

Victoria, chapter 29, is further amended by adding thereto the following paragraph :

"6. A board of examiners composed of five members may, upon the recommendation of the proper committee of the council of public instruction, be established by order of the Lieutenant-Governor in council, at Notre-Dame du Lac St. Jean, for the county municipality No. 2 of the county of Chicoutimi; which board shall have the same powers as those mentioned in the preceding paragraphs."

Board of examiners may be established at Notre-Dame du Lac St. Jean.

CAP. XXVII.

An Act respecting the pension fund of officers of primary instruction.

[Assented to 21st June, 1886.]

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

INTERPRETATIVE PROVISIONS.

1. Under the term : "officers of primary instruction," the present act includes : school inspectors, professors and teachers of normal schools, male and female certificated teachers teaching in an institution under the control of school commissioners or trustees, or subsidized by them or by the government out of the funds voted for education ; but does not include members of the clergy or religious communities nor professors in colleges or universities.

Interpretation of words : Officers of primary instruction.

2. The words "elementary school," "model school" and "academy," mentioned in this act, mean schools in which are taught the subjects of the curriculum adopted by either of the committees of the council of Public Instruction for the schools of these various grades.

"Elementary school," "model school," "academy."

By "school under control" is meant any school in which the teacher or teachers are engaged and paid by the school commissioners or trustees.

"School under control."

By "subsidized school" is meant any school, not under control, which receives a grant from the government out of the funds voted for education or from school commissioners or trustees.

"Subsidized school."

PENSIONS OF OFFICERS.

3. There shall be allowed to every person, who has reached the age of fifty-six years, and who has been

Annual pension to certain officers of pri-

many instruc- employed as an officer of primary instruction, during a
tion. term of ten years or upwards, an annual pension, based upon the average salary received by him during the years he has passed in teaching and for which he has paid the stoppages.

Pension, how 4. Such pension shall not exceed, in any case, the
calculated. following rates, to wit :

If the officer has served during ten years and less than eleven years, ten-fiftieths of such average salary ;

If he has served during eleven years and less than twelve years, eleven-fiftieths of such average salary ;

And so on, adding one-fiftieth of such average salary, for every additional year of service, for which he has paid the stoppages; but no grant shall be allowed for any service over thirty-five years.

Salary for pen- 5. The average salary of officers of primary instruction
sion. shall not, for the purposes of this act, exceed the sum of fifteen hundred dollars.

Officers may receive pension after ten years service in certain cases. 6. After ten years' service, every officer, whatever be his age, may receive a pension, when a serious injury, or enfeebled health, renders it impossible for him to continue such service, provided such accident or ill-health has not arisen through any conduct forbidden by law or against good morals.

Certificates required in such cases. 2. In the event of an officer retiring, owing to enfeebled health or serious illness, such infirmities and the cause thereof shall be established by means of certificates given the physician who has attended such officer, and by one of the two physicians indicated by the Superintendent of Public Instruction

How to be at- 3. The physicians' certificates, prescribed by this section,
tested. shall be attested in accordance with with the provisions of the act of the Dominion of Canada, 37 Victoria, chapter 37, intituled " And act for the suppression of voluntary and extra-judicial oaths."

Stopping of pensions. Such pension is stopped from the moment the cause, which gave rise to it, has ceased to exist.

Years to be counted in computing years for pension. 7. From the age of eighteen, the years that have been passed either in teaching or as a normal school pupil, shall be included in the years of service, at the time of establishing the amount of the pension.

Years not to be counted. The years, during which the officers of primary instruction have taught outside of the province, cannot be counted in the number of those which entitle them to a pension.

8. Any teacher, actually engaged in teaching, who has paid contributions to the pension fund, established under the act passed on the 22nd December, 1856, (19-20 Victoria, chapter 14, section 7), may apply such contributions to the payment of the stoppages required for the years of service prior to the 24th July, 1880.

Application of certain payments to payment of certain stoppages.

9. Every officer of primary instruction who wishes to claim his right to a pension shall establish, to the satisfaction of the administrative commission, established by this act, that he has served as such during the five last years preceding his application, and that he has complied with the other provisions of this act.

Proof required on application for a pension.

10. An officer of primary instruction, in order to be pensioned, must produce, in addition to his certificate of birth and a declaration of his domicile, a certificate according to form number 2 of this act, stating his name, surname and quality, the date when he first acted as such officer, his services, and the date and the reason of his ceasing to perform the same.

Documentary proof required for same.

PENSIONS OF WIDOWS.

11. The widow of an officer, dying between the 24th of July, 1880, and the 1st July, 1886, after having paid his stoppages under the act 43-44 Victoria, chapter 22, shall, so long as she remains a widow, have a right to a half-pension.

Widows have right to a half-pension on certain conditions.

Such half-pension is allowed to the widow of an officer dying after the 1st of July, 1886, only when the latter has paid into the pension-fund, in addition to the stoppages payable by him, and at the same times, a sum equal to one-half of such stoppages; nevertheless this latter stoppage is only exacted for the years during which the officer is married.

Stoppages to be paid to the widow to half pension.

For the years previous to the 24th of July, 1880, the stoppages in question shall be paid as follows:

How to be paid.

Two-fifths shall be paid before the first of January, 1887, and

One-fifth of the total amount shall be deducted from the annual pension of the officer himself, or,—if he died without having obtained a pension,—from the said widow's pension during each of the first three years.

These sums shall also form part of the capital.

To form part of capital fund.

In order that a widow may be eligible for a pension, the marriage must have been contracted six years before the husband had ceased to act as an officer of primary instruction.

Marriage to have been contracted for certain time to give right to half pension.

Certain stoppages cannot be paid by widow.

12. The widow is not allowed to pay the stoppages which her husband neglected to pay for the years of service previous to the 24th July, 1880.

Documentary proof required on application by widow for half-pension.

13. The widow claiming the pension is bound to furnish, in addition to the vouchers which her husband should have produced :

1. Her certificate of birth ;
2. The burial certificate of the officer or pensioner ;
3. Her marriage certificate.

CONTRIBUTIONS AND STOPPAGES.

Certain payment may be made, before a certain time.

14. Any officer of primary instruction shall be permitted to pay into the pension-fund the stoppages required by this act, for the years of service immediately preceding the 24th of July, 1880, provided that such payments shall be made before the first of January, 1887, in which case, the officer shall be entitled to count the said preceding years of service to establish his right to a pension.

Rate of stoppages for years previous to 24th July 1880.

15. The stoppages upon the salaries of officers of primary instruction for the years previous to the 24th July, 1880, shall be five per cent per annum without interest.

Two-fifths of the total amount of the stoppages for the said years previous to the 24th July, 1880, shall be paid before the first of January next, and ;

One-fifth of the total amount of the said stoppages shall be deducted from the annual pension of the officer for each of the first three years.

Application of such sum to capital fund.

The sums so stopped shall not form part of the yearly revenue of the pension-fund, but shall be placed in the capital fund.

Interest to be allowed upon certain payments.

16. The officers, who since the 24th of July, 1880, have paid the stoppages required by the act 43-44 Victoria, chapter 22, for their previous years of service, have a right to interest, at the rate of five per cent upon the sums so paid in, up to the first of July, 1886 ; such interest to be deducted from the stoppages to be hereafter paid by them, out of their salary or pension, as the case may be.

To provide for pensions.

17. In order to provide for the above-mentioned pensions :

Stoppages from salaries.

1. A reduction or stoppage shall be made from the salary of each officer at the rate of two per cent per annum ;

From pensions.

2. A stoppage of two per cent shall be made yearly on the amount of the pension paid to each officer ;

3. A stoppage of two per cent shall be made annually out of the Common School Fund as well as out of that portion of the Superior Education Fund, appropriated to the support of institutions managed or directed by officers of primary instruction ;

From common school fund.

4. An annual grant of one thousand dollars per annum shall be allowed by the Government of the Province.

Government grant.

18. The total amount of these various stoppages and grants, made from the 24th July, 1880, to the 1st July, 1886, shall be deposited with the provincial treasurer, and be by him converted into Provincial or Dominion bonds, at the current price of such bonds, and capitalized for the benefit of the pension-fund for officers of primary instruction.

Deposit of stoppages and grant made between certain dates with provincial treasurer.

The said fund shall not form part every year of the consolidated revenue fund of the province, notwithstanding any provision to the contrary in the act respecting the Treasury Department; but it shall be held in trust by the provincial treasurer for the purposes of this act.

Not to fall into consolidated revenue fund.

19. If, after the first of July, 1886, the interest on the said capitalized fund and the total of the different stoppages and grant do not suffice to pay the pensions applied for, the stoppages from the salaries and pensions of the officers of primary instruction, from the Common School Fund and from the Superior Education Fund, may be increased to the amount of four per cent, which shall be the maximum rate of the stoppages.

If amount insufficient to pay pensions, stoppages, &c., may be increased to certain percentage.

20. After the first of January, 1887, every excess of receipts over expenditure in the pension-fund shall be first employed in paying the deficits of previous years, if necessary, and the balance shall be placed with the provincial treasurer in trust for the purposes of this act.

Deposit of excess with provincial treasurer.

21. If the stoppages and grants be not sufficient to pay the pensions as above established, the administrative commission shall reduce the pensions and proportion them to the amount at its disposal.

If amount insufficient, pensions to be reduced.

22. The portion of the pension-fund, established by the act passed on the 22nd December, 1856, (19-20 Victoria, chapter 14, section 7), which shall from time to time be relieved, according to the provisions of the said act, by the death of pensioned officers, shall be paid into the pension-fund established by this act, so that the whole shall be so paid in when the last of such pensioners dies.

Application of pension fund under 19-20 V. c. 14, s. 7, after death of pensioners.

Retention of
amounts out of
salaries, &c.,
to pay stoppa-
ges.

23. The Superintendent of Public Instruction shall retain, half-yearly, out of the grant, payable to each municipality or normal school, or out of the salaries paid directly by the department of public instruction, the sums necessary to pay the stoppages out of the salary of each officer of primary instruction; and the school authorities are authorized to deduct out of the salaries of such officers the amount retained by the superintendent.

PAYMENT OF PENSIONS.

Time when
pension begins
to run.

24. The pension, in the case of a teacher, shall run from the day on which his salary ceases to be paid, and in that of a widow, from the day following the decease of her husband.

Pensions
payable half-
yearly.

Payment to
heirs in certain
cases.

25. All pensions shall be paid half-yearly; but if an officer die, without leaving a widow entitled to receive a pension, his heirs, according to the provisions of the Civil Code, shall be entitled to receive his pension for the current six months.

Forfeiture of
right to pen-
sion and of
stoppages.

26. Every officer of primary instruction, who has resigned his office, or has been dismissed by the Council of Public Instruction, or by either of the committees thereof, for any causes provided by law, shall forfeit his right to a pension and also his stoppages; but if he is re-instated his former service shall count.

Prescription of
pension.

27. Pensions, if they have not been claimed, shall be struck from the books of the pension fund after three years, and their replacement thereon shall not entitle to arrears prior to the claim.

2. The same forfeiture shall apply to the heirs of pensioners, who do not establish their rights within three years from the death of the person whom they represent.

Officer who
resigns and
teaches in a
private school,
does not forfeit
right to pen-
sion, if he pays
stoppages.

28. An officer of primary instruction, who, for causes approved of by the superintendent of public instruction, resigns his office and opens a private school or temporarily accepts a position therein, shall not forfeit his right to a pension, provided he regularly pays the stoppages on his salary.

Rights of heirs
of deceased
officer.

29. An officer of primary instruction dying before the first of July, 1886, who has not left a widow entitled to receive a pension, does not lose the amounts by him paid to the pension-fund, but his heirs, according to the provisions of the Civil Code, may claim the amount which he has paid to the pension-fund up to the date of his death.

30. No pension under this act shall be paid before the first of January, 1887. Payment of pensions.

31. All claims for pensions must be made before the first of November of each year; pensions claimed after that date will only be paid the following year. Time for filing claims for pensions.

VALUATION OF SALARIES.

32. The salary of officers of primary instruction, employed in private schools, subsidized by the Government or by school municipalities, shall be estimated by the school inspector of the division to which such officers belong, and this to the satisfaction of the superintendent, who may order an enquiry for such purpose, in accordance with the law respecting education. Valuation of salaries of officers in private schools.

33. In no case shall the value of the annual salary, including benefits, in private schools subsidized by the government or by the school commissioners or trustees, exceed the following amounts, to wit: Value limited to certain amounts.

For male teachers of elementary schools,—in towns, four hundred dollars,—in country municipalities, two hundred and fifty dollars;

For female teachers of elementary schools,—in towns, two hundred dollars,—in country municipalities, one hundred and twenty-five dollars;

For male teachers of model schools,—in towns, five hundred dollars,—in country municipalities, three hundred dollars;

For female teachers of model schools,—in towns, two hundred and fifty dollars,—in country municipalities, one hundred and fifty dollars;

For male teachers of academies,—in towns, six hundred dollars,—in country municipalities four hundred dollars.

For female teachers in academies,—in towns, three hundred dollars,—in country municipalities, two hundred dollars.

34. Officers of primary instruction may, in addition to the specific salary agreed upon between them and the school commissioners or trustees, include, as forming part of their salary, all the benefits derived from their position, such as lodging, light and fuel. Benefits to be included.

If, however, such officers give private lessons or exercise at the same time any profession, trade or business whatsoever, the benefits they derive therefrom shall not be included in said valuation. Proviso.

- By whom valuation to be made. 2. The valuation of the benefits so derived by officers of primary instruction, shall be made by the school inspector of the district, certified to be correct according to form No. 2 of this act, and revised by the administrative commission.
- Report by commissioners. 3. It shall be the duty of the school commissioners or trustees, or administrative bodies, employing officers of primary instruction, to make a half-yearly report stating the name, office and salary during the previous six months of each such officer employed by them.
- Value of benefits limited to certain amounts. 4. In no case shall the valuation of such benefits in the schools under control exceed the following amounts, to wit :
 For an elementary school,—in towns, one hundred dollars,—in country municipalities, thirty dollars ;
 For a model school,—in towns, one hundred and fifty dollars,—in country municipalities, fifty dollars ;
 For an academy,—in towns, two hundred dollars, in country municipalities, seventy-five dollars.

ADMINISTRATIVE COMMISSION.

- Administrative commission. 35. The pension-fund for officers of primary instruction is administered by a commission composed of the Superintendent of Public Instruction, as president, and of four delegates appointed as follows :—one by the convention of Roman Catholic teachers in Montreal, one by the convention of Roman Catholic teachers in Quebec, and two by the convention of Protestant teachers.
- Its composition. These delegates remain in office until they are replaced by those who appointed them.
- Term of office. 36. The administrative commission determines all questions connected with the pension-fund and pensioners, and its decision is final.
- Powers of commission. The delegates are not paid for their services, but their travelling expenses are paid out of the pension-fund.
- Expenses of delegates. 37. In case of absence through illness or for some unavoidable cause, the delegates may have an officer of primary instruction appointed to replace them.
- Replacing in certain cases. 38. It shall be the duty of the school inspectors, when they make their official inspection, to visit, at least once a year, the pensioners in their respective districts and to report to the superintendent, every year, before the month of November, upon the state of the pensioners' health, and upon their qualifications for receiving a pension under the terms of the law.
- Pensioners to be visited by school inspectors and reported upon as to health, &c.

They shall also indicate the date of the death of the pensioners, who may have died during the year, and add any remarks which may assist or facilitate the work of the administrative commission.

Further contents of report.

MISCELLANEOUS PROVISIONS.

39. The administrative commission shall be bound to draw up and prepare all orders or regulations which it may deem necessary to put this act into operation and to provide for unforeseen cases.

Administrative commission to draw, &c., orders, &c., to put act into operation.

Such orders and regulations, when sanctioned by the Lieutenant-Governor in council and published in the Quebec Official Gazette, shall have operation of law for the carrying out of this act.

When approved by Lieutenant-Governor to have full force.

40. The accounts of the pension-fund shall be kept by the Department of Public Instruction, certified yearly by the provincial auditor, and published in a sufficiently detailed manner in the report of the Superintendent of Public Instruction.

Accounts by whom to be kept, audited and published.

41. Pensions shall not be assignable or subject to seizure

Pensions not assignable, &c.

42. This act shall not apply to teachers who are already pensioned.

Act not to apply to pensioned teachers.

43. The forms hereunto annexed shall be those employed for the purposes of this act.

Forms.

44. The acts 43-44 Victoria, chapter 22, and 48 Victoria, chapter 31, are repealed.

43-44 V., c. 22, and 48 V., c. 31 repealed.

45. This act shall come into force on the first day of July next, 1886.

Coming into force.

FORM No. 1.

Application for admission to the Pension-Fund.

Province of Quebec, }
Municipality of }

To the Superintendent of Public Instruction
for the Province of Quebec.

SIR,

I have the honour to request you to enter my name upon the Pension-Fund of officers of primary instruction and for this purpose to transmit to you the following declaration :

My name is (in full)

I was born at , in the county of
on the 18 .

I hold a Diploma granted to me
by the Board of Examiners of (or by
Normal school), dated on the day of
18 .

I commenced teaching on 18 .

Given at , county of this
day of 18 .

(Signature),
Teacher.

N. B.—Annex certificate of baptism to this application.

PROVINCE OF QUEBEC, }
MUNICIPALITY OF }

FORM No. 2.
STATEMENT OF SERVICES.

To the Superintendent of Public Instruction.

SIR,

I, (Name and surnames of the officer in full), for the time being Teacher at
submit by these presents a statement of services as an officer of Primary Instruction, during the years and on the conditions of engagement, specified below :

SCHOLASTIC YEARS.	MUNICIPALITY, PARISH OR INSTITUTION.	COUNTY OR TOWN.	Amount of salary, payable in cash, by the school author- ities.	Amount of rent of lodging furnished to the teacher by the school authorities.	Value of fuel furnish- ed by the school- board or by rate- payers.	Value of produce of ground for teacher's use, deducting cost of cultivation.	Value of board (board- ing if it is ap- plied by the school authorities or by the rate-payers.	Value of all other emoluments apper- taining to the teach- er's position, giving details in the mar- gin.	GRAND TOTAL.	STOPPAGES	REMARKS.
			\$	\$	\$		\$	\$	\$		
		TOTALS.									

I solemnly declare that the salary stated for each of the above mentioned years, as well as the valuation of the different supplementary perquisites which constituted augmentations of my said salary, as well as the reductions, given according to the best of my knowledge, are perfectly exact, and I make this declaration, conscientiously believing the same to be true, and in virtue of the act of Canada passed in the thirty-seventh year of the reign of Her Majesty, intituled : "An Act for the suppression of voluntary and extra-judicial oaths."

Taken and acknowledged before me, at } Dated at the day of 18
this day of 18 } J. P. (Signature,) TRACHER.

1886.

Teachers' Pension Fund.

Cap. 27.

49

FORM No. 3.

Notice of application of payments under pension act of 1856.

Province of Quebec, }
 Municipality of }

To the Superintendent of Public Instruction.

SIR,

I have the honour to inform you that I desire the money which I have paid to the Pension-Fund established by the law passed on the 22nd Dec., 1856, (19-20 Victoria, chapter 14, section 7) to be applied toward the payment of the stoppages required in virtue of the Act 49-50 Victoria, chapter 27.

Dated

(Signature.)

Teacher.

FORM No. 4.

Application for pension.

Province of Quebec, }
 Municipality of }

To the Superintendent of Public Instruction.

SIR,

I have the honour to submit for your consideration the particulars of my claim to a pension established for the benefit of officers of primary instruction in virtue of the act 49-50 Victoria, chapter 27.

I was born at

County of

I am domiciled at

County of

I began to teach in the year 18 .

I have taught in the municipalities of

I exercised the functions of teacher during the last five school years next preceding the date of the present application in the municipality of

I claim the right of admission to the benefit of the act on the following grounds : (*give reasons.*)

Given at

this

18 .

(*Signature*),

Teacher.

FORM No. 5.

Medical certificate.

Province of Quebec, }
Municipality of }

I, the undersigned, N. B. solemnly declare that
officer of primary instruction is affected
with the disease of
or infirmity (*describe particulars and indicate the causes*)

which entirely incapacitates him from
continuing the duties of an officer of primary instruction.

I make this solemn declaration conscientiously believing
the same to be true, and in virtue of the act of Canada passed
in the 37th year of the reign of Her Majesty, intituled :
“ An Act for the suppression of voluntary and extra-judicial
oaths.”

Dated at

(*Signature*).

Taken and acknowledged before }
me, at this day }
of 18 . }

J. P.

FORM No. 6.

*Request for continuation of contribution after abandoning
service.*

Province of Quebec, }
Municipality of }

To the Superintendent of Public Instruction.

SIR,

I have the honour to inform you that I have thought
proper to abandon the occupation of a Teacher under the

control of School Commissioners (or School Trustees, as the case may be), for the reason that _____, and that I have accepted employment in (name of the institution), under the control of M. N. of (name of person in charge) with a salary of _____ dollars per annum.

(Or that I keep a private school in the _____ of _____, county of _____, and that my salary has been valued by Mr. (name), Inspector of _____, at the sum of (amount) as appears by the annexed certificate.)

That in virtue of the act 49-50 Victoria, chapter 27, I desire to continue my contributions to the Pension-Fund, if the reasons stated above be approved by you.

Dated at _____
the _____ of _____ 18 . }

(Signature),
Teacher.

FORM No. 7.

Application for pension by widow.

Province of Quebec, }
Municipality of }

To the Superintendent of Public Instruction.

SIR,

I was the wife of the late _____ in his lifetime an officer of primary instruction, who died on the _____

I was born on the _____ and was married to the said _____ the _____, as is testified by the annexed documents; and, in consequence, I claim the pension allowed to widows of officers of primary instruction in virtue of the act 49-50 Victoria, chapter 27.

Dated at _____
the _____ of _____ 18 . }

(Signature),
