

Sale of immo-
veables for
school rates,
&c., in town of
St. Germain
de Rimouski.

4. In the town of St. Germain de Rimouski, the sale of immoveables for school assessments and rates shall be made in the manner required by sub-sections 20 and 21 of section 13 of the act 40 Vict., cap. 22; and the statement prepared by the secretary-treasurer of the commissioners, as prescribed by the above cited act, shall be transmitted to the secretary-treasurer of the town of St. Germain de Rimouski, who, for the purposes of the sale of such property, shall have all the powers given by the said act above cited to the secretary-treasurer of the county council.

41 V., c. 6, s.
16, § 2, replac-
ed.

5. Paragraph 2 of section 16 of the act 41 Vict., cap. 6 is repealed and replaced by the following :

Examination
how and when
to be held.

"2. The examination shall take place on the day and hour and at the place fixed in a notice duly served, five days previously, by a bailiff, upon the commissioners and the secretary treasurer, who shall have a right to attend or to be represented thereat."

Pending cases
not affected.

Nothing contained in this amendment shall affect pending cases.

Act in force.

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

C A P. X X I.

An Act to amend the law respecting public instruction, in so far as respects the town of Richmond.

[Assented to 30th March, 1883.]

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

Boards of
school com-
missioners in
town of Rich-
mond and their
powers.

1. Hereafter there shall be, in the town of Richmond, two Boards of School Commissioners, and each of such Boards shall be composed of five commissioners, and shall be, under its own name, a body politic and corporate, with all the powers and privileges of corporations.

Name and
Composition of
Boards.

2. One of such Boards shall be "The Board of Roman Catholic School Commissioners of the town of Richmond," and the members thereof shall be Roman Catholics; the other shall be "The Board of Protestant School Commissioners of the town of Richmond," and the members thereof shall be Protestants.

3. The members of each of such Boards shall be elected How elected. by proprietors of real estate, entered on the town assessment roll, and by tenants who agree with their landlords to pay the tax levied under this act sufficient to entitle them to vote at municipal elections in the town.

4. The members of the Roman Catholic Board shall be Idem. elected by Roman Catholic proprietors, and Roman Catholic tenants, described in section 3, and those of the Protestant Board, by Protestant proprietors and Protestant tenants described in section 3.

5. The first election of commissioners, under this act, Date of elections. shall be held on the first Monday of July next, and that and subsequent elections shall be held like those of other commissioners under the laws respecting education. The Present boards. existing Boards of commissioners and trustees shall remain in office until their successors are elected.

6. All provisions of law, respecting school commissioners Application of general law. and schools in general, shall apply also to each of such Boards and to the members thereof, save in so far as the same be inconsistent with this act.

7. The annual grant of the government of this Province, Division of government grant for schools. for the support of schools in the town of Richmond, shall be divided between the two Boards of School Commissioners, in proportion to the Roman Catholic and Protestant population of the town, according to the then last census.

8. The two Boards of commissioners may, from time to time, meet together and agree with respect to the establishing or altering the amount of the tax to be levied on the Boards may meet to establish tax to be levied. taxable real estate of the town for such purposes; Proviso. provided that such tax be not in any case less than two mills or more than five mills in the dollar.

9. The Boards of commissioners shall be bound to inform Annual notice by Boards to sec-treas. of town as to amount of tax required. the secretary-treasurer of the town of Richmond, on or before the first day of June in each year, of the amount of tax required for school purposes, for the following year. In the absence of such notice, the two Boards of commissioners shall be deemed to have been unable to agree as Amount, if no notice be given. to the amount, and the tax to be levied shall be three mills in the dollar, for the year beginning on the first day of July following.

10. The town council, at the first session thereof, after Council to declare tax to be the first day of June in each year, or at a subsequent

levied annually. session if the first was adjourned, shall, by resolution, declare the tax to be levied for the current year, and such tax shall then immediately become due.

Levy of such tax to be annually made. **11.** It shall be the duty of the council of the town of Richmond to cause to be levied, by its secretary-treasurer, upon the taxable real estate of the municipality, the tax which shall have been determined by the two Boards of commissioners, or that of three mills in the dollar, if such Boards have not agreed on the amount.

Name of tax : **12.** Such tax shall be known as "the school tax." It may how levied. be levied and recovered at the same time as the other taxes of the town, and shall further, for the purpose of the collection thereof, be deemed to be a municipal tax of the town; provided always that the corporations and companies, which may have been or which shall be exempted from municipal taxes by by-law of the town council, shall nevertheless be liable for the school tax.

Proviso.

Exemptions. **13.** Real estate, belonging to religious, charitable or educational institutions or corporations, and occupied by them for the objects for which they were established and not solely possessed for the purpose of deriving a revenue therefrom, shall be exempt from the school tax.

School tax by whom paid. **14.** The school tax shall be payable by proprietors of real estate, to the exclusion of tenants.

The tenant shall not be bound to re-imburse the proprietor for the amount thereof, unless it has been expressly stipulated between them.

The usufructuary or occupant, under an emphyteutic lease, shall be deemed to be the proprietor, as shall also the occupant, when the proprietor is unknown.

Assessment and collection roll to be prepared ; by whom and when. **15.** Within ten days after the valuation roll of the town of Richmond shall have been homologated by the Council of the town, in each year, the secretary-treasurer of the town shall give notice thereof to the secretary-treasurer of each Board of School Commissioners ; and, within ten days of the receipt of such notice, the secretary-treasurers of such Boards, acting together, shall draw up an assessment and collection roll of the real estate in the town.

Contents of such roll. **16.** Such roll shall show, opposite the description of each lot or property, the amount of the valuation thereof, the name of the owner and the sum to be levied on such lot or property for the school tax for the year.

The amount of the valuation and the name of the owner shall be the same as stated on the valuation roll in force in the town for municipal purposes.

17. The said roll shall be divided into four distinct panels. Roll how divided.

Panel number one shall comprise the taxable real estate, belonging exclusively to Roman Catholics.

Panel number two shall comprise the taxable real estate, belonging exclusively to Protestants.

Panel number three shall comprise the taxable real estate, belonging :

1. To corporations or incorporated companies subject to taxation under this act ;

2. To persons professing neither the Roman Catholic, nor Protestant religion, Jews, or whose religion is unknown, or again, when the father and mother are of a different religious belief ;

3. Lastly, property belonging, partially or jointly, to persons or partnerships, some of whom profess the Roman Catholic and others the Protestant faith ;

Panel number four shall comprise all real estate exempt from taxation, to wit :

a. All lands and properties, belonging to Her Majesty, her heirs and successors, occupied by any public body or department or by any person in charge thereof for the service of Her Majesty, her heirs and successors ;

b. All Provincial property and buildings ;

c. All places used for public worship, parsonage-houses, and the dependencies thereof, and all cemeteries ;

d. All public school-houses and the grounds on which they are built, provided the area thereof does not exceed one arpent.

e. All educational establishments or institutions, as well as the ground on which they are built, provided the area of the same does not exceed two arpents.

f. All buildings, grounds or properties occupied or possessed by hospitals or other charitable institutions, provided the area does not exceed three arpents.

18. Property, possessed for revenue purposes by religious, charitable or educational institutions or corporations, shall be entered on panel number one, or panel number two, according to the religious denomination to In what panel is property of certain corporations to be entered.

which such institutions or corporations belong, or according to the declarations made by them to that end.

Idem.

If the religious denomination be not known, and if no declaration is made, such property shall be entered on panel number three.

Deposit of roll when completed.

19. Upon such roll being completed, it shall be deposited in the office of the secretary-treasurer of the town, and notice of such deposit shall be forthwith given, in at least one newspaper published in the town; the said notice shall also be posted up, both in the French and English languages, in such places as ordinary municipal notices are posted up in the said town.

Examination thereafter.

During the thirty days, next after the publication of such notice, it shall be lawful for any person to examine the panels included in the said roll.

Correction of errors upon complaint to that effect.

20. During such delay of thirty days, either Board of School Commissioners, or any person, whose name shall have been erroneously entered on any of such panels, or omitted therefrom, or who shall observe that the name of any other person has been entered by error on any of such panels or omitted therefrom, may make any complaint which he shall deem himself entitled to make on this subject, to the secretary-treasurer of the town, who shall amend and correct the roll, in consequence, if it appear to him necessary. Within fifteen days following the final homologation, the decision of the secretary-treasurer may be appealed from to a district magistrate.

Appeal.

Roll thereafter to serve for school purposes for the year.

21. At the expiration of the delay of fifteen days, the said roll shall avail for all school purposes in the town, for the then current year.

Complaints however may be made and when.

22. Nevertheless it shall be lawful for either Board, or for any person, after the expiration of such delay, but at least thirty days before the third payment, which the town is bound to make after the completion of such roll, to lay before the secretary-treasurer of the town any complaint which they may have in relation to such roll.

Notice thereof.

Notice of such complaint shall be given three days beforehand at the office of the commissioners, whose share may be diminished by the decision of the secretary-treasurer, or by the district magistrate in case of appeal, who shall have the powers mentioned in section 20 of this act.

Payments when roll is amended.

If the roll be amended, the mistake shall be rectified, in the following payment, for the whole year.

Receipts for school taxes.

23. All accounts delivered to tax-payers, and all receipts given them, for the school tax, shall contain clearly and

distinctly the words "panel number one, Roman Catholic school tax," or "panel number two, Protestant School tax," or "panel number three, Neutral school tax," as the case may be.

21. The sum, arising from the tax for school purposes, shall be divided as follows : Division of amounts levied.

1. An amount, proportionate to the value of the property entered in panel number three, shall be divided between the Board of Roman Catholic School Commissioners and the Board of Protestant School Commissioners, in the relative proportion of the value of property entered in panels numbers one and two respectively, in the relative proportion of the Roman Catholic and Protestant population of the town, according to the then last census ;

2. The taxes, derived from panels numbers one and two, shall be divided between the Roman Catholic and Protestant Boards, in the relative proportion of the value of the property entered in panels number one and number two, respectively.

25. Such sum shall be paid by the corporation of the town of Richmond to the secretary-treasurer of each Board of Commissioners, in four equal payments, which shall fall due quarterly, on the first days of July, October, January and April in each year, respectively. Payments by corporation to Boards.

26. Each of such payments shall be exigible from the corporation when the same falls due, although the school tax, to raise the amount thereof, has not been collected, and may be recovered with interest and costs, before any competent court, by the Board of School Commissioners entitled thereto. Payments by corporation, when exigible.

27. Every year each Board shall be bound to deliver to the council a detailed account of the sums it shall have expended out of the moneys paid by the municipal corporation. Accounts to be furnished by Boards.

28. It shall be lawful for either Board of commissioners to exact from the parents, tutors, or guardians of children of school age, residing within the municipality, except from those exempted by the commissioners through poverty, or by reason of their being in attendance at some school, aided by the Government of the Province, not under the jurisdiction of the Board to which they may belong, the payment of a monthly fee or rate, not to exceed ten monthly assessments in any one year, the amount whereof shall have Monthly fees for school children.

been ascertained by each Board of school commissioners, and fixed and established from time to time by by-law, approved by the Superintendent of Public instruction.

Commissioners' report to specify number of children gratuitously instructed. **29.** The report of the commissioners shall specify the number of children receiving gratuitous instruction and the number of those who pay such monthly fee or rate.

Method of recovering monthly fees. **30.** The monthly school fees may be recovered from parents, tutors or guardians by the secretary-treasurers of the respective Boards to which such scholars belong, and in case of default by suit before any competent court.

Limitation of actions. Nevertheless no suit shall be brought for more than two years' arrears or for any sum due for more than two years.

Duration of teacher's engagements, &c. **31** The teachers, serving under either of the Boards of school commissioners shall be deemed to be engaged for one school year, and no notice shall be required either from the said teachers or the said Boards, in order to terminate such engagement ; nevertheless any teacher may be discharged at any time for incompetency or misconduct.

Prizes. **32.** Either Board of commissioners may take, from the funds at its disposal, such sum as it shall deem advisable, and expend it in prizes, for the various schools under its control.

Certain portion of revenues may be put aside to purchase school lots, &c. **33.** The respective Boards of school commissioners of the said town of Richmond shall have power to lay aside annually a portion of their revenues, not exceeding one fourth thereof, for the purchase of lots, and for the construction of school houses, without any limitation as to the amount to be expended on each school house, any law to the contrary notwithstanding.

Power to borrow money. And it shall be lawful for either of the said Boards, with the approval of the Lieutenant-Governor in Council, to raise loans for the said purposes, and to transfer as security for such loans a part of their annual claims on the corporation of the said town for the following years, subject to the above limitations ; and either of the said Boards, with the approval aforesaid, may for the said purpose, raise money in advance, by issuing debentures of not less than one hundred dollars each, redeemable in not more than twenty-five years, and for such amount as the superintendent of education shall approve ; and in such case the portion of their revenues set aside annually, as aforesaid, or so much thereof as they may determine shall be applied to the forming of a sinking fund for the redemption of the said debentures.

Sinking fund. ing of a sinking fund for the redemption of the said debentures.

tures ; but the Lieutenant-Governor shall not grant such approval, unless it be established to his satisfaction that the interested parties have been notified, at least thirty days beforehand, by public notice given in the usual manner, and published in at least one newspaper in the town of Richmond.

34. It shall be lawful for the said Boards to declare in the said debentures that the same are secured by hypothec on all the real estate then their property ; and in the case when such declaration shall have been made, the said debentures shall be secured, both as respects principal and interest, on all their said real estate, without the formality of registration, articles 2084 and 2130 of the Civil Code to the contrary notwithstanding.

35. Any of such debentures may contain a stipulation to the effect that the sum, annually carried to the sinking fund established for the redemption thereof, be paid to the holder thereof, instead of being invested by the commissioners.

In any such case such debenture is not redeemable at the expiration of the term thereof, but shall be deemed to be paid and discharged in full by the payment of the interest and sinking fund, specified in such debenture.

36. If any commissioner shall absent himself from four successive meetings of the Board, to which he has been elected, after having been regularly notified of such meetings, the said Board shall have power at any meeting especially called for such purpose, to declare the seat of such commissioner vacant, and thereupon immediately, at the same special meeting, or at any subsequent meeting, the said Board may nominate and elect any other qualified ratepayer of the said town in his place and stead, to serve for the remainder of the term, for which such commissioner had been elected.

37. Whenever it may become necessary to raise more money in any year than the ordinary revenue of the respective Boards amounts to, for the purpose of meeting pressing demands upon such Boards, an extraordinary tax may be levied for one year upon panel number one, or panel number two, as the revenue may be required for the Roman Catholic or the Protestant Board, and also upon panel number three, such amount as the Board, levying the assessment, would be entitled to receive, had the tax been levied by the joint action of both Boards. Such extraordinary tax shall be levied by the Corporation of the

Proviso.

town, in the same manner in which the ordinary tax is levied, upon petition to the Council made by the Board of commissioners seeking the additional revenue; but such additional taxation shall only be levied with the approval and sanction of the Lieutenant-Governor in Council, and shall affect only the property of the panel whose Board have asked for it.

Establishment
of superior
schools.

38. It shall be lawful for either of the Boards of commissioners to establish, either separately or in connection with the common schools of the town under the control of the Board, taking such action, a superior school, graded school, model school or convent for girls, or to amalgamate with any such school or any college already established or that may hereafter be established within the limits of the town of Richmond.

Provision in
case of annex-
ation of territ-
ory to town.

39. Whenever, hereafter, the limits of the town of Richmond are extended by the annexation thereto of any outlying territory, the territory, so annexed, shall thereupon become part of the school municipality of the town of Richmond, and be governed by the provisions of this act; and the school property, found existing in such annexed territory, shall become the property of the Board or Boards to which the contributors to the said building or school property belonged, previous to such annexation.

Present school
property.

The school property, now belonging to the school commissioners of the town of Richmond, shall become the property of the Protestant Board, and that belonging to the trustees of dissentient schools shall become the property of the Roman Catholic Board, and the liabilities of the school commissioners shall be assumed and paid by the Protestant Board, and the liabilities of the trustees shall be assumed and paid by the Roman Catholic Board.

Annual census
by secretary-
treasurers of
both Boards.

40. The secretary-treasurers of the two Boards, acting together during the months of August and September in each year, shall take a census of the population of the town of Richmond, and also a census of the children residing therein, of not less than six nor more than sixteen years of age, which census shall be signed by the said officers in duplicate, and a certified copy thereof shall be deposited in the office of the secretary-treasurer of the town of Richmond, and another with the Superintendent of education.

Certain part of
township of
Cleveland
to form part of
Richmond for
certain school
purposes.

41. The following portions of the township of Cleveland to wit: Lots numbers 9, 10, 11, 12, 13 and 14 of the fifteenth range; lots numbers 9, 10, 11, 12, 13, 14, 19, 20, 21, 22 and 23 of the fourteenth range; and lots numbers 9, 10, 11, 12,

13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of the thirteenth range, shall, in so far as the Roman Catholic population thereof is concerned, form part of the school municipality of the town of Richmond.

The valuation roll, in force in the said township, shall be the basis of taxation, and the same rate of taxation shall be payable as is collected in the town of Richmond. The said taxes shall be collected by the secretary-treasurer of the Roman Catholic Board; but neither the ratepayers, nor the children of the township of Cleveland, shall be reckoned as forming part of the population of the town of Richmond, so as to affect the division of the public money, or the neutral panel between the said two Boards.

Basis of taxation.
Collection of taxes.
Population not to be added to Richmond for certain purposes.

42. The dissentients, remaining in the said township of Cleveland, after the union of the above mentioned portions of the township to the town of Richmond, shall continue to form a dissentient school municipality.

Dissentients of Cleveland thereafter.

43. The said two Boards may severally fix the salaries of their respective secretary-treasurers.

Salaries of secy-treas.

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

Act in force.

CAP. XXII.

An Act to provide for a final settlement of the Common School Fund.

[Assented to 30th March, 1883.]

WHEREAS, by chapter 26 of the Consolidated Statutes of Canada, one million acres of public lands, which were taken in the Huron Tract, were specially appropriated to the support of common schools and the establishment of township and parish libraries, and the proceeds of the sale of such public lands were to be invested and applied towards forming a fund for such purposes, of which the revenue should, from year to year, be apportioned between Upper Canada and Lower Canada, in proportion to the relative numbers of the population of the same, as ascertained by the census immediately preceding each division; save and except one fourth of the proceeds of the lands sold between the 14th June, 1853, and the 6th March, 1861, which was appropriated to the Upper Canada Improvement Fund, and six per cent on the amount of collections for expenses of management;

Preamble.