

CAP. VI.

An act to further amend the laws respecting Public Instruction in this Province.

[Assented to 9th March, 1878]

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

39 V., c. 15, s. 24, repealed.

Appeal from decisions of superintendent.

1. Section 24 of the act of this province, 39 Vict., Cap. 15, is repealed, and the following substituted therefor :

" 24. An appeal lies by summary petition, signed by the parties interested, or by their attorney, from the decisions of the superintendent, to the council of public instruction, or to one of the committees thereof, whenever the said parties interested have no recourse before the courts, and the law does not declare the decisions of the superintendent to be final.

In cases where the decision of the superintendent refers to a difficulty between catholics and protestants, the appeal lies to the council of public instruction ; in the case of a difficulty between persons of the same religious belief, the appeal is within the competence of the committee of the said council which represents that belief."

Regulations respecting such appeals.

2. The council of public instruction, and the committees of the said council, shall make and adopt the rules and regulations respecting such appeal which are subject to their respective jurisdictions, and may establish such fees as they may deem expedient, to cover the costs or disbursements of such appeals.

Such regulations and tariff shall be published in the *Journal de l'Instruction Publique* and in the *Journal of Education* and shall be obligatory

Sub-committees of the council or committees.

Report.

3. The council of Public Instruction and each of the committees thereof are authorized to appoint sub-committees, which shall consist of not less than three members, for the consideration of all affairs submitted to them, and such sub-committees shall make a report of their proceedings to the council or to the committee, as the case may be, which appointed them, and which shall adopt or throw out such report.

Meeting of the board of examiners.

4. Each of the committees of the said council of Public Instruction, may alter the holding of meetings of boards of Examiners and fix the date at which each of said boards shall hold its meetings, in such manner as it may

deem proper, subject to the approval of the Lieutenant Governor in Council; and the superintendent shall cause such alterations to be published in the *Journal de l'Instruction Publique*, in the *Journal of Education* and in the *Quebec Official Gazette*.

5. Section 30 of chapter 15 of the Consolidated Statutes for Lower Canada is repealed, and the following is substituted therefor: C. S. L. C., c. 15, s. 50, repealed.

"30. The Lieutenant Governor in Council may, from time to time, 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 public notice, inserted twice in the *Quebec Official Gazette* and once in the *Journal de l'Instruction Publique* and the *Journal of Education*, shall have been given at the expense of the parties applying for such alterations, subdivisions, or erections of municipalities, and with all due diligence by the superintendent; and if these alterations, subdivisions or erections of municipalities take place, notice thereof shall be given by the superintendent in the *Quebec Official Gazette*." Lt. Gov. in council may change or divide municipalities for school purposes and establish others. Public notice required.

6. Section 31 of the said chapter 15 is amended, by adding at the end thereof the following words: Id s. 31, amended.

"The school commissioners or trustees of any incorporated town or village, which has been or may hereafter be erected into a separate school municipality, need not, if they do not judge it advisable, divide the school municipality under their contract into school districts; and if such a division has already taken place, they may, by resolution, annul and cancel it, in which case the whole of such school municipality shall be considered as forming, and it shall form, only one school district." Division of municipalities in school district shall not be necessary. Previous divisions may be annulled.

7. The school inspectors shall be *ex-officio* visitors of academies and model schools under the control, management or direction of the school commissioners or trustees, in their district of inspection; but it shall be lawful for any inspector to visit the schools within any district of inspection, other than that confided to him, on receipt of an order from the superintendent, and to report on such visits, as well as on those made to schools in his own district. Inspectors *ex-officio*, visitors. May visit schools in another district.

8. The superintendent, and, by his special appointment, the secretaries of the department of public instruction, the editor or editors of the *Journal de l'Instruction Publique* and the school inspectors have power to hold inquiries, to summon before them and administer oaths Superintendent, secretaries, editors and inspectors, may hold inquiries.

to all persons, witnesses or parties, in all inquiries or difficulties whatsoever which may arise in reference to the schools or school houses, in the same manner and to the same effect as if such powers had been specially conferred upon them by the Lieutenant Governor; the whole in accordance with the statute passed in the 32nd year of Her Majesty's reign, chapter eight, intituled: "An act respecting inquiries concerning public matters," which shall apply to such inquiries and to all those which the superintendent and each of the committees of the Council of Public Instruction may order.

Saturday
declared holi-
day for every
school.

Exception.

9. Saturday is declared to be the day on which every school under the control of commissioners or trustees shall have its holiday, unless a by-law to the contrary be passed by the said commissioners or trustees and be approved by the superintendent; but such by-law may, at any time, be repealed by the superintendent or by the commissioners or trustees after notice duly given by these latter to the superintendent.

Forms of en-
gagement of
teachers.

10. The form annexed to the present act is substituted to the form No. 19 of the act 40 Vict., cap. 22, but the engagements of teachers entered into in virtue of the latter shall be valid for the whole period for which they were made.

40 Vict., c. 22,
ss. 45 to 49,
replaced.

Polytechnic
school.

Report of
examination.

11. Sections 45, 46, 47, 48 and 49 of the act 40 Vict., cap. 22, are repealed and replaced by the following, which shall form part of the said act:

"45. There shall be made, each year, or as often as required, a report to the superintendent by the principal of the Polytechnic School, or by any other person whom the superintendent may and is authorized to appoint to make an examination shewing:

1. The curriculum followed at the school;

2. The degree of progress of the pupils of the said school, as ascertained by the examination passed by them on the different branches of the sciences which have been taught them during the year;

3. The state of the collections, instruments, laboratory, library, etc., and also upon all which concerns the studies in the said school;

4. The amount of receipts and expenditure of the institution, and of everything which concerns its statistics and working."

Mentions in
such reports
and to whom
addressed.

"46. This report shall shew the result of the examination and the classing of the pupils, according to their ability. It shall also state the improvements, alterations or modifications indicated with respect to the teaching,

and the length of the courses of study ; the said report shall be addressed to the superintendent and to the roman catholic school commissioners of the city of Montreal."

"47 In accordance with this report, the superintendent shall deliver to each pupil who shall have regularly followed the complete course of studies of the said school, and who shall have passed at the end of each school year a satisfactory examination before the principal and the professors of the said school or any other person appointed by the superintendent, an engineer's diploma, according to the branch of scientific knowledge to which the pupil shall have applied himself, either a diploma of civil engineer, mining engineer, mechanical engineer, or, lastly, as industrial engineer ; and the names shall be published in the *Quebec Official Gazette*, indicating the grade of the diploma obtained by each of the successful candidates. Mention shall also be made in the diploma in accordance with the opinion expressed in the report, that the pupil has passed his examination in a satisfactory manner, or with distinction, or with great distinction, or, lastly, with the greatest distinction."

Diplomas delivered to pupils.

Names to be published.

Mention of the note in the diploma.

12. Section 59 of said chapter 15 of the Consolidated Statutes for Lower Canada, is amended by adding thereto the following :

C. S. L. C. 1st, s 59, amended.

"2. The chairman of the school commissioners may call a meeting of the latter, by a notice signed by the secretary-treasurer, in the name of the chairman. Two commissioners may require the chairman, in writing, to call a meeting, and he shall thereupon be obliged to call such meeting under penalty of a fine of two dollars."

Meeting of com's.

3. The meetings of the commissioners are not public ; but the commissioners or trustees, as the case may be, may admit such persons as may desire to be present on business .

Their meetings shall not be public.

13. Sub-section 5 of section 64 of cap. 15 of the Consolidated Statutes for Lower Canada is repealed and replaced by the following :

C. S. L. C., c. 15, s. 64, sub-sec. 5, replaced

"5. If it be necessary to purchase or build a school-house in any district whatever, the school commissioners or trustees may, at all times, for this purpose, tax, either the particular district, or the whole municipality, according as one or the other plan shall have been already adopted in the municipality.

Erection of a school house in a school district.

If a house for a model school be in question, the district in which the said school is situated is first taxed for an amount equal to that which it would have cost the district to erect a primary school. The balance necessary

If a house for a model school.

to render the house fit for a model school, shall be levied on the whole municipality, the district also paying its share.

The ordinary notices required for all taxes shall also be given for such tax."

A school district may have several school houses.

Enlarge-ment, etc., of school houses in a municipality not divided into school districts.

Special tax.

Restriction.

"5*a*. The superintendent may authorize school commissioners or trustees of any school municipality, not being a town or incorporated village, to build and maintain two or more school houses in any school district."

"5*b*. The school commissioners or trustees of any municipality which has not yet been divided into school districts under the provisions of this act, may upon the recommendation of the superintendent and with the approval of the catholic or protestant committee of the Council of Public Instruction, as the case may be, enlarge the school buildings already existing, erect one or more additional school houses as may be required for the accommodation of the pupils in such municipality, and embellish and ornament the grounds surrounding such school houses and buildings; and for the above purposes, the school commissioners or trustees may raise, by a special tax, the funds necessary to defray the expenses thereof, provided the total amount of such expenses do not exceed, in any one year, the sum of \$3000.

Id., sub-sec. 7 and 40 V., c. 22, s. 10, amended.

14. Sub-section 7 of said section 64, as amended by the act of this Province 40 Vict., chap. 22, section 10, is further amended, by adding thereto the following sub-section :

Aid to superior schools, academies, or model schools.

Restriction.

"7*a*. And the said school commissioners or trustees may upon the recommendation of the superintendent, and with the approval of the catholic or protestant committee of the Council of Public Instruction, as the case may be, and in accordance with the formalities and rules which shall be adopted, laid down and passed by such committee, which shall have the force of law, in addition to the powers already conferred upon them by the preceding sub-section, devote to the aid and maintenance of such superior schools, academies or model schools, which are under their control, a sum which shall not exceed in any one year, \$1000, to be divided by them among such educational institutions according to their several wants; and the amount thus appropriated by the said school commissioners or trustees shall be included in the general tax raised by them.

C.S.L.C., c. 15 s. 65, sub-sec. 2, amended.

Graded system of

15. Sub-section 2 section 65 of chapter 15 of the Consolidated Statutes for Lower Canada, is amended, by adding thereto the following sub-section :

"2*a*. The school commissioners or trustees of any

school municipality which is not divided into school districts, may establish a graded system of schools, whenever they deem it advisable so to do for the better advancement of education and the administration of the schools under their control, with the approval and sanction of the catholic or protestant committee, as the case may be, upon the report of the superintendent."

schools in a municipality, not divided into school districts.

16. Sections 26 and 63 of cap. 15 of the Consolidated Statutes for Lower Canada, are repealed and replaced by the following section :

Id. ss. 26 and 63, replaced.

"In case of difficulties between the commissioners or school trustees and the secretary-treasurer in office or who has abandoned the office in the municipality, or in case of a written application to the superintendent from at least five contributors to the local school fund, having for its object the revisions of the accounts of the said secretary-treasurer for the year ending on the first of July previous, or for any other year, the superintendent may cause the said accounts to be laid before him with vouchers therefor, or copies of the said accounts and on the whole render judgment in detail, which shall be entered in a register by him kept for that purpose, which shall have force of a judgment of arbitration between all the parties and shall be authentic, as well as any copy thereof certified by him or by the secretary of the department of Public Instruction, or the superintendent shall himself proceed to the place in question, or shall appoint a delegate in his stead.

Revisal of accounts of secretary-treasurer, by superintendent.

His decision or examination on the place. Delegate for this purpose.

The examination shall take place in presence of the commissioners in regular meeting assembled and of the said secretary-treasurer duly summoned to appear at the said examination, under penalty of being condemned by default.

Parties to be present at the examination.

The superintendent, whether he has examined the accounts himself, or has had them examined by his delegate, shall deliver judgment after mature deliberation, which, as in the preceding case, shall be entered in the book kept for that purpose and shall have the force of a judgment of arbitration between all parties and shall be authentic and final in all cases.'

Decision of superintendent.

To be final.

17. The school commissioners and trustees have the right to appoint an auditor to examine and audit the accounts kept by their secretary-treasurer, in office or out of office.

Auditor to audit the accounts of secretary-treas.

2 The chairman shall give written notice thereof to the secretary-treasurer either personally or at his domicile by a bailiff, who is authorized to act under his oath of office for all the purposes of this act, notifying him

Notice to sec.-treas.

that he may assist at the said auditing and give his explanations to the auditor. If he refuses or neglects to attend, the auditor shall proceed to the examination and auditing of the said accounts and shall make his report to the commissioners or trustees.

Report of auditor to com's who may adopt it.

3. The auditor so appointed shall forward his report signed by him to the school commissioners or trustees to whom it may appertain, including the amount of his costs and expenses, and the latter, at a regular meeting, shall adopt the said report in whole or in part, as the case may be, and shall certify the amount to which the auditor is entitled for expenses, and shall communicate the result to the secretary-treasurer, by causing a copy of the resolution or resolutions adopted by them respecting the report, to be served upon him by a bailiff, and the secretary-treasurer shall pay within fifteen days, the amount which shall have been found deficient in his accounts. But if the said secretary-treasurer contests the said report and gives notice thereof within the said delay to the school commissioners or trustees, by a notice served on the chairman by a bailiff, the latter shall forward the report to the superintendent, together with a copy of their proceedings and of the notice to them given by the said secretary-treasurer, and all documents connected therewith; whereupon the superintendent shall appoint a school inspector or any other person to examine and to audit the said accounts, in presence of the parties or after their having been duly summoned; and such inspector or person so appointed shall have all the rights and powers conferred by the act 32 Vict, chap. 8, intituled: "An act respecting inquiries concerning public matters."

Notice to sec.-treas.
Payment by sec.-treas.

Delay.

If report contested, the accounts to be transmitted to superintendent.

Examination of accounts by delegate.

Report.

Final decision of superintendent.

Proviso.

Costs.

The inspector, or person appointed by the superintendent, shall report the proceedings followed or adopted by him, and the superintendent shall give his decision, which shall be final, and whoever shall be adjudged debtor shall pay without delay to the proper person, the amount for which he shall have been declared debtor, and, in default of payment, legal proceedings shall be instituted to render the said decision executory; provided always, that nothing contained in this act shall prevent the superintendent, or school commissioners or trustees from proceeding under the act 40 Vict, cap. 22, section 36, if they consider it preferable.

The said judgment of the superintendent shall establish the amount of the costs and expenses of the said inspector.

Appointment of an auditor, upon

18. Every secretary-treasurer in office or who has vacated that office, who shall have accounted to the school commissioners or trustees who have appointed him, but

whose accounts shall not have been admitted, or who shall have been prevented from so accounting by any cause whatsoever beyond his control, may, by written notice served upon their chairman by a bailiff, call upon the commissioners or trustees to appoint, within eight days, an auditor, to examine and audit the said accounts, and if he be so appointed, the said auditor shall proceed in the manner provided in and by this act, and in default of the school commissioners or trustees making such appointment, or in default of the person so appointed taking proceedings, the said secretary-treasurer shall apply by petition to the superintendent, who shall then proceed in the manner provided by this act and by the preceding sections.

petition of
sec.-treas.

Refusal of
com's.

19. Section 36 of the act 40 Vict., ch. 22, is amended, by adding the following, as forming part thereof :

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

" 2. The superintendent may also sue in his own name any secretary-treasurer in office or out of office, for the recovery from him of any sum of money which he may still owe to any school corporation, arising from the collection of school taxes, monthly fees or other school dues during the term of his office, if the commissioners neglect to do it themselves after having been put in default so to do, in the manner laid down in this section and with the same effect. "

Sec.-treas.
may be sued
by the super-
intendent,
in default of
com's so
doing, for
sums remain-
ing in his
hands.

20. In all cases in which an inspector of schools is appointed by the superintendent, to make any inspection, inquiry or investigation, the travelling expenses and other disbursements of said inspector shall be paid by the party whom the superintendent shall name in his judgment upon the report of the said inspector, unless such inspection, inquiry or investigation takes place at the time of the ordinary visit of such inspector to the schools of the municipality where he has to make such inspection, inquiry or investigation.

Costs of in-
specti n, by
whom paid.

21. Sub-section 3 of section 72 of cap. 15 of the Consolidated Statutes for Lower Canada, and section 38 of the act 40 Vict. cap. 22, are hereby repealed, and replaced by the following :

C. S. L. C., c.
15, s. 72, sub-
sec. 3, and 40
V., c. 22, s. 38,
replaced.

" 3. To keep registers of their proceedings signed, for each sitting, by the chairman and the secretary-treasurer ; "

Registers
kept by
com's.

" 4. To keep account books of the form and according to the forms which shall have been established by the superintendent, and not otherwise ; "

Books of ac-
count.

" 5. To afford communication of such accounts to those who contribute towards the maintenance of the school,

Communica-
tions afforded
to rate-
payers.

at suitable hours, and in accordance with the conditions which shall have been established by the school commissioners or trustees, or in their default, by the superintendent."

Examination
of accounts
of municipa-
lity ceasing
to exist.

22. If, by the erection of new municipalities, the municipality from which they are formed cease to exist, the superintendent shall appoint the school inspector or other person to proceed to the examination of the accounts of the old municipality, after a written notice of at least eight days shall have been given to the school commissioners or trustees of the new municipalities to take steps to be represented at such examination.

Final deci-
sion of super-
intendent.

A report on the result of such examination shall be made to the superintendent, who shall give his decision on such examination, and his decision shall have the effect of a judgment of arbitration between all parties and shall be final.

Arrears and
debts.

By such decision he may authorize one of the new school corporations above mentioned to collect the arrears and to pay the debts of the original corporation.

Balance to be
divided.

If, after payment of all debts, a balance remain, this balance shall be divided between the new municipalities, according to their respective valuations as shown on the last valuation roll of the old municipality. If, on the contrary there is a deficit, each municipality shall be likewise held to liquidate its share according to the same rule and to take, without delay, the steps necessary to effect the same.

Deficit to li-
quidate.

40 V., c. 22, ss.
29, 30, replac-
ed.

23. Sections 29 and 30 of 40 Vict., cap. 22, are repealed and the following are substituted thereto :

Depository of
books, etc.

"29. A depository of books, maps, publications, models, specimens, apparatus and other school necessities having been established in the department of public instruction, the same may be sold by the superintendent to any school municipality, school, educational establishment, teacher, clergyman or bookseller applying therefor, and the school commissioners or trustees shall pay the price of such purchases out of the school taxes which they shall increase in consequence thereof, if it be necessary, or by any other means the superintendent may prescribe, by rules to that effect approved by the Lieutenant Governor in Council ; they shall then distribute gratuitously the said necessities, in conformity with the said rules, to the children attending the schools maintained under their control."

Sale.

Di-tribution
made gratui-
tously.

Requisitions
by com's.

"30. The school commissioners or trustees may, in the course of the months of July and August of each year, or at any other time, address a requisition to the superintendent for such books and other school necessities as

they may require for their schools, and these articles shall be forwarded to them without delay."

24. If a school municipality is abolished and its territory annexed to an adjoining municipality, all the documents and property of the municipality so abolished shall become the property of the municipality to which such territory shall have been annexed, saving all rights of indemnity or other rights which shall be established by the commissioners or trustees of the latter municipality and, in their default, by the superintendent, according to law.

Property of
an abolished
or annexed
municipality.

25. If in any municipality the minority has declared itself to be dissentient and subsequently the number of dissentients increases and becomes the majority, the dissentients shall, in consequence thereof, have a right to organize themselves, that is to say to elect in the usual manner five commissioners in the month of July. On the other hand, the former majority, having become the minority, may declare itself to be dissentient, and may elect three trustees for the management of its school affairs.

Case of a
minority
(dissentients)
becoming
majority.

26. Section 77 of chapter 15 of the Consolidated Statutes for Lower Canada, is amended by adding after sub-section 2 the following provision :

C.S. L.S.,
c. 15, s. 77,
amended.

"3. Every educational institution receiving no grant from the corporation or municipality in which they are situated, and the land on which they are erected, and its dependencies, shall be exempt from municipal and school taxes, whatever may be the act or charter under which such taxes are imposed, notwithstanding all provisions to the contrary."

Certain edu-
cational in-
stitutions;
exempt from
paying taxes.

27. The monthly contribution, the amount of which shall have been fixed by the commissioners, shall form part of the assessments and shall be recovered in the same manner.

Monthly
contribution,
levied as a
tax.

If, by order of the commissioners or with their consent, the assessment or monthly contributions, is payable in grain and in wood, the commissioners shall value the said articles in money and shall recover the amount so fixed by them in the manner aforesaid ; Provided always that the provisions of the present section shall not be interpreted as applying to the cities of Quebec and Montreal or to any other place where the collection of the annual contribution is regulated by special statute.

Payment in
wood and in
grain.

Restriction.

28. Sub-sections 4 and 5 of section 34 of the said chapter 15 of the Consolidated Statutes for Lower

C.S. L.C., c.
15, s. 34, sub-
sections 4 and
5, replaced.

Canada, are repealed and the following substituted therefor :

Elections of
com's.

"4. The said election, commenced on the first or any other Monday in July, at ten o'clock in the forenoon, shall be finished at five o'clock in the afternoon of the same day."

Id, s. 37,
amended.

29. Section 37 of the said chapter 15 shall conclude as follows :

Certain arti-
cles of muni-
cipal code to
apply.

"And in accordance with the manner provided in reference to the election of municipal councillors by articles 308, 309, 310, 311, 312, 313, 314, 315, 317, 318, 319, 320, 321 and 325 of the municipal code which are hereby declared to form part of the said act and shall be so interpreted as to cause the election to be made on the one and same day."

If superin-
tendent be
absent or
sick.

30. In case the superintendent is absent from the Province, or in case of continued illness, he may delegate to one of the secretaries of the department of Public Instruction the powers conferred upon him by law.

Act in force.

31. The present act shall come into force on the day of its sanction.

SCHEDULE.

Canada,
Province of Quebec. } Municipality of

Engagement of Teacher

On the day of the month of in the year 187 , it is mutually agreed and stipulated between the school commissioners of the municipality of in the county of , represented by their chairman, under a resolution of the said commissioners passed on the day of 187 , and teacher, residing at , as follows :

The said teacher holds a diploma for a school and engages himself (or herself) to the said school commissioners, for the term and space of years from the day of (unless the diploma of the said teacher be withdrawn, or any other legal impediment arise) to hold the school in district No. , according to law, to the rules and regulations established or to be established by the competent authorities, and amongst others to exercise an effi-

cient supervision over the pupils attending the school ; to teach such subjects as are authorized and to make use only of duly approved school books ; to fill up all blank forms which may be sent him (or her) by the department of Public Instruction, the inspectors or commissioners ; to keep all school registers required ; to preserve amongst the archives of the school such copy books and other works of the pupils which he (or she) may be ordered to put aside ; to keep the school-rooms in good order and not to allow them to be used for any other purpose without permission to that effect ; to follow such rules as may be established for discipline and punishment ; to preserve carefully the " Journal of Education " ; in a word to fulfill all the duties of a good teacher ; to hold school every day, except on Sundays, and festivals and on the holidays authorized by the commissioners or granted by proper authority.

The commissioners undertake to pay to the said
the sum of
for the said school year as follows :

in current money and
not otherwise, and the secretary-treasurer or any other person shall have no right to alter this method of payment, which shall always be made in money to the said teacher.

The said commissioners declare that they do comply with the provisions of the law respecting the payment of the salary of the said teacher , and respecting suits for the recovery thereof, if necessary, by the superintendent, if he deems it advisable.

A copy of the present deed is forwarded to the superintendent.

In default of any other engagement the present shall continue to remain in force between the parties until it be legally set aside.

And the parties have signed, after hearing the same read.

Done in TRIPLICATE at the
day of
eighteen hundred and seventy .

Chairman of the School
Commissioners.

Teacher.
