

); and we hereby severally agree to pay to the treasurer yearly, while we continue members of the Society, (*any members being at liberty to retire therefrom upon giving notice in writing to the Secretary, at any time before the annual meeting, of his wish so to do,*) the sums opposite our respective names, and we further agree to conform to the rules and by-laws of the said society.

Names.	\$ cts.

## CAP. XVI.

An Act to amend the law respecting Education in this Province.

[Assented to 5th April, 1869.]

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

Council of  
public instruction  
to be appointed.

1. Within four months after the passing of this Act the lieutenant-governor in council shall appoint, to form and constitute the council of public instruction for the province of Quebec, together with the minister of public instruction or superintendent of education for the province, as the case may be, for the time being, twenty-one persons, fourteen of whom shall be roman catholics and seven protestants, and until such appointment shall take place the members of the present council of public instruction shall continue in office.

Council to form  
two committees,  
one for catholics  
and the other for  
protestants.

2. The said council, so soon as reorganized under this act shall resolve itself into two committees, the one consisting of the roman catholic and the other of the protestant members thereof, and the matters and things which by law belong to the said council shall be referred to the said committees respectively, in so far as they shall specially affect the interests of roman catholic and of protestant education respectively, and in such manner and form as the whole shall from time to time be determined by the lieutenant-governor in council on the report of the minister of public instruction, or of the superintendent of education. The minister of public instruction or superintendent of education, as the case may be, for the time being, shall be a member *ex-officio* of each com-

Min. of Pub.  
Ins. to be a  
member of  
each.

mittee, but shall have right of voting only in the committee of the religious faith to which he shall belong.

3. The *quorum* of the council of public instruction thus reorganized shall consist of nine members, and each of the committees of the same shall fix its own *quorum*. Quorum of council and committee.

4. The total aid to universities, classical colleges, industrial colleges, academies and model schools, under the provisions of chapter fifteenth of the consolidated statutes for Lower Canada, or of any other law that may be passed concerning superior education, shall in future be distributed between the totality of the roman catholic and of the protestant institutions respectively, in the relative proportion of the respective roman catholic and protestant populations of the province according to the then last census. Superior education grant to be divided between cath. and prot. institutions in proportion to religious population.

5. If at any meeting of the council of public instruction, ten of the roman catholic, or five of the protestant members, appointed by the lieutenant-governor in council, do record their votes to the effect that it is advisable that the management of roman catholic and of protestant schools and institutions respectively should be distinct and separate, it shall be the duty of the president of the said council to call a special meeting of the council to take place within sixty and at least thirty days after the meeting at which such vote shall have been recorded, for the purpose of reconsidering the same. If resolve manage cath. and protestant schools separately, meeting to be called.

6. If at the meeting thus called the said vote is confirmed by the same number of the said roman catholic or protestant members, as the case may be, the president of the said council shall transmit to the lieutenant-governor a copy of the minutes of the said meetings, and within three months the roman catholic and protestant members of the said council appointed by the lieutenant-governor in council shall be declared by order in council to form two separate councils of public instruction, with separate powers and jurisdictions in relation to protestant and catholic education respectively, as the whole shall be defined by such order in council. If meeting confirm resolution each committee shall form separate council.

7. If at the time of the passing of such order in council or at any time thereafter there is a minister of public instruction, he shall be a member of both councils of public instruction *ex-officio*, but he shall have the right of voting only in the council of the religious faith to which he shall belong, and there shall also be appointed two secretaries of the department of public instruction, and one of them shall be secretary to the roman catholic and the other to the protestant council of public instruction, and their duties under the direction of the minister of public instruction, shall be defined from time to time by order in council, on the report of the said minister. Min. of Pub. Ins. to be member of each council but to vote in one only. Secretary for each council.

Sup. of education to be member of one council with two deputies one for each denomination.

Each deputy to be member of one council.

Secretary to each.

How educational grants shall be distributed after division of council.

Liability of dissentients for future assessments restricted.

Proviso.

C. S. L. C. ch. 15, s. 55 amended.

How dissentients may come under control of commissioners.

8. If at the time of the division of the council of public instruction into two separate councils, or at any time thereafter there is, instead of a minister of public instruction a superintendent of education, the said superintendent shall be *ex-officio* a member of the council of public instruction of the religious faith to which he shall belong, and there shall be appointed two deputy superintendents, and the management of the protestant and catholic schools and institutions, respectively, shall be divided between them under the superintendent, in such form as the lieutenant-governor in council shall direct; and the said deputy superintendents shall be respectively members *ex-officio* of the council to which shall belong the schools under their respective management, and there may be appointed by the lieutenant-governor in council, on the recommendation of each council of public instruction, a secretary to each of them.

9. From and after the time of the passing of the order in council for the division of the council of public instruction as provided by the sixth section of this act, the grants to the normal schools and all other grants whatsoever for educational purposes and all expenses of the government for educational purposes shall be divided between the Roman catholic and protestant institutions, and for the benefit of roman catholics and protestants respectively, in proportion to the roman catholic and protestant populations of the province, at the then last census; but the sums to be paid to the common schools shall continue to be apportioned and distributed in accordance with chapter fifteen of the consolidated statutes for Lower Canada.

10. Dissentients shall not be liable for any assessment or school-rate which may be imposed by the school commissioners, except for the assessment for the then current year, for assessments for the building of any school-house previously contracted for, or for the payment of debts previously incurred; provided always, that such assessments are levied within six months from the date of the receipt of the declaration of dissent mentioned in the fifty-fifth section of the fifteenth chapter of the consolidated statutes for Lower Canada, or of the declaration hereinafter mentioned.

11. The word "inhabitants" wherever it occurs in the said 55th section of the said chapter shall be and is hereby replaced by the words "proprietors, occupants, tenants or rate-payers."

12. Any dissentient may, at any time, declare in writing his intention of ceasing to support the dissentient school; and the receipt of his declaration by the chairman of the school trustees, and by the chairman of the school commissioners respectively, shall place him again under the

control of the said school commissioners, subject however to the restrictions above as to assessments.

13. The school commissioners of the majority in any school municipality shall alone have the power of levying taxes on the lands and real estate of corporations and incorporated companies; but they shall annually pay over to the trustees of the minority a proportion of all the taxes levied by them on such corporations or companies, in the same ratio as the government grant for the same year shall have been divided between them and the said trustees; and the proportion of taxes so levied for the building of school-houses and for the payment of debts, thus paid over to the trustees aforesaid, shall be set apart by them for the building or the repairing of their own school-houses. No religious, charitable or educational institutions or corporations shall be taxed for school purposes on the property occupied by them for the objects for which they were instituted, but on all property held by them or any of them, for the purposes of deriving any income therefrom, they shall be taxed by the school commissioners of the religious majority or minority, to which such corporations or institutions belong, and to the exclusive benefit of such majority or minority, or in conformity with the declarations which they or each of them may make to that effect, but in the event that the religious body to which such corporations or institutions belong is not apparent, and where no such declaration has been made, then such last mentioned properties shall be dealt with in like manner, as the properties of other corporations or incorporated companies, in virtue of this section.

Commissioners alone to levy taxes, and to pay over to trustees their share.

On what property religious institutions &c. may be taxed.

Any non resident proprietor may declare in writing to the school commissioners and to the trustees of dissentient schools his intention of dividing his taxes between the schools of the majority and those of the minority, and in that case, the school commissioners shall continue to levy and receive such taxes, and shall pay over to the trustees of the dissentient schools such part and proportion thereof as directed by the said proprietor.

Non-residents may divide their taxes as they please.

14. Whenever the school trustees of the minority in two adjoining municipalities shall be unable to support a school in each municipality, it shall be lawful for them to unite and to establish and maintain under their joint management, a school which shall be situated as near the limits of both municipalities as possible, so as to be accessible to both; said trustees shall jointly report their proceedings to the minister of public instruction or to the superintendent of education, for the time being as the case may be, who shall remit the share of the common school grant to the secretary-treasurer whose name shall appear first on the return.

Two municipalities may join for school purposes.

Dissentients having no school may support schools in adjoining municipalities.

Return in such cases.

In certain cases and with certain formalities corporations of trustees may be declared extinct.

Rate payers then to come under commissioners.

But, one year afterwards minority may again obtain separate schools.

Present school commissioners of Quebec and Montreal to be replaced on 1st July next, by others named by lieut.-gov. in council and by corporation.

**15.** Whenever there shall be no dissentient school in a municipality, it shall be lawful for any resident head of a family professing the religious faith of the minority in the said municipality and having children of school age, to declare in writing to the chairman of the school commissioners that he intends to support a school, in a neighbouring municipality, which school shall not be more than three miles distant from his residence; and he shall thenceforward pay, subject to the restrictions above mentioned, his taxes to the commissioners or trustees, as the case may be, by whom such school shall be maintained; but special mention shall be made in all school returns of children coming from a neighbouring municipality and such children shall not be taken into account in apportioning the school grants between the commissioners and trustees.

**16.** Whenever the trustees of separate schools in any municipality shall have been a year without schools, either in their own municipality or jointly with other trustees in an adjoining municipality, and it shall appear that they are not carrying out the school law in good faith, and are taking no steps towards obtaining schools, it shall be lawful for the minister of public instruction or the superintendent of education, for the time being, as the case may be, after giving three consecutive notices in the *Quebec Official Gazette*, in the *Journal of Education* and in the *Journal de l'Instruction Publique* to that effect, to recommend to the lieutenant-governor in council, three months after the publication of the first of the said notices, that the corporation of trustees of separate schools for such municipality be declared extinct; and the rate payers who shall have been under the control of the said trustees shall then be subject to all the rates and assessments to be levied by the school commissioners, and shall be further held to pay to the commissioners a sum equal to their share of all school taxes levied by the commissioners during all the time for which the said trustees of dissentient schools may have neglected to keep their schools in operation; but one year after the time at which such corporation of trustees shall have been declared extinct through the *Quebec Official Gazette*, any number of rate-payers professing the religious faith of the minority in such municipality may again elect trustees and form a new corporation as by law provided.

**17.** The term of office of the school commissioners of the roman catholic and protestant boards of school commissioners of the cities of Quebec and Montreal shall expire on the first of July next, and previous to the said day the lieutenant-governor in council on the recommendation of the minister of public instruction, shall appoint for each of the said boards, three commissioners to

form part of the same and the corporations of the cities of Quebec and Montreal shall also appoint for each of the said boards in their respective cities, three commissioners to form part of the same ; and the said commissioners then appointed shall come into office on the first day of July next ; provided that if twenty days previous to the said day, either of the said corporations shall have failed to signify in writing to the minister of public instruction, any of the appointments they are required to make, the same shall be made by the lieutenant-governor in council in the manner above provided for.

**18.** In case any of the appointments to be made by the Lieutenant-Governor in council shall not have been made previous to the day above named they shall be made with the least possible delay thereafter, and the school commissioners thus appointed shall come into office immediately after their appointment.

If not appointed on that day they shall be so as soon as possible thereafter.

**19.** On the first day of July of each subsequent year, in each board, one of the school commissioners appointed by the corporation and one of those appointed by the lieutenant-governor in council shall go out of office and shall be replaced according to the mode of their appointment ; and all the above provisions shall apply ; and for the first and second years the last named in the lists of appointments published in the *Quebec Official Gazette*, shall go out of office first, and thenceforward, the two oldest according to the dates of their appointment shall go out first, so that after the two first years from the passing of this act each shall serve during three years.

Two commissioners to retire each year. Order in which they shall retire.

**20.** Any vacancy in the said boards by death, absence from the province or otherwise, shall be filled according to the manner in which the original appointment shall have been made, and the school commissioners who shall fill such vacancies, shall remain in office only during the unexpired term of office of their predecessors ; and whenever a school commissioner shall have been appointed by the lieutenant-governor in council, by reason of the corporation having neglected to make the appointment, he shall for the purposes of this and of the foregoing section be deemed to have been appointed by the corporation.

How vacancies among such school commissioners shall be filled

**21.** The one hundred and thirty-third section of chapter fifteen, of the consolidated statutes for Lower Canada, and the three first sections of the twenty-second chapter of the statutes of this province, passed in the thirty-first year of her majesty's reign, are hereby repealed.

C. S. L. C., c. 15, sec. 133 and secs. 1, 2, 3, of 31 V. c. 22 repealed.

**22.** The annual grant to be paid for the support of schools in the cities of Quebec and of Montreal, under the twenty-fourth, eighty-eighth, and eighty-ninth sections of the fifteenth chapter of the consolidated statutes for Lower

How annual school grant for Quebec and Montreal shall be apportioned,

Canada, shall be in the proportion of the populations of the said cities, and shall be apportioned by the minister of public instruction, or the superintendent of education for the time being, between the roman catholic and protestant boards of school commissioners, according to the relative proportions of the roman catholic and protestant populations in the said cities, according to the then last census.

Amount to be paid for schools by corporations of Quebec and Montreal, to whom paid and how recoverable.

**23.** The corporations of the said cities of Quebec and Montreal shall pay for the support of the schools in the said cities a sum equal to three times the amount of the share of the government grant coming to the schools of the said cities under the above provisions, and the sum coming to each of the roman catholic and protestant boards of school commissioners under the following provisions shall be paid by the said corporations to the secretary-treasurers of the said boards irrespective of the collection of the tax hereinafter provided for in two equal semi-annual payments on the first of January, and on the first of July of each year, and shall be recoverable by the said boards before any court of competent civil jurisdiction with interest and costs. For the present year, the payment due on the first of July, may be delayed to the first of August.

Corporations of Quebec and Montreal to levy taxes sufficient to meet the amount payable for schools.

**24.** The corporations of the cities of Quebec and of Montreal, shall levy annually by assesment on real estate in the said cities, a tax sufficient to cover the amount payable by them for the support of schools under the above provisions, and the said tax shall be laid, and collected and recovered at the time and in the manner provided for the other city taxes on real estate, except that if, for the present year, the time for assessing and levying the city taxes is passed when this law shall come into force, the said tax shall be forthwith laid and levied notwithstanding. The said tax shall be known as the "city school tax."

Certain properties of religious corporations exempt from the tax.

**25.** Property belonging to religious, charitable or educational institutions and corporations, and occupied by the said institutions or corporations for the objects for which they were respectively established and not held by them solely for the purpose of deriving an income therefrom shall be exempted from the said "city school tax."

Said tax to be payable by owner without recourse against tenant unless it is agreed upon.

**26.** The said "city school tax," shall be payable by the proprietors of real estate to the exclusion of the tenant, and the tenant shall not be bound to reimburse the same to the proprietor, except in the case of special agreement to that effect, and the said tax shall not be deemed to be included in any lease to be made after the passing of this act under the name of "municipal or city, or corporation taxes," or the word "all taxes," but shall be mentioned as the "city school tax." The usufructuary or the occupant,

Usufructuaries and emphyteutic lessees deemed owners.

under an emphyteutic lease shall be deemed to be the proprietor for the purposes of this act, as also the occupant in case where the proprietor shall be unknown.

**27.** The corporation of the city of Montreal, and the assessment board in the city of Quebec, shall forthwith cause to be made, and shall hereafter cause to be made every year at the same time as the assessment, and in the same manner, a statement of the real estate in each of the said cities. The assessors, in the said cities for the purposes of this act shall be in equal number roman catholics and protestants—a roman catholic and a protestant acting for each ward, and the necessary appointments for that object are hereby authorized.

Corporations of Quebec and Montréal to have a statement of real property to be made every year—appointments for that purpose.

**28.** The said statement shall bear against each lot or property the estimated value of the same, the name of the proprietor and the amount of the city school tax to be levied on the same for the year, but the latter head of information may be left out for the first year if more convenient.

What such statement shall contain.

**29.** The said statement shall be divided into four distinct panels :

Statement to be divided into four panels.

1. Panel number one shall consist of the real estate belonging exclusively to roman catholic proprietors.

What panel one shall comprise.

2. Panel number two shall consist of the real estate belonging exclusively to protestants.

What panel number two shall comprise.

3. Panel number three shall consist of the real estate belonging to corporations or incorporated companies and subject to taxation under this act, or to persons not belonging to the roman catholic or protestant faith, or whose religious faith shall not have been ascertained, or belonging partly or jointly to persons belonging some to the roman catholic and others to the protestant religion, or to persons who shall have declared in writing their desire of having their property inscribed on said panel, or to firms and commercial partnerships who shall not have declared through their agent, or one of their members, their desire of being placed on the first or on the second panel.

What panel number three shall comprise.

4. Panel number four shall consist of the real estate exempted from taxation.

What number four shall comprise.

5. Properties possessed for purposes of revenue by religious, charitable or educational institutions or corporations shall be inscribed upon list number one or list number two according to the religious denomination to which such institutions or corporations shall belong or in accordance with the declarations made by each of them to that effect, and if the religious denomination is not apparent and if no such declaration has been made they shall be placed upon list number three.

On what panel certain property of religious institutions shall be inscribed.

**30.** The said statement so soon as completed shall be

Statement to



be deposited  
and notice  
thereof  
published.

placed in the office of the city treasurer, and notice thereof shall forthwith be given in at least two newspapers published in the french language, and two published in the english language in the said cities, and during thirty days after the publication of the first of the said notices, the said panels shall be opened for inspection.

Within 30  
days city  
treas. upon  
complaint may  
rectify panels.

**31.** During the thirty days it shall be lawful for either board of school commissioners or for any person or corporation whose name shall have been entered wrongly or omitted on any of the said panels, or who shall find that the name of any other person or corporation has been entered wrongly or omitted in any of the said panels, to file any complaint they may have to make with the city treasurer, who shall accordingly alter and revise the said panels if necessary, and within three days it shall be lawful to appeal from his decision to the recorder.

Appeal to  
recorder.

How errors  
may be recti-  
fied after the  
expiring of the  
30 days.

**32.** After the expiring of the said delays, the said panels shall be acted upon for the purposes of this act for the then current year, but may be further corrected as hereinafter provided. And all accounts for the said tax sent and delivered to the rate-payers and the receipts given to the same shall bear conspicuously on their face the words "panel number one, roman catholic school tax," "panel number two, protestant school tax," or "panel number three, neutral school tax" as the case may be, according to the panel on which the property shall have been inscribed. It shall be lawful for each board of school commissioners or for any person or corporation after the expiration of the said thirty days, but at least thirty days before the second payment to be made by the corporation after the making of the said panels, to bring any complaint they may have in relation to the said panels before the treasurer after giving three days notice thereof to the board of school commissioners, whose share of the sum may be diminished by reason of such complaint, with a right of appeal within three days to the recorder, and according to the decision of the treasurer or the recorder, the panel or panels shall be amended, and on the forthcoming payments the error shall be rectified for both payments.

After second  
payment pan-  
els may be  
declared in  
force.

After the second payment it shall be lawful for the corporation, if they see fit to declare by resolution that the statement and panels as amended shall be in force for three years from the date of the said panels, and in such case no other statement and panels shall be made while such statement and panels are in force.

How the sum  
paid by the  
corporations  
shall be ap-  
portioned.

**33.** The sum to be paid by the corporations semi-annually for the support of the schools shall be apportioned as follows:

1. A sum proportionate to the value of the property inscribed on panel number three shall be divided between

the roman catholic and protestant boards in the relative ratio of the roman catholic and protestant populations in the said cities according to the then last census.

2. The remainder of the said amount shall be divided between the roman catholic and protestant boards in the relative ratio of the value of the property inscribed on panel number one and on panel number two respectively.

**34.** It shall be lawful for the said boards of school commissioners to require from the parents or tutors of the children attending their schools (except in case of such of them as shall be exempted by reason of their poverty) the payment of a monthly fee not exceeding twenty five cents for the elementary schools, fifty cents for the model schools and four dollars for the academies according to the rules and regulations which shall be made by them from time to time with the approval of the minister of public instruction; and they shall mention in their semi-annual report the number of children educated free of charge and the number paying each rate of fees, and the said monthly fees shall be recoverable from the said parents or tutors in the recorder's court or any other tribunal of competent jurisdiction, but no suit shall be instituted for the same for more than a year in arrear nor more than a year after they shall have become due.

Monthly fees  
may be ex-  
acted.

How recove-  
rable.

**35.** The school commissioners of the said cities, during the next twenty years, shall have the power of laying aside annually a portion of their revenues, not exceeding one fourth, for the purchase of lots and for the construction of school houses, without any limitation as to the amount to be spent on each school house, any law to the contrary notwithstanding. And it shall be lawful for 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 for the following years, subject to the above limitation; and the said boards may, with the approbation aforesaid, raise money in advance for the said purposes, by issuing debentures of not less than one hundred dollars each, redeemable in not more than twenty years, and for an amount not exceeding in the whole for any one of the said boards the sum of one hundred thousand dollars, and in such case the portion of their revenue 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 such debentures.

Commissioners  
of said cities  
may lay aside  
a portion of  
their revenues  
for school lots  
and buildings  
and may raise  
money for that  
purpose.

**36.** Sections sixty-one and sixty-two of the fifteenth chapter of the consolidated statutes for lower canada, shall not in future apply to the secretary-treasurers of the school commissioners of the said cities, and the said

Secs. 61, 62 of  
C. S. L. C. c.  
15 not to ap-  
ply to sec.-  
treas. of said  
cities.