

CAP. V.

An Act to restore to Roman Catholics in Upper Canada certain rights in respect to Separate Schools.

[Assented to 5th May, 1863.]

Preamble.

WHEREAS it is just and proper to restore to Roman Catholics in Upper Canada certain rights which they formerly enjoyed in respect to separate Schools, and to bring the provisions of the Law respecting Separate Schools more in harmony with the provisions of the Law respecting Common Schools: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Con. Stat. U.
C. cap. 65, ss.
18 to 36 re-
pealed.

1. Sections eighteen to thirty-six, both inclusive, of chapter sixty-five of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting separate Schools*, are hereby repealed, and the following shall be substituted in lieu thereof, and be deemed to form part of the said Act:

Five heads of
families being
Roman Catho-
lics may call a
meeting for a
separate school.

2. Any number of persons, not less than five, being heads of families, and freeholders or householders, resident within any school section of any Township, Incorporated Village or Town, or within any ward of any City or Town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a Separate School for Roman Catholics, in such school section or ward, for the election of Trustees for the management of the same.

Election of
Separate
School Trus-
tees.

3. A majority of the persons present, being freeholders or householders, and being Roman Catholics, and not candidates for election as Trustees, may, at any such meeting, elect three persons resident within such section or an adjoining section to act as Trustees for the management of such Separate School; and any person, being a British subject, not less than twenty-one years of age, may be elected as a Trustee, whether he be a freeholder or householder, or not.

Qualification.

Written no-
tice of such
meeting to be
given and to
whom and in
what manner.

4. Notice in writing that such meeting has been held and of such election of Trustees, shall be given by the parties present at such meeting to the Reeve or head of the Municipality, or to the Chairman of the Board of Common School Trustees, in the Township, Incorporated Village, Town or City in which such School is about to be established, designating by their names, professions and residences, the persons elected in the manner aforesaid, as Trustees for the management thereof; and every such notice shall be delivered to the proper officer by one of the Trustees so elected, and it shall be the duty of the officer receiving the same to endorse thereon the date of the receipt thereof, and to deliver a copy of the same

same so endorsed and duly certified by him to such Trustee, and from the day of the delivery and receipt of every such notice, or in the event of the neglect or refusal of such officer to deliver a copy so endorsed and certified, then from the day of the delivery of such notice, the Trustees therein named shall be a body corporate, under the name of "The Trustees of the Roman Catholic Separate School for the Section number Corporate name of Trustees. in the township of , or for the ward of , in the city or town (as the case may be) or for the village of , in the county of ."

5. The Trustees of Separate Schools heretofore elected, or hereafter to be elected according to the provisions of this Act, in the several Wards of any city or town, shall form one body corporate, under the title of "The Board of Trustees of the Roman Catholic Separate Schools for the city (or town) of— Union of wards in Towns or Cities.

6. It shall be lawful for the majority of the rate-paying supporters of the Separate School, in each Separate School Section, whether the Sections be in the same or adjoining Municipalities, at a public meeting duly called by the Separate School Trustees of each such section, to form such sections into a Separate School Union Section, of which union of sections the Trustees shall give notice within fifteen days to the Clerk or Clerks of the Municipality or Municipalities, and to the Chief Superintendent of Education; and each such Separate School Union Section thus formed, shall be deemed one School Section for all Roman Catholic Separate School purposes, and shall every year thereafter be represented by three Trustees, to be elected as in Common School Sections: Notice for union of School sections, for a Separate School.

2. And the said Trustees shall form a body corporate, under the title of "The Board of Trustees of the Roman Catholic United Separate Schools for the United Sections Nos. Corporate name of Trustees for Union. (as the case may be,) in the (as the case may be.) Union formed.

7. The Trustees of Separate Schools forming a body corporate under this Act, shall have the power to impose, levy and collect School rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of such Schools, and shall have all the powers in respect of Separate Schools, that the Trustees of Common Schools have and possess under the provisions of the Act relating to Common Schools. Powers of Trustees.

8. The Clerk or other officer of a Municipality within or adjoining which a Separate School is established, having possession of the Assessor's or Collector's roll of the said Municipality, shall allow any one of the said Trustees or their authorized collector to make a copy of such roll in so far as it relates to the persons supporting the Separate School under their charge. Trustees may copy Assessment Roll of Municipality.

Declaration by Trustees of Separate Schools.

9. The Trustees of Separate Schools shall take and subscribe the following declaration before any Justice of the Peace, Reeve or Chairman of the Board of Common Schools :

" I, _____, will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee to which I have been elected : "

And they shall perform the same duties and be subject to the same penalties as Trustees of Common Schools; and teachers of Separate Schools shall be liable to the same obligations and penalties as teachers of Common Schools.

Term of office of Trustees.

10. The Trustees of Separate Schools shall remain respectively in office for the same periods of time that the Trustees for Common Schools do, and as is provided by the thirteenth Section and its sub-sections, of the Common School Act of the Consolidated Statutes for Upper Canada; but no Trustee shall be re-elected without his consent, unless after the expiration of four years from the time he went out of office; provided always, that whenever in any City or Town divided into Wards, a united Board now exists, or shall be hereafter established, there shall be for every Ward two Trustees, each of whom, after the first election of Trustees, shall continue in office two years and until his successor has been elected, and one of such Trustees shall retire on the second Wednesday in January, yearly, in rotation; and provided also, that at the first meeting of the Trustees after the election on the second Wednesday in January next, it shall be determined by lot, which of the said Trustees, in each Ward, shall retire from office at the time appointed for the then next annual election, and the other shall continue in office for one year longer.

Proviso : in cases of United Boards now existing in Cities and Towns.

Proviso as to order of retirement.

As to time and mode of elections.

Certain provisions to apply.

Children from other school sections.

11. After the establishment of any Separate School, the Trustees thereof shall hold office for the same period and be elected at the same time in each year that the Trustees of Common Schools are, and all the provisions of the Common School Act relating to the mode and time of election, appointments and duties of Chairman and Secretary at the annual meetings, term of office and manner of filling up vacancies, shall be deemed and held to apply to this Act.

12. The Trustees of Separate Schools may allow children from other School Sections, whose parents or lawful guardians are Roman Catholics, to be received into any Separate School under their management, at the request of such parents or guardians; and no children attending such School shall be included in the return hereafter required to be made to the Chief Superintendent of Education, unless they are Roman Catholics.

Certificates to Teachers of separate schools.

13. The Teachers of Separate Schools under this Act shall be subject to the same examinations, and receive their certificates of qualifications, in the same manner as Common School

Teachers

Teachers generally ; provided that persons qualified by law as Teachers, either in Upper or Lower Canada, shall be considered qualified Teachers for the purposes of this Act.

14. Every person paying rates, whether as proprietor or tenant, who, by himself or his agent, on or before the first day of March in any year, gives, or who, on or before the first day of March, of the present year, has given to the Clerk of the Municipality notice in writing that he is a Roman Catholic, and a supporter of a Separate School situated in the said Municipality, or in a Municipality contiguous thereto, shall be exempted from the payment of all rates imposed for the support of Common Schools, and of Common School Libraries, or for the purchase of land or erection of buildings for Common School purposes, within the City, Town, Incorporated Village or section in which he resides, for the then current year, and every subsequent year thereafter, while he continues a supporter of a Separate School; and such notice shall not be required to be renewed annually; and it shall be the duty of the Trustees of every Separate School to transmit to the Clerk of the Municipality or Clerks of Municipalities (as the case may be) on or before the first day of June in each year, a correct list of the names and residences of all persons supporting the Separate Schools under their management; and every ratepayer whose name shall not appear on such list shall be rated for the support of Common Schools.

Supporters of separate schools exempted from payment of common school rates, on giving a certain notice.

Notice need not be renewed yearly.

15. Every Clerk of a Municipality, upon receiving any such notice, shall deliver a certificate to the person giving such notice, to the effect that the same has been given, and showing the date of such notice.

Certificates of notice.

16. Any person who fraudulently gives any such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from rates, and shall be liable to a penalty of forty dollars, recoverable with costs, before any Justice of the Peace at the suit of the Municipality interested.

Penalty for wilful false statements in such notice.

17. Nothing in the last three preceding sections contained, shall exempt any person from paying any rate for the support of Common Schools or Common School Libraries, or for the erection of a School House or School Houses, imposed before the establishment of such Separate School.

Exception as rates imposed before separate school established.

18. Any Roman Catholic who may desire to withdraw his support from a Separate School, shall give notice in writing to the Clerk of the Municipality, before the second Wednesday in January in any year, otherwise he shall be deemed a supporter of such School; Provided always, that any person who shall have withdrawn his support from any Roman Catholic Separate School, shall not be exempted from paying any rate for the support of Separate Schools or Separate School Libraries, or

Persons withdrawing support from Separate school, to give notice.

Proviso.

for the erection of a separate School House, imposed, before the time of his withdrawing such support from the Separate School.

Residence of supporters of separate schools.

19. No person shall be deemed a supporter of any Separate School unless he resides within three miles (in a direct line) of the site of the School House.

Separate schools entitled to a share of the public grant.

20. Every Separate School shall be entitled to a share in the fund annually granted by the Legislature of this Province for the support of Common Schools, and shall be entitled also to a share in all other public grants, investments and allotments for Common School purposes now made or hereafter to be made by the Province or the Municipal authorities, according to the average number of pupils attending such school during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new Separate School, as compared with the whole average number of pupils attending School in the same City, Town, Village or Township.

But not to any share of local assessment for common schools.

21. Nothing herein contained shall entitle any such Separate School within any City, Town, Incorporated Village or Township, to any part or portion of school moneys arising or accruing from local assessment for Common School purposes within the City, Town, Village or Township, or the County or Union of Counties within which the City, Town, Village or Township is situate.

Return to be transmitted by Trustees.

22. The Trustees of each Separate School shall, on or before the thirtieth day of June, and the thirty-first day of December of every year, transmit to the Chief Superintendent of Education for Upper Canada, a correct return of the names of the children attending such school, together with the average attendance during the six next preceding months, or during the number of months which have elapsed since the establishment thereof, and the number of months it has been so kept open; and the Chief Superintendent shall, thereupon, determine the proportion which the Trustees of such Separate School are entitled to receive out of the Legislative grant, and shall pay over the amount thereof to such Trustees.

Visitors of separate schools.

23. All Judges, Members of the Legislature, the heads of the Municipal bodies in their respective localities, the Chief Superintendent and Local Superintendent of Common Schools, and Clergymen of the Roman Catholic Church, shall be Visitors of Separate Schools.

Election of Trustees, when to become void.

24. The election of Trustees for any Separate School shall become void, unless a Separate School be established under their management, within three months from the election of such Trustees.

25. No person subscribing towards the support of a Separate School, established as herein provided, or sending children thereto, shall be allowed to vote at the election of any Trustee, for a Common School in the City, Town, Village or Township, in which such Separate School is situate.

Supporters of separate schools not to vote at elections of common school Trustees.

26. The Roman Catholic Separate Schools, (with their Registers), shall be subject to such inspection, as may be directed from time to time, by the Chief Superintendent of Education, and shall be subject also, to such regulations, as may be imposed, from time to time, by the Council of Public Instruction for Upper Canada.

Inspection of schools by Chief Superintendent.

27. In the event of any disagreement between Trustees of Roman Catholic Separate Schools, and Local Superintendents of Common Schools, or other municipal authorities, the case in dispute shall be referred to the equitable arbitrament of the Chief Superintendent of Education in Upper Canada; subject, nevertheless, to appeal to the Governor in Council, whose award shall be final in all cases.

Disagreement between Trustees, Local Superintendents, &c.

28. This Act shall come into force, and take effect, from and after the thirty-first day of December next; but all contracts and engagements made, and rates imposed, and all corporations formed under the Separate School Law, hereby repealed, shall remain in force as if made under the authority of this Act.

Commencement of Act. Existing arrangements saved.

C A P . V I .

An Act to amend the Act chapter seventeen of the Consolidated Statutes for Lower Canada, respecting the Royal Institution for the advancement of Learning.

[Assented to 5th May, 1863.]

WHEREAS the Royal Institution for the advancement of Learning, Governors of McGill College, by their petition, have in effect set forth, that for many years past the said Royal Institution for the advancement of learning, Governors of McGill College, have in fact had no functions to perform other than those incident to their capacity as such Governors, and no property or funds to administer, other than those appertaining to the said College and University, or to Departments or Institutions of Learning belonging or affiliated thereto;—that the endowments thereof are the result of private liberality, and that, for the further development of such liberality, and the advancement in other respects of the interests of the said University, it is desirable that the Provincial Statute constituting the said Royal Institution for the advancement of Learning should be amended as hereinafter is set forth; and whereas it is expedient to grant their prayer for such amendment thereof:

Preamble.