to hear and decide such contestation.

The evidence may be taken orally or in writing, in whole or in part, as the court shall order.

" 11thly. The court by its judgment may confirm or annul the election, or declare another person to have been duly elected.

" 12thly. The court may condemn either of the parties to pay the costs of the contestation ; and such costs are taxed and are recoverable as well against the parties to the suit as their sureties.

The judgment of the court, in so far as regard the costs, is executory against the sureties, fifteen days after a copy thereof has been served upon them.

" 13thly. The court may order that its judgment be served, at the expense of the party against whom the judgment has been given, upon any person it may deem proper.

" 14thly. If the trial of the contestation 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 during the vacation, adjourning from day to day until he delivers his final judgment upon the merits of the contestation.

" 15thly. If the court by its judgment annuls the election of the school commissioners or trustees or any one of them, without stating who should fill such offices, the court must in the same judgment order a new election to replace the school commissioners or trustees whose elections are so annulled, name for that object a person to preside at such election and fix the day and hour upon which a meeting of the electors is to be held.

Such day must not be sooner than fifteen nor later than twenty days from the date of the judgment.

" 16thly. Such election must be announced by public notice, by the chairman of the school commissioners or

trustees, or by the secretary-treasurer if there be none in office or if the chairman is the school commissioner or trustee whose election has been annulled.

If there be neither a chairman nor a secretary-treasurer in office, the notice is given by the senior justice of the peace or in his default by any other justice of the peace residing in the municipality and in their default by three proprietors, as soon as a copy of the judgment has been served upon them.

The omission to give this notice prevents a meeting of the municipal electors from being held, and renders the persons whose duty it is to give it, subject to a penalty of not less than five nor more than twenty dollars.

**49.** Section 59 of the said chapter 15, as amended by the act 50 Victoria, chapter 20, section 1, is amended by inserting, at the beginning of the said article the words "when a municipality is erected and each year thereafter,"—and by adding to the said section the following subsections :

" 2. If the meeting cannot be held on the day fixed it may be held on any day of the same week.

" 3. If it be the first meeting of the school commissioners or trustees in the municipality, it shall be presided over by one of their number until a chairman is appointed.

" 4. No one shall be appointed chairman of school commissioners or trustees who does not know how to read and write."

**50.** Section 12 of the act 41 Victoria, chapter 6, is amended by replacing the word "two" in the third line by the word "ten," and by adding to the section the following words "and such fine shall belong to the school corporation of the commissioners or trustees, as the case may be."

**51.** Section 52 of chapter 15 of the Consolidated Statutes for Lower Canada is amended by striking out in the fifth line the words "vote as a casting."

**52.** Subsections 1 and 2 of section 65 of the said chapter 15, are replaced by the following:

" 1. To appoint and engage, by resolution of the school corporation and by written contract, teachers duly qualified to teach in the schools under their control.

" 2. To cancel the engagements of teachers on account of incapacity, neglecting faithfully to perform their duties, insubordination, misconduct or immorality, after mature deliberation, at a meeting called for that purpose ;

" 3. To provide that the course of study authorized by the Roman Catholic or Protestant Committee, as the case may be, shall be followed in each school ;

Supervising  
books used.

4. To require that no other books be used in the schools under their control than those authorized by the Council of Public Instruction or either of the Committees thereof :

Right of *curé*  
as to selection  
of books.

The *curé* or priest administering a Roman Catholic Church shall, however, have the exclusive right of selecting the school books having reference to religion and morals for the use of pupils of his religious faith.

Same powers  
to Protestant  
Committee.

The Protestant Committee shall have similar powers respecting Protestant pupils.

C. S. L. C., c.  
15, s. 110, § 10,  
replaced.  
Term of en-  
gagement of  
teachers.

**53.** The last clause of subsection 10 of section 110 of the said chapter 15 is replaced by the following :

"The engagement of a teacher shall be for the term of a school year, except in special cases approved by the Superintendent, and may be according to the form No. 10 of the act 41 Victoria, chapter 6.

Selection of  
teachers.

In no case shall school commissioners or trustees be obliged to employ a teacher who does not suit them."

41 V., c. 6, s.  
15, amended.

**54.** Section 15 of the act 41 Victoria, chapter 6 is amended by striking out the words "which is not divided into school districts" in the second and third lines thereof.

C. S. L. C., c.  
15, s. 53,  
amended :  
Limitation of  
real property  
of school cor-  
porations.

**55.** Section 53 of chapter 15 of the Consolidated Statutes for Lower Canada is amended so that school corporations shall not hold real property to a greater yearly value than three thousand dollars, unless otherwise provided by special statute.

49-50 V., c. 25,  
s. 1, amended.

**56.** Section 1 of the act 49-50 Victoria, chapter 25, is amended by replacing the word "authority" in the first line of the second clause thereof by the word "recommendation."

C. S. L. C., c.  
15, s. 73, re-  
placed.

**57.** Section 73 of chapter 15 of the Consolidated Statutes for Lower Canada is replaced by the following :

Levying of  
taxes.

"73. It is the duty of the school commissioners and trustees to cause to be levied by taxation, in their respective municipalities, the taxes deemed necessary for the support of the schools under their control.

Amount of  
taxes to be  
raised.

The sum arising from such taxes must not be less than the sum allowed out of the common school fund for such municipality."

C. S. L. C., c.  
15, ss 74 and  
75, repealed.

**58.** Sections 74 and 75 of the said chapter 15 are repealed.

40 V., c. 22, s.  
28, amended.

**59.** Section 28 of the act 40 Victoria, chapter 22, is amended by replacing the words "or the secretary treasurers" in the first and second lines, by the words "and

the secretary treasurers " and the words " twenty sixth and twenty seventh sections of this act," in the third line thereof, by the words " sections 73 and 76 of chapter 15 of the Consolidated Statutes for Lower Canada, sections 26 and 27 of this act, and section 4 of the act 48 Victoria, chapter 30."

**60.** Subsection 3 of section 77 of chapter 15 of the C. S. L. C., c. Consolidated Statutes for Lower Canada is amended by <sup>15, s. 77, § 3, amended.</sup> striking out the fourth and fifth lines thereof the words " conceded, or any lot of ground or building lot."

**61.** Section 4 of the act 45 Victoria, chapter 29, is <sup>45 V., c. 29, s. 4, amended.</sup> amended by replacing in the first and second lines the words " The school commissioners or trustees of any municipality may ", by the words " The school commissioners or, in the case of their being dissentient schools in a municipality, the school commissioners and trustees may by mutual agreement and "; and by replacing the words " said trustees or commissioners as aforesaid " at the end of the said section by the words " the said commissioners or the said commissioners and trustees."

**62.** Subsection 5 of section 64 of chapter 15 of the C. S. L. C., c. Consolidated Statutes for Lower Canada, as replaced <sup>15, s. 64, § 5, replaced.</sup> by section 13 of the act 41 Victoria, chapter 6, is amended :

1st. By replacing the words " purchase or build a school house ", in the first and second lines thereof, by the words " purchase, build, rebuild, enlarge, repair or maintain one or more school houses."

2ndly. By replacing in subsection 5b, in the sixth and seventh lines, the words " enlarge the school buildings already existing, erect " by the words, " build, rebuild, enlarge, repair or maintain school buildings already existing, or to build."

**63.** Subsection 6 of section 64 of chapter 15 of the C. S. L. C., c. Consolidated Statutes for Lower Canada is amended by <sup>15, s. 64, § 6, amended.</sup> replacing the words " for the purchase or building," in the third line, by the words " for the purchase or building, rebuilding, enlargement, repairs or maintenance."

**64.** Section 40 of the act 40 Victoria, chapter 22, is <sup>40 V., c. 22, s. 40, amended.</sup> amended by replacing all the words after the word " thereof " of section 1, in the fourth line, by the following " and shall refund to the other an amount which shall be established *pro ratâ* by the valuation of the real property which was taxed for its erection ; " and by striking out in the fifth and sixth lines of subsection 3 the words " if this land has not been acquired by gratuitous title."

48 V., c. 30, s. 3, amended.

Two or more municipalities may unite to form model school or academy.

Control of such model schools and academies. Proviso.

Levying of amount required for such model schools municipalities.

How paid.

Participation by other school municipalities.

Resolution to be submitted.

Notice of meetings, contents thereof. Voting.

Resolution negatived to be null.

If approved.

Continuance of payment.

Acceptance of contribution by other municipalities gives right of attendance at such school.

**65.** Section 3 of the act 48 Victoria, chapter 30, is amended by adding thereto the following sections :

“ 3a. It shall be lawful for two or more school municipalities to unite, by mutual agreement, in maintaining a model school or an academy, and in erecting a building therefor.

In case of such union the school or school building shall be under the control of the school corporation of the municipality in which it is situated, nevertheless, the school commissioners or trustees of the municipalities, which are united for the purpose of contributing to the erection or maintenance of such school or academy, shall have the right to be present at all meetings of such school corporation and to take part in the discussions and to vote upon all questions respecting the administration of the affairs of the academy or model school.

“ 3b. Any school corporation that desires to co-operate in the manner above set forth in the erection of such model school or academy building shall pass a resolution to that effect naming the amount to be levied and any other particulars deemed necessary.

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

Any school corporation that desires to participate in the maintenance of one of such schools shall pass a resolution naming the amount to be levied annually for that purpose.

2ndly. Such resolution shall be submitted by the school corporation at a meeting of the rate-payers of the municipality called for that purpose, in the manner prescribed for calling general meetings.

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.

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 corporation of the said municipality shall levy the amount named in the resolution, and shall pay the said amount over to the corporation of the school municipality in which the school is situated.

3rdly. 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.

“ 3c. The acceptance by a school corporation, in which such school is situate, of aid in the erection of such school building from any other municipality, shall give the children in the latter municipality the right to attend

such school upon the same conditions as the children of the municipality in which such school is situated."

**66.** Subsection 4 of section 65 of chapter 15 of the Consolidated Statutes for Lower Canada, is amended by replacing in the third line of the first clause thereof the words "or curator" by the words "curator or guardian;" and by adding in the second line of the second clause after the words "model schools," the words "and academies."

C. S. L. C., c. 15, s. 65, § 4, amended.

**67.** Section 27 of the act 41 Victoria, chapter 6, is amended by replacing all the words after "commissioners," in the second line of the first clause, by the words "and collected in the same manner and at the same time as school taxes."

41 V., c. 6, s. 27, amended.

**68.** Section 12 of the act 40 Victoria, chapter 22, is amended by replacing paragraph 5 by the following;

41 V., c. 22, s. 12, amended.

"5. For children who are absent from the school municipality for the purpose of receiving their education in a college, or other incorporated educational institution or one receiving a special grant from the public funds, other than schools under the control of commissioners or trustees."

Children absent at College.

**69.** Section 68 of chapter 15 of the Consolidated Statutes for Lower Canada is amended by replacing the words "unless different monthly fees have been agreed upon," in the seventh and eighth lines, by the words "unless a different agreement has been made between the school corporation and the teacher."

C. S. L. C., c. 15, s. 68, amended.

**70.** Section 71 of the said chapter 15 is amended by replacing the words "within ten days after its completion," at the end thereof, by the words "in their semi-annual report of the month of January, in each year."

C. S. L. C., c. 15, s. 71, amended.

**71.** Section 7 of the act 34 Victoria, chapter 12, is amended by replacing the words "or tutor" in the first line, by the words "tutor, curator, or guardian."

34 V., c. 12, s. 7, amended.

**72.** The following section is added after section 59 of chapter 15 of the Consolidated Statutes for Lower Canada.

"59a. Every school corporation shall have an officer called the secretary-treasurer, who shall be appointed by the school commissioners or trustees, and shall remain in office during the pleasure of the said commissioners or trustees."

Subsection added after C. S. L. C., c. 15, s. 59. Secretary-treasurer of school corporation.

Subsections added after C. S. L. C., c. 15, s. 60, § 3. Sureties of secretary-treasurer may free themselves from future liability.

Notice, how given.

Other security.

Penalty in case of default.

Notice by secretary treasurer of death, &c., of sureties.

New sureties.

Penalty for acting without such.

Discharge which sureties may require.

Secretary-treasurer keeper of books, &c.

Secretary-treasurer to attend meetings, keep minutes, &c.

Minutes to be approved by school corporation, &c.

**73.** The following subsections are added after subsection 3 of section 60 of the said chapter 15.

"3a. The sureties of the secretary-treasurer may, at any time, by giving notice in writing of their intention to the secretary-treasurer himself and to the chairman of the school corporation by which he is employed, free themselves from future liability under their bond, at the expiration of thirty days after the service of such notice.

Such notice is given and served by a notary, or by the surety himself in a writing delivered in presence of one witness who shall sign the same.

"3b. The secretary-treasurer must, within the thirty days following the service of such notice, furnish other sureties in lieu of those who have withdrawn; in default of his so doing, he cannot discharge any of the functions of his office, without becoming liable to a penalty of twenty dollars for each infraction of this provision.

"3c. Whenever one of his sureties dies, becomes insolvent, or removes his domicile outside the limits of the district, the secretary-treasurer must, so soon as he becomes aware of such fact, inform the chairman of the school corporation in whose service he is, in writing, thereof, under a penalty of one hundred dollars; and he must supply the place of such surety within the thirty days next following. In default of his so doing he cannot perform any of the duties of his office, under the penalties prescribed by the preceding section.

"3d. The sureties of the secretary-treasurer, after they are freed from future liability under their bond, or after the secretary-treasurer has ceased to discharge the duties of such office, may exact from the chairman of the school corporation a certificate of discharge for the future, which certificate, after registration thereof, discharges thenceforth the immoveables hypothecated by such security-bond.

"3e. The secretary-treasurer is the keeper of all the books, registers, plans, maps, archives and other documents and papers which are either the property of the school corporation, or are produced, filed and preserved in the office thereof. He cannot divest himself of the custody of these archives, except with the permission of the school corporation, or under the authority of a competent court.

"3f. He attends at all sessions of the school corporation and draws up minutes of all the acts and proceedings thereof, in a register kept for that purpose, and called "Register of Proceedings."

All minutes of the sittings of the school corporation, must be approved by the school corporation, signed by the person who presided at such sitting, and countersigned by the secretary-treasurer.

Whenever a by-law or a resolution is amended or repealed, mention must be made thereof in the margin of the register of proceedings, opposite such by-law or resolution, together with the date of its amendment or repeal.

" 3g. Copies and extracts certified by the secretary-treasurer from all books, registers, archives, documents and papers preserved in the office of the school corporation are evidence of their contents.

Copies certified by secretary-treasurer to serve as proofs.

" 3h. The secretary-treasurer collects and has charge of all moneys due or payable to the school corporation.

Secretary-treasurer to collect and pay moneys.

" 3i. He pays, out of the funds of the school corporation, all sums of money due by it, whenever he is authorized to do so by such corporation. If the sum to be paid does not exceed ten dollars, the authorization of the chairman is sufficient.

Payment to be made on authorization of corporation. Exception.

Even in the absence of authorization from the school corporation, or from its chairman, it is his duty to 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.

Secretary-treasurer to pay drafts or orders.

No draft or order can however be legally paid, unless the same shows sufficiently the nature of the use to be made of the sum therein mentioned.

Proviso.

" 3j. No secretary-treasurer can, under a penalty of twenty dollars for each infraction :

Secretary-treasurer, under a penalty cannot grant discharges without receiving cash.

1st. Grant discharges to rate-payers or other persons indebted to the school corporation for school taxes or other debts, without having actually received in cash or in lawful value the amount mentioned in such discharges ;

2ndly. Lend, directly or indirectly, by himself or by others, to rate-payers or other persons whomsoever, moneys received in payment of school taxes or belonging to the school corporation.

Nor lend rate-payers money.

" 3k. 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.

To keep books of account.

He must keep amongst the archives of the school corporation, all vouchers for his expenditure.

And vouchers.

" 3l. The secretary-treasurer is bound to keep a " repository," 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, maps, plans, statements, notices, letters, papers and documents whatsoever, which are in his possession during the exercise of his office.

To keep repository of document in his possession.



Books and vouchers, &c., open to inspection.

" 3m. The secretary-treasurer's books of account and vouchers for his expenditure, together with all the registers or documents in his archives, are open for inspection and examination by every interested party, or their attorneys, on the office days as established by the school corporation, between the hours of nine in the morning and four in the afternoon.

Notes may be taken.

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

Secretary-treasurer bound to deliver copies.

" 3n. The secretary-treasurer is bound to deliver, upon payment of his fees, to any person applying for the same, copies or extracts from any book, roll, register, document or other paper, which forms part of the archives.

Fee for same.

His fees, until otherwise fixed, are ten cents per hundred words.

Copies furnished gratuitously to Lieutenant Governor, &c.

The secretary-treasurer is, nevertheless, bound to furnish gratuitously any copy or extract required by the Lieutenant-Governor, or by the members of the school corporation or its officers.

C. S. L. C., c. 15, s. 62, replaced.

**74.** Section 62 of chapter 15 of the Consolidated Statutes for Lower Canada is replaced by the following:

Remuneration of secretary-treasurer.

" 62. The remuneration of the secretary-treasurer shall not exceed seven per cent upon the moneys received by him as such, for all the services consistent with the duties of his office, which the school commissioners or trustees may require of him, except in cases specially provided for by the school law and the regulations upon the matter made by the superintendent.

Nevertheless the school commissioners or trustees may, by resolution, with the authorization of the superintendent, grant a supplementary sum to the secretary-treasurer for the use of his office as well as any other consideration therein specified."

C. S. L. C., c. 15, s. 61, as amended by 32 V., c. 16, s. 36, amended.

**75.** Section 61 of the said chapter 15, as amended by the act 32 Victoria, chapter 16, section 36, is amended by adding after the word "municipality" in the fourth line, the words "duly audited," and by replacing all the words from "immediately proceeding" in the fifth line by the two following subsections:

Secretary-treasurer to make abstract of receipts and expenditure, &c.

" 2. The secretary-treasurer, as soon as the statement has been approved by the school commissioners or trustees as the case may be, after having been audited as provided by the act 41 Victoria, chapter 6, section 17, shall prepare an abstract of the receipts and expenditure and of the assets and liabilities, which he shall cause to be approved in the same manner by such school commissioners or trustees.

He shall read or post up, or read and post up such abstract, as prescribed by sections 137*a*, 137*b* and 137*e* of this chapter, on the Sunday preceding the meeting of the rate-payers which he shall call in the manner required for meetings for the election of school commissioners or trustees, or he shall cause such abstract to be published at least eight days before such meeting in a newspaper in the manner prescribed in section 137*c*.

"3. He shall furnish a copy of such abstract to any rate-payer requiring the same, upon the payment of twenty five cents, or a copy of the statement as approved by the school commissioners or trustees, as the case may be, on the payment of ten cents for every hundred words, for each copy."

**76.** Section 17 of the act 41 Victoria, chapter 6, is amended by replacing the words "have the right to appoint an auditor" in the first and second lines of the first clause thereof, by the words "shall appoint one or two auditors;" and by adding thereto the following:

"Such auditors are bound in the month of July in each year, and when the school corporation requires, to make an examination of and to report respecting all accounts of the corporation and all accounts relating to any subject falling within their jurisdiction."

**77.** Subsection 2 of the said section 17 of the said act 41 Victoria, chapter 6, is replaced by the following:

"2. In the case of a special audit of the accounts of the secretary-treasurer, the chairman of the school commissioners or trustees, as the case may be, shall personally or by a bailiff give written notice of such audit to the secretary-treasurer requiring him to attend, so as to give all the explanations that may be required of him."

**78.** Section 16 of the act 41 Victoria, chapter 6, is amended by adding after the words "for any other year" in the eighth line, the words "for which the accounts have not been approved, as prescribed by section 61 of chapter 15 of the Consolidated Statutes for Lower Canada, as amended by the act 32 Victoria, chapter 16, section 36."

**79.** Section 19 of the act 41 Victoria, chapter 6, is replaced by the following:

"19. If the commissioners or trustees neglect so to do, after having been put in default, in the manner above prescribed, the superintendent may, in his own name, sue any secretary-treasurer in or out of office, for the recovery from him of any sum of money which belongs to the secretary-treasurer."

to the school commissioners or trustees, arising from the government grants, the collection of school taxes, monthly fees and other sources, or other school dues received by him during the term of his office."

C. S. L. C., c.  
15, s. 84, § 1,  
amended.

**80.** Subsection 1 of section 84 of chapter 15 of the Consolidated Statutes for Lower Canada is amended by replacing the words "fixed and laid between the first day of May and the first day of July" in the first and second lines, by the words "imposed between the first day of July and the first day of September."

40 V., c. 22, s.  
15, § 2, amend-  
ed.

**81.** Subsection 2 of section 13 of the act 40 Victoria, chapter 22, is amended by striking out all the words after "has been given" in the seventh line to the end of the first clause thereof.

40 V., c. 22, s.  
13, § 3 amend-  
ed.

**82.** Subsection 3 of the said section 13 of the act 40 Victoria, chapter 22, is amended by replacing the words "within the last ten days of the delay" in the first and second lines thereof, by the words "within ten days after the said delay."

40 V., c. 22, s.  
13, § 6, amend-  
ed.

**83.** Subsection 6 of the said section 13 of the said act 40 Victoria, chapter 22, is amended by adding at the end thereof, the words "after which the said roll comes into force and the said taxes may be collected."

C. S. L. C., c.  
15, s. 8, § 1,  
amended.

**84.** Subsection 1 of section 81 of chapter 15 of the Consolidated Statutes for Lower Canada, is amended by replacing in the first line the words "an assessment maintained," by the words "a general or special tax imposed."

C. S. L. C., c.  
15, s. 86,  
amended.

**85.** Section 86 of the said chapter 15, is amended by replacing all the words from the beginning of the said section to the words "and whenever" in the fifth line, by the following :

Power of super-  
intendent to  
levy special  
taxes to pay  
debts.

"The superintendent may cause special taxes 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."

C. S. L. C. c.  
15, s. 90, § 6,  
replaced :

**86.** Subsection 6 of section 90 of the said chapter 15 is replaced by the following :

Report to super-  
intendent  
every six  
months.

"6. That a report signed by the majority of the school commissioners or trustees, and by the secretary-treasurer has been transmitted to the superintendent, every six

months, the first, before the fifteenth day of January and the second, before the fifteenth day of July in each year."

**87.** Section 39 of the act 32 Victoria, chapter 16, is replaced by the following : 32 V., c. 16, s. 39, replaced.

" 39. The sum annually voted by the Legislature in aid of poor municipalities shall be distributed by the superintendent according to the division made by him, and which has been approved by the Committee of the Council of Public Instruction of the religious faith to which such municipalities belong." Distribution of sums voted for poor municipalities.

**88.** Section 94 of chapter 15 of the Consolidated Statutes for Lower Canada is amended by replacing the first part of the said section as far as the words " the Girls' school " in the twelfth line by the following : C. S. L. C., c. 15, s. 94, amended

" Any sums of money which have not been specially appropriated by provision of the donors, vendors, or others, and all sums arising from the allowance for schools, school taxes, and from any source other than monthly contributions, shall form the school fund in each municipality, under the control of commissioners or trustees, respectively, and shall be divided, distributed, and employed by them : School fund in municipalities, what constitutes, how distributed,

1st. Either in proportion to the number of children from seven to fourteen years in each school district residing therein and capable of attending school, or In proportion to number of children.

2ndly. By making a common fund out of which the school commissioners or trustees shall pay the expenses occasioned by the payment of teachers' salaries, the maintenance of school houses, the purchase of books, school furniture, and other contingent of expenses. Or, by making a common fund for paying teachers.

The school commissioners or trustees, after having adopted one of those two methods, cannot change it within two years unless by the authority of the superintendent. Method adopted cannot be changed within two years.

In all cases, the school commissioners or trustees shall deduct from such school fund a sum of eighty dollars for the support of a model school, if there is one in the municipality, in addition to the share which such model school is entitled to receive from such fund. In all cases, deduction of eighty dollars must be made for model school.

**89.** In sections 95 and 97 of the said chapter 15, the words " with the approval of the Lieutenant-Governor in Council " are struck out. C. S. L. C., c. 15, ss. 95 and 97 amended.

**90.** Section 98 of the said chapter 15, as amended by the act 32 Victoria, chapter 16, section 39, is amended by striking out, in the first paragraph, the words " not exceeding eight thousand dollars," in the second paragraph, the words " not exceeding one thousand eight C. S. L. C., c. 15, s. 98, as amended by 32 V., c. 16, s. 39, amended.

hundred dollars," and in the third paragraph, the words "not exceeding two thousand dollars."

C. S. L. C., c. 15, s. 99, repealed. **91.** Section 99 of the said chapter 15 is repealed.

C. S. L. C., c. 15, s. 102, amended. **92.** Section 102 of the said chapter 15 is amended by striking out the words "with the approval of the Governor in Council" in the first and second line thereof.

C. S. L. C., c. 15, s. 123, § 1, amended. **93.** Subsection 1 of section 123 of the said chapter 15, is amended adding after the words "monthly fees" in the fourth and fifth lines the words "but such arrears are prescribed by three years."

C. S. L. C., c. 15, s. 126, amended. **94.** Section 126 of the said chapter 15, is amended by adding the following :

Persons disturbing school liable to penalty. "126a. Every person who voluntarily and intentionally 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 in the school, shall, upon summary conviction before at least two justices of the peace, be condemned to a fine not exceeding twenty dollars and costs; upon the deposition of one credible witness.

Penalty to belong to commissioners or trustees. Such fine shall belong to the school commissioners or trustees of the municipality, as the case may be, and shall be by them employed for the benefit and advancement of education in their municipality."

C. S. L. C., c. 15, s. 6, amended. **95.** Section 6 of the said chapter 15, is amended by adding after the words "shall be," in the second line, the words "according to the recommendation of the Roman Catholic or Protestant Committee, as the case may be."

35 V., c. 3, s. 5, amended. **96.** Section 5 of the act 35 Victoria, chapter 3, is amended by adding, after the words "Lieutenant-Governor-in-Council," in the fifth and sixth lines, the words "and in accordance with the recommendation of the Protestant Committee of the Council of Public Instruction."

C. S. L. C., c. 15, s. 8, amended. **97.** Section 8 of chapter 15 of the Consolidated Statutes for Lower Canada is amended by adding at the end thereof the words "nor to any ordinary model school or educational institution which has not fulfilled the conditions prescribed by law."

C. S. L. C., c. 15, s. 9, amended. **98.** Section 9 of the said chapter 15 is amended by adding before the word "professors," in the first line of the second paragraph, the words "directors, principals."

**99.** Section 6 of the act 31 Victoria, chapter 22, is amended by replacing the words "the principal" in the eleventh line by the following words "the Attorney-General upon the recommendation of the principal."

31 V., c. 22, s. 6, amended.

**100.** The following sections are added after the said section 9 of the chapter 15 of the Consolidated Statutes for Lower Canada.

Sections added after C. S. L. C., c. 15, s. 9.

#### ACADEMIES.

**9a.** The Roman Catholic and Protestant Academies already established or which may hereafter be established, in any city, town or incorporated village, exercise all the powers and enjoy all the privileges appertaining to them, or which may hereafter be conferred upon them by the city, town, or incorporated village in which they are or may be situated.

Academies to exercise all powers and enjoy all privileges now and hereafter granted to them.

They shall be entitled to a share of the legislative grant for superior education, in the discretion of the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be, on their conforming to the rules and regulations, in respect to academies, adopted or which may be from time to time adopted by the Committee of the religious faith of such academy.

Academies entitled to share of grant for superior education.

**9b.** It shall also be competent to the corporations of school commissioners or trustees, as the case may be, in any county, counties or parts of counties, to combine for the purpose of establishing one or more academies therein.

School corporations may combine to establish one or more academies.

The mode of procedure in such cases shall be as follows:

Mode of procedure to establish joint academy.

1st. Whenever it shall appear desirable to the Roman Catholic or Protestant school commissioners or trustees, as the case may be, in any county, counties or parts of counties, or to a majority of them, that an academy or academies should be established, the several chairmen of the said school corporations, shall, by virtue of a resolution passed by each school corporation, be appointed academy delegates on behalf of the said corporations.

School corporations to appoint their chairman as delegates.

The delegate last named shall convene the first meeting of these delegates by giving a written notice of eight days of the time and place of such first meeting.

Notice of meeting : By whom called.

2ndly. At the first meeting of such academy delegates, those present or a majority of them, shall elect a chairman and a secretary.

Election of chairman and secretary.

If, in the opinion of the majority, it is thought necessary or desirable that one or more academies should be established in the county, counties, or parts of counties, a petition to that effect founded on a resolution of such delegates, shall be prepared and forwarded to the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be, stating the

Petition to be forwarded to Committee if of opinion that academy is necessary.

facts of the case ; such petition shall be signed by the chairman and secretary of the meeting.

Taking into consideration by committee. If Committee approve, petition to be sent to Lieutenant-Governor.

3rdly. 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 present at such meeting, the said petition, shall be delivered to the Superintendent for transmission to the Lieutenant-Governor in Council.

Approval of Lieutenant-Governor.

If the Lieutenant-Governor in Council approves such petition, he may, by proclamation in the Quebec Official Gazette, signify his approval, and establish such academy or academies and designate them as the "Academy or Academies of the county of \_\_\_\_\_ or counties of \_\_\_\_\_

Proclamation.

Name of academies.

," as the case may be, if academies of county or counties, or "County of \_\_\_\_\_ Academy No. 1, 2, 3" as the case may be, if an academy of parts of counties.

First trustees.

Term of office.

Annual meeting of delegates.

4thly. After such proclamation, the Board of delegates shall again meet, and shall elect three of their members to act as the first trustees of such academy. Such trustees shall remain in office until the first juridical day of August, then ensuing when there shall be a regular annual meeting of the said Board of delegates.

Election of subsequent trustees.

At such first meeting of delegates and at the meeting to be held annually thereafter on the first juridical day of August in each year, the said Board of delegates shall 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 of accounts.

Auditor.

Annual report of trustees.

The said academy trustees shall present annually to the said Board of delegates at such annual meeting a report of the educational work of the past year of such academy, with a balance sheet and statement of income and expenditure, duly audited by the auditors appointed as above.

Secretary-treasurer.

The secretary of such Board of delegates may be the secretary-treasurer of each Board of academy trustees, or the academy trustees may appoint their own secretary-treasurer.

Duties of trustees, &c., to conform to school laws.

The said academy trustees and the said secretary-treasurer and auditors shall, in the performance of their several duties, conform in all respects, *mutatis mutandis*, to the provisions of the school laws, 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.

Taxes may be levied for purchase of site

9c. To provide for the building and maintenance of such academies, the Roman Catholic or Protestant school com-

missioners or trustees of such county, counties, or parts of counties, wherein an academy is or shall be established, may levy a tax on the taxable real estate of the school municipality under their control, sufficient in amount to provide a sum not exceeding three thousand dollars for the purchase of a site and the building of an academy, and not less than three hundred dollars per annum towards the payment of teachers and the incidental expenses of such academy as may be agreed on by the said Board of delegates.

The school commissioners or trustees, as the case may be, shall be jointly and severally responsible to the said academy trustees for the payment of the sums above-mentioned, and shall pay over the said sums to the said academy trustees by equal semi-annual payments on the 2nd day of January and 2nd day of July in each year.

9d. For the maintenance of the said academies, the said academy trustees shall be entitled to charge monthly fees to the scholars attending the same, such fees not to exceed one dollar and fifty cents per month and to be paid monthly in advance.

No scholar being two months in arrears for such fees shall be permitted to attend such academy.

9e. Each academy fulfilling the conditions of this act, and conforming in all respects to the rules and regulations in respect to academies issued or which may be from time to time issued by the Roman Catholic or Protestant Committee, as the case may be, shall be entitled to a share of the legislative grant for superior education, in the discretion of the Committee of its religious faith.

**101.** Sections 1, 2, 3, 4, 5, 6, 7 and 8 of chapter 16 of the Consolidated Statutes for Lower Canada are repealed.

**102.** Section 9 of the said chapter 16 is amended by adding after the word "commissioners" in the ninth line, the words "for the management of that school only."

## FORM

IN CONNECTION WITH SECTION 31.

PROVINCE OF QUEBEC. }  
Municipality of }

To the Chairman 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 section 55 of chapter 15 of the Consolidated Statutes for Lower Canada, to notify you of our intention of withdrawing from the control of the school corporation of which you are the chairman.

Given at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

### CAP. XXXVII.

An Act to amend the act passed during the present session under the number five, being chapter 36 of these Statutes, intituled: "An Act to amend the laws respecting Public Instruction."

[Assented to 12th July, 1888.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

51-52 V., c. 36,  
s. 27, amended.

**1.** Section 27 of the act passed during the present session, intituled: "An act to amend the laws respecting Public Instruction" is amended by striking out, in the first and second lines of paragraph numbered 5, the words, "upon the recommendation of the superintendent."

### CAP. XXXVIII.

An Act to amend the acts concerning public instruction in this Province.

[Assented to 12th July, 1888.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

48 V., c. 30, s.  
3 and §§ 5c and  
5d of same section  
repealed.  
Orders in  
council, &c.,  
also repealed.

**1.** Section 3 of the act 48 Victoria, chapter 30 and paragraphs 5c and 5d of the said section are repealed.

All orders in council passed in virtue of the said section and paragraphs, and not yet put into force, shall be null and be considered as not having been passed.

Coming into  
force.

**2.** This act shall come into force on the day of its sanction.