

for the pension fund, established by the Act of this Province, 40 Victoria, chapter 10, and which is now paid by them in conformity with section 7 of the said Act.

3. By the payment of such percentage, as aforesaid, the said employees shall be entitled to all the privileges secured to them by the said Act, and to the same pension provided therein, in the same manner as if the salary now paid them had been continued, and no change had been made in such salary as provided by this Act.

Rights of employees, to pension, preserved.

4. Any of the said employees now in office, who may retire from the public service, in preference to accepting a reduced salary, or whose services may be dispensed with by the said Commission, shall be paid by the Treasurer of the Province an allowance equal to eighteen months salary, payable quarterly, and upon any such person retiring from the public service, he shall be reimbursed the amount heretofore paid by him towards the said pension fund, and thereafter, shall cease to have any interest therein, or benefit therefrom.

Allowance to employees who prefer to retire from the public service.

CAP. XXII.

An Act to establish a pension and benevolent fund in favor of officers of primary instruction.

[Assented to 24th July, 1880.]

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

1. Under the term : "officers of primary instruction," the present act includes : school inspectors, professors of normal schools, holding diplomas, and 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, but does not include members of the clergy or religious communities.

Interpretation of term : "officer of primary instruction."

2. There shall be allowed to every person, who has been employed as an officer of primary instruction, during a term of ten years or upwards, and who has reached the age of fifty-eight years, an annual pension, based upon the average amount paid him during the years he has passed in teaching and for which he has paid the stoppages :

Annual pension to such officers.

Such pension shall not exceed, in any case, the following rates, to wit :

Calculation of amount of pension.

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

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

And so on, adding one-fortieth of such average salary, for every additional year of service, up to forty years, then an annual pension equal to the average amount paid him during the years he has passed in teaching, and for which he has paid the stoppages, shall be allowed ; but no additional grant shall be allowed for any service over forty years.

Officers having served for 30 years.

3. Every officer of primary instruction, who has been employed as such during thirty years, whatever may be his age, may retire from the service and claim his pension, which shall then be three-fourths of the average amount paid him, during the years he has passed in teaching and for which he has paid the stoppages.

Proof to be supplied by officers, to establish claim to pension.

4. Every officer of primary instruction who wishes to claim his right to a pension allowed him by this act, shall establish, to the satisfaction of the superintendent of public instruction, that he has served as such during the five years preceding his application, and that he has complied with the other provisions of this act ; and in case of contestation, the report of the superintendent shall be confirmed by the Lieutenant Governor in council.

Pension in case of accident, &c.

Proviso :

5. After ten years, service, those who, whatever may be their age, owing to a serious injury, or enfeebled health, are unable to continue in service, may receive a pension ; provided such accident or ill-health has not arisen through any conduct forbidden by law or against good morals.

Pension to widow of officer, amount of.

Proviso :

6. The widow of an officer who has obtained, or who is entitled to a retiring pension under this act, shall have a right to one-half of the pension received by her husband, or to which he would, if living, have been entitled ; provided that the marriage has been contracted six years before the husband shall have retired and the widow shall remain unmarried.

The same, if husband lost his life by accident.

7. The widow of the person who shall have lost his life as provided in section 5, or in consequence of such injury, shall be entitled to one-half of the pension which her husband would have received.

Pension to children up to 18 years of age.

8. The minor children of an officer, who has obtained a pension, or who shall have completed the term of service

required by this act, or who has lost his life in the case provided for in section 5, shall have a right to an annual grant, when their mother is either dead or unable to receive such pension or is deprived of her rights;

Such grants shall, whatever the number of children, be equal to the pension which the mother had or would have received under this act; it shall be paid to the children until each shall attain the age of eighteen years; it shall be divided between them in equal portions, and paid until the youngest of the children shall have reached the age of eighteen years; the share of those dying, or reaching the age of eighteen years, devolving upon the others.

9. 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 to be counted in computing years for pension.

10. The officers of primary instruction, after the coming into force of this act, shall be allowed to count the whole of their former service, to establish their right to a pension.

Former service counted;

Such pension shall be paid only for the time during which such officers shall have contributed thereto.

But only for time payments made to pension fund.

Nevertheless any officer of primary instruction shall be permitted to pay into the pension fund the stoppages required by this act, for each year of service immediately preceding the coming into force thereof; provided that such payments shall be made during the five years which follow its sanction; and in such case, the said officer shall be entitled to a pension based upon the number of years for which he shall have so paid the said stoppages.

May be paid during the 5 years after sanction of this act.

11. Any law to the contrary notwithstanding, any teacher, actually occupied in teaching, who has paid contributions to the pension fund established under the act of the 22nd December, 1856, may have such payments placed to the credit of the amount to be deducted for the years of his service prior to the sanction of this act.

Payments to pension fund of 1856 may be counted as payments under this act.

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

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

Stoppages from salaries to meet pension fund.

2. A stoppage of one per cent, shall be made annually from and out of the "Common School Fund," as well as from and out of that portion of the "Superior Education Fund," appropriated to the support of institutions managed or directed by officers of primary instruction, as defined by the present act;

Grant of \$1000
by the pro-
vince.

Stoppages, &c.
to be paid to
Prov.-Treas.
to form pen-
sion fund.

Proviso :
If amount
does not
suffice.

Pension of
teacher runs
from, &c.
Of widow ;

Of children ;

Pensions not
assignable or
subject to
seizure.

Loss of right
to pension
in certain
cases.

Superinten-
dent to retain,
half-yearly,
amount re-
quired for
fund, out of
payments to
municipalities
&c.

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

The aggregate amount of these various stoppages and grants shall be deposited every year with the treasurer of the province, and by him converted into Provincial or Dominion bonds, and capitalized for the benefit of "The Pension and Superannuation Fund for officers of primary instruction." And the said fund shall not form part every year of the Consolidated Revenue Fund, notwithstanding any provision to the contrary in the act respecting the Treasury ; but it shall be held in trust by the treasurer of the province for the purposes of this act.

If, after the delay granted by section 26 of this act, for the payment of pensions, the interest on the said capitalized fund does not suffice to pay the pensions applied for, the stoppages from the salaries of the officers of primary instruction, out of the "Common School Fund" and the "Superior Education Fund" shall be correspondingly increased.

13. In the case of a teacher, the pension shall run from the day on which his salary ceases to be paid.

In the case of a widow, from the day following her husband's death.

And in the case of children, from the day following the death of their father or mother.

14. Pensions shall not be assignable or subject to seizure.

15. Every officer of primary instruction who has resigned his office, or has been dismissed by the Council of Public Instruction, or one of the committees thereof, or by the superintendent for any causes provided by law, shall forfeit his right to a pension. He shall also forfeit the amounts he has paid or which have been deducted from his salary. If he is reinstated his former service shall count.

16. 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 sum necessary to pay the stoppages from and out of the salary of each officer of primary instruction, employed by such municipalities and normal schools. And the school authorities are authorized to deduct from and out of the salaries of such officers the amount retained by the Superintendent.

17. The salary of directors or teachers, employed in schools, subsidized by Government or school municipalities, shall be estimated and determined by the school inspector of the division to which such directors or teachers 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 by
whom made.

18. In case lodging, board and fuel, or any of them, are included in the amount of a teacher's salary, the amount representing such lodging, board or fuel shall be estimated and established, to the satisfaction of the superintendent, by the school inspector of the division to which the teacher belongs.

If lodging,
&c., included
in salary.

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

Prescription of
pensions, if not
demanded
within 3 years.

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.

Applies to
heirs.

20. The officer of primary instruction, qualified under the present act, in order to be superannuated must produce, in addition to his certificate of birth and a declaration of his domicile, a duly certified extract from the registers of the institution to which he belonged, stating his name, surname, and quality, the date of his entrance into its employ, his services, the date and the reason of his ceasing to perform the same.

Proceedings
by officer to be
allowed pen-
sion.

21. Widows claiming the pension are bound to furnish, in addition to the vouchers which their husband should have produced :

The same by
widows.

1. Their certificate of birth ;
2. Burial certificate of the officer or pensioner ;
3. Their marriage certificate.

22. Orphans claiming the pension shall furnish, in addition to the vouchers which their father should have produced :

The same by
children.

1. Their certificate of birth ;
2. The certificate of their father's burial ;
3. The certificate of the marriage of their father and mother ;
4. An extract from the tutorship ;
5. In case their mother has previously died, the certificate of her burial.

How infirmities are established.

23. In the case of infirmities, provided for by section 5 of this act, such infirmities and the cause thereof shall be established by the physicians who have attended such officer, and by a physician designated by the superintendent of public instruction or by the inspector of the district to which such officer belongs.

Such certificates shall be attested in accordance with the act of the Dominion of Canada, 37 Victoria, chapter 37, intituled: "An Act for the suppression of voluntary and extra-judicial oaths."

Officer, retiring for approved reasons, does not lose his right to pension.

24. Any officer of primary instruction, who resigns his office, for reasons approved by the superintendent of public instruction, and who temporarily accepts a position in an independent school, shall not forfeit his right to a pension, on condition that he regularly pays the stoppages.

Act not to apply to those already pensioned.

25. The present act shall not apply to teachers who are at present superannuated.

Date of payment of pensions.

26. No pension, established under this act, shall be paid before the expiration of five years after the sanction of this act.

Heirs, &c., have right to pension if teacher dies within 5 years.

27. Teachers dying within the five years after the sanction of this act, lose in consequence their rights to a pension, but the heirs of such teachers, may claim the amount which has been paid to the pension fund by such teachers up to the date of their death.

Order or regulations to enforce act.

28. The superintendent of public instruction shall be bound to draw up and prepare all orders or regulations, which he may deem necessary to put this act into force, and to provide for unforeseen cases; and such orders and regulations, when sanctioned by the Lieutenant Governor in Council and published in the Quebec Official Gazette, shall have force of law for the carrying out of this act.

C A P . X X I I I .

An Act to amend chapter 77 of the consolidated statutes of Canada, intituled: "Act respecting Land Surveyors and the Survey of Lands."

[Assented to 24th July, 1880.]

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