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W. Blake Q.C. M.P.

In the Privy Council.

43,43,1892

ON APPEAL

From the Supreme Court of Canada.

CITY OF WINNIPEG

v.

BARRETT.

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Respondents' Solicitors.

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The British North America Act, 1867.

30 VICTORIA, CAP. 3.

AN ACT FOR THE UNION OF CANADA,
NOVA SCOTIA AND NEW BRUNSWICK, AND THE GOVERNMENT
THEREOF; AND FOR PURPOSES CONNECTED THEREWITH.

[ROYAL ASSENT 29th MARCH, 1867.]

BOMPAS, BISCHOFF, DODGSON & COXE,

4, GREAT WINCHESTER STREET,

LONDON, E.C.

The British North America Act 1867.

30 VIC., CAP. 3.

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The British North America Act, 1867.

30 VICTORIA, CAP. 3.

An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for Purposes connected therewith.

[Royal Assent, 29th March 1867.]

WHEREAS the Provinces of Canada, Nova Scotia and New Brunswick, have expressed their desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in principle to that of the United Kingdom :

And whereas such a Union would conduce to the welfare of the Provinces and promote the interests of the British Empire :

And whereas on the establishment of the Union by Authority of Parliament, it is expedient, not only that the Constitution of the Legislative Authority in the Dominion be provided for, but also that the nature of the Executive Government therein be declared :

And whereas it is expedient that provision be made for the eventual admission into the Union of other parts of British North America :

Be it therefore enacted and declared by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I.—PRELIMINARY.

1. This Act may be cited as The British North America Act, 1867.

Short Title.

2. The provisions of this Act referring to Her Majesty the Queen extend also to the Heirs and Successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland.

Application of Provisions referring to the Queen.

II.—UNION.

3. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, to declare by Proclamation that, on and after a day therein appointed, not being more than six months after the passing of this Act, the Provinces of Canada, Nova Scotia, and New Brunswick shall form and be One Dominion under the name of Canada, and on and after that day those Three Provinces shall form and be One Dominion under that name accordingly.

Declaration of Union.

4. The subsequent provisions of this Act shall, unless it is otherwise expressed or implied, commence and have effect on and after the Union, that is to say, on and after the day appointed for the Union taking effect in the Queen's

Construction of subsequent Provisions of Act.

PARTS II. AND III.

Proclamation; and in the same provisions, unless it is otherwise expressed or implied, the name Canada shall be taken to mean Canada as constituted under this Act.

Four Provinces.

5. Canada shall be divided into Four Provinces, named Ontario, Quebec, Nova Scotia and New Brunswick.

Provinces of Ontario and Quebec.

6. The parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper Canada and Lower Canada shall be deemed to be severed, and shall form Two separate Provinces. The part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario, and the part which formerly constituted the Province of Lower Canada shall constitute the Province of Quebec.

Provinces of Nova Scotia and New Brunswick.
Decennial Census.

7. The Provinces of Nova Scotia and New Brunswick shall have the same limits as at the passing of this Act.

8. In the general census of the population of Canada, which is hereby required to be taken in the year one thousand eight hundred and seventy-one, and in every tenth year thereafter, the respective populations of the Four Provinces shall be distinguished.

III.—EXECUTIVE POWER.

Declaration of Executive Power in the Queen.
Application of Provisions referred to Governor General.

9. The Executive Government and Authority of and over Canada, is hereby declared to continue and be vested in the Queen.

10. The provisions of this Act referring to the Governor General, extend and apply to the Governor General for the time being of Canada, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of Canada on behalf and in the name of the Queen, by whatever title he is designated.

Constitution of Privy Council for Canada.

11. There shall be a Council to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada, and the persons who are to be Members of that Council shall be from time to time chosen and summoned by the Governor General and sworn in as Privy Councillors, and Members thereof may be from time to time removed by the Governor General.

All Powers under Acts to be exercised by Governor General with Advice of Privy Council, or alone.

12. All Powers, Authorities and Functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia or New Brunswick, are at the Union vested in or exercisable by the respective Governors or Lieutenant Governors of those Provinces, with the advice, or with the advice and consent of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by those Governors or Lieutenant Governors individually, shall, as far as the same continue in existence and capable of being exercised after the Union in relation to the Government of Canada, be vested in and exercisable by the Governor General, with the advice or with the advice and consent of or in conjunction with the Queen's Privy Council for Canada, or any Members thereof, or by the Governor General individually as the case requires, subject nevertheless

PARTS III. AND IV.

(except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada.

13. The provisions of this Act referring to the Governor General in Council, shall be construed as referring to the Governor General acting by and with the advice of the Queen's Privy Council for Canada.

Application of Provisions referring to Governor General in Council. Power to Her Majesty to authorize Governor General to appoint Deputies.

14. It shall be lawful for the Queen, if Her Majesty thinks fit, to authorize the Governor General from time to time to appoint any person or any persons jointly or severally to be his Deputy or Deputies within any part or parts of Canada, and in that capacity to exercise during the pleasure of the Governor General such of the Powers, Authorities and Functions of the Governor General as the Governor General deems it necessary or expedient to assign to him or them, subject to any limitations or directions expressed or given by the Queen, but the appointment of such a Deputy or Deputies shall not affect the exercise by the Governor General himself of any Power, Authority or Function.

15. The Command-in-Chief of the Land and Naval Militia, and of all Naval and Military forces of and in Canada, is hereby declared to continue and be vested in the Queen.

Command of armed Forces to continue to be vested in the Queen. Seat of Government of Canada.

16. Until the Queen otherwise directs, the Seat of Government of Canada shall be Ottawa.

IV.—LEGISLATIVE POWER.

17. There shall be One Parliament for Canada, consisting of the Queen, an Upper House, styled the Senate, and the House of Commons.

Constitution of Parliament of Canada. Privileges, &c. of Houses.

18. The Privileges, Immunities and Powers to be held, enjoyed and exercised by the Senate and by the House of Commons and by the Members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the Members thereof.

19. The Parliament of Canada shall be called together not later than six months after the Union.

First Session of the Parliament of Canada. Yearly Session of the Parliament of Canada.

20. There shall be a Session of the Parliament of Canada once at least in every year, so that twelve months shall not intervene between the last Sitting of the Parliament in one Session and its first Sitting in the next Session.

THE SENATE.

21. The Senate shall, subject to the provisions of this Act, consist of seventy-two Members, who shall be styled Senators.

Number of Senators.

22. In relation to the Constitution of the Senate, Canada shall be deemed to consist of Three Divisions :

Representation of Provinces in Senate.

1. Ontario ;

2. Quebec ;

3. The Maritime Provinces, Nova Scotia and New Brunswick ; which Three Divisions shall (subject to the provisions of this Act) be equally represented in

PART IV.

the Senate as follows : Ontario by twenty-four Senators ; Quebec by twenty-four Senators ; and the Maritime Provinces by twenty-four Senators, twelve thereof representing Nova Scotia, and twelve thereof representing New Brunswick.

In the case of Quebec, each of the twenty-four Senators representing that Province shall be appointed for one of the twenty-four Electoral Divisions of Lower Canada specified in Schedule A, to Chapter One of the Consolidated Statutes of Canada.

Qualifications
of Senator.

23. The Qualifications of a Senator shall be as follows :

- (1.) He shall be of the full age of thirty years :
- (2.) He shall be either a natural-born subject of the Queen, or a subject of the Queen naturalized by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of one of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia or New Brunswick, before the Union, or of the Parliament of Canada after the Union :
- (3.) He shall be legally or equitably seised as of freehold for his own use and benefit of lands or tenements held in free and common socage, or seised or possessed for his own use and benefit of lands or tenements held in francalleu or in roture, within the Province for which he is appointed, of the value of Four thousand dollars, over and above all rents, dues, debts, charges, mortgages and incumbrances due or payable out of or charged on or affecting the same :
- (4.) His real and personal property shall be together worth Four thousand dollars over and above his debts and liabilities :
- (5.) He shall be resident in the Province for which he is appointed :
- (6.) In the case of Quebec, he shall have his real property qualification in the Electoral Division for which he is appointed, or shall be resident in that Division.

Summons of
Senator.

24. The Governor General shall from time to time, in the Queen's Name, by instrument under the Great Seal of Canada, summon qualified persons to the Senate, and, subject to the provisions of this Act, every person so summoned shall become and be a Member of the Senate and a Senator.

Summons of
First Body
of Senators.

25. Such persons shall be first summoned to the Senate, as the Queen by Warrant under Her Majesty's Royal Sign Manual thinks fit to approve, and their names shall be inserted in the Queen's Proclamation of Union.

Addition of
Senators in
certain Cases.

26. If at any time on the recommendation of the Governor General the Queen thinks fit to direct that three or six Members be added to the Senate, the Governor General may by summons to three or six qualified persons (as the case may be) representing equally the Three Divisions of Canada, add to the Senate accordingly.

Reduction of
Senate to
normal
Number.

27. In case of such addition being at any time made, the Governor General shall not summon any person to the Senate, except on a further like direction by the Queen on the like recommendation, until each of the Three Divisions of Canada is represented by twenty-four Senators and no more.

Maximum
Number of
Senators.

28. The number of Senators shall not at any time exceed seventy-eight.

PART IV.

29. A Senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

30. A Senator may by writing under his hand addressed to the Governor General resign his place in the Senate, and thereupon the same shall be vacant.

31. The place of a Senator shall become vacant in any of the following cases:

(1.) If for two consecutive Sessions of the Parliament he fails to give his attendance in the Senate :

(2.) If he takes an oath or makes a declaration or acknowledgment of allegiance, obedience or adherence to a Foreign Power, or does an act whereby he becomes a subject or citizen or entitled to the rights or privileges of a subject or citizen, of a Foreign Power :

(3.) If he is adjudged bankrupt or insolvent, or applies for the benefit of any Law relating to insolvent debtors, or becomes a public defaulter :

(4.) If he is attainted of treason or convicted of felony or of any infamous crime :

(5.) If he ceases to be qualified in respect of property or of residence ; provided, that a Senator shall not be deemed to have ceased to be qualified in respect of residence by reason only of his residing at the Seat of the Government of Canada while holding an office under that Government requiring his presence there.

32. When a vacancy happens in the Senate by resignation, death or otherwise, the Governor General shall by summons to a fit and qualified person fill the vacancy.

33. If any question arises respecting the qualification of a Senator or vacancy in the Senate, the same shall be heard and determined by the Senate.

34. The Governor General may from time to time, by instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his stead.

35. Until the Parliament of Canada otherwise provides, the presence of at least fifteen Senators, including the Speaker, shall be necessary to constitute a Meeting of the Senate for the exercise of its Powers.

36. Questions arising in the Senate shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

THE HOUSE OF COMMONS.

37. The House of Commons shall, subject to the provisions of this Act, consist of One hundred and eighty-one Members, of whom Eighty-two shall be elected for Ontario, Sixty-five for Quebec, Nineteen for Nova Scotia, and Fifteen for New Brunswick.

38. The Governor General shall from time to time, in the Queen's name, by instrument under the Great Seal of Canada, summon and call together the House of Commons.

39. A Senator shall not be capable of being elected or of sitting or voting as a Member of the House of Commons.

40. Until the Parliament of Canada otherwise provides, Ontario, Quebec,

Tenure of Place in Senate. Disqualification of Senators.

Summons on Vacancy in Senate.

Questions as to Qualifications and Vacancies in Senate. Appointment of Speaker of Senate. Quorum of Senate.

Voting in Senate.

Constitution of House of Commons in Canada.

Summoning of House of Commons.

Senators not to Sit in House of Commons. Electoral Districts of

PART IV.

the Four
Provinces.

Nova Scotia and New Brunswick shall, for the purposes of the Election of Members to serve in the House of Commons, be divided into Electoral Districts as follows:

1.—ONTARIO.

Ontario shall be divided into the Counties, Ridings of Counties, Cities, Parts of Cities and Towns enumerated in the First Schedule to this Act, each whereof shall be an Electoral District, each such District as numbered in that Schedule being entitled to return one Member.

2.—QUEBEC.

Quebec shall be divided into sixty-five Electoral Districts, composed of the sixty-five Electoral Divisions into which Lower Canada is at the passing of this Act divided under Chapter Two of the Consolidated Statutes of Canada, Chapter Seventy-five of the Consolidated Statutes for Lower Canada, and the Act of the Province of Canada of the Twenty-third year of the Queen, Chapter One, or any other Act amending the same in force at the Union, so that each such Electoral Division shall be for the purposes of this Act an Electoral District entitled to return one Member.

3.—NOVA SCOTIA.

Each of the Eighteen Counties of Nova Scotia shall be an Electoral District. The County of Halifax shall be entitled to return two Members, and each of the other Counties one Member.

4.—NEW BRUNSWICK.

Each of the Fourteen Counties into which New Brunswick is divided, including the City and County of St. John, shall be an Electoral District. The City of St. John shall also be a separate Electoral District. Each of those Fifteen Electoral Districts shall be entitled to return one Member.

Continuance
of existing
Election
Laws until
Parliament
of Canada
otherwise
provides.

41. Until the Parliament of Canada otherwise provides, all Laws in force in the several Provinces at the Union relative to the following matters or any of them, namely,—the qualifications and disqualifications of persons to be elected or to set or vote as Members of the House of Assembly or Legislative Assembly in the several Provinces, the Voters at Elections of such Members, the Oaths to be taken by Voters, the Returning Officers, their Powers and Duties, the Proceedings at Elections, the periods during which Elections may be continued, the Trial of controverted Elections, and proceedings incident thereto, the vacating of seats of Members, and the Execution of new Writs in case of seats vacated otherwise than by Dissolution,—shall respectively apply to Elections of Members to serve in the House of Commons for the same several Provinces.

Provided that, until the Parliament of Canada otherwise provides, at any Election for a Member of the House of Commons for the District of Algoma, in addition to persons qualified by the Law of the Province of Canada to vote, every male British subject, aged twenty-one years or upwards, being a householder, shall have a Vote.

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42. For the first Election of Members to serve in the House of Commons the Governor General shall cause Writs to be issued by such person, in such form, and addressed to such Returning Officers as he thinks fit.

Writs for
First
Election.

The person issuing Writs under this section shall have the like powers as are possessed at the Union by the Officers charged with the issuing of Writs for the Election of Members to serve in the respective House of Assembly or Legislative Assembly of the Province of Canada, Nova Scotia, or New Brunswick; and the Returning Officers to whom Writs are directed under this section shall have the like powers as are possessed at the Union by the Officers charged with the returning of Writs for the Election of Members to serve in the same respective House of Assembly or Legislative Assembly.

43. In case a vacancy in the Representation in the House of Commons of any electoral district happens before the meeting of the Parliament, or after the meeting of the Parliament before provision is made by the Parliament in this behalf, the provisions of the last foregoing section of this Act shall extend and apply to the issuing and returning of a Writ in respect of such vacant district.

As to Casual
Vacancies.

44. The House of Commons on its first assembling after a general Election shall proceed with all practicable speed to elect one of its Members to be Speaker.

As to
Election of
Speaker of
House of
Commons.

45. In case of a vacancy happening in the Office of Speaker by death, resignation, or otherwise, the House of Commons shall with all practicable speed proceed to elect another of its Members to be Speaker.

As to filling
up Vacancy
in Office of
Speaker.
Speaker to
preside.
Provision
in case of
Absence of
Speaker.

46. The Speaker shall preside at all Meetings of the House of Commons.

47. Until the Parliament of Canada otherwise provides, in case of the absence for any reason of the Speaker from the Chair of the House of Commons for a period of forty-eight consecutive hours, the House may elect another of its Members to act as Speaker, and the Member so elected shall during the continuance of such absence of the Speaker have and execute all the powers, privileges, and duties of Speaker.

48. The presence of at least twenty Members of the House of Commons shall be necessary to constitute a Meeting of the House for the exercise of its powers, and for that purpose the Speaker shall be reckoned as a Member.

Quorum of
House of
Commons

49. Questions arising in the House of Commons shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal, but not otherwise, the Speaker shall have a vote.

Voting in
House of
Commons.

50. Every House of Commons shall continue for five years from the day of the return of the Writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer.

Duration of
House of
Commons.

51. On the completion of the census in the year One thousand eight hundred and seventy-one, and of each subsequent decennial census, the representation of the four Provinces shall be readjusted by such authority, in such manner, and from such time, as the Parliament of Canada from time to time provides, subject and according to the following Rules :

Decennial
Re-adjust-
ment of Re-
presentation

(1.) Quebec shall have the fixed number of Sixty-five Members :

(2.) There shall be assigned to each of the other Provinces such a number

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of Members as will bear the same proportion to the number of its population (ascertained at such census) as the number sixty-five bears to the number of the population of Quebec (so ascertained) :

- (3.) In the computation of the number of Members for a Province a fractional part not exceeding one-half of the whole number requisite for entitling the Province to a Member shall be disregarded; but a fractional part exceeding one-half of that number shall be equivalent to the whole number :
- (4.) On any such re-adjustment the number of Members for a Province shall not be reduced unless the proportion which the number of the population of the Province bore to the number of the aggregate population of Canada at the then last preceding re-adjustment of the number of Members for the Province is ascertained at the then latest census to be diminished by one-twentieth part or upwards :
- (5.) Such re-adjustments shall not take effect until the termination of the then existing Parliament.

52. The number of Members of the House of Commons may be from time to time increased by the Parliament of Canada, provided the proportionate representation of the Provinces prescribed by this Act is not thereby disturbed.

MONEY VOTES ; ROYAL ASSENT.

Increase of
Number of
House of
Commons.

53. Bills for appropriating any part of the Public Revenue, or for imposing any Tax or impost, shall originate in the House of Commons.

Appropriation
and Tax
Bills.
Recommen-
dation of
Money Votes.

54. It shall not be lawful for the House of Commons to adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the Public Revenue, or of any Tax or impost, to any purpose that has not been first recommended to that House by Message of the Governor General in the Session in which such vote, resolution, address, or bill is proposed.

Royal Assent
to Bills, &c.

55. Where a bill passed by the House of Parliament is presented to the Governor General for the Queen's assent, he shall declare, according to his discretion, but subject to the Provisions of this Act and to Her Majesty's instructions, either that he assents thereto in the Queen's name, or that he withholds the Queen's assent, or that he reserves the bill for the signification of the Queen's pleasure.

Disallowance
by Order in
Council of
Act assented
to by
Governor
General.

56. Where the Governor General assents to a bill in the Queen's name he shall by the first convenient opportunity send an authentic copy of the Act to one of Her Majesty's Principal Secretaries of State, and if the Queen in Council within two years after receipt thereof by the Secretary of State thinks fit to disallow the Act, such disallowance (with a Certificate of the Secretary of State of the day on which the Act was received by him) being signified by the Governor General, by Speech or Message to each of the Houses of Parliament or by Proclamation, shall annul the Act from and after the day of such signification.

Signification
of Queen's
Pleasure on
Bill reserved.

57. A bill reserved for the signification of the Queen's pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor General for the Queen's assent, the Governor General signifies, by Speech or Message to each of the Houses of the Parliament or by Proclamation, that it has received the assent of the Queen in Council.

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An entry of every such Speech, Message, or Proclamation shall be made in the Journal of each House, and a Duplicate thereof duly attested shall be delivered to the proper Officer to be kept among the records of Canada.

V.—PROVINCIAL CONSTITUTIONS.

EXECUTIVE POWER.

58. For each Province there shall be an Officer, styled the Lieutenant Governor, appointed by the Governor General in Council by Instrument under the Great Seal of Canada.

Appointment of Lieutenant Governors of Provinces.

59. A Lieutenant Governor shall hold Office during the pleasure of the Governor General; but any Lieutenant Governor appointed after the commencement of the first Session of the Parliament of Canada shall not be removeable within five years from his appointment, except for cause assigned, which shall be communicated to him in writing within one month after the order for his removal is made, and shall be communicated by Message to the Senate and to the House of Commons within one week thereafter if the Parliament is then sitting, and if not then within one week after the commencement of the next Session of the Parliament.

Tenure of Office of Lieutenant Governor.

60. The salaries of the Lieutenant Governors shall be fixed and provided by the Parliament of Canada.

Salaries of Lieutenant Governors. Oaths, &c. of Lieutenant Governor.

61. Every Lieutenant Governor shall, before assuming the duties of his Office, make and subscribe before the Governor General or some person authorized by him Oaths of Allegiance and Office similar to those taken by the Governor General.

62. The Provisions of this Act referring to the Lieutenant Governor extend and apply to the Lieutenant Governor for the time being of each Province, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of the Province, by whatever title he is designated.

Application of Provisions referring to Lieutenant Governor.

63. The Executive Council of Ontario and of Quebec shall be composed of such persons as the Lieutenant Governor from time to time thinks fit, and in the first instance of the following Officers, namely,—the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works with, in Quebec, the Speaker of the Legislative Council and the Solicitor General.

Appointment of Executive Officers for Ontario and Quebec.

64. The Constitution of the Executive Authority in each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union until altered under the Authority of this Act.

Executive Government of Nova Scotia and New Brunswick.

65. All Powers, Authorities and Functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union vested in or exerciseable by the respective Governors or Lieutenant Governors of those Provinces, with the advice or with the advice and consent of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by

Powers to be exercised by Lieutenant Governor of Ontario or Quebec with Advice, or alone.

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those Governors or Lieutenant Governors individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in and shall or may be exercised by the Lieutenant Governor of Ontario and Quebec respectively, with the advice or with the advice and consent of or in conjunction with the respective Executive Councils, or any Members thereof, or by the Lieutenant Governor individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland,) to be abolished or altered by the respective Legislatures of Ontario and Quebec.

Application of Provisions referring to Lieutenant Governor in Council. Administration in Absence, &c. of Lieutenant Governor. Seats of Provincial Governments.

66. The provisions of this Act referring to the Lieutenant Governor in Council shall be construed as referring to the Lieutenant Governor of the Province acting by and with the advice of the Executive Council thereof.

67. The Governor General in Council may from time to time appoint an Administrator to execute the office and functions of Lieutenant Governor during his absence, illness or other inability.

68. Unless and until the Executive Government of any Province otherwise directs with respect to that Province, the Seats of Government of the Provinces shall be as follows, namely,—of Ontario, the City of Toronto; of Quebec, the City of Quebec; of Nova Scotia, the City of Halifax; and of New Brunswick, the City of Fredericton.

LEGISLATIVE POWER.

1.—ONTARIO.

Legislature for Ontario.

69. There shall be a Legislature for Ontario consisting of the Lieutenant Governor and of one House, styled the Legislative Assembly of Ontario.

Electoral Districts.

70. The Legislative Assembly of Ontario shall be composed of Eighty-two Members, to be elected to represent the Eighty-two Electoral Districts set forth in the First Schedule to this Act.

2.—QUEBEC.

Legislature for Quebec.

71. There shall be a Legislature for Quebec consisting of the Lieutenant Governor and of two Houses, styled the Legislative Council of Quebec and the Legislative Assembly of Quebec.

Constitution of Legislative Council.

72. The Legislative Council of Quebec shall be composed of Twenty-four Members, to be appointed by the Lieutenant Governor, in the Queen's name, by instrument under the Great Seal of Quebec, one being appointed to represent each of the Twenty-four Electoral Divisions of Lower Canada in this Act referred to, and each holding office for the term of his life, unless the Legislature of Quebec otherwise provides under the provisions of this Act.

Qualification of Legislative Councillors. Resignation, Disqualification, &c. Vacancies.

73. The qualifications of the Legislative Councillors of Quebec shall be the same as those of the Senators for Quebec.

74. The place of a Legislative Councillor of Quebec shall become vacant in the cases, *mutatis mutandis*, in which the place of Senator becomes vacant.

75. When a vacancy happens in the Legislative Council of Quebec by

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resignation, death or otherwise, the Lieutenant Governor, in the Queen's name, by instrument under the Great Seal of Quebec, shall appoint a fit and qualified person to fill the vacancy.

76. If any question arises respecting the qualification of a Legislative Councillor of Quebec, or a vacancy in the Legislative Council of Quebec, the same shall be heard and determined by the Legislative Council. Questions as to Vacancies, &c.

77. The Lieutenant Governor may from time to time, by instrument under the Great Seal of Quebec, appoint a Member of the Legislative Council of Quebec to be Speaker thereof, and may remove him and appoint another in his stead. Speaker of Legislative Council.

78. Until the Legislature of Quebec otherwise provides, the presence of at least Ten Members of the Legislative Council, including the Speaker, shall be necessary to constitute a Meeting for the exercise of its Powers. Quorum of Legislative Council.

79. Questions arising in the Legislative Council of Quebec shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative. Voting in Legislative Council.

80. The Legislative Assembly of Quebec shall be composed of Sixty-five Members, to be elected to represent the Sixty-five Electoral Divisions or Districts of Lower Canada in this Act referred to, subject to alteration thereof by the Legislature of Quebec: provided that it shall not be lawful to present to the Lieutenant Governor of Quebec for assent, any Bill for altering the limits of any of the Electoral Divisions or Districts mentioned in the Second Schedule to this Act, unless the Second and Third Readings of such Bill have been passed in the Legislative Assembly with the concurrence of the majority of the Members representing all those Electoral Divisions or Districts, and the assent shall not be given to such Bill unless an Address has been presented by the Legislative Assembly to the Lieutenant Governor stating that it has been so passed. Constitution of Legislative Assembly of Quebec.

3.—ONTARIO AND QUEBEC.

81. The Legislatures of Ontario and Quebec respectively shall be called together not later than six months after the Union. First Session of Legislatures.

82. The Lieutenant Governor of Ontario and of Quebec shall from time to time, in the Queen's name, by instrument under the Great Seal of the Province, summon and call together the Legislative Assembly of the Province. Summoning of Legislative Assemblies.

83. Until the Legislature of Ontario or of Quebec otherwise provides, a person accepting or holding in Ontario or in Quebec any office, commission or employment, permanent or temporary, at the nomination of the Lieutenant Governor, to which an annual salary, or any fee, allowance, emolument or profit of any kind or amount whatever from the Province is attached, shall not be eligible as a Member of the Legislative Assembly of the respective Province, nor shall he sit or vote as such; but nothing in this Section shall make ineligible any person being a Member of the Executive Council of the respective Province, or holding any of the following offices, that is to say, the offices of Attorney General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, and Commissioner of Agriculture and Public Works, and in Quebec Solicitor General, or shall disqualify him to sit or vote in the House for which he is elected, provided he is elected while holding such office. Restriction on Election of Holders of Offices.

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Continuance
of existing
Election
Laws.

84. Until the Legislatures of Ontario and Quebec respectively otherwise provide, all Laws which at the Union are in force in those Provinces respectively, relative to the following matters, or any of them, namely,—the qualifications and disqualifications of persons to be elected or to sit or vote as Members of the Assembly of Canada, the qualifications or disqualifications of voters, the oaths to be taken by voters, the Returning Officers, their powers and duties, the proceedings at Elections, the periods during which such Elections may be continued, and the trial of controverted Elections and the proceedings incident thereto, the vacating of the Seats of Members and the issuing and execution of new Writs in case of Seats vacated otherwise than by dissolution,—shall respectively apply to Elections of Members to serve in the respective Legislative Assemblies of Ontario and Quebec.

Provided that, until the Legislature of Ontario otherwise provides, at any Election for a Member of the Legislative Assembly of Ontario for the District of Algoma, in addition to persons qualified by the Law of the Province of Canada to vote, every male British subject, aged twenty-one years or upwards, being a householder, shall have a vote.

Duration of
Legislative
Assemblies.

85. Every Legislative Assembly of Ontario and every Legislative Assembly of Quebec, shall continue for four years from the day of the return of the Writs for choosing the same (subject nevertheless to either the Legislative Assembly of Ontario or the Legislative Assembly of Quebec being sooner dissolved by the Lieutenant Governor of the Province), and no longer.

Yearly
Session of
Legislature.

86. There shall be a Session of the Legislature of Ontario and of that of Quebec once at least in every year, so that twelve months shall not intervene between the last sitting of the Legislature in each Province in one session and its first sitting in the next session.

Speaker,
Quorum, &c.

87. The following provisions of this Act respecting the House of Commons of Canada shall extend and apply to the Legislative Assemblies of Ontario and Quebec, that is to say,—the provisions relating to the election of a Speaker originally and on vacancies, the duties of the Speaker, the absence of the Speaker, the quorum, and the mode of voting, as if those provisions were here re-enacted and made applicable in terms to each such Legislative Assembly.

4.—NOVA SCOTIA AND NEW BRUNSWICK.

Constitutions
of
Legislatures
of Nova
Scotia and
New Bruns-
wick.

88. The constitution of the Legislature of each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue at it exists at the Union until altered under the authority of this Act; and the House of Assembly of New Brunswick existing at the passing of this Act shall, unless sooner dissolved, continue for the period for which it was elected.

5—ONTARIO, QUEBEC, AND NOVA SCOTIA.

First
Elections.

89. Each of the Lieutenant Governors of Ontario, Quebec, and Nova Scotia shall cause Writs to be issued for the first election of Members of the Legislative Assembly thereof in such form and by such person as he thinks fit, and at such time and addressed to such Returning Officer as the Governor General directs, and so that the first election of Member of Assembly for any Electoral District or

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any subdivision thereof shall be held at the same time and at the same places as the election for a Member to serve in the House of Commons of Canada for that Electoral District.

6.—THE FOUR PROVINCES.

90. The following provisions of this Act respecting the Parliament of Canada, namely,—the provisions relating to Appropriation and Tax Bills, the recommendation of Money Votes, the assent to Bills, the disallowance of Acts, and the signification of pleasure on Bills reserved,—shall extend and apply to the Legislatures of the several Provinces as if those provisions were here re-enacted and made applicable in terms to the respective Provinces and the Legislatures thereof, with the substitution of the Lieutenant Governor of the Province for the Governor General, of the Governor General for the Queen and for a Secretary of State, of one year for two years, and of the Province for Canada.

Application to
Legislatures
of Provisions
respecting
Money Votes,
&c.

VI.—DISTRIBUTION OF LEGISLATIVE POWERS.

POWERS OF THE PARLIAMENT.

91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order, and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that (notwithstanding anything in this Act) the exclusive legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated; that is to say,—

Legislative
Authority of
Parliament
of Canada.

1. The Public Debt and Property.
2. The regulation of Trade and Commerce.
3. The raising of Money by any mode or system of taxation.
4. The borrowing of Money on the public credit.
5. Postal Service.
6. The Census and Statistics.
7. Militia, Military and Naval Service, and Defence.
8. The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada.
9. Beacons, Buoys, Lighthouses, and Sable Island.
10. Navigation and Shipping.
11. Quarantine and the establishment and maintenance of Marine Hospitals.
12. Sea Coast and Inland Fisheries.
13. Ferries between a Province and any British or Foreign country or between two Provinces.
14. Currency and Coinage.
15. Banking, Incorporation of Banks, and the issue of Paper Money,
16. Savings Banks.
17. Weights and Measures.

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18. Bills of Exchange and Promissory Notes.
19. Interest.
20. Legal Tender.
21. Bankruptcy and Insolvency.
22. Patents of Invention and Discovery.
23. Copyrights.
24. *Indians* and Lands reserved for the *Indians*.
25. Naturalization and Aliens.
26. Marriage and Divorce.
27. The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the procedure in Criminal Matters.
28. The establishment, maintenance and management of Penitentiaries.
29. Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any matter coming within any of the classes of subjects enumerated in this Section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces. .

EXCLUSIVE POWERS OF PROVINCIAL LEGISLATURES.

Subjects of
exclusive
Provincial
Legislation.

92. In each Province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated ; that is to say :—

1. The Amendment from time to time, notwithstanding anything in this Act, of the constitution of the Province, except as regards the office of Lieutenant Governor.
2. Direct taxation within the Province in order to the raising of a Revenue for Provincial purposes.
3. The borrowing of money on the sole credit of the Province.
4. The establishment and tenure of Provincial offices, and the appointment and payment of Provincial officers.
5. The management and sale of the public lands belonging to the Province, and of the timber and wood thereon.
6. The establishment, maintenance and management of Public and Reformatory Prisons in and for the Province.
7. The establishment, maintenance and management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.
8. Municipal Institutions in the Province.
9. Shop, Saloon, Tavern, Auctioneer, and other Licences in order to the raising of a Revenue for Provincial, Local, or Municipal purposes.
10. Local Works and undertakings other than such as are of the following classes :—
 - a. Lines of Steam or other Ships, Railways, Canals, Telegraphs,

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- and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province :
- b. Lines of Steam Ships between the Province and any British or Foreign Country :
 - c. Such works as, although wholly situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more of the Provinces.
11. The Incorporation of Companies with Provincial objects.
 12. The Solemnization of Marriage in the Province.
 13. Property and Civil Rights in the Province.
 14. The Administration of Justice in the Province, including the Constitution, maintenance and organization of Provincial Courts, both of Civil and of Criminal jurisdiction, and including procedure in Civil matters in those Courts.
 15. The imposition of punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this section.
 16. Generally all matters of a merely local or private nature in the Province.

EDUCATION.

93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following provisions :—

Legislation
respecting
Education.

- (1.) Nothing in any such Law shall prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by Law in the Province at the Union :
- (2.) All the powers, privileges and duties at the Union by Law conferred and imposed in Upper Canada on the separate schools and school trustees of the Queen's Roman Catholic subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic subjects in Quebec :
- (3.) Where in any Province a system of separate or Dissident Schools exists by Law at the Union, or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor-General in Council from any act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.
- (4.) In case any such Provincial Law as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this Section is not made, or in case any decision of the Governor-General in Council on any appeal under this Section is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each

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case require, the Parliament of Canada may make remedial Laws for the due execution of the provisions of this Section and of any decision of the Governor-General in Council under this Section.

UNIFORMITY OF LAWS IN ONTARIO, NOVA SCOTIA, AND NEW BRUNSWICK.

Legislation
for
Uniformity of
Laws in
Three
Provinces.

94. Notwithstanding anything in this Act, the Parliament of Canada may make provision for the uniformity of all or any of the Laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and of the procedure of all or any of the Courts in those three Provinces, and from and after the passing of any Act in that behalf the power of the Parliament of Canada to make Laws in relation to any matter comprised in any such Act shall, notwithstanding anything in this Act, be unrestricted; but any Act of the Parliament of Canada making provision for such uniformity shall not have effect in any Province unless and until it is adopted and enacted as Law by the Legislature thereof.

AGRICULTURE AND IMMIGRATION.

Concurrent
Powers of
Legislation
respecting
Agriculture,
&c.

95. In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to immigration into the Province; and it is hereby declared that the Parliament of Canada may from time to time make Laws in relation to Agriculture in all or any of the Provinces; and to Immigration into all or any of the Provinces, and any Law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

VII.—JUDICATURE.

Appointment
of Judges.

96. The Governor-General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

Selection of
Judges in
Ontario, &c.

97. Until the Laws relative to Property and Civil Rights in Ontario, Nova Scotia and New Brunswick, and the Procedure of the Courts in those Provinces, are made uniform, the Judges of the Courts of those Provinces appointed by the Governor General shall be selected from the respective Bars of those Provinces.

Selection of
Judges in
Quebec.
Tenure of
Office of
Judges of
Superior
Courts.
Salaries, &c.
of Judges.

98. The Judges of the Courts of Quebec shall be selected from the Bar of that Province.

99. The Judges of the Superior Courts shall hold Office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

100. The Salaries, Allowances and Pensions of the Judges of the Superior, District and County Courts (except the Courts of Probate in Nova Scotia and New Brunswick), and of the Admiralty Courts in cases where the Judges thereof are for the time being paid by salary, shall be fixed and provided by the Parliament of Canada.

General
Court of
Appeal, &c.

101. The Parliament of Canada may, notwithstanding anything in this Act, from time to time provide for the constitution, maintenance and organization of a General Court of Appeal for Canada, and for the establishment of any additional Courts for the better administration of the Laws of Canada.

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VIII.—REVENUES; DEBTS; ASSETS; TAXATION.

102. All Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia and New Brunswick before and at the Union had and have Power of Appropriation, except such portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special Powers conferred on them by this Act, shall form one Consolidated Revenue Fund, to be appropriated for the public service of Canada in the manner and subject to the charges in this Act provided. Creation of Consolidated Revenue Fund.
103. The Consolidated Revenue Fund of Canada shall be permanently charged with the costs, charges and expenses incident to the collection, management and receipt thereof, and the same shall form the first charge thereon, subject to be reviewed and audited in such manner as shall be ordered by the Governor General in Council until the Parliament otherwise provides. Expenses of Collection, &c.
104. The annual Interest of the public debts of the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union shall form the second charge on the Consolidated Revenue Fund of Canada. Interest of Provincial Public Debts.
105. Unless altered by the Parliament of Canada, the salary of the Governor General shall be Ten thousand pounds sterling money of the United Kingdom of Great Britain and Ireland, payable out of the Consolidated Revenue Fund of Canada, and the same shall form the third charge thereon. Salary of Governor General.
106. Subject to the several payments by this Act charged on the Consolidated Revenue Fund of Canada, the same shall be appropriated by the Parliament of Canada for the public Service. Appropriation from Time to Time.
107. All Stocks, Cash, Banker's Balances and Securities for money belonging to each Province at the time of the Union, except as in this Act mentioned, shall be the property of Canada, and shall be taken in reduction of the amount of the respective debts of the Provinces at the Union. Transfer of Stocks, &c.
108. The public Works and Property of each Province, enumerated in the third Schedule to this Act, shall be the property of Canada. Transfer of Property in Schedule.
109. All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any Trusts existing in respect thereof, and to any interest other than that of the Province in the same. Property in Lands, Mines, &c.
110. All assets connected with such portions of the public debt of each Province as are assumed by that Province shall belong to that Province. Assets connected with Provincial Debts.
111. Canada shall be liable for the debts and liabilities of each Province existing at the Union. Canada to be liable to Provincial Debts.
112. Ontario and Quebec conjointly shall be liable to Canada for the amount (if any) by which the debt of the Province of Canada exceeds at the Union Sixty-two millions five hundred thousand dollars, and shall be charged with Interest at the rate of five per centum per annum thereon. Debts of Ontario and Quebec.

PART VIII.

Assets of
Ontario and
Quebec.

113. The assets enumerated in the fourth Schedule to this Act belonging at the Union to the Province of Canada shall be the property of Ontario and Quebec conjointly.

Debt of
Nova Scotia.

114. Nova Scotia shall be liable to Canada for the amount (if any) by which its public debt exceeds at the Union Eight million dollars, and shall be charged with Interest at the rate of five per centum per annum thereon.

Debt of New
Brunswick.

115. New Brunswick shall be liable to Canada for the amount (if any) by which its public debt exceeds at the Union Seven million dollars, and shall be charged with Interest at the rate of five per centum per annum thereon.

Payment of
Interest to
Nova Scotia
and New
Brunswick.

116. In case the public debts of Nova Scotia and New Brunswick do not at the Union amount to Eight million and seven million dollars respectively, they shall respectively receive by half-yearly payments in advance from the Government of Canada Interest at five per centum per annum on the difference between the actual amount of their respective debts and such stipulated amounts.

Provincial
Public
Property.

117. The several Provinces shall retain all their respective public property not otherwise disposed of in this Act, subject to the right of Canada to assume any Lands or public Property required for fortifications or for the defence of the Country.

Grants to
Provinces.

118. The following sums shall be paid yearly by Canada to the several Provinces for the support of their Governments and Legislatures :

| | Dollars |
|--------------------|-------------------|
| ONTARIO | Eighty thousand. |
| QUEBEC | Seventy thousand. |
| NOVA SCOTIA | Sixty thousand. |
| NEW BRUNSWICK | Fifty thousand. |

Two hundred and sixty thousand ;

and an annual grant in aid of each Province shall be made, equal to eighty cents per head of the population as ascertained by the Census of One thousand eight hundred and sixty one, and in the case of Nova Scotia and New Brunswick, by each subsequent Decennial Census until the population of each of those two Provinces amounts to Four thousand souls, at which rate such grant shall thereafter remain. Such grants shall be in full settlement of all future demands on Canada, and shall be paid half-yearly in advance to each Province ; but the Government of Canada shall deduct from such grants, as against any Province, all sums chargeable as interest on the Public Debt of that Province in excess of the several amounts stipulated in this Act.

Further
Grant to
New
Brunswick.

119. New Brunswick shall receive by half-yearly payments in advance from Canada for the period of Ten years from the Union, an additional allowance of Sixty-three thousand dollars per annum ; but as long as the Public Debt of that Province remains under Seven million dollars, a deduction equal to the interest at five per centum per annum on such deficiency shall be made from that allowance of Sixty-three thousand dollars.

Form of
Payments.

120. All payments to be made under this Act, or in discharge of liabilities created under any Act of the Provinces of Canada, Nova Scotia and New

PARTS VIII. AND IX.

Brunswick respectively, and assumed by Canada, shall, until the Parliament of Canada otherwise directs, be made in such form and manner as may from time to time be ordered by the Governor General in Council.

121. All articles of the growth, produce or manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces.

Canadian
Manufactures,
&c.

122. The Customs and Excise Laws of each Province shall, subject to the provisions of this Act, continue in force until altered by the Parliament of Canada.

Continuance
of Customs
and Excise
Laws.

123. Where Customs duties are, at the Union, leviable on any goods, wares or merchandises in any two Provinces, those goods, wares and merchandises may, from and after the Union, be imported from one of those Provinces into the other of them on proof of payment of the Customs duty leviable thereon in the Province of exportation, and on payment of such further amount (if any) of Customs duty as is leviable thereon in the Province of importation.

Exportation
and Importation
as
between Two
Provinces.

124. Nothing in this Act shall affect the right of New Brunswick to levy the lumber dues provided in Chapter Fifteen of Title Three of the Revised Statutes of New Brunswick, or in any Act amending that Act before or after the Union, and not increasing the amount of such dues; but the lumber of any of the Provinces other than New Brunswick shall not be subject to such dues.

Lumber Dues
in New
Brunswick.

125. No lands or property belonging to Canada or any Province shall be liable to taxation.

Exemption
of Public
Lands, &c.
Provincial
Consolidated
Revenue
Fund.

126. Such portions of the duties and revenues over which the respective Legislatures of Canada, Nova Scotia and New Brunswick had before the Union Power of Appropriation as are by this Act reserved to the respective Governments or Legislatures of the Provinces, and all duties and revenues raised by them in accordance with the special Powers conferred upon them by this Act, shall in each Province form one Consolidated Revenue Fund to be appropriated for the Public Service of the Province.

IX.—MISCELLANEOUS PROVISIONS.

GENERAL.

127. If any person being at the passing of this Act a Member of the Legislative Council of Canada, Nova Scotia or New Brunswick, to whom a place in the Senate is offered, does not within Thirty days thereafter, by writing under his hand addressed to the Governor General of the Province of Canada, or to the Lieutenant Governor of Nova Scotia or New Brunswick (as the case may be), accept the same, he shall be deemed to have declined the same; and any person who being at the passing of this Act a Member of the Legislative Council of Nova Scotia or New Brunswick, accepts a place in the Senate, shall thereby vacate his Seat in such Legislative Council.

As to
Legislative
Councillors
of Provinces
becoming
Senators.

128. Every Member of the Senate or House of Commons of Canada, shall before taking his Seat therein take and subscribe before the Governor General or some person authorized by him, and every Member of a Legislative Council or Legislative Assembly of any Province shall before taking his Seat therein take and subscribe before the Lieutenant Governor of the Province or some person

Oath of
Allegiance,
&c.

PART IX.

authorized by him, the Oath of Allegiance contained in the Fifth Schedule to this Act; and every Member of the Senate of Canada and every Member of the Legislative Council of Quebec shall also, before taking his Seat therein, take and subscribe before the Governor General, or some person authorized by him, the declaration of qualification contained in the same Schedule.

Continuance
of existing
Laws,
Courts,
Officers, &c.

129. Except as otherwise provided by this Act, all Laws in force in Canada, Nova Scotia or New Brunswick at the Union, and all Courts of Civil and Criminal Jurisdiction, and all legal Commissions, Powers and Authorities, and all Officers, Judicial, Administrative and Ministerial existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland,) to be repealed, abolished or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the Authority of the Parliament or of that Legislature under this Act.

Transfer of
Officers to
Canada.

130. Until the Parliament of Canada otherwise provides, all Officers of the several Provinces having duties to discharge in relation to matters other than those coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces shall be Officers of Canada, and shall continue to discharge the duties of their respective offices under the same liabilities, responsibilities and penalties as if the Union had not been made.

Appointment
of new
Officers.

131. Until the Parliament of Canada otherwise provides, the Governor General in Council may from time to time appoint such Officers as the Governor General in Council deems necessary or proper for the effectual execution of this Act.

Treaty
Obligations.

132. The Parliament and Government of Canada shall have all Powers necessary or proper for performing the obligations of Canada or of any Province thereof, as part of the British Empire, towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries.

Use of
English and
French
Languages.

133. Either the English or the French language may be used by any person in the Debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec, and both those languages shall be used in the respective Records and Journals of those Houses; and either of those languages may be used by any person or in any pleading or process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those languages.

ONTARIO AND QUEBEC.

Appointment
of Executive
Officers for
Ontario and
Quebec.

134. Until the Legislature of Ontario or of Quebec otherwise provides, the Lieutenant Governors of Ontario and Quebec may each appoint under the Great Seal of the Province the following Officers, to hold Office during pleasure, that is to say,—the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Com-

PART IX.

missioner of Agriculture and Public Works, and in the case of Quebec the Solicitor General, and may, by order of the Lieutenant Governor in Council, from time to time prescribe the duties of those Officers, and of the several departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof, and may also appoint other and additional Officers to hold office during pleasure, and may from time to time prescribe the duties of those Officers, and of the several departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof.

135. Until the Legislature of Ontario or Quebec otherwise provides, all Rights, Powers, Duties, Functions, Responsibilities or Authorities at the passing of this Act vested in or imposed on the Attorney General, Solicitor General, Secretary and Registrar of the Province of Canada, Minister of Finance, Commissioner of Crown Lands, Commissioner of Public Works, and Minister of Agriculture and Receiver General, by any Law, Statute or Ordinance of Upper Canada, Lower Canada or Canada, and not repugnant to this Act, shall be vested in or imposed on any Officer to be appointed by the Lieutenant Governor for the discharge of the same or any of them; and the Commissioner of Agriculture and Public Works shall perform the Duties and Functions of the Office of Minister of Agriculture at the passing of this Act imposed by the Law of the Province of Canada, as well as those of the Commissioner of Public Works.

Powers,
Duties, &c.
of Executive
Officers.

136. Until altered by the Lieutenant Governor in Council, the Great Seals of Ontario and Quebec respectively shall be the same, or of the same design as those used in the Provinces of Upper Canada and Lower Canada respectively before their Union as the Province of Canada.

Great Seals.

137. The words "and from thence to the end of the then next ensuing Session of the Legislature," or words to the same effect, used in any temporary Act of the Province of Canada not expired before the Union, shall be construed to extend and apply to the next Session of the Parliament of Canada if the subject matter of the Act is within the Powers of the same as defined by this Act or to the next Sessions of the Legislatures of Ontario and Quebec respectively if the subject matter of the Act is within the Powers of the same as defined by this Act.

Construction
of temporary
Acts.

138. From and after the Union the use of the words "Upper Canada" instead of "Ontario," or "Lower Canada" instead of "Quebec," in any Deed, Writ, Process, Pleading, Document, Matter or Thing, shall not invalidate the same.

As to Errors
in Names.

139. Any Proclamation under the Great Seal of the Province of Canada issued before the Union to take effect at a time which is subsequent to the Union, whether relating to that Province, or to Upper Canada, or to Lower Canada, and the several matters and things therein proclaimed, shall be and continue of like force and effect as if the Union had not been made.

As to Issue
of Proclama-
tions before
Union, to
commence
after Union.

140. Any Proclamation which is authorized by any Act of the Legislature of the Province of Canada to be issued under the Great Seal of the Province of Canada, whether relating to that Province, or to Upper Canada, or to Lower Canada, and which is not issued before the Union, may be issued by the Lieutenant Governor of Ontario or of Quebec, as its subject matter requires, under the Great Seal thereof; and from and after the issue of such Proclamation the

As to Issue
of Proclama-
tions after
Union.

PARTS IX., X. AND XI.

same and the several matters and things therein proclaimed, shall be and continue of the like force and effect in Ontario or Quebec as if the Union had not been made.

Penitentiary. 141. The Penitentiary of the Province of Canada shall, until the Parliament of Canada otherwise provides, be and continue the Penitentiary of Ontario and of Quebec.

Arbitration respecting Debts, &c. 142. The division and adjustment of the debts, credits, liabilities, properties and assets of Upper Canada and Lower Canada shall be referred to the Arbitrament of three Arbitrators, one chosen by the Government of Ontario, one by the Government of Quebec, and one by the Government of Canada, and the selection of the Arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met, and the Arbitrator chosen by the Government of Canada shall not be a resident either in Ontario or in Quebec.

Division of Records. 143. The Governor General in Council may from time to time order that such and so many of the Records, Books and Documents of the Province of Canada as he thinks fit shall be appropriated and delivered either to Ontario or to Quebec, and the same shall thenceforth be the property of that Province; and any Copy thereof or Extract therefrom, duly certified by the Officer having charge of the original thereof, shall be admitted as evidence.

Constitution of Townships in Quebec. 144. The Lieutenant Governor of Quebec may from time to time, by Proclamation under the Great Seal of the Province, to take effect from a day to be appointed therein, constitute Townships in those parts of the Province of Quebec in which Townships are not then already constituted, and fix the metes and bounds thereof.

X.—INTERCOLONIAL RAILWAY.

Duty of Government and Parliament of Canada to make Railway herein described. 145. Inasmuch as the Provinces of Canada, Nova Scotia and New Brunswick have joined in a declaration that the construction of the Intercolonial Railway is essential to the consolidation of the Union of British North America, and to the assent thereto of Nova Scotia and New Brunswick, and have consequently agreed that provision should be made for its immediate construction by the Government of Canada: Therefore, in order to give effect to that Agreement, it shall be the duty of the Government and Parliament of Canada to provide for the commencement, within Six months after the Union, of a Railway connecting the River St. Lawrence with the City of Halifax in Nova Scotia, and for the construction thereof without intermission, and the completion thereof with all practicable speed.

XI.—ADMISSION OF OTHER COLONIES.

Power to admit Newfoundland, &c into the Union. 146. It shall be lawful for the Queen by and with the advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on

PART XI.

Address from the Houses of the Parliament of Canada to admit Rupert's Land and the North-Western Territory, or either of them, into the Union, on such terms and conditions in each case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

147. In case of the admission of Newfoundland and Prince Edward Island, or either of them, each shall be entitled to a representation in the Senate of Canada of Four Members, and (notwithstanding anything in this Act) in case of the admission of Newfoundland the normal number of Senators shall be Seventy-six and their maximum number shall be Eighty-two; but Prince Edward Island when admitted shall be deemed to be comprised in the third of the Three Divisions into which Canada is, in relation to the Constitution of the Senate, divided by this Act, and accordingly, after the admission of Prince Edward Island, whether Newfoundland is admitted or not, the representation of Nova Scotia and New Brunswick in the Senate shall, as vacancies occur, be reduced from Twelve to Ten Members respectively, and the representation of each of those Provinces shall not be increased at any time beyond Ten, except under the Provisions of this Act for the appointment of Three or Six additional Senators under the direction of the Queen.

As to
Representa-
tion of New-
foundland
and Prince
Edward
Island in
Senate.

FIRST SCHEDULE.

SCHEDULES.

(See Sec. 70.)

The FIRST SCHEDULE.

Electoral Districts of Ontario.

A.

EXISTING ELECTORAL DIVISIONS.

COUNTIES.

- | | |
|---------------|-------------------|
| 1. Prescott. | 6. Carleton. |
| 2. Glengarry. | 7. Prince Edward. |
| 3. Stormont. | 8. Halton. |
| 4. Dundas. | 9. Essex. |
| 5. Russell. | |

RIDINGS OF COUNTIES.

10. North Riding of Lanark.
11. South Riding of Lanark.
12. North Riding of Leeds and North Riding of Grenville.
13. South Riding of Leeds.
14. South Riding of Grenville.
15. East Riding of Northumberland.
16. West Riding of Northumberland (excepting therefrom the Township of South Monaghan).
17. East Riding of Durham.
18. West Riding of Durham.
19. North Riding of Ontario.
20. South Riding of Ontario.
21. East Riding of York.
22. West Riding of York.
23. North Riding of York.
24. North Riding of Wentworth.
25. South Riding of Wentworth.
26. East Riding of Elgin.
27. West Riding of Elgin.
28. North Riding of Waterloo.
29. South Riding of Waterloo.
30. North Riding of Brant.
31. South Riding of Brant.
32. North Riding of Oxford.
33. South Riding of Oxford.
34. East Riding of Middlesex.

CITIES, PARTS OF CITIES, AND TOWNS.

35. West Toronto.
36. East Toronto.
37. Hamilton.

FIRST SCHEDULE.

38. Ottawa.
39. Kingston.
40. London.
41. Town of Brockville, with the Township of Elizabethtown thereto attached.
42. Town of Niagara, with the Township of Niagara thereto attached.
43. Town of Cornwall, with the Township of Cornwall thereto attached.

B.

NEW ELECTORAL DIVISIONS.

44. The Provisional Judicial District of ALGOMA.

The County of BRUCE, divided into Two Ridings, to be called respectively the North and South Ridings:—

45. The North Riding of Bruce to consist of the Townships of Bury, Lindsay, Eastnor, Albemarle, Amabel, Arran, Bruce, Elderslie and Langeen, and the Village of Southampton.
46. The South Riding of Bruce to consist of the Townships of Kincardine (including the Village of Kincardine), Greenock, Brant, Huron, Kinross, Culross and Carrick.

The County of HURON, divided into Two Ridings, to be called respectively the North and South Ridings:—

47. The North Riding to consist of the Townships of Ashfield, Wawanosh, Turnberry, Howick, Morris, Grey, Colborne, Hullett, including Village of Clinton, and McKillop.
48. The South Riding to consist of the Town of Goderich and the Townships of Goderich, Tuckersmith, Stanley, Hay, Osborne and Stephen.

The County of MIDDLESEX, divided into Ridings, to be called respectively the North, West and East Ridings:—

49. The North Riding to consist of the Townships of McGillivray and Biddulph (taken from the County of Huron), and Williams East, Williams West, Adelaide and Lobo.
 50. The West Riding to consist of the Townships of Delaware, Carradoc, Metcalfe, Mosa and Ekfrid, and the Village of Strathroy.
- [The East Riding to consist of the Townships now embraced therein, and be bounded as it is at present.]

51. The County of LAMBTON to consist of the Townships of Bosanquet, Warwick, Plympton, Sarma, Moore, Enniskillen and Brooke, and the Town of Sarnia.
52. The County of KENT to consist of the Townships of Chatham, Dover, East Tilbury, Romney, Raleigh and Harwich, and the Town of Chatham.
53. The County of BOTHWELL to consist of the Townships of Sombra, Dawn and Euphemia (taken from the County of Lambton), and the Townships of Zone, Camden with the Gore thereof, Oxford and Howard (taken from the County of Kent).

The County of GREY, divided into Two Ridings, to be called respectively the South and North Ridings:—

54. The South Riding to consist of the Townships of Bentinck, Glenelg, Artemesia, Osprey, Normanby, Egremont, Proton and Melancthon.
55. The North Riding to consist of the Townships of Collingwood, Euphrasia, Holland, Saint-Vincent, Sydenham, Sullivan, Derby and Keppel, Sarawak and Brooke, and the Town of Owen Sound.

The County of PERTH, divided into Two Ridings, to be called respectively the South and North Ridings:—

56. The North Riding to consist of the Townships of Wallace, Elma, Logan, Ellice, Mornington and North Easthope, and the Town of Stratford.
57. The South Riding to consist of the Townships of Blanchard, Downie, South Easthope, Fullarton, Hibbert and, the Villages of Mitchell and Ste. Marys.

FIRST SCHEDULE.

The County of WELLINGTON, divided into Three Ridings, to be called respectively North, South and Centre Ridings:—

58. The North Riding to consist of the Townships of Amaranth, Arthur, Luther, Minto, Maryborough, Peel, and the Village of Mount Forest.
59. The Centre Riding to consist of the Townships of Garafraza, Erin, Eramosa, Nichol and Pilkington, and the Villages of Fergus and Elora.
60. The South Riding to consist of the Town of Guelph, and the Townships of Guelph and Puslinch.

The County of NORFOLK, divided into Two Ridings, to be called respectively the South and North Ridings:—

61. The South Riding to consist of the Townships of Charlotteville, Houghton, Walsingham and Woodhouse, and with the Gore thereof.
62. The North Riding to consist of the Townships of Middleton, Townsend and Windham, and the Town of Simcoe.
63. The County of HALDIMAND to consist of the Townships of Oneida, Seneca, Caguya North, Caguya South, Raynham, Walpole and Dunn.
64. The County of MONCK to consist of the Townships of Canborough and Moulton, and Sherbrooke, and the Village of Dunville (taken from the County of Haldimand), the Townships of Caistor and Gainsborough (taken from the County of Lincoln), and the Townships of Pelham and Wainfleet (taken from the County of Welland).
65. The County of LINCOLN to consist of the Townships of Clinton, Grantham, Grimsby and Louth, and the Town of St Catherines.
66. The County of WELLAND to consist of the Townships of Bertie, Crowland, Humberstone, Stamford, Thorold and Willoughby, and the Villages of Chippewa, Clifton, Fort Erie, Thorold and Welland.
67. The County of PEEL to consist of the Townships Chinguacousy, Toronto, and the Gore of Toronto, and the Villages of Brampton and Streetsville.
68. The County of CARDWELL to consist of the Townships of Albion and Caledon, (taken from the County of Peel), and the Townships of Adjala and Mono (taken from the County of Simcoe).

The County of SIMCOE, divided into Two Ridings, to be called respectively the South and the North Ridings:—

69. The South Riding to consist of the Townships of West Gwillimbury, Tecumseth, Innisfil, Essa, Tosorontio, Mulmur, and the Village of Bradford.
70. The North Riding to consist of the Townships of Nottawasaga, Sunnidale, Vespra, Flos, Oro, Medonte, Orillia and Matchedash, Tiny and Tay, Balaklava and Robinson, and the Towns of Barrie and Collingwood

The County of VICTORIA, divided into Two Ridings, to be called respectively the South and North Ridings:—

71. The South Riding to consist of the Townships of Ops, Mariposa, Emily, Verulam and the Town of Lindsay.
72. The North Riding to consist of the Townships of Anson, Bexley, Carden, Dalton, Digby, Eldon, Fenelon, Hindon, Laxton, Lutterworth, Macaulay and Draper, Somerville and Morrison, Muskoka, Monck and Watt (taken from the County of Simcoe), and any other surveyed Townships lying to the North of the said North Riding.

The County of PETERBOROUGH, divided into Two Ridings, to be called respectively the West and East Ridings:—

73. The West Riding to consist of the Townships of South Monaghan (taken from the County of Northumberland), North Monaghan, Smith and Ennismore, and the Town of Peterborough.
74. The East Riding to consist of the Townships of Aspodel, Belmont and Methuen, Douro, Dummer, Galway, Harvey Minden, Stanhope and Dysart, Otonabee and Snowden, and the Village of Ashburnham, and any other surveyed Townships lying to the North of the said East Riding.

 FIRST SCHEDULE.

The County of **HASTINGS**, divided into Three Ridings, to be called respectively the West, East, and North Ridings:—

75. The West Riding to consist of the Town of Belleville, the Township of Sydney, and the Village of Trenton.
76. The East Riding to consist of the Townships of Thurlow, Tyendinaga and Hungerford.
77. The North Riding to consist of the Townships of Rawdon, Huntingdon, Madoc, Elzevir, Tudor, Marmora and Lake, and the Village of Stirling, and any other surveyed Townships lying to the North of the said North Riding.
78. The County of **LENNOX** to consist of the Townships of Richmond, Adolphustown, North Fredericksburg, South Fredericksburg, Ernest Town and Amherst Island, and the Village of Napanee.
79. The County of **ADDINGTON** to consist of the Townships of Camden, Portland, Sheffield, Hinchinbroke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, Canonto, Denbigh, Loughborough and Bedford.
80. The County of **FRONTENAC** to consist of the Townships of Kingston, Wolfe Island, Pittsburg and Howe Island, and Storrington.

The County of **RENFREW**, divided into Two Ridings, to be called respectively the South and North Ridings:—

81. The South Riding to consist of the Townships of McNab, Bagot, Blithfield, Brougham, Horton, Admaston, Grattan, Matawatchan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, and the Villages of Arnprior and Renfrew.
82. The North Riding to consist of the Townships of Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petawawa, Buchanan, South Algona, North Algona, Fraser, McKay, Wylie, Rolph, Head, Maria, Clara, Haggerty, Sherwood, Burns and Richards, and any other surveyed Townships lying North-Westerly of the said North Riding.

Every Town and incorporated Village existing at the Union, not specially mentioned in this Schedule, is to be taken as Part of the Country or Riding within which it is locally situate.

 SECOND AND THIRD SCHEDULES.

(See Sec. 80.)

The SECOND SCHEDULE.

Electoral Districts of Quebec specially fixed.

| COUNTIES OF— | | |
|---|--|--|
| Pontiac. Ottawa. Argenteuil. Huntingdon. | Missisquoi. Brome. Shefford. Stanstead. | Compton. Wolfe and Richmond. Megantic. |
| TOWN of Sherbrooke. | | |

(See Sec. 108.)

The THIRD SCHEDULE.

Provincial Public Works and Property to be the Property of Canada.

1. Canals, with Lands and Water Power connected therewith.
 2. Public Harbours.
 3. Lighthouses and Piers, and Sable Island.
 4. Steamboats, Dredges, and Public Vessels.
 5. Rivers and Lake Improvements.
 6. Railways and Railway Stocks, Mortgages, and other Debts due by Railway Companies.
 7. Military Roads.
 8. Custom Houses, Post Offices, and all other Public Buildings, except such as the Government of Canada appropriate for the use of the Provincial Legislatures and Governments.
 9. Property transferred by the Imperial Government, and known as Ordnance Property.
 10. Armouries, Drill Sheds, Military Clothing, and Munitions of War, and Lands set apart for general Public Purposes.
-

FOURTH SCHEDULE.

The FOURTH SCHEDULE.

(See Sec. 113)

Assets to be the Property of Ontario and Quebec conjointly.

Upper Canada Building Fund.
Lunatic Asylums.
Normal School.
Court Houses
 in
Aylmer, { Lower Canada.
Montreal, {
Kamouraska, {
Law Society, Upper Canada.
Montreal Turnpike Trust.
University Permanent Fund.
Royal Institution.
Consolidated Municipal Loan Fund, Upper Canada.
Consolidated Municipal Loan Fund, Lower Canada.
Agricultural Society, Upper Canada.
Lower Canada Legislative Grant.
Quebec Fire Loan.
Tamisconata Advance Account.
Quebec Turnpike Trust.
Education—East.
Building and Jury Fund, Lower Canada.
Municipalities Fund.
Lower Canada Superior Education Income Fund.

FIFTH SCHEDULE.

(Sec Sec. 128)

The FIFTH SCHEDULE.

OATH OF ALLEGIANCE.

I, *A.B.*, do swear, That I will be faithful and bear true Allegiance to Her Majesty Queen Victoria.

Note.—The Name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being, is to be substituted from time to time with proper Terms of Reference thereto.

DECLARATION OF QUALIFICATION.

I, *A.B.*, do declare and testify, That I am by Law duly qualified to be appointed a Member of the Senate of Canada [*or as the case may be*], and that I am legally or equitably seised as of Freehold for my own use and benefit of Lands or Tenements held in Free and Common Socage [*or seised or possessed for my own use and benefit of Lands or Tenements held in Franc-alieu or in Roture (as the case may be),*] in the Province of Nova Scotia [*or as the case may be*] of the value of Four thousand Dollars over and above all Rents, Dues, Debts, Mortgages, Charges, and Incumbrances due or payable out of or charged on or affecting the same, and that I have not collusively or colourably obtained a title to or become possessed of the said Lands and Tenements or any part thereof for the purpose of enabling me to become a Member of the Senate of Canada [*or as the case may be*], and that my Real and Personal Property are together worth Four thousand Dollars over and above my debts and liabilities.

34 VIC., c. 28.

An Act respecting the establishment of Provinces in the Dominion of Canada.

[29th June, 1871.]

WHEREAS doubts have been entertained respecting the powers of the Parliament of Canada to establish Provinces in territories admitted, or which may hereafter be admitted, into the Dominion of Canada, and to provide for the representation of such Provinces in the said Parliament, and it is expedient to remove such doubts, and to vest such powers in the said Parliament:

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

1. This Act may be cited for all purposes as "The British North America Act, 1871." Short title.

2. The Parliament of Canada may from time to time establish new Provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may, at the time of such establishment make provision for the constitution and administration of any such Province, and for the passing of laws for the peace, order, and good government of such Province and for its representation in the said Parliament. Parliament of Canada may establish new Provinces and provide for the constitution, &c., thereof.

3. The Parliament of Canada may from time to time, with the consent of the Legislature of any Province of the said Dominion, increase, diminish or otherwise alter the limits of such Province, upon such terms and conditions as may be agreed to by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any Province affected thereby. Alteration of limits of Provinces.

4. The Parliament of Canada may from time to time make provision for the administration, peace, order and good government of any territory, not for the time being included in any province. Parliament of Canada may legislate for any territory not included in a Province.

5. The following Acts passed by the said Parliament of Canada, and intituled respectively:—

"An Act for the temporary government of Rupert's Land and the North Western Territory when united with Canada"; and Confirmation of Acts of Parliament of Canada, 32 & 33 Vic. (Canadian) cap. 3.

"An Act to amend and continue the Act 32 & 33 Vic., ch. 3, and to establish and provide for the government of the Province of Manitoba," 33 Vic. (Canadian) cap. 3.

shall be and be deemed to have been valid and effectual for all purposes whatsoever from the date at which they respectively received the assent, in the Queen's name, of the Governor-General of the said Dominion of Canada.

Limitation of powers of Parliament of Canada to legislate for an established Province.

6. Except as provided by the third section of this Act, it shall not be competent for the Parliament of Canada to alter the provisions of the last-mentioned Act of the said Parliament in so far as it relates to the Province of Manitoba, or of any other Act hereafter establishing new Provinces in the said Dominion, subject always to the right of the Legislature of the Province of Manitoba, to alter from time to time the provisions of any law respecting the qualification of electors and members of the Legislative Assembly and to make laws respecting elections in the said Province.

33 VIC., c. 3.

An Act to amend and continue the Act 32 and 33 Victoria, chapter 3; and to establish and provide for the Government of the Province of Manitoba.

[Assented to 12th May 1870.]

WHEREAS it is probable that Her Majesty The Queen may, pursuant to the British North America Act 1867 be pleased to admit Rupert's Land and the North-Western Territory into the Union or Dominion of Canada, before the next Session of the Parliament of Canada :

Preamble.

And Whereas it is expedient to prepare for the transfer of the said Territories to the Government of Canada at the time appointed by the Queen for such admission :

And Whereas it is expedient also to provide for the organization of part of the said Territories as a Province, and for the establishment of a Government therefor, and to make provision for the Civil Government of the remaining part of the said Territories, not included within the limits of the Province :

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. On, from and after the day upon which the Queen, by and with the advice and consent of Her Majesty's Most Honorable Privy Council, under the authority of the 146th Section of the British North America Act, 1867, shall, by Order in Council in that behalf, admit Rupert's Land and the North-Western Territory into the Union or Dominion of Canada, there shall be formed out of the same a Province, which shall be one of the Provinces of the Dominion of Canada, and which shall be called the Province of Manitoba, and be bounded as follows: that is to say, commencing at the point where the meridian of ninety-six degrees west longitude from Greenwich intersects the parallel of forty-nine degrees north latitude,—thence due west along the said parallel of forty-nine degrees north latitude (which forms a portion of the boundary line between the United States of America and the said North-Western Territory) to the meridian of ninety-nine degrees of west longitude,—thence due north along the said meridian of ninety-nine degrees west longitude, to the intersection of the same with the parallel of fifty degrees and thirty minutes north latitude,—thence due east along the said parallel of fifty degrees and thirty minutes north latitude to its intersection with the before-mentioned meridian of ninety-six degrees west longitude,—thence due south along the said meridian of ninety-six degrees west longitude to the place of beginning.

Province to be formed out of N.W. Territory when united to Canada.

Its name and boundaries.

2. On, from and after the said day on which the Order of the Queen in Council shall take effect as aforesaid, the provisions of the British North America Act 1867, shall, except those parts thereof which are in terms made, or by reasonable intendment, may be held to be specially applicable to, or only to affect one or more, but not the whole of the Provinces now composing the Dominion, and except so far as the same may be varied by this Act, be applicable to the Province of Manitoba, in the same way, and to the like extent as they apply to

Certain provisions of B. N. A. Act 1867 to apply to Manitoba.

the several Provinces of Canada, and as if the Province of Manitoba had been one of the Provinces originally united by the said Act.

Representa-
tion in the
Senate.

3. The said Province shall be represented in the Senate of Canada by two Members, until it shall have, according to the decennial census, a population of fifty thousand souls, and from thenceforth it shall be represented therein by three Members, until it shall have, according to decennial census, a population of seventy-five thousand souls, and from thenceforth it shall be represented therein by four Members.

Representa-
tion in the
House of
Commons.

4. The said Province shall be represented, in the first instance, in the House of Commons of Canada, by four Members, and for that purpose shall be divided by proclamation of the Governor General, into four Electoral Districts, each of which shall be represented by one Member: Provided that on the completion of the census in the year 1881, and of each decennial census afterwards, the representation of the said Province shall be re-adjusted according to the provisions of the fifty-first section of the British North America Act, 1867.

Qualification
of voters and
members.

5. Until the Parliament of Canada otherwise provides, the qualification of voters at Elections of Members of the House of Commons shall be the same as for the Legislative Assembly hereinafter mentioned: And no person shall be qualified to be elected, or to sit and vote as a Member for any Electoral District, unless he is a duly qualified voter within the said Province.

Lieutenant-
Governor.

6. For the said Province there shall be an officer styled the Lieutenant-Governor, appointed by the Governor General in Council by instrument under the Great Seal of Canada.

Executive
Council.

7. The Executive Council of the Province shall be composed of such persons, and under such designations, as the Lieutenant-Governor shall, from time to time think fit; and, in the first instance, of not more than five persons.

Seat of
Government.

8. Unless and until the Executive Government of the Province otherwise directs, the seat of Government of the same shall be at Fort Garry, or within one mile thereof.

Legislature.

9. There shall be a Legislature for the Province, consisting of the Lieutenant-Governor, and of two Houses, styled respectively, the Legislative Council of Manitoba, and the Legislative Assembly of Manitoba.

Legislative
Council.

10. The Legislative Council shall, in the first instance, be composed of seven Members, and after the expiration of four years from the time of the first appointment of such seven Members, may be increased to not more than twelve Members. Every Member of the Legislative Council shall be appointed by the Lieutenant-Governor in the Queen's name, by Instrument under the Great Seal of Manitoba, and shall hold office for the term of his life, unless and until the Legislature of Manitoba otherwise provides under the British North America Act, 1867.

Members and
their appoint-
ment, &c.

Speaker.

11. The Lieutenant-Governor may, from time to time, by Instrument under the Great Seal, appoint a Member of the Legislative Council to be Speaker thereof, and may remove him and appoint another in his stead.

Quorum.

12. Until the Legislature of the Province otherwise provides, the presence of a majority of the whole number of the Legislative Council, including the

Speaker, shall be necessary to constitute a meeting for the exercise of its powers.

13. Questions arising in the Legislative Council shall be decided by a majority of voices, and the Speaker shall, in all cases, have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

Voting.
Equality of votes.

14. The Legislative Assembly shall be composed of twenty-four Members, to be elected to represent the Electoral Divisions into which the said Province may be divided by the Lieutenant-Governor, as hereinafter mentioned.

Legislative Assembly.

15. The presence of a majority of the Members of the Legislative Assembly shall be necessary to constitute a meeting of the House for the exercise of its powers; and for that purpose the Speaker shall be reckoned as a Member.

Quorum.

16. The Lieutenant-Governor shall (within six months of the date of the Order of Her Majesty in Council, admitting Rupert's Land and the North-Western Territory into the Union), by Proclamation under the Great Seal, divide the said Province into twenty-four Electoral Divisions, due regard being had to existing Local Divisions and population.

Electoral Divisions.

17. Every male person shall be entitled to vote for a Member to serve in the Legislative Assembly for any Electoral Division, who is qualified as follows, that is to say, if he is:—

Qualification of voters.

1. Of the full age of twenty-one years, and not subject to any legal incapacity:

2. A subject of Her Majesty by birth or naturalization:

3. And a *bonâ fide* householder within the Electoral Division, at the date of the Writ of Election for the same, and has been a *bonâ fide* householder for one year next before the said date; or,

4. If, being of the full age of twenty-one years, and not subject to any legal incapacity, and a subject of Her Majesty by birth or naturalization, he was, at any time within twelve months prior to the passing of this Act, and (though in the interim temporarily absent) is at the time of such election a *bonâ fide* householder, and was resident within the Electoral Division at the date of the Writ of Election for the same:

Special,—for first election only.

But this fourth sub-section shall apply only to the first election to be held under this Act for Members to serve in the Legislative Assembly aforesaid.

Proviso.

18. For the first election of Members to serve in the Legislative Assembly, and until the Legislature of the Province otherwise provides, the Lieutenant-Governor shall cause writs to be issued, by such person, in such form, and addressed to such Returning Officers as he thinks fit; and for such first election, and until the Legislature of the Province otherwise provides, the Lieutenant-Governor shall, by Proclamation, prescribe and declare the oaths to be taken by voters, the powers and duties of Returning and Deputy Returning Officers, the proceedings to be observed at such election, and the period during which such election may be continued, and such other provisions in respect to such first election as he may think fit.

Proceedings at first election, &c.,—how regulated.

19. Every Legislative Assembly shall continue for four years from the date of the return of the writs for returning the same (subject nevertheless to being

Duration of Legislative Assembly.

sooner dissolved by the Lieutenant-Governor), and no longer; and the first Session thereof shall be called at such time as the Lieutenant-Governor shall appoint.

Sessions at least once a year.

20. There shall be a Session of the Legislature once at least in every year, so that twelve months shall not intervene between the last sitting of the Legislature in one Session and its first sitting in the next Session.

Certain provisions of B. N. A. Act, 1867, to apply.

21. The following provisions of the British North America Act, 1867, respecting the House of Commons of Canada, shall extend and apply to the Legislative Assembly, that is to say:—Provisions relating to the election of a Speaker, originally, and on vacancies—the duties of the Speaker,—the absence of the Speaker and the mode of voting, as if those provisions were here re-enacted and made applicable in terms to the Legislative Assembly.

Legislation touching schools subject to certain provisions.

22. In and for the Province, the said Legislature may exclusively make Laws in relation to Education, subject and according to the following provisions:—

(1.) Nothing in any such Law shall prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by Law or practice in the Province at the Union:

(2.) An appeal shall lie to the Governor-General in Council from any Act or decision of the Legislature of the Province, or of any Provincial Authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to Education:

Power reserved to Parliament.

(3.) In case any such Provincial Law, as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this section, is not made, or in case any decision of the Governor-General in Council on any appeal under this section is not duly executed by the proper Provincial Authority in that behalf, then, and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial Laws for the due execution of the provisions of this section, and of any decision of the Governor-General in Council under this section.

English and French languages to be used.

23. Either the English or the French language may be used by any person in the debates of the Houses of the Legislature, and both those languages shall be used in the respective Records and Journals of those Houses; and either of those languages may be used by any person, or in any Pleading or Process, in or issuing from any Court of Canada established under the British North America Act, 1867, or in or from all or any of the Courts of the Province. The Acts of the Legislature shall be printed and published in both those languages.

Interest allowed to the Province on a certain amount of the debt of Canada.

24. Inasmuch as the Province is not in debt, the said Province shall be entitled to be paid, and to receive from the Government of Canada, by half-yearly payments in advance, interest at the rate of five per centum per annum on the sum of four hundred and seventy-two thousand and ninety dollars.

Subsidy to the Province for support of Government, and in proportion to its population.

25. The sum of thirty thousand dollars shall be paid yearly by Canada to the Province, for the support of its Government and Legislature, and an annual grant, in aid of the said Province, shall be made, equal to eighty cents per head of the population, estimated at seventeen thousand souls; and such grant of eighty cents per head shall be augmented in proportion to the increase of

population, as may be shown by the census that shall be taken thereof in the year one thousand eight hundred and eighty-one, and by each subsequent decennial census, until its population amounts to four hundred thousand souls, at which amount such grant shall remain thereafter, and such sum shall be in full settlement of all future demands on Canada, and shall be paid half-yearly, in advance, to the said Province.

26. Canada will assume and defray the charges for the following services :— Canada assumes certain expenses.

1. Salary of the Lieutenant-Governor.
2. Salaries and allowances of the Judges of the Superior and District or County Courts.

3. Charges in respect of the Department of the Customs.

4. Postal Department.

5. Protection of Fisheries.

6. Militia.

7. Geological Survey.

8. The Penitentiary.

9. And such further charges as may be incident to, and connected with the services which, by the British North America Act, 1867, appertain to the General Government, and as are or may be allowed to the other Provinces. General provision.

27. The Customs duties now by Law chargeable in Rupert's Land, shall be continued without increase for the period of three years from and after the passing of this Act, and the proceeds of such duties shall form part of the Consolidated Revenue Fund of Canada. Customs duties.

28. Such provisions of the Customs Laws of Canada (other than such as prescribe the rate of duties payable) as may be from time to time declared by the Governor General in Council to apply to the Province of Manitoba, shall be applicable thereto, and in force therein accordingly. Customs laws.

29. Such provisions of the Laws of Canada respecting the Inland Revenue, including those fixing the amount of duties, as may be from time to time declared by the Governor General in Council applicable to the said Province, shall apply thereto, and be in force therein accordingly. Inland Revenue laws and duties.

30. All ungranted or waste lands in the Province shall be, from and after the date of the said transfer, vested in the Crown, and administered by the Government of Canada for the purposes of the Dominion, subject to, and except and so far as the same may be affected by, the conditions and stipulations contained in the agreement for the surrender of Rupert's Land by the Hudson's Bay Company to Her Majesty. Ungranted lands vested in the Crown for Dominion purposes.

31. And whereas, it is expedient, towards the extinguishment of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands, to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-breed residents, it is hereby enacted, that, under regulations to be from time to time made by the Governor-General in Council, the Lieutenant-Governor shall select such lots or tracts in such parts of the Province as he may deem expedient, to the extent aforesaid, and divide the same among the children of the half-breed heads of families Provisions as to Indian title.
Grant for half-breeds.

residing in the Province at the time of the said transfer to Canada, and the same shall be granted to the said children respectively, in such mode and on such conditions as to settlement and otherwise, as the Governor-General in Council may from time to time determine.

Quieting titles.

32. For the quieting of titles, and assuring to the settlers in the Province the peaceable possession of the lands now held by them, it is enacted as follows:—

Grants by H. B. Company.

1. All grants of land in freehold made by the Hudson's Bay Company up to the eighth day of March, in the year 1869, shall, if required by the owner, be confirmed by grant from the Crown.

The same.

2. All grants of estates less than freehold in land made by the Hudson's Bay Company up to the eighth day of March aforesaid, shall, if required by the owner, be converted into an estate in freehold by grant from the Crown.

Titles being occupancy with permission.

3. All titles by occupancy with the sanction and under the license and authority of the Hudson's Bay Company up to the eighth day of March aforesaid, of land in that part of the Province in which the Indian Title has been extinguished, shall, if required by the owner, be converted into an estate in freehold by grant from the Crown.

By peaceable possession.

4. All persons in peaceable possession of tracts of land at the time of the transfer to Canada, in those parts of the Province in which the Indian Title has not been extinguished, shall have the right of pre-emption of the same, on such terms and conditions as may be determined by the Governor in Council.

Lieut.-Governor to make provisions under Order in Council.

5. The Lieutenant-Governor is hereby authorised, under regulations to be made from time to time by the Governor General in Council, to make all such provisions for ascertaining and adjusting, on fair and equitable terms, the rights of Common, and rights of cutting Hay held and enjoyed by the settlers in the Province, and for the commutation of the same by grants of land from the Crown.

Governor in Council to appoint form, &c., of grants.

33. The Governor General in Council shall from time to time settle and appoint the mode and form of Grants of Land from the Crown, and any Order in Council for that purpose when published in the *Canada Gazette*, shall have the same force and effect as if it were a portion of this Act.

Rights of H. B. Company not affected.

34. Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company, as contained in the conditions under which that Company surrendered Rupert's Land to Her Majesty.

Lieut.-Governor to govern N. W. Territory for Canada.

35. And with respect to such portion of Rupert's Land and the North-Western Territory, as is not included in the Province of Manitoba, it is hereby enacted, that the Lieutenant-Governor of the said Province shall be appointed, by Commission under the Great Seal of Canada, to be the Lieutenant-Governor of the same, under the name of the North-West Territories, and subject to the provisions of the Act in the next section mentioned.

Act 32 and 33 V., c. 3, extended and continued.

36. Except as hereinbefore is enacted and provided, the Act of the Parliament of Canada, passed in the now last Session thereof, and entitled, "An Act for the Temporary Government of Rupert's Land, and the North-Western Territory when united with Canada," is hereby re-enacted, extended and continued in force until the first day of January, 1871, and until the end of the Session of Parliament then next succeeding.

34 VIC., c. 12.

An Act to establish a system of Education in this Province.

[Assented to May 3rd, 1871.]

HER MAJESTY by and with the advice and consent of the Legislative Council and Legislative Assembly of Manitoba, enacts as follows :

- | | |
|--|--|
| <p>1. The Lieutenant-Governor in Council may appoint not less than ten nor more than fourteen persons to be a Board of Education for the Province of Manitoba, of whom one-half shall be Protestants, and the other half Catholics.</p> | <p>Constitution of Board of Education.</p> |
| <p>2. The Lieutenant-Governor in Council may appoint one of the Protestant members of the board to be superintendent of Protestant schools, and one of the Catholic members to be superintendent of Catholic schools, and the two superintendents shall be joint secretaries of the board.</p> | <p>Appointment of Superintendents and Secretaries.</p> |
| <p>3. The board shall be first called together at a time and place to be named by the Lieutenant-Governor in Council, and shall be organized by the selection of one of the members to be chairman of the board.</p> | <p>Meeting of Board.</p> |
| <p>4. The quorum of the board shall not be less than seven.</p> | <p>Quorum.</p> |
| <p>5. The board shall make regulations for the calling of meetings from time to time, and prescribe the notices thereof to be given to members.</p> | <p>Calling of Meetings</p> |
| <p>6. At any regularly called meeting, attended by a quorum, the members present, in the absence of the chairman, may select a chairman temporarily from those present, who shall preside for that meeting.</p> | <p>Chairman.</p> |
| <p>7. It shall be the duty of the board :</p> <p>First.—To make from time to time, such regulations as they may think fit for the general organization of the common schools.</p> <p>Secondly.—To select books, maps and globes, to be used in the common schools, due regard being had in such selections to the choice of English books, maps and globes for the English schools and French for the French schools, but the authority hereby given is not to extend to the selection of books having reference to religion or morals, the selection of such books being regulated by a subsequent clause of this Act.</p> <p>Thirdly.—To alter and sub-divide, with the sanction of the Lieutenant-Governor in Council, any school district established by this Act.</p> | <p>Duties of Board. Rules. Books, Maps, &c.</p> |
| <p>8. Each section of the board may meet at any time after the organization of the whole board, that may be indicated to the secretary of the section by any two members of the section.</p> | <p>Selection of Districts. Sections of Board.</p> |

- Chairman of same. 9. At the first meeting of each section, they shall choose a chairman. The Superintendent of Education of the section shall be the secretary.
- Powers. X 10. Each section shall have under its control and management the discipline of the schools of the section.
- Licensing. 11. It shall make rules and regulations for the examination, grading and licensing of teachers, and for the withdrawal of licenses on sufficient cause.
- Religious Books. 12. It shall prescribe such of the books to be used in the schools of the section as have reference to religion or morals.
- Expenditure of School monies. 13. From the sum appropriated by the Legislature for common school education there shall first be paid the incidental expenses of the board and of the sections, and such sum for the services of the Superintendents of Education not exceeding \$100 to each, as the Lieutenant-Governor in council shall deem just, and the residue then remaining shall be appropriated to the support and maintenance of common schools, one moiety thereof to the support of Protestant schools, the other moiety to the support of the Catholic schools.
- Districts same as Electoral Divisions. X 14. Each electoral division, with the lines as fixed by the Lieutenant-Governor in Council, and as amended by any act of this session shall in the first instance be considered a school district.
- Protestant Districts. X 15. The following districts, comprising mainly a Protestant population, shall be considered Protestant school districts; Nos. 2, 3, 4, 8, 10, 18, 19, 20, 21, 22, 23, 24.
- Catholic Districts. X 16. The following districts, comprising mainly a Catholic population, shall be considered Catholic school districts; Nos. 1, 5, 6, 7, 9, 11, 12, 13, 14, 15, 16 and 17.
- Government aid proportioned. 17. There shall not, without the special sanction of the section, be more than one school in any school district, and no school shall derive from the public funds a sum more than three times what is contributed by the people of the district; nor unless the average attendance at the school shall be fifteen scholars.
- How appropriated. 18. The monies at the disposal of the section shall be appropriated among the schools of the section as the members of the section shall deem best for the promotion of education, having reference to the efficiency of the schools, the number of scholars in attendance and the capacity and services of the teachers.
- Poor-School Districts. 19. In an exceptional case, where the people of a school district shall, in the judgment of the members of the section be unable to contribute towards the support of a school, the section may declare the district a poor-school district, and give such aid as the circumstances may seem to justify.
- Meetings of District Inhabitants to be called. 20. On the first Monday of February in each year after the passing of this Act beginning with the year 1872, a meeting of the male inhabitants of each school district, of the age of 21 years and upwards, shall be called by the superintendent of the section to which the district belongs by notice posted by him in public places in the district.

21. For the present year, the meeting shall be called, after the passing of the Act, on a day to be fixed by the Lieutenant-Governor in Council. First Meeting

22. At such meeting the majority shall choose three persons to be school trustees for the district. School Trustees.

23. They shall also decide in what manner they shall raise their contributions towards the support of the school, which may be either by subscription, by the collection of a rate per scholar, or by assessment on the property of the school district, as the meeting may determine. Duties of same.

24. Such meeting, or any other meeting, called by the secretary of the section, may decide by a majority to erect a school house and vote a sum therefor, which, if the meeting so decide, shall be raised by assessment. Powers of Meeting.

25. Any school house, erected under this Act, must be upon a plan and of dimensions to be approved by the Board of Education. Approval of School Plans.

26. The trustees may engage a teacher for the school, but they shall not be at liberty to employ any person who has not been examined and licensed by the section to which the school belongs. Engagement of Teachers.

X 27. In case the father or guardian of a school child shall be a Protestant in a Catholic school district, or a Catholic in a Protestant school district, he may send the child to the school of the nearest district of the other section, and in case he contribute to the school which the child shall attend a sum equal to what he would have been bound to pay if he had belonged to that district, he shall be exempt from payment to the school of the district in which he lives. Protestant residents in Catholic districts, and vice versa.

44 VIC., c. 4.

An Act to establish a System of Public Schools in the Province of Manitoba.

[Assented to 25th May, 1881.]

The Legislative Assembly of the Province of Manitoba enacts as follows:

BOARD OF EDUCATION AND ITS SECTIONS AND FUNCTIONS.

Board.

X

1. The Lieutenant-Governor in Council shall appoint, to form and constitute the Board of Education for the Province of Manitoba a certain number of persons not exceeding twenty-one, twelve of whom shall be Protestants and nine Roman Catholics, and if a lesser number be appointed the same relative proportion of Protestants and Catholics shall be observed.

Four of the Protestant and three of R. C. members to retire at end of each year.

2. Four of the Protestant members and three of the Roman Catholic members recorded at the foot of the list of the members of the Board, as entered in the minute book of the Executive Council of the Province of Manitoba, shall retire and cease to hold office at the end of each year, which for the purposes of this Act shall be held and taken to be the second day of October annually, and the names of the members appointed in their stead shall be placed at the head of the list, and the seven members so retiring in rotation and annually may be eligible for re-appointment.

Duties of the Board.

3. It shall be the duty of the Board:

(a) To make from time to time such regulations as they may think fit for the general organization of the common schools;

(b) To make regulations for the registering and reporting of daily attendance at all the common schools in the Province, subject to the approval of the Lieutenant-Governor-in-Council.

(c) To make regulations for the calling of meetings from time to time, and prescribe the notices thereof to be given to members.

4. The Board of Education shall meet on the first Thursday in March, June, September and December, and oftener if the Superintendents think it necessary.

Board to resolve into two sections.

X

5. The Board shall resolve itself into two sections, the one consisting of the Protestant and the other of the Roman Catholic members thereof; and it shall be the duty of each section:

Duties of each section.

(a) To have under its control and management the schools of the section, and to make, from time to time, such regulations as may be deemed fit for their general government and discipline, and the carrying out of the provisions of this Act.

(b) To arrange for the proper examination, grading and licensing of its teachers, the recognition of certificates obtained elsewhere, and for the withdrawing of the license upon sufficient cause;

(c) To select all the books, maps and globes to be used in the schools under its control, and to approve of the plans for the construction of school houses.

Provided, however, that in the case of books having reference to religion and morals, such selection by the Catholic section of the Board shall be subject to the approval of the competent religious authority ; and

(d) To appoint inspectors, who shall hold office during the pleasure of the section appointing them.

6. The board of education, or any section thereof, may, whenever they shall see fit, appoint and hold a meeting of such board, or section in any part of the Province, and such meeting shall be as valid as if held in the city of Winnipeg, which shall be the usual place of meeting of such board or section.

7. The quorum of the board of education shall consist of a majority of the members, and each of the sections of the same shall decide its own quorum.

8. Any member of the board of education absenting himself from the meeting of his section, or of the board for six months, unless from sickness or absence from the Province, shall be considered to have *ipso facto* resigned his position, and the superintendent of the section to which he belongs shall notify the Provincial Secretary of the vacancy so caused, and the member appointed to replace him shall hold office only for the unexpired term of the member whom he replaces.

SUPERINTENDENTS.

9. The Lieutenant-Governor in council shall appoint one of the Protestant members of the board to be the superintendent of the Protestant schools, and one of the Catholic members to be superintendent of the Catholic schools, and the two superintendents shall be secretaries of the board.

10. In addition to the duties specified in other clauses of this Act, it shall be the duty of superintendents of education, and they are hereby empowered :

(a) To call all meetings of the Board of Education and of their respective sections ;

(b) To have, as the executive officers of the Board of Education, the general supervision and direction of the schools of their section, and of the inspectors that may from time to time be appointed ;

(c) To give such explanations of the provisions of this or any other school Act, and of the regulations and decisions of their respective sections as may be required and to enforce the same ; and

(d) To prepare during the first term of the school year a report to the Lieutenant-Governor-in-Council upon all the schools under their supervision for the previous school year, accompanied with full statistical tables, showing, among other things, the number of children of school age in each districts as shown by the census returns for that year, the number who have attended school and the average attendance as shown by the semi-annual returns of the different teachers, and such report shall also contain a statement of the receipts and expenditure of all Government money furnished to the section for common school purposes.

Absence of a
superintenden-
dent

11. In case of the absence of a superintendent he may, with the sanction of the Lieutenant-Governor-in-Council, appoint a member of this section of the Board of Education to act for him.

ESTABLISHMENT AND RE-ADJUSTMENT OF SCHOOL DISTRICTS.

Establish-
ment of
school dis-
tricts.

12. It shall be the duty of the Council of the municipalities to establish and alter when necessary the school districts within their bounds, and if any of the said Councils shall refuse or neglect so to do, then, on the petition of at least five of the ratepayers of the school district or proposed school district of the section of the Board of Education to which the same belongs, the said section of the Board shall establish or alter the same as may by them be deemed expedient.

Indifferent
denomina-
tions.

(a) The establishment of a school district of one denomination shall not prevent the establishment of a school district of the ~~other denomination~~ in the same place, and a Protestant and a Catholic district ~~may include~~ the same territory in whole or in part.

Where no
organized
municipality.

(b) In territory not lying within the limits of an organized municipality, the Protestant section of the Board of Education shall have power to establish and alter school districts for Protestants, and the Catholic section shall have the same power with regard to Catholics.

Council to
make regula-
tions.

13. The municipal councils or sections of the board of education shall make such regulations, in accordance with this act as to them respectively may seem fit, as to the mode of proceeding in effecting the establishment or alteration of school districts; they shall appoint a day for the first school meeting, but no alteration or re-adjustment of any school district made after the first day of September, shall take effect until the first day of February following.

First school
meeting

Joint action of
municipalities

(a) In cases where it may be considered desirable to form school districts out of territories within the bounds of different municipalities, the establishment or re-adjustment of such districts shall be effected by the joint action of the municipalities concerned, and in such manner, consistent with the provisions of this Act, as to the councils of the said municipalities may seem convenient.

Appeal.

(b) In all cases of the establishment or re-adjustment of school districts by one or more municipalities, an appeal from the decision of the council of such municipality or municipalities, on any question of boundary, shall lie to the Protestant or Catholic section of the board of education as the case may be, and the decision of the section it concerns shall be final; provided that no such appeal shall lie, unless the notice thereof signed by at least five of the resident freeholders and householders of the Territory affected be Protestants or Catholics, as the case may be, be lodged with the superintendent of the section to which the districts belongs, within one month from the date of the operation complained of, the notice of appeal shall state in full the question at issue, the action taken thereon, and the relief prayed for.

Application
for a school
district.

(c) In all cases where application is made to a municipality or to either of the sections of the board of education, by five heads of families, resident within territory, that will form a reasonably sized school district, containing at least fifteen children of school age, none of whom reside in an existing district of the same denomination, a school district shall be formed under this Act.

14. In all cases of re-adjustment, the inspector of schools for the district jointly with one competent person to be appointed by each board of trustees, whose district the re-adjustment may affect, who shall be non-residents of the said districts, shall form a board of arbitration, whose duty it shall be to value the existing school houses, school sites, and other school property or assets, within the territories re-adjusted, and ascertain the respective debts and liabilities thereof; and the said board or a majority of its members shall thereupon adjust and settle in such a manner as they may deem just and equitable, the respective rights, claims and demands of the parties interested; and their award in writing, including their own reasonable costs and charges, may be enforced in the county courts of the Province, and which said award shall in all respects be subject to appeal to the court of Queen's Bench, the same as awards in civil matters.

In cases of re-adjustment. Inspector how to act.

15. The school district of any incorporated city or town shall be the same as the territorial limits of the said city or town, and the first school meeting of such school district, after the incorporation of said city or town shall be called by the person who acted as returning officer at the preceding municipal elections in the said city or town, or in his unavoidable absence, by the city or town clerk, within two weeks after the holding of the municipal elections, provided always that the minority shall have power to extend their district so as to include members of their denomination residing in the vicinity, where no school of the same is in operation, but in such cases the children of the residents within the city or town limits only, shall be computed in the division of the school taxes levied on the incorporated bodies within the city or town.

School district of any city or town.

SCHOOL MEETINGS.

16. All school meetings after the first shall be called by the respective boards of trustees, in accordance with the form of notice furnished by the section of the board of education to which the district belongs.

School Meetings.

17. At every school meeting as authorized and required to be held under this present Act, the ratepayers, or if it is a first meeting in a new district, then the freeholders and householders present at such meeting, or a majority of them;

Ratepayers.

(a.) Shall elect a chairman: and the chairman of the meeting shall decide all questions of order, subject to an appeal to the meeting, and in case of equality of votes, he shall give the casting vote, but he shall have no vote as chairman, and the chairman shall take the votes in the manner desired by a majority of the electors present, unless a poll be demanded by any elector present, when he shall be the returning officer:

Chairman.

(b.) Shall elect a secretary; and the secretary shall record the proceedings of the meeting in a book kept for that purpose, and if a poll be held he shall record the names of the voters, and the candidate or candidates for whom each elector votes; and such poll shall be held on the day of such meeting and shall be kept open until four o'clock in the afternoon, unless at any time one hour shall have elapsed without a vote being recorded:

Secretary.

(c.) A copy of the minutes of all school meetings shall be transmitted to the superintendent within ten days after the holding of such meeting.

Minutes.

FIRST ELECTION OF TRUSTEES.

X 18. At the first meeting in any new school district, such meeting being

First election of Trustees.

duly organized by the election of a chairman and secretary, the majority of the resident freeholders and householders present, of the full age of twenty-one years, shall elect three persons to be school trustees for such district; and

First person elected.

(a) The first person elected shall continue in office for two years to be reckoned from the annual meeting next after his election, and until his successor has been appointed;

Second person elected.

(b) The second person elected shall continue in office for one year to be reckoned from the annual meeting next after his election, and until his successor has been appointed, and

Third person elected.

(c) The third and last person elected shall continue in office until the next ensuing annual school meeting, and until his successor has been appointed;

Who shall be eligible for trustee.

(d) Until a school tax has been imposed in any organized school district, every resident freeholder and householder of the full age of twenty-one years, shall be eligible for the office of trustee, and may take part in any school meeting.

Term of continuation in office.

19. At the first election of school trustees in cities and towns, the first person nominated and having the majority of votes in each ward shall continue in office for two years to be reckoned from the annual meeting next after his election and until his successor has been elected; the second person elected in each ward shall continue in office one year to be reckoned from the same period and until his successor has been elected, and the third or last person to be elected in each ward shall continue in office until the next ensuing annual school meeting, and until his successor has been elected, and each of the successors so elected as aforesaid.

ANNUAL SCHOOL MEETINGS.

Annual school meetings.

20. On the first Monday of February in each year, a meeting of the ratepayers of each school district of the age of twenty-one years and upwards, shall be called by the Board of Trustees by notice posted by them on a school-house if there is one, or in public places in the district, at least three weeks in advance; and the majority of the electors present shall choose one or more persons, as the case may be, to be school trustees for the district; if such notice to be given, is not so given, the proceedings of the annual meeting, if held on the day prescribed by law, shall not be invalidated thereby.

When annual meeting has not been held on day named.

21. When in a district for any cause, the annual school meeting has not been held on the first Monday in February, the trustees shall appoint another day for the holding of such meeting, provided that if the trustees fail to call such meeting, the superintendent of the section to which the district belongs shall call it.

When to be held in incorporated cities and towns.

22. In incorporated cities and towns all annual meetings in each ward shall be held on the first Monday of February in every year, commencing at ten o'clock in the forenoon, and shall be called by the chairman of the respective boards of school trustees. It shall be the duty of the said boards to furnish the chairman of every such meeting with a copy of the Protestant or Catholic voters' list for such ward, as the case may be.

Proviso

Provided, that when the minority elect only three trustees there shall be but one voting place in the city or town.

ELECTORS.

23. Except as provided for the first election of trustees no person shall be entitled to vote at any school meeting whatever, unless he shall have been assessed and shall have paid school tax or school rates in the district within the last twelve months ; and in case an objection be made to the right of any person to vote in a district, the chairman shall, at the request of any elector present, require the person whose right of voting is objected to, to make the following declaration :—

Exception.

“ I, A. B., do declare (or affirm) that I have been rated on the assessment roll of this school district, and that I have paid a public school tax in this district within the last twelve months, and that I am legally qualified to vote at this election.”

Form.

Thereupon the person making such declaration shall be permitted to vote.

24. In incorporated cities or towns no person shall be entitled to vote at any school meeting for the election of school trustees, or any school question whatsoever, except in the district to which he belongs as a Protestant or Roman Catholic, and unless his name be upon the revised municipal voters' list for the ward in which he offers to vote ; and in case any objection be made to the right of any person to vote in a ward, the chairman or returning officer of the election shall, at the request of any elector present, require the person whose right of voting is objected to, to make the following declaration :

In incorporated cities or towns who shall be entitled to vote.

“ I, A. B., do declare (or affirm) that I have been rated on the assessment roll of this school district and that I am legally qualified to vote at this election.”

Declaration by voter.

Thereupon the person making such declaration shall be permitted to vote.

SCHOOL ASSESSMENT.

25. For the purpose of supplementing the legislative grant it shall be the duty of the boards of trustees of all school districts, the whole territory of which is comprised within the limits of a single municipality, from time to time to prepare and lay before the Municipal Council an estimate of such sums as may be required for school purposes during the current school year. This estimate shall be laid before the Council on or before the first day of September, whereupon the said Council, employing their own lawful authority, shall forthwith levy and collect the said sums by assessment on the real and personal property within the school district, and shall pay over the same to the Board of Trustees as collected ; or the Council may from time to time advance to any such Board of Trustees any sum or sums which they may think proper pending the collection of the said moneys.

School assessment.

26. In case the territory embraced in any school district extends within the limits of two or more municipalities the Board of Trustees of such school district, shall cause an assessment of their district to be made, and after the revision of the assessment and the fixing of the rate as so provided in this Act shall transmit each municipality concerned the portion of the assessment roll affecting such municipality and the said municipality shall thereupon collect the school taxes and pay over the same to the said Trustees, provided that except in the case of cities and towns, no rate shall be levied for the building, repairing or improving a school house to exceed in any one year one cent on the dollar on the

Where two or more municipalities are embraced.

Except in cases of towns and cities, rate not to exceed one cent, on the dollar.

estimated value of the property and provided also that nothing in this Act shall prevent any Board of School Trustees from levying and collecting the school rates and taxes themselves by their own machinery, in districts lying outside of municipalities or when a Municipal Council refuses or neglects to do so.

Proviso.

And be it further provided, that in cases where resort must be had to the sale of lands and tenements for the collection of school rates the proceedings therefor shall be taken by the Council of the municipality under the Municipalities Act.

How assessment shall be laid.

27. The school assessment shall be laid equally according to valuation upon rateable real and personal property, in the school district and shall be payable by and recoverable from the owner, occupier or possessor of the property liable to be rated, and shall, if not paid, be a special mortgage, and not requiring registration to preserve it, on all real estate, except live stock and farming implements to the value of five hundred dollars belonging to *bonâ fide* owners of real estate of at least forty acres.

Exception.

Persons who are neither Catholics or Protestants.

28. The corporations situated in a locality where different school districts are established and persons who are neither Protestants nor Catholics shall be assessed only for the school district of the majority; yet out of such assessment they shall give to the school district of the minority a part of such assessment in proportion to the number of children of school age, and the majority shall be determined by the number of Protestant or Catholic children of school age, as the case may be, according to the census.

Exemptions of real and personal property from taxation.

29. The following real and personal property shall be exempt from taxation under this Act—

(1.) Real estate held in trust for Her Majesty, or for the public uses of the Province :

(2.) Real estate vested in, or held in trust for the municipality, and used for municipal purposes :

(3.) Real estate held in trust for any tribe or body of Indians :

(4.) Every place of public worship, churchyard, burying grounds, educational or charitable institutions, public roadway, square, gaol, hospital, agricultural and horticultural societies, with the land requisite for the due enjoyment thereof :

(5.) Lands allotted by the Dominion Lands Act to half-breed children of heads of families under the age of eighteen years, not disposed of by them.

Ratepayers to pay their respective assessments.

30. The ratepayers of a school district, including religious, benevolent, or educational corporations, shall pay their respective assessments to the schools of their respective denominations; and in no case shall a Protestant ratepayer be obliged to pay for a Catholic school, or a Catholic ratepayer for a Protestant school.

Property owned by a Protestant occupied by a Roman Catholic.

31. When property owned by a Protestant is occupied by a Roman Catholic and *vice versa*, the tenant in such cases shall only be assessed for the amount of property he owns, whether real or personal, but the school taxes on said rented or leased property shall, in all cases, and whether or not the same has been, or is stipulated in any deed, contract or lease whatever, be paid to the trustees of the section to which belongs the owner of the property so leased or rented, and to no other, subject to the exemptions aforesaid.

Property held jointly.

32. Whenever property is held jointly as tenants or as tenants in common,

by two or more persons, the holders of such property being Protestants and Roman Catholics, they shall be assessed and held accountable to the two boards of school trustees for the amount of taxes, in proportion to their interest in the business, tenancy, or partnership, respectively, and such taxes shall be paid to the school of the denomination to which they respectively belong.

33. In incorporated cities and towns no rate shall be levied at any general or special meeting, for the building repairing or improving of a school house, to exceed in any one year one cent on the dollar on the rateable property in the district.

In incorporated cities and towns rate not to exceed 1 ct. on the dollar.

SCHOOL TRUSTEES.

34. The school trustees in each school district, shall be a corporation under the name of "the school trustees for the Protestant (or Catholic, as the case may be) school district of _____ in the county of _____;" they shall have perpetual succession, and a common seal, if they think proper to have one; they may sue, and be sued, and shall generally have the same powers which any other body politic or corporate has, or ought to have, with regard to the purposes for which it is constituted.

School Trustees to be a corporation.

35. Except as elsewhere provided, the time of holding office as school Trustee shall be three years.

Exception.

36. Every trustee shall within eight days after his election, make the following declaration before the chairman of the school meeting at which he was elected, or before a Justice of the Peace :

"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 a certificate of the declaration shall be produced at the first meeting of the board of trustees which he attends.

Declaration of school trustee.

37. The school trustees shall meet within ten days after receiving notice of their election, for the purpose of choosing a chairman and a secretary-treasurer, and transacting such other business as may be required.

Choosing a chairman and secretary.

(a.) In case of absence of the chairman from any meeting of the board, the then assembled school trustees shall elect one of their number to act in that capacity for the time being, who shall then be vested with the same powers and privileges as the ordinary chairman.

38. In the meetings of the school trustees all questions shall be decided by the majority of votes, and the chairman shall have the right to vote, but in case of an equality of votes the question shall be decided in the negative.

Questions to be decided by a majority.

39. It shall be the duty of the board of trustees :

Duties of the Board of Trustees.

(a) To take possession and have the custody and safe keeping of all common school property, which has been acquired or given for common school purposes under this Act, in their district, and such corporation shall be empowered to acquire and hold, as a corporation, by any title whatsoever, any land, moveable property, moneys, or income for school purposes, and to apply the same according to the terms on which the same was acquired, or received, but they shall not without the sanction of the section of the Board of Education to which they belong have power to alienate or dispose of any school real estate.

(b) To do whatever they may judge expedient with regard to building, repairing, renting, warming, furnishing, and keeping in order the schoolhouse or

schoolhouses in their district, its furniture and appendages, and the school land and enclosures held by them, and for procuring apparatus and school books for their school, and when there is no suitable schoolhouse belonging to the district, or when a second schoolhouse is required, then, to build, rent, repair, furnish, warm, and keep in order, a house and its appendages to be used as a schoolhouse.

(c) To contract with and employ such teachers exclusively who hold certificates from that section of the Board of Education, through which they receive the legislative grant, and such contract shall be in writing and signed by the contracting parties.

(d) To provide for the salaries of teachers, and all other expenses of the school.

(e) To visit the school once a month, for the purpose of seeing that it is conducted according to the prescribed regulations of the Board of Education; and the school trustees, or any of them, shall, if necessary, make any suggestions in accordance with the said regulations, with a view to the more efficient working of the school, and should the teacher fail to act upon them, the matter shall be referred to the whole body of trustees, who shall report to the superintendent.

(f) To see that the discipline of the school is properly enforced; at duly called meetings of the board of trustees to expel unmanageable pupils, on the complaint of the teacher; to deal with complaints and appeals from parents or the teacher; and hold meetings to enquire into the same.

(g) To keep a record of their proceedings, signed for each sitting by the chairman and secretary, and also correct accounts of their receipts and expenditures, with reference to the school or schools under their control, mentioning specially what relates to each school, and such account shall at all reasonable hours be open to the inspection of the ratepayers of the school district.

(h) To admit as pupils of the school any non-resident or other children whose parents are not ratepayers to the school district and who reside nearer to such school than to the school in their own district; and to charge a sum not exceeding 50 cents per month for each of such pupils: provided, that in case of dispute as to the distance the inspector shall decide.

Proceedings
of board not
valid unless
adopted at a
general meet-
ing.

40. No act or proceeding of a board of trustees shall be deemed valid or binding on any party which is not adopted at a regular or special meeting of the corporation, of which notice shall have been given by either one of their body, or the person chosen by them to act as secretary-treasurer, to all the trustees, and a majority of the trustees at such meeting shall have full authority to perform any lawful business.

No trustee to
contract.

41. It shall not be lawful for any trustee to enter into a contract with the corporation of which he is a member, or to have any pecuniary claim on such corporation, except for a school site, or as a collector of school rates, and then only when he shall have been appointed by the other two members of the corporation.

Nor be teacher
or inspector.

42. No school trustee shall be teacher or inspector of any school in his school district.

Re-election.

43. No school trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

44. Any person chosen as trustee may resign with the consent expressed in writing of his colleagues in office, and a continuous non-residence of three months, shall cause the vacation of his office. May resign.

45. In all cases of vacancy, another trustee shall be elected at a meeting called by the trustees or trustee remaining in office, and the person so elected shall hold office for the unexpired term of the trustee whom he replaces: provided that if the vacancy is not filled within one month, the superintendent shall appoint some qualified person to fill it. Vacancy.

46. In all cases of prolonged incapacity arising from sickness, no election or appointment to fill the said office shall take place, unless the said incapacity has been established by the certificate of a physician, deposited with the secretary-treasurer, and the vacancy arising from such incapacity shall date from the day of the deposit of such certificate. Incapacity.

47. The board of school trustees or their secretary-treasurer shall have at all times during office hours free access to the assessment roll of the municipality, and they shall be permitted to copy therefrom that portion of it having reference to their respective school districts, together with the names and amount for which each individual is assessed. School trustees to have access to assessment roll.

48. In any city or town, incorporated, or that may hereafter be incorporated, divided into wards, there shall be elected on a day to be named by the Lieutenant-Governor-in-Council, three school trustees for each ward, to be elected by the ratepayers of such ward, and such trustees shall be the trustees of the school district, provided that the minority be Roman Catholic or Protestant ratepayers, as the case may be, shall be at liberty to elect three trustees as provided for ordinary districts, and the trustees so in anywise elected shall be the trustees of such district. Incorporated city—three trustees for each ward to be elected.

49. If any trustee in cities and towns shall absent himself for three months from the meetings of the board of school trustees, without being authorized so to do by a resolution of the board, or if he ceases to reside in the school district for a period of three months consecutively, his seat shall thereby become vacant. Absence of trustees for three months.

50. The Boards of Trustees in cities and towns shall have power:

(a) To appoint a school inspector, to fix the remuneration to be paid him, and to determine his duties; but such appointment requires the approval of the respective sections of the Board of Education; Powers of boards of trustees in cities and towns.

(b) To levy at their discretion any school rates upon the parents or guardians of children attending the schools of the town or city, such rates not to exceed fifty cents per month, on resident pupils or pupils whose parents or guardians own property in the city or town, and not more than one dollar per month, on non-resident pupils, or pupils whose parents or guardians live outside of such city or town and are not the owners of property therein; and to employ the same means of collecting such rates as by the city collector are possessed for the collection of property tax, and all school rates collected shall be paid into the hands of the secretary-treasurer for public school purposes, and subject to the disposal of the Board of School Trustees;

(c) The school Trustees in cities or towns shall have power to make by-laws, which however must, before they can be enforced, receive the approval of the section of the Board of Education concerned.

51. In case the Board of School Trustees of any city or town deem it Estimates.

Sum to be
levied and
collected.

advisable so to do, they may make out an estimate of the sum required in any year for educational purposes, and on or before the first day of September in each and every year they shall provide the clerk of the city or town with such estimate, accompanied with a list of the names of the persons liable to be assessed for the support of the public school or schools of which the Board applying are the Trustees; and it shall be the duty of the Council of such city or town to levy and collect the amount demanded with the corporation taxes, and to pay over the same to the Board of School Trustees when elected; or the Council may from time to time advance to any Board of School Trustees within their municipality any sum or sums which they may think proper, pending the collection of the school taxes.

Duties of
school trustees

52. It shall be the duty of the board of school trustees in cities and towns on or before the fifteenth day of January in each year:

(a.) To prepare and publish in one or more public newspapers, or on printed sheets, for the information of ratepayers of the city or town, an annual report of the proceedings and of the progress and state of the schools under their charge and of their receipts and expenditures of all school moneys and to make all returns required by the Board of Education for the province, or the sectional board under whose jurisdiction the schools are.

DISQUALIFICATION OF SCHOOL TRUSTEES.

Disqualifica-
tion.

53. Except as provided in clause sixteen, no person shall be eligible to be elected or to serve as a school Trustee who is not a resident ratepayer of the district or ward which he proposes to represent.

54. No person convicted of felony or of an infamous crime shall be eligible to be elected as a school trustee.

SECRETARY-TREASURER.

Secretary-
treasurers'
duties.

55. The trustees shall appoint as secretary-treasurer one of their own number, or some other competent person, and the duties of such secretary-treasurer shall include:

(a.) The correct and safe-keeping and producing (when called for) of the papers and moneys belonging to the corporation:

(b.) The correct keeping of a record of all their proceedings in a book procured for that purpose; and

(c.) The collecting, receiving and accounting for, of all school moneys whether from the Government or otherwise, for the purpose of public school education within his district and the distributing of such moneys in the manner directed by the majority of the trustees.

To give se-
curity.

56. Every secretary-treasurer shall, before entering upon his duties as such, give security to the school Trustees by a bond signed and acknowledged before a Justice of the Peace, and such security shall be given by at least two solvent sureties, jointly and severally, to the satisfaction of the Board of School Trustees, and for the total amount of the moneys for which the secretary-treasurer may at any time be responsible, whether arising from the local school fund or from any particular contribution or donation paid into his hands for the support of schools, and such security shall be renewed or changed whenever its renewal or change is required by the school Trustees.

57. When the assessment is made by the trustees, the secretary-treasurer shall receive the assessment roll from the assessors, and shall thereupon notify each person whose name appears on said roll of the amount for which he is assessed, and such assessment roll shall be open at all reasonable hours to the inspection of any ratepayer of the school district, and every such ratepayer shall be entitled to receive a copy thereof on payment to the secretary-treasurer at the rate of five-cents per name on such roll.

To receive assessment roll.

(a) The secretary-treasurer shall notify, in accordance with schedule, each person whose name appears on the assessment roll, of the date and the place fixed by the school trustees for the sitting of the court of revision.

Court of revision.

(b) The secretary-treasurer shall, within one month after receiving the assessment roll from the assessors, lay the same before the board of trustees, and after the said board have struck the rate, he shall receive the roll from them for the purpose of collection.

Assessment roll to be laid before board.

58. Every secretary-treasurer shall prepare and submit to the board of school trustees annually, previous to the general meeting of the ratepayers, a detailed statement of receipts and expenditures of the school district for the current school year then expiring, and such statement after being approved by the school trustees shall be by them submitted at the annual meeting of the school district, and the secretary-treasurer shall, on the payment to him of the sum of one dollar, furnish to any ratepayer a copy of such statement.

Statement of receipts and expenditures.

59. The remuneration of the secretary-treasurer may, in the discretion of the school trustees, be fixed at any amount not exceeding eight per cent. on the moneys received by him in such capacity, but such remuneration shall include every service which the trustees may require from time to time from the secretary-treasurer, and shall cover all contingent expenses whatever, except such as may be specially authorized by rules and regulations of the respective section of the board of education, and shall not in any case exceed the sum of one hundred dollars.

Remuneration of secretary-treasurer.

60. In incorporated cities and towns the board of trustees shall have power to appoint one of their number or some other person, as the majority of the board may decide, to be their secretary-treasurer, to determine the amount of salary to be paid such officer, and to impose by by-law such additional duties as may be required by the board of school trustees; and he shall be subject to the same duties, obligations and penalties as are imposed by this Act.

School trustees in cities to appoint secretary-treasurer. Duties.

PROSECUTION BY OR OF SCHOOL TRUSTEES.

61. The school trustees of any school district may institute suits, or prosecutions for the school assessments, assessment for school houses, and for all arrears of the said assessments and monthly fees, and such suits or prosecutions may be instituted before the county court or before two justices of the peace of the county, and the justices may after judgment cause the amount of the judgment, together with the costs thereof to be levied under warrant, by the seizure and sale of the goods and chattels of the defendant, such seizure and sale to be effected by the secretary-treasurer, who shall for that purpose have and execute the power of sheriff, and who shall be entitled for such services to the same fees as the said officer.

Suits for collection of rates, &c.

- Judgment.** 62. In all such suits of prosecutions judgment may be rendered with costs, and no judgment rendered on any such suits or prosecutions shall be liable to be appealed from, nor shall any such suit or prosecution be renewed by writ of certiorari.
- No appeal**
- School trustee to have special authority to engage in law suits.** 63. No member of any board of school trustees shall engage in any suit at law as such trustee, as plaintiff without a special authorization from the trustees, duly entered in the minutes, after deliberation ; and every such action may be brought either by the chairman or by the secretary-treasurer, in the name of the corporation, as the board may see fit.
- Who may institute proceedings.** 64. All persons entrusted in any manner with the carrying of this Act into effect, or qualified to vote at the election of school trustees, shall be competent to institute proceedings under this Act except in cases where it is specially provided to the contrary.
- Contestations** 65. All contestations with regard to the election of school trustees, and to the functions and powers assumed by school trustees or any of them, or their officers, or by any person or persons claiming to be such trustee or trustees, or officer or officers, may by any competent person be brought, by a petition setting forth the case, of which a copy must have been served on the parties concerned, before the County Court at its next sitting, and shall then be determined in a summary manner on the evidence adduced.
- When election has been obtained by fraud, etc.** 66. Any school trustee whose election has been obtained by fraud or stratagem or by the votes of persons not qualified as electors, or any person usurping the functions of school trustee, or illegally holding that office, may be summarily prosecuted, at the instance of any party interested, or several collectively interested, before any one of the judges of the county court of the county in which such election, usurpation or illegal retention of office has taken place for the purpose of declaring such election, or such retention of office, illegal and such seat vacant.
- Duty of Judge of Q. B. or of County Court.** 67. It shall be the duty of any judge of the Court of Queen's Bench or of the County Court of this Province or any stipendiary magistrate, to investigate and decide any complaints which may be made in the manner provided by the statute in that behalf, in regard to the election of any school trustee, or in regard to any proceeding at any school meeting : provided always that no complaints in regard to any election or proceeding at any school meeting shall be entertained, unless made in writing within twenty days after the holding of such election or meeting. The costs and expenses of any such investigation shall be paid by the parties concerned in it, as such judge or magistrate may decide.
- Court of revision.** 68. The school trustees shall be constituted a court of revision for hearing and deciding any complaints that may be made against any assessment made under their authority, and shall sit as such at any time fixed by the trustees after eight days notice given by posters in three public places of the district, by the secretary-treasurer ; and the decision of the said court of revision shall be final, when the amount to be paid shall not exceed twenty dollars ; and the members of the said court of revision shall be empowered to administer oath while sitting as such ; and every appeal from the decision of such court of revision shall be heard and determined finally at the next sitting of the county court, within the jurisdiction of which the school district is situated.

QUORUM.

69. The quorum of any corporation, board or body constituted under this Act, shall (unless otherwise expressly declared) be an absolute majority of all the members thereof; and the majority of the members present at any meeting regularly held, at which there shall be a quorum, may validly exercise the powers of the corporation. Quorum.

ASSESSORS.

70. The school trustees may within twenty days after the annual school meeting, appoint one or more assessors from the resident ratepayers, provided the district is not included within a municipality, or the municipal council refuses or neglects to do so, and such remuneration shall be paid to such assessor as the board shall see fit. Assessors.

71. Before entering upon the discharge of their duties, such assessors shall be sworn, before a justice of the peace, to the faithful discharge of their duties, and they shall within two weeks after their appointment, proceed to make out an assessment roll of the rateable property of each ratepayer in the school district, and shall deliver the same into the hands of the secretary-treasurer of the school trustees within one month thereafter. Assessors to be sworn.

COLLECTORS.

72. When a school district is not included within a municipality, or a Municipal Council refuses or neglects to do so, the Trustees of any school district may appoint a fit person to be a collector of school taxes, the collector may be one of the school Trustees or the secretary-treasurer, and in all such cases, the school Trustees shall have power to provide for the remuneration of such collector. Collectors.

73. In incorporated cities and towns the Boards of Trustees of the minority may appoint a fit and proper person to act as collector of school rates and school taxes, and to pay such collector not more than five per cent. on the moneys collected by him, such collector shall give satisfactory security to the Board of School Trustees; he shall have the same powers in the collection of school taxes that the collector of the city or town possesses for the collection of municipal taxes, and all moneys collected by him shall, on demand, be paid over into the hands of the secretary-treasurer of the Board of School Trustees for public school purposes. In incorporated cities rate of payment to Collector.

AUDITORS.

74. At every annual meeting of any school district there may be appointed by the ratepayers, one or more auditors or persons to examine the accounts of the secretary-treasurer of the school Trustees and report thereon at the next annual meeting, and who shall certify to the correctness or otherwise of such accounts. Auditors.

75. It shall be the duty of every teacher employed by any board of school trustees under either of the sections of the board of education: Teachers and their duties.

(a.) To teach diligently and faithfully all the the branches required to be taught in the schools according to the terms of his engagement with the school trustees, and in accordance with the provisions of the school laws of Manitoba, or any bye-laws and regulations issued under the same:

- (b.) To keep in the prescribed form the register of the school :
- (c.) To maintain proper order and discipline in his school :
- (d.) To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school, and to present such book to every visitor, and request him to make therein any remarks suggested by his visit :
- (e.) To give the trustees and visitors access at all times, when desired by them, to the registers and visitors' book appertaining to the school :
- (f.) To deliver up any school registers, visitors' book, schoolhouse key, or other school property in his possession, on the demand or order of the board of school trustees employing him :
- (g.) To have at the end of every half-year at least, a public examination of his school, of which he shall give due public notice :
- (h.) To furnish to his superintendent, or to the inspector of such schools concerned, any information which it may be in his power to give, respecting anything connected with the working of his school, or in anywise affecting his interests or character.

Agreements
between
teachers and
trustees

76. All agreements between trustees and teachers, to be valid and binding, shall be in writing and signed by the teacher and the chairman of the board of school trustees employing him, and sealed with the corporate seal, if any, of the trustees.

77. In case of sickness, certified by a medical man, every teacher shall be entitled to his salary during such sickness for a period not to exceed four weeks for the entire year, which period may be increased by the board of school trustees ; provided that such trustees employ a legally qualified person to supply his place during sickness.

INSPECTORS.

Inspectors.

78. The sections of the board of education shall have power to appoint inspectors who shall hold office during the pleasure of the section appointing them ; to define their duties, and to provide for their remuneration, and such inspectors shall visit the schools and report thereon at least twice a year.

Board of
cities and
towns may
appoint
inspector.

79. The Boards of Trustees of cities or towns shall respectively, with the approval of the section of the Board of Education concerned, have power to appoint a fit and proper person to be inspector of all public schools within the jurisdiction of the Board of Trustees appointing him, who shall by frequent visits to the schools, and in every other way, do all in his power to improve their character and efficiency ; such inspector shall report quarterly to the Trustees, who shall transmit a copy of all such reports to the Superintendent of the section having jurisdiction over such schools.

VISITORS.

Who may be
visitors.

80. The visitors in each school district may be :

- (a.) The resident priest or minister of any denomination, provided always that such priest or minister or ecclesiastic shall only have the right to visit schools under the jurisdiction of the section, whether Protestant or Catholic, to which such priest, minister or ecclesiastic may belong :
- (b.) The members of the Provincial Legislature :
- (c.) The judges of the court of Queen's Bench and county court :

(d.) The members of each section of the Board of Education in their respective schools ; and

(e.) The trustees of each school district in their own district.

81. In incorporated cities or towns a general meeting of the visitors may be held at any time or place appointed by any two visitors, on sufficient notice being given to the other visitors ; and the visitors thus assembled may devise such means as they may deem expedient for the efficient visitation of the schools, and, in concert with the school authorities, for promoting the establishment of libraries and the diffusion of knowledge.

General meet-
ing of visitors.

SCHOOL ATTENDANCE.

82. The teacher of each school in this Province, receiving public aid shall within ten days after the close of each semi-annual school-term, transmit to his superintendent a correct statement of the names of the children attending such school, with their respective ages, and distinguishing between the sexes, together with the average attendance during the preceding school term, and a statement of the number of months during which the school has been kept open, with such additional information as the superintendent may from time to time require.

School atten-
dance.

Record of, to
be kept, etc.

ANNUAL CENSUS OF CHILDREN.

83. The school trustees in each school district shall between the first and thirtieth day of November in each year, cause to be made by their secretary-treasurer a census of the children in such school district from the age of five years inclusive to the age of fifteen years inclusive, giving the age in each case and mentioning those who attend the school, and such census after being certified by the secretary-treasurer and at least one of the school trustees of the district under oath, made before a justice of the peace, shall on or before the tenth of the month of December following, be presented to the proper superintendent, whose duty it shall be to forward the same to the provincial secretary within the eight days following, and no census shall be received by the superintendents respectively after the said date of the tenth day of December in each year.

Annual
census of
children.

APPORTIONMENT OF PUBLIC MONIES.

84. The sum appropriated by the legislature for common school purposes, shall be divided between the Protestant and Roman Catholic section of the Board of Education, in the manner hereinafter provided, in proportion to the number of children between the ages of five and fifteen inclusive, residing in the various Protestant and Roman Catholic school districts in the Province where schools are in operation, as shown in the census returns.

Apportion-
ment of public
moneys.

85. The provincial treasurer and one other member of the executive council to be appointed by the Lieutenant-Governor shall form a committee for the apportionment of education funds and legislative grant between the Protestant and Catholic sections of the board of education ; and the selection of a member of the executive council to act as a member of such committee, shall, when practicable, be so made, or from time to time changed by the Lieutenant-Governor, as to secure that one member of the said committee may be of the Protestant and one of the Catholic persuasion.

Provincial
treasurer and
one other
member of the
executive
council to
form a com-
mittee of ap-
portionment.

Duties of such committee.

86. It shall be the duty of such committee on or before the fifteenth day of January in each year to apportion the education fund, and within two weeks after the prorogation of the session of the legislature at which the grant for education is voted, to apportion said grant between the Protestant and the Catholic sections of the Board of Education, according to the aggregate number of children being respectively Protestant and Catholic between the ages of five inclusive and fifteen inclusive who shall be found from the census hereinbefore prescribed, to be residing within all the school districts existing in the Province.

If census returns defective.

87. If the census returns upon which such apportionment is at any time to be made, or any of them be defective in any respect, the said committee shall have power to require school trustees to supply to the committee such information as will enable them to correct the same.

Apportionment—how to be paid.

88. After such apportionment shall have been made to the Protestant and Catholic sections of the said Board of Education, the sum due to each section shall be paid by two semi-annual payments.

Superintendent to deposit in bank.

89. The superintendent of each section shall deposit such money in such bank as the Lieutenant-Governor in council may direct.

EXPENDITURE OF SCHOOL MONEYS.

Expenditure of school moneys.

90. From the sum so appropriated to each section there shall first be paid the incidental expenses of that section, and such sums to the superintendents of education as the Lieutenant-Governor in council may deem just, and each section of the board may reserve for unforeseen contingencies, a sum not exceeding ten per cent. of its share of the appropriation.

(b.) Then the sum of fifty dollars shall be paid semi-annually to each school which has been in operation during the previous term; and in the case of newly established schools, to those which have been in operation for at least one month of said term;

(c.) The residue then remaining may be divided annually or semi-annually among all the schools, upon the basis of the average attendance of pupils attending said schools as shown in the semi-annual returns made by the teachers.

(d.) No school shall be entitled to receive any portion of the legislative grant, whose trustees have neglected to transmit within the time provided by law in the preceding year, the census returns which form the basis of the apportionment of the public fund.

Payments—how to be made.

91. All payments authorized by the section shall be made by the superintendent by cheque upon the bank in which the moneys have been deposited, or, in case of the absence of the superintendent, by some person duly authorized to act for him.

School not conducted to provisions of act.

92. Any school not conducted according to all the provisions of this or any other Act in force for the time being, shall not be deemed a public school within the meaning of the law, and such school shall neither participate in the educational funds nor in the legislative grant.

ARBITRATION.

Arbitration.

93. In case of any difference between school trustees and teacher in regard to his salary or the sum due him or claimed to be due, or any other matter connected with his duty, the same shall be submitted to arbitration, in which case each party shall choose an arbitrator.

94. In case either party in the first instance neglects or refuses to appoint an arbitrator on his behalf, the party requiring the arbitration may, by notice in writing to be served upon the party so neglecting or refusing, require the last named, within three days exclusive of the day of service of such notice, to appoint an arbitrator on his behalf and such notice shall name the arbitrator on his behalf and such notice shall name the arbitrator of the party requiring the arbitration; and in case the party served with such notice does not, within the three days mentioned therein, name and appoint an arbitrator, then the party requiring the arbitration may appoint the second arbitrator.

When either party neglects to appoint arbitrator.

95. The superintendent or a member of the sectional board to be nominated by such superintendent, shall be the third arbitrator.

Third Arbitrator.

96. The arbitrators may require the attendance of any or all the parties interested in the reference, and of their witnesses, and may direct them or any of them to produce all documents, books, papers or writings bearing on the matter in question, and the arbitrators may take evidence on oath.

Arbitrators may require attendance of parties.

97. The said arbitrators or any two of them may issue their warrant, to any person named therein, to enforce the collection of any moneys by them awarded to be paid, and the person named in such warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same has issued, as any bailiff of the county court has in enforcing a judgment and execution issued out of such court.

Arbitrators may issue warrant.

98. In case of any dispute or difference arising between any two boards of school trustees in regard to any sum of money due or claimed to be due under any Act of the Province of Manitoba, the same shall be referred to arbitration in the manner hereinbefore provided; and, provided always, that in differences between any two boards of school trustees, the third arbitrator shall be chosen by the other two and the decision of such three arbitrators shall be final.

In case of dispute between two boards.

MUNICIPAL OFFICERS.

99. It shall be the duty of the city or town clerk, or clerks of municipalities to furnish to the board of school trustees five days before the annual school meeting authorized to be held under this Act, a certified copy of the last revised municipal voters' list for each ward in the city, town or municipality in which such Acts are in force.

Municipal officers.

HOLIDAYS.

100. Every Saturday and every statutory holiday shall be a holiday in the public schools; subject however to such regulations respecting holidays as either section of the Board of Education may from time to time make for the schools under their jurisdiction.

Holidays.

BY-LAWS FOR COMPULSORY ATTENDANCE OF CHILDREN.

101. Every board of school trustees may, with the sanction of their section of the board of education, make, amend or revoke any by-laws for their school district, for any of the following purposes:

By-laws for compulsory attendance of children.

(a) Requiring the parents or guardians of children of not less than seven years nor more than twelve years of age, as may be fixed by the law, to send

such children to school for a certain period in each year, unless sufficient evidence be produced by such parents or guardians, that they cannot do so; and any of the following shall be considered a reasonable excuse:

(1) That the child is under instruction in some other manner satisfactory to the magistrate before whom the complaint may be brought;

(2) That the child has been prevented from attending school by sickness or any unavoidable cause;

(3) That such child has reached a standard of education of the same as or greater degree than that to be obtained in such public school, by children of twelve years of age;

(b) Determining the time during which such children are to attend school;

(c) Imposing penalties upon parents or guardians for the breach of any by-law, thus:

(1) Admonition in the form of a note of warning, signed by the chairman of the board of school trustees;

(2) Summons to appear before the board of school trustees, and to receive reprimand from the chairman, if merited;

(3) Complaints by the board of school trustees to any justice of the peace of the district, who may impose a fine not exceeding twenty-five cents for the first offence, fifty cents for the second, and so on, doubling the last fine for any repetition of the offence.

Judge of county court or stipendiary magistrate may investigate complaints.

102. It shall be competent for any judge of the county court or stipendiary magistrate to investigate and decide upon any complaints made by the trustees or any person authorized by them against any parent or guardian for the violation of any such by-law as is, by the previous section provided as may be enacted; and it shall be the duty of such judge of the county court to ascertain, as far as may be, the circumstances of any party complained of, for not sending his or their child to school or otherwise educating him or them, and whether the alleged violation has been caused by poverty or ill-health, and in any such case the judge shall not award punishment, but shall report the circumstances to the trustees making the complaint.

REGISTRATION OF SCHOOL TAXES.

Registration of school taxes.

103. Previous to the first day of August in each year the boards of school trustees, if they themselves collect the school taxes, shall cause to be made a list of the names of all persons in their district in arrears for school taxes, the amount due by them, the lot or lots on which such taxes are due: and if such taxes remain unpaid, it shall be the duty of the said board of school trustees on or previous to the last day of August in each year, to register the said lots, with the amount due on real estate only, with the treasurer of the municipality in which such lots are situated, and if such lots are not within a municipality then in the registry office of the county in which such lands are situated, by filing a copy of the tax list, after which such taxes shall become a first lien or mortgage on the lot or lots on which they are respectively due and payable, and any sale of such property or transfer made thereafter shall be subject to such taxes.

BORROWING MONEY.

104. If the ratepayers of any school district at a public meeting duly called, require the trustees to borrow any sum of money for the purchase of school sites, or erection of school houses and their appendages, or for the purchase or erection of a teacher's residence, or for the purpose of paying off any debt, charge or lien against such school house, or residence, or against the trustees of any school district, incurred by them as such trustees for any of the purposes aforesaid, the said trustees shall forward to the Lieutenant-Governor-in-Council, a certified copy of the minutes of such meeting, and the Lieutenant-Governor-in-Council may thereupon sanction such loans, and such sanction shall bind the ratepayers of the said school district to cause to be levied a sum sufficient for the payment of the principal and interest on any such loan at the times when the same shall become payable, as provided between trustees and the lender.

Borrowing money.

(a) No loan shall be made for any term exceeding twenty years.

Term of loan.

(b) The principal on such loan may be made payable by annual instalments.

Payable by instalments.

(c) Notice of such meeting shall be duly given by posting up on the door of the school house (if any), and in two or more conspicuous places within the school district, for which such loan is sought to be obtained at least two weeks previous to such meeting, a notice in the form or to the effect of that set forth in Schedule A of this Act.

Notice of meeting.

(d) A majority of the ratepayers of any such school district present at such meeting shall be sufficient to authorize such loan, and the assent of the Lieutenant-Governor shall be obtained before such loan is completed.

Majority.

(e) The assent of the Lieutenant-Governor to any such loan shall be conclusive evidence of all the necessary formalities having been complied with, and that such loan is one which such school district may lawfully make.

Assent of Lieutenant-Governor.

(f) Any school district having obtained the assent of the Lieutenant-Governor to a loan, may issue debentures therefor in the form set forth in Schedule B of this Act, to secure the amount of the principal and interest upon such loan, upon such terms as such loan can be obtained, and the said debentures shall be sufficient when signed by the secretary-treasurer, and countersigned by one or more trustees, to bind the said trustees and to create a charge or lien against all school property in the school district for which such loan is made.

May issue debentures.

SCHEDULE "A."

Public Notice.

Notice is hereby given that a meeting of the ratepayers within the school district, will be held at the _____ day the _____ day of _____ A.D. 18 at the hour of _____ o'clock in the _____ noon, for the purpose of considering the expediency of raising money by way of loan to (here state the purpose for which the loan is intended.)

Schedule A.

Dated this _____ day of _____

A.D. 18
Secretary-Treasurer.

SCHEDULE "B."

Schedule B. Debenture of the school district for school loan.
 The trustees of the school district promise to pay to
 the bearer, at the , at Winnipeg the sum of
 dollars of lawful money of Canada from the date hereof, and to
 pay interest thereon yearly on the days of and
 at the same place at the rate of per
 centum per annum to the bearer of the coupons hereunto annexed respectively.
 Issued at this day of 18 , by
 and under the authority of sub-section (f) of section CIV. of an Act of the
 Legislature of Manitoba, passed in the 44th year of Her Majesty's reign.

Secretary-Treasurer.

COUPON NO.

Coupon. The board of the school trustees of the school district
 of will pay the bearer, at the
 bank at on the
 day of 18 , the sum
 of dollars, interest due on that day on
 school debenture No.

S.M.,

Secretary-Treasurer.

105. In incorporated cities and towns the board of school trustees shall each have power to borrow money for the purchase of school lands or the erection of school buildings or other school purposes in the manner hereinafter provided.

And to issue
 debentures.

106. To enable such Board to borrow money the respective Boards of School Trustees shall have power to issue debentures in the form given in Schedule C to this Act, for such sums as may be decided upon at an annual school meeting or a special meeting of the ratepayers represented by any such Board called for that purpose, redeemable within twenty years from the date thereof with interest not exceeding eight per cent. per annum payable semi-annually which debentures shall be a charge upon the school district and the interest on them shall be the first charge on the annual school taxes, and such Board of Trustees shall make provision out of the annual school taxes for the formation of a sinking fund for the repayment of said debentures: they shall be sealed with the corporate seal of the Board of School Trustees and signed by the chairman and countersigned by the secretary-treasurer. Provided that the whole amount of such debentures shall not exceed the sum of \$20,000 for the Board of the School Trustees of the majority, nor the sum of \$10,000 for the Board of the School Trustees of the minority.

Amended by
 45 Vic. c. 11.

Proviso at
 end of section
 struck out.

SCHEDULE "C."

Debentures of the school district of the city (*or town*) of
for school loan.

The board of school trustees of the school district of the city (*or town*) of
promise to pay to the bearer at the
bank at the sum of dollars lawful money of
Canada, years from the date hereof, and to pay interest in semi-annual
payments at the rate of per cent. per annum to the
bearer of the annexed coupons respectively upon the presentation thereof at the
said bank of . Issued at this
day of 18 , by virtue and under the authority of section CVI
of an Act of the Legislature of Manitoba passed in the 44th year of Her Majesty's
reign and chaptered and pursuant to bye-law No. of the said
board of school trustees passed on the day of 18
intituled a bye-law to raise by way of loan the sum of dollars
for the purposes therein mentioned.

A. B.,
Chairman.

S. M.,
Sec.-Treasurer.

COUPON NO.

The board of the school trustees of the city (*or town*)
of will pay the bearer of the
bank at day of
18 , the sum of dollars,
interest due on school debenture No.

S.M.,
Secretary-Treasurer.

\$

FINES AND PENALTIES.

107 Any person elected as trustee who shall refuse to serve shall incur
a penalty of five dollars, and any trustee or secretary-treasurer neglecting to
refusing to discharge any duty assigned to him or them by this Act, shall be
liable to a penalty of ten dollars for each offence, and said penalties may be
recovered within three months of the time when such offence was committed.

Fines and
penalties for
trustees, etc.,
refusing to
act.

108. Whenever any school trustee, or secretary-treasurer, after his dis-
missal, resignation, or ceasing to hold office, detains any money, book, paper or
property belonging to the school trustees of any school, he shall thereby incur
a penalty of not less than five dollars, nor more than twenty dollars, for each day
during which he shall retain possession of any such money, book, paper or
property after having received a notice from his superintendent of education
requiring him to deposit the same in the hands of some person mentioned in such
notice.

Penalty for
detaining
books or
papers.

109. If any trustee of a school, or other person, knowingly signs a false
report, or if any teacher of a common school keeps a false school register, or
makes a false return with a view of obtaining a larger sum than the just propor-
tion of school moneys coming to such school, such trustee or teacher shall for
each offence forfeit the sum of twenty dollars.

Penalty for
signing a false
report.

Penalty for head of a family refusing information.

110. Every father, head of family, or guardian, who refuses to give to the trustees of any school district the information required by them, to enable them to make up the census of children required by this Act, or who makes a false declaration, shall incur a penalty of not less than five nor more than twenty-five dollars.

Penalty for J. P. or constable refusing to discharge duties.

111. Any justice of the peace, assessor, constable, or other officer neglecting or refusing to discharge any duty assigned to him by the provisions of this Act, shall be liable to a penalty for each offence of a sum not exceeding fifty dollars.

Making false declaration of right to vote.

112. If any person wilfully makes a false declaration of his right to vote, he shall be liable to a penalty of not less than fifty nor more than one hundred dollars.

Proceedings of school meeting to be reported.

113. The proceeding of every school meeting shall, within eight days thereafter, be reported by the chairman of such meeting to the superintendent of his section, under a penalty of five dollars.

Penalty for persons interrupting proceedings.

114. Any person who wilfully disturbs, interrupts or disquiets the proceeding of any school meeting, or anyone who interrupts or disturbs any public school by rude or indecent behaviour, or by making a noise either within the place where school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall for each offence, on conviction thereof, before a justice of the peace, forfeit and pay a sum not exceeding twenty dollars, together with the costs of the conviction, as the said justice may think fit.

Penalty for trustees refusing to act.

115. Any person chosen as trustee who has not refused to accept office, and who at any time refuses or neglects to perform his duties shall forfeit the sum of twenty dollars.

Wilful neglect of trustees.

116. Should the trustees of any public school wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act or any other Act or Acts of this Province, for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such powers shall be held to be personally responsible for the fulfilment of such contract or agreement.

Prosecutions-how instituted

117. All such prosecutions for fines and penalties may be instituted by any competent person, before any justice of the peace who may convict the offender on the oath of one credible witness, other than the prosecutor; and if upon conviction, the penalty, with costs if not paid forthwith, the same shall, under warrant of such justice, be levied with costs of distress and sale of the goods and chattels of the offender; and such penalty when so paid and collected shall, by such justice, be paid over to the school fund of the district to which such delinquent belongs.

Citation.

118. This Act may be cited as "The Manitoba School Act" and shall be deemed a Public Act.

119. All former school Acts and amendments thereto shall be and are hereby repealed; but the board of education, superintendents, and inspectors, shall continue in office until replaced under the provisions of the present Act; and the school trustees now in office, elected before the passing of this Act, shall remain in office for the term elected; further, all Acts, proceedings, and regulations of the board of education, its sections, and boards of school trustees under the previous Act, shall continue in force, until changed under the provisions of the present Act.

45 VIC., Chapitre 8.

Acte pour établir des Ecoles Normales en union avec les écoles publiques.

[Sanctionné le 30 Mai 1882.]

L'Assemblée Législative de Manitoba décrète ce qui suit :

1. Les sections Protestante et Catholique du bureau d'éducation sont par le présent acte respectivement autorisées.

Pouvoirs d'établir des Ecoles Normales.

(a) A établir en union avec les écoles publiques Protestantes de la cité de Winnipeg et avec les écoles publiques Catholiques de St. Boniface, des départements dit des Ecoles Normales dans le but d'instruire et de préparer des instituteurs pour les écoles publiques dans la science de l'éducation et dans l'art d'enseigner

(b) A faire de temps en temps des règles et règlements nécessaires pour l'administration et la direction des dits départements.

Administration des dites écoles.

(c) A s'entendre avec les syndics ou commissaires des dites écoles publiques sur toutes choses qui seront jugées convenables pour promouvoir le but et les intérêts des dits départements des Ecoles Normales.

Entente avec les commissaires.

(d) A prescrire les termes et conditions auxquels les étudiants et les élèves seront reçus et instruits dans les dits départements.

Termes et conditions d'étude.

(e) A déterminer le nombre et la rémunération des professeurs, et de toutes autres personnes qui pourront être employées dans les dits départements.

Nombre et rémunération des professeurs etc. Appropriation

(f) A approprier à même le montant accordé à chaque section, sur l'octroi annuel voté par l'Assemblée Législative, une somme ne devant pas excéder pour chaque section, celle de trois milles piastres pour le maintien des dits départements des Ecoles Normales.

Act to Amend the Manitoba School Act, 1881.

45 VIC., Chapitre 11.

Acte pour amender la 44 Vict., chap. 4, intitulé : " Un Acte pour établir un système d'écoles publiques dans la Province de Manitoba " :

(Sanctionné le 30 Mai, 1882.)

L'assemblée Législative de Manitoba décrète ce qui suit :

La section cent six du dit Acte est par le présent amendée en y biffant tout les mots depuis le mot " pourvou " dans la dix-huitième ligne, jusqu au mos " minorité " dans la dernière ligne.

Sec. 106, 44 Vic. c. 4, amendée.

An Act to amend the "The Manitoba School Act."

[Assented to 7th July, 1883.]

Preamble.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Manitoba enacts as follows :

44 Vic. cap. 4,
sec. 10, sub
sec. (a),
amended as to
calling School
Meetings.

1. Sub-section (a) of section 10 of 44 Victoria, cap. 4 (3rd session) is amended by adding thereto the following : " And also to call any school meeting required to be held under this Act when the parties who are otherwise invested with the power to do so, either neglect or refuse to exercise it."

Sec. 12
repealed and
amended.
Council to
establish and
alter School
districts.

2. Section 12 is repealed and the following substituted therefor :—

" XII. It shall be the duty of the Council of any municipality to establish and alter, when necessary, the school districts within its own bounds, but in no case shall action be taken except on the petition of parties directly interested, and if any Municipal Council shall refuse or neglect to take the necessary action when so petitioned, then, on the petition of at least five of the resident heads of families of the school district, or proposed school districts, to the section of the Board of Education to which the same belongs, the said section of the board shall establish or alter the same, provided always that no petition for the formation or the re-adjustment of any school district shall be considered by any council, or by either of the sections of the Board of Education, unless a copy of it, with the names of the petitioners attached, has been posted up for a fortnight in a post office in the municipality in which said district or proposed district is situate, and within the bounds of said district or proposed district, or if there be no post office within the limits of the proposed district, then in the nearest post office thereto, and a declaration made before a justice of the peace by at least two of the said petitioners, stating that the petition had been so posted up, must accompany such petition."

Board of Edu-
cation may
do so.

Notice to be
posted up in
P.O.

Sec. 13
amended.

3. Section 13 is amended by inserting the word " other " therein after the word " such," and before the word " regulation " in the 1st part of said section.

Sec. 13, sub-
rec. (a)
repealed and
amended as to
Union School
district.

4. Sub-section (a) of section 13 is repealed and the following substituted therefor :—

" (a.) When a school district is formed or re-adjusted out of territory lying in more than one municipality, its formation or re-adjustment shall always be effected by the section of the Board of Education concerned."

Sec. 13, sub-
sec: (b)
repealed.
Sec. 15 amen-
ded as to
power of
minority.

5. Sub-section (b) of said section B is repealed.

6. Section 15 is amended by striking out the proviso in the latter part thereof, and substituting the following : " Provided always that the minority shall have power, by the action of their section of the Board of Education, to maintain their own district as it existed before the incorporation of said city or town, or so to extend their district as to include members of their denomination residing in the vicinity where no school of the same is in operation, but in such cases the children of the residents within the city or town limits only shall be computed in the division of school taxes levied on the incorporated bodies within the city or town."

7. Section 19 is repealed and the following substituted therefor :

“XIX. All incorporated cities and towns, divided into wards, shall be entitled to elect two trustees for each ward at the first election of school trustees in cities and towns ; the first person elected in each ward shall continue in office for one year, to be reckoned from the annual meeting next after his election, and until his successor has been appointed ; the second person elected in each ward shall continue in office until the next ensuing election, and until his successor has been appointed, provided that in the case of towns so divided into wards in which an election of trustees has already taken place, the vacancy in each ward caused by the retirement of trustees, at the next annual meeting shall not be filled, and the term of office of the remaining two trustees in each ward shall be reckoned from the next annual meeting after the passing of this Act, provided that nothing in this Act shall prevent a town not divided into wards from having three trustees, just as if it were a rural district, and provided further, that, for the City of Winnipeg there shall be a new election of two trustees for each ward at meetings to be called by the proper superintendent as soon as possible after the passing of this Act.”

Sec. 19 repealed and amended as to Trustees for Wards and their terms of office.

“(a.) Trustees in cities and towns must be residents of the wards they represent.”

Trustees to reside in their own Wards.

8. Section 25 is repealed and the following substituted therefor :—

“XXV. For the purpose of supplementing the Legislative grant it shall be the duty of the boards of trustees of all school districts, the whole territory of which is comprised within the limits of a single municipality, from time to time to prepare and lay before the municipal council an estimate of such sums as may be required for school purposes during the current school year. This estimate shall be laid before the Council on or before the 1st day of March, whereupon the said Council, employing their own lawful authority, shall forthwith levy and collect the said sums by assessment on the real and personal property within the school district, and shall pay over the same to the board of trustees as collected, and the Council shall from time to time pay or advance to any such board of trustees any sum or sums which the trustees shall require for necessary disbursements pending the collection of the said moneys.”

Sec. 25 repealed and amended as to Trustees laying before Council estimate for year.

Council to levy & collect said amount.

9. Section 26 is repealed and the following substituted therefor :—

“XXVI. In case the territory embraced in any school district extends within the limits of two or more municipalities, the board of trustees of such school districts shall cause an assessment of their district to be made, and after the revision of the assessment and the fixing of the rate as so provided in this Act, shall transmit to each municipality concerned the portion of the assessment roll affecting such municipality, and the said municipality shall thereupon collect the school taxes and pay over the same to the said trustees, advancing meanwhile from time to time to such board of trustees any sum or sums which the trustees shall find necessary pending the collection of such taxes.”

Sec. 26 repealed and amended as to Union-

School district Trustees to submit such statement to each municipality concerned.

10. Every trustee after his election and before he shall be entitled to sit or vote as such at any meeting of the board, shall make before the chairman of the school meeting at which he was elected or before a justice of the peace, a

Declaration to be made by each Trustee and submitted before taking seat on school board.

declaration, which he shall produce and deposit with the secretary-treasurer of the board, and which shall be in the following form :—

Form.

“I, A.B., do solemnly declare that I will truly, faithfully, and to the best of my ability and judgment discharge the duties of the office of school trustee for the school district of to which I have been elected.

Dated at the day of 18

Taken before me, &c. A.B.

C.D.

J.P. (or chairman, &c. as the case may be.)”

Sec. 39 amended as to keeping school open.

11. Section 39 is amended by adding thereto the following additional sub-section :—

“(i.) To have their school in operation for at least six months every year when there are not less than ten children of school age in their district.”

Sec. 48 repealed.

12. Section 48 is repealed.

Sec. 50, sub-sec. (b) amended as to school rates.

13. Sub-section (b) of section 50 is amended by striking out all the words therein after “the owners of property therein” and substituting therefor the following : “and such rates if not paid by such parents or guardians into the hands of the secretary-treasurer for public school purposes at such time or times as the board may appoint, may be returned to the clerk of the municipality or municipalities in which the parties so in default reside, and shall by said clerk be placed on the collector’s roll and collected in the same manner for account of said board as other school taxes or rates.”

Sec. 51 corrected.

14. To correct an error or misprint in sec. 51, the word “elected” in the latter part thereof, after the word “when,” shall read “collected.”

Sec. 67 amended as to fees of judge or magistrate.

15. Sec. 67 is amended by adding thereto as follows : “but such judge or magistrate shall not be entitled for his own services or fees to a greater sum than \$5 per day for each day actually engaged in such investigation.”

Secs. 72, 73 & 103 repealed.

16. Sections 72 and 73, and 103 are repealed.

Sec. 104 amended as to borrowing money. Form of minutes of school meetings therefor.

17. The regulations laid down in sec. 104 and thereafter in said Act in respect to borrowing money shall be hereafter subject to the following provision, namely :—The minutes of any meetings of the ratepayers of a school district called to consider the propriety of borrowing money, as mentioned in said sec. 104, shall be headed with a statement in the following form, or to the same effect :

“Minutes of a public meeting of the ratepayers of the school district, in the municipality (or county) of

held the day of 18 in pursuance of a notice given as required by “The Manitoba School Act,” and called for the purpose of considering (and advising the trustees of said school section in respect to) the question of raising or borrowing a sum of money for the purpose of (here state the purpose for which the loan is intended as in the published or posted notice).

“The said meeting having been organized by the appointment of Mr. A.B. as chairman and Mr. C.D. as secretary. the following proceedings were had :—

“ It was moved by Mr. &c. (The motions and formal proceedings of the meetings to be then given, certified at the foot thereof to be correct, and signed by the chairman and secretary).

18. A copy of said minutes shall be given to the secretary-treasurer of the board of trustees of the district for the information of said board, and the original, with a declaration endorsed thereon and attached thereto, taken before a justice of the peace or other person authorized to take declarations under the statute, with a copy of the notice calling such meeting, proving the posting of the said notice as required by the Act, shall be given or transmitted to the superintendent of the section of the Board of Education having the supervision of such school district; and it shall be the duty of such superintendent, with as little delay as possible after the receipt of such minutes and proof, to enquire and satisfy himself that the purpose for which the loan is required is a proper and necessary one, and having regard to the means of the ratepayers of such school district to repay the same; and if such superintendent approves of such loan he shall transmit said minutes, proof and other documents connected therewith to the provincial secretary together with a certificate or note of his approval endorsed thereon over his signature.

Copy of said minutes to be given to secretary-treasurer of trustee board duly attested to.

Original sent to superintendent of education.

Said superintendent to transmit name to P.S.

19. It shall be the duty of the secretary-treasurer of the board of school trustees of any school district upon being made aware that a loan, as aforesaid, had been sanctioned by the ratepayers, to at once transmit to the proper superintendent of education, as aforesaid, a statement duly certified under the hand of said secretary-treasurer and the seal of the said board of trustees to be correct, showing the amount of the assessed value of the real and personal estate of such school district, its debenture indebtedness, including the amount proposed to be added under such bye-law then being submitted for approval; its indebtedness other than under said debentures; the yearly rate in the dollar required to pay said debenture debt; the total rate required for all purposes and the interest past due, if any, on the indebtedness of said school district.

Secretary-treasurer of trustee board to transmit statement to superintendent of education.

20. A statement embodying the information mentioned in the last preceding section as to the assets and liabilities of the school section, shall be written or printed on the back of each debenture issued under the authority of the Act, and following such statement shall also be written or printed the words, “ Issued under the provisions of the ‘ Manitoba School Act,’ 44 Vic., cap. 4 (3rd) and amending Act.”

Said statement to be endorsed on back of each debenture.

Words endorsed thereunder.

21. Upon the assent of the Lieutenant-Governor being obtained to such loan, and upon presentation within six months thereafter to the provincial secretary of the debenture or debentures issued to raise the same, the said provincial secretary (unless such assent has in the meantime been withdrawn) shall sign such debenture or debentures under the statement or endorsement thereon hereinbefore mentioned, and shall affix the seal of his office, or of the province thereto, and such signature and seals shall be conclusive evidence that all the formalities in respect to said loan and the issue of such debenture have been complied with, and of the correctness of the statement or endorsement thereof, and the legality of the issue of such debenture shall be thereby conclusively established, and its validity shall not be questionable by any court

When P. S. is to sign & seal said debenture

Effect thereof.

in this Province, but the same shall to the extent of the assets of the school district issuing the same, be a good and indefeasible security in the hand of any *bona fide* holder thereof.

Lieut.-Governor may refuse to sanction loan.

22. The Lieutenant-Governor in Council, when the question of any school loan shall be before him for assent thereto, may take into consideration the effect of the proposed loan upon the security of any previous loan, in case the new proposed loan shall be repayable before a former one, or former ones, and may withhold such assent to such new loan if he considers that the security of the holder of any existing debenture loan of such school district was likely to be rendered insufficient, by reason of the date of payment of the proposed new loan being prior to that of any then existing debenture debt of such district.

Preamble to sec. 23 following.

And whereas no election of trustees for the Protestant School Board of Winnipeg was had for the year of Our Lord One thousand eight hundred and eighty-three (1883) and two new wards have been added to the city, and the former trustees have acted as such trustees down to the present time.

Proceedings of present trustees for P.S.B. of Winnipeg valid.

23. Therefore it is further enacted that all proceedings taken by the said trustees, or which may be taken by them up to the time of the election hereinafter ordered to be held, are hereby declared to be and shall be valid, legal and binding in the same manner as if the said trustees had been duly elected or re-elected for the present year, and for the district or territory for which they have been acting and that a new election of school trustees for the said Protestant School Board shall be had in and for the City of Winnipeg, pursuant to the provisions of the statute in such case made and provided, within one month after the passing of this Act, and that the trustees then elected shall hold office and be the trustees thereof during the current year, and until their successors are duly elected.

New election for said board.

Trustees may invest sinking fund.

24. The trustees of any school district may under the advice and with the consent of the proper superintendent of education, invest any money under the control of such trustees as a sinking fund for the payment of any loan or otherwise held for school purposes and not required for expenditure within 12 months.

Trustees may sell land for school district &c.

25. The trustees of any school district, may with the consent and approval of the proper superintendent of education, sell and dispose of any land or real estate, or any interest therein for the benefit and advantage of said school district, and convey the same or any portion thereof in fee simple or for any lease estate to any purchaser or purchasers thereof, or of any interest of freehold, leasehold or other estate therein, by deed or other instruments, as the case may be, signed by the chairman and the secretary-treasurer of such school district.

Forms of debentures, &c

26. The forms of debentures and coupons contained in the Schedule "B" of said Act, are hereby repealed, and the following substituted therefor:—

SCHEDULE "B."

Debenture.

Debentures of the school trustees for the school district of _____, in the county of _____ in the Province of Manitoba.

The school trustees for the school district of
 in the county of , promise to pay to bearer
 at the at , the sum of dollars of lawful
 money of Canada years from the date hereof, and to pay interest
 thereon semi-annually on the day of , and in each year
 during the currency hereof at the same place at the rate of per centum per
 annum, to the bearer of the coupons hereunto annexed respectively, and
 numbered with the number of this Debenture.

Issued at this day of 18 ,
 by and under the authority of sub-section "F" of section 104 of an Act of the
 Legislature of Manitoba, passed in the 44th year of Her Majesty's reign,
 chaptered 4, and any amending Act.

S.M.,
 Trustee.

T.R.
 Secretary-Treasurer.

Coupon No.

The school trustees for the school district of
 in the county of will pay the bearer
 hereof at the at on the day of
 18 , the sum of dollars, being interest due
 on that day on school debenture No. Coupon.

T.R.,
 Secretary-Treasurer.

27. The provisions of Cap. 24 of 44 Vic. respecting registration of
 debentures, shall not apply to any debenture certified to by the provincial
 secretary under the provisions of this Act, nor to any bye-law or resolution
 respecting the issue of such debentures.

28. All Acts or parts of Acts contrary hereto are repealed.

Inconsistent
 Acts repealed.

47 VIC., c. 37.

An Act to Amend the Manitoba School Act and the Acts Amending the same.

[Assented to 29th April, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:—

Section 5 amended.

1. Section 5 of "The Manitoba School Act" is hereby amended by adding thereto the following sub-section:—

(e.) To make regulations regarding the selection of school site, the size of school grounds and the formation and alteration of all school districts under its authority.

2. Sub-section (b) of section 10 of the said Act is hereby amended by adding the following thereto:—

Section 10 (b) amended.

"And to have authority to take measures to enforce and carry into effect all the provisions of this Act and the regulations issued under its authority that relate to the schools within their respective jurisdictions."

3. Sections 12 and 13 of the said Act as amended by Chapter 46, of 46 and 47 Victoria sections 2 and 3 are hereby repealed and the following substituted therefor:—

Sections 12 and 13 further amended

"(12.) It shall be the duty of the Council of each Municipality to establish and alter when necessary, the school districts within its own bounds, and in case any school district or proposed school district should be included in more than one municipality, its formation or alteration shall be made by the reeves or mayors of such municipalities and the local inspector or inspectors of schools; provided that the formation or alteration of school districts by municipal councils or by the reeves and mayors of municipalities and the local inspector or inspectors shall be made under the regulations that may from time to time be issued for that purpose by the section of the Board of Education concerned, and all bye-laws and resolutions for forming or altering school districts, shall be submitted to such board and receive its sanction before they can be carried into effect, provided also that upon the refusal or neglect of any council, or of the reeves and mayors and local inspectors of the municipalities concerned, to establish or alter any school district, when petitioned to do so by at least five heads of families resident therein, or upon an appeal against the action of such body forming or altering any school district the section of the Board of Education concerned shall be empowered to confirm or annul the action appealed against, or to form or alter such school district as they may think fit, within three months after their receipt of such appeal or petition; provided further that no school district shall be organised under this Act unless there shall be at least ten children of school age living within the same and situated not over three miles from a point that may in anywise be fixed as the first school site"

Establishment and alteration of school districts.

Proviso in case of neglect by municipalities.

Ten school children must reside in district.

Plans to be filed within a month.

“(a.) It shall be the duty of the clerk of each municipality, within one month after the passing of this Act to transmit a description or map of all the lands included in each school district within his municipality to the Superintendent of Education to whom such districts belong, under a penalty of five dollars for neglect or refusal.”

Re-adjustment of school districts.

“(13.) In case of the readjustment of any school district subsequently to an issue of debentures by such district, and before the said debentures have been fully paid, all lands added to the school district by such readjustment shall thereafter be liable to taxation in common with the remaining portion of the school district for the purpose of meeting payments on such debentures as they become due, and all persons assessed for lands detached from any school district after an issue of debentures in such district and before the said debentures have been fully paid, shall in case of their assessment for the payment of debentures in any other school district, be entitled to receive back all sums for which they may thereafter be assessed for payments on debentures in any school district except that in which they then reside.”

Sections 15 and 19 as amended repealed.

4. Section 15 of the said Act and section 19 thereof as amended by Chapter 46, of 46 and 47 Vic. section 7, are hereby repealed and the following substituted therefor:—

City and town school districts.

“(15.) The school district of any incorporated city or town shall be the same as the territorial limits of the said city or town, except as hereinafter provided, but nothing herein shall prevent the union of a portion of the adjoining municipality or municipalities to a city or town or portion of a city or town for school purposes as provided in section 12 of this Act; and the first school meeting in any city or town or school district including a city or town after its incorporation shall be called by the city or town clerk within two weeks after the holding of the municipal elections, or in case of his failure to do so by the Superintendent of Education as soon afterwards as convenient.”

First meeting

Division into wards.

“(a.) It shall be lawful for each section of the Board of Education to form or sub-divide any city or town or any school district which includes a city or town into wards for the election of school trustees, such number of wards not to exceed six in any one case and to determine the number of trustees not exceeding two to represent each ward when the number of such wards is more than one, and to fix the date of the first election of trustees after such formation or sub-division; provided that the existing wards for municipal purposes shall be the wards for school purposes in any city or town until such formation or sub-division is effected by the Board of Education; provided further that the minority shall have power, by the action of their section of the Board of Education to maintain their own district as it existed before the incorporation of said city or town or so to extend their district as to include members of their denomination residing in the vicinity where no school of the same denomination is in operation, but in such cases the children of the residents within the city or town limits only shall be computed in the division of school taxes levied on the incorporated bodies within the city or town; provided also that the minority

Proviso as to existing wards.

Right of minorities.

being Roman Catholic or Protestant Ratepayers (as the case may be) shall be at liberty to elect three or more trustees as decided by the Board of Education and the trustees so in anywise elected shall be the trustees of such district.” Trustees of minority.

“(19.) In all school districts which include or may hereafter include a city or town composed of one ward, there shall be three trustees elected as in rural school districts after the term of office of those previously in anywise elected has expired, and in all school districts hereafter to be divided into wards there shall be elected at their first meeting, one half their number, or if the number to be elected be an odd number, then, one less than one half their number, for a period of two years and the remainder for a period of one year; the persons to serve two years shall be determined by the order of their nomination in case no poll is held, and if a poll be held then by the number of votes received and in case of an equality of votes the returning officer by his vote shall decide.” Election of trustees.

5. Section 20 of the said Act is hereby repealed and the following substituted therefor:— Section 20 repealed.

“SCHOOL MEETINGS.

“(20.) On the first Monday of February in each year a meeting of the ratepayers of each school district, of the age of 21 years and upwards, shall be called by the board of trustees, by notice posted by them on the school house, if there be one, or in three public places in the district at least two weeks in advance; and the majority of the electors present shall choose one or more persons (as the case may be) to be school trustees for the district, and two auditors, and shall receive and decide upon the annual report of the trustees and the report of the auditors and transact such other business as may have been set forth in the notice calling the meeting.” Annual meetings of ratepayers.

“(a.) All special meetings of the ratepayers in a school district shall be called by the trustees or the superintendent by posting up notices in at least three public places within the school district, at least two weeks previous to such meeting; the business to be considered at such meeting shall be plainly set forth in the notices calling the same, and no other business may be legally transacted at a special meeting but such as may be held in accordance with these provisions.” Special meeting of ratepayers.

6. Section 21 of the said Act is hereby amended by adding thereto the subsection following:— Section 21 amended.

“(a.) If within thirty days after the holding of a school meeting, a complaint be made in writing to the superintendent regarding the legality or regularity of the proceedings at such meeting he may cause an investigation to be held, and in his discretion declare the proceedings void and cause another meeting for the same purpose to be called, or may ratify and confirm such proceedings, and any decision so rendered by such superintendent shall be final.”

Section 23
amended.

7. Section 23 of the said Act is hereby amended by striking out the same and substituting the following section therefor :—

“(23.) Except as provided for the first election of trustees and in the case of any person or persons who have been included in a school district after the last preceding assessment and levy of taxes within the same, no person shall be entitled to vote at any school meeting whatever unless he shall have been assessed, and in case an objection be made to the right of any person to vote in a district, the chairman shall at the request of any elector present, require the person whose right of voting is objected to, to make the following declaration (or affirmation) :—

I, A.B., do declare (or affirm) that I have been rated on the assessment roll of this or some other school district, and that I am legally qualified to vote at this election.

Thereupon the person making such declaration shall be permitted to vote, and not otherwise.

Sec. 25
further
amended.

8. Section 25 of the said Act as amended by Chapter 46 of 46 and 47 Victoria, section 8, is hereby amended by striking out the same and substituting the following therefor :—

Estimates of
trustees.

“(25) For the purpose of supplementing the legislative grant it shall be the duties of the boards of trustees of all school districts (not situated within a city or town), the whole territory of which is comprised within the limits of a single municipality, to prepare and lay before the municipal council an estimate of such sums, exclusive of each legislative grant as may be required for school purposes during the current school year.

Council to
collect three-
fourths from
ratepayers in
municipality

(a) These estimates shall be laid before the Council on or before the first day of August in each year, and thereupon the said Council employing their own lawful authority, shall levy and collect three-fourths of the sum required for each school district within the municipality, but not exceeding in the case of any one district the sum of four hundred dollars, by assessment upon the Roman Catholic or Protestant real and personal property within the municipality (as the case may be); the council shall collect the remaining one-fourth of the estimated sum required and such portion of the three-fourths of the said sum as may have been in excess of four hundred dollars, by assessment upon the real and personal property within the school district any portion of which is situated not over three miles in a direct line from the school house unless the ordinary residence of the occupant thereof is beyond the said three mile limit or a distance of four miles or over by the public road, and in case of a dispute as to such distance the decision of the superintendent shall be final, and the council of each municipality shall pay over to the trustees of each district the amount of their estimates, whether fully collected or not, in two equal payments, the first on the fifteenth day of October and the second on the fifteenth day of January following the receipt of such estimates by them.”

And one-
fourth within
three miles
from school
house.

Estimates
payable 15th
October and
15th January.

“(b.) It shall be the duty of each board of school trustees to make out a list of the persons liable to be assessed for the balance of their school estimates as hereinbefore provided, with the assessment of each such person copied from the assessment roll placed opposite his name and also the amount of school taxes to be collected from him and to hand such list to the clerk of the municipality on or before the first day of August in each year.”

Lists to be supplied by Trustees before 1st August.

9. Section 26 of the said Act as amended by Cap. 46 of 46 and 47 Victoria, section 9. is hereby amended by striking out the amended section and substituting therefor the following :—

Section 26 further amended.

“(26.) In case the territory embraced in any school district extends within the limits of two or more municipalities or of a municipality and a city or town corporation, the board of trustees of such school district shall obtain from the clerk of each municipality concerned a copy of the assessment roll relating to such school district and inasmuch as the basis of valuation in each municipality may be different the trustees shall forward the said copies to the local inspector, whose duty it shall be forthwith to call a meeting of the reeves or mayors of the municipalities concerned at such time and place as he may fix, at which meeting said inspector shall be the Chairman, and shall in addition to his own vote have a casting vote in case of a tie. At such meeting the said inspector and the reeves or mayors who attend (or if none of the reeves or mayors attend then the said inspector alone) shall determine the proportion of the trustees estimate to be borne by the said municipalities respectively.”

School districts including parts of several municipalities.

“(a.) The trustees shall also make out their estimate of the sums, exclusive of the legislative grant required for school purposes for the current school year, and shall allot to each municipality for collection such proportion thereof as may have been determined by the said inspector and reeves or mayors, or by said inspector alone as aforesaid, and shall lay such estimated sums required before each council concerned on or before the first day of August of the year then current: whereupon the council of each municipality concerned, employing their own lawful authority shall levy and collect three-fourths of the sum required in the allotment made to them by the trustees as above mentioned the total sum thus collected not to exceed four hundred dollars by assessment on the whole Roman Catholic or Protestant real and personal property within the municipality (as the case may be) ; the said council shall collect one fourth of the estimated sums required and such portion of the three fourths thereof as may be in excess of four hundred dollars by assessment upon the real and personal property of the school district, within their own municipality any portion of which is situated not over three miles in a direct line from the school house, unless the ordinary residence of the occupant thereof is situated beyond the said three mile limit or a distance of four miles or over by the public road, and in case of dispute as to such distance the decision of the superintendent shall be final ; and the council of each municipality shall pay over to the trustees of each district the amount of their estimates whether fully collected or not, in two equal payments the first on the 15th day of October and the second on the 15th day of January following the receipt of such estimates by them.”

Proportionate estimates to be furnished to each municipality.

List of
ratepayers
to be sent to
each muni-
cipality.

“(b.) It shall be the duty of each board of school trustees to make out lists of the persons liable to be assessed for taxes for the one fourth of their school estimates as hereinbefore provided, with the assessment of each such person placed opposite his name according to the equalised assessment hereinbefore mentioned and also the amount of tax to be collected from him and shall hand over such lists to the clerks of the municipalities concerned on or before the first day of August in each year.”

Collection of
arrears.

“(c.) For the purpose of collecting the arrears of school taxes it shall be the duty of each board of school trustees to make out a list of the persons liable for such arrears; with the amount for which each such person is liable placed opposite his name and to hand the same to the clerk of the municipality before the first day of August; whereupon it shall be the duty of the Council of the said municipality to collect such arrears and return the same to the trustees on or before the fifteenth day of January following.”

Section 27
amended.

10. Section 27 of the said Act is amended by adding after the word “estate” in the sixth line thereof the following:—

“And a special charge and lien upon all personal property.”

Section 28
amended.

11. Section 28 of said Act is amended by striking out the word “they” in the fifth line thereof and substituting therefor the following:—

“The council of the local municipality, city or town.”

Section 39
amended.

12. Section 39 of said Act is amended by striking out subsection (h) and substituting the following therefor:—

Monthly fees.

“(h.) To admit as pupils of the school any children whose parents or guardians are not assessed and do not pay the special tax for one fourth of the estimated expenses of the school as provided in sections 25 and 26 of this Act, and to charge and collect a sum not exceeding fifty cents per month for each of such pupils.”

Section 39
further
amended.

13. Section 39 of the said Act is further amended by adding thereto the following additional sub-sections:—

Reports, etc.

“(j.) To transmit to the superintendent the half-yearly and annual reports and the census returns, required by him, on the forms provided, and to cause their books and accounts at any time to be laid open to his inspection, or to that of any person appointed by him for that purpose.”

Calling
meetings.

“(k.) To call special meetings for any purpose whatever whenever required to do so by the majority of the ratepayers or by the Superintendent of Education.”

Section 41
amended.

14. Section 41 of the said Act is amended by striking out the words “collector of school rates” and substituting therefore the word “secretary-treasurer.”

15. Section 43 of the said Act is hereby repealed and the following substituted therefor:— Section 43 repealed.

“(43.) Any person elected to the office of school trustee who refuses to serve as such, shall forfeit the sum of five dollars for the use of the school district, and his neglect or refusal to take the declaration of office within one month after his election, if resident at the time within the district, shall be construed as such refusal, after which another person shall be elected to fill the place; but no school trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.” Penalty. Trustee exempt for four years.

16. Section 51 of the said Act is amended by striking out the word “September” in the fourth line thereof, and substituting therefor the word “May” and by adding after the word “trustees” in the eighth line “but for the year 1884 such estimate and list may be handed to the Clerk of the city or town or on before the first day of June.” Section 51 amended.

17. Section 53 of the said Act is hereby amended by striking out the word “sixteen” in the first line thereof and substituting the word “eighteen.” Section 53 amended.

18. Section 56 of the said Act is hereby amended by adding thereto the following sub-section:— Section 56 amended.

“(a.) In school districts in which the secretary-treasurer has not given such security the trustees shall be personally liable and responsible for any loss that may be caused through his default, except in case of such as, within three months from the date of their election as trustees or his appointment as secretary-treasurer, enter a written protest against the refusal of the majority to exact such security.” Liability of trustees for secretary-treasurer security.

19. Section 62 of the said Act is hereby amended by striking out the word “renewed” in the fourth line thereof and substituting therefor the word “removed.” Section 62 amended.

20. Section 65 of the said Act is hereby amended by adding thereto the following:— Section 65 amended.

“But no resolution by law, proceeding or action of any board of trustees shall be invalid or set aside by reason of any person whose election has been annulled or declared illegal having acted as a trustee.”

21. Section 74 of the said Act is hereby amended by striking out the word “may” in the second line thereof and substituting therefor the word “shall” and striking out the words “one or more” in the same line, and substituting therefor the word “two” and further by adding thereto the following sub-section:— Section 74 amended.

“(a.) It shall be the duty of the secretary-treasurer to submit his books and vouchers to such auditors when called upon by them so to do, and their report shall be presented to the annual meeting next after their appointment.” Audit.

Section 79
repealed and
amended.

22. Section 79 of the said Act is hereby repealed, and the following substituted therefor:—

Inspectors in
cities or
towns.

“(79.) The boards of trustees of cities or towns shall respectively, with the approval of the section of the Board of Education concerned, have power to appoint a fit and proper person to be inspector, or manager of all public schools within the jurisdiction of the board of trustees appointing him, who shall by frequent visits to the schools and in every other way do all in his power to improve their character and efficiency; he shall have control of the organization and management of the schools of such city or town and report monthly to the trustees as to their condition and progress; but the schools of such city or town shall be under the supervision of the inspector appointed by the Board of Education for the county in which such city or town is situate, except that in cities and towns in which a collegiate department is or may be established the collegiate inspectors shall have such supervision and report half-yearly to the superintendent.”

Collegiate
Inspectors.

Section 83
amended.

23. Section 83 of “The Manitoba School Act” is hereby amended by striking out all the words after “secretary-treasurer” in the seventh line thereof, to and including the word “peace” in the ninth line and substituting therefor the following: “of the school district under oath and signed by at least one of the trustees.”

Section 21
cap. 46 & 47
Vic. amended

24. Section 21 of 46 and 47 Vic. Cap. 46 is hereby amended by adding in the third and fifth lines thereof after the words “Provincial Secretary” the words “or Acting Provincial Secretary,” and this amendment shall have a retro-active effect to the coming into force of such section.

Section 104
Manitoba
School Act
amended.

25. Section 104 of the said Act is amended by adding thereto the following sub-section.”

Debentures
to create a
lien.

“(g.) All debentures issued or to be issued under the authority of this Act and the coupons attached thereto shall create and be a charge and lien upon all school property then or thereafter acquired by or granted or given to the school district which shall issue the said debentures as well as upon all the property assessable in such school district for school purposes for the said district (Protestant or Roman Catholic as the case may be) and the amounts from time to time falling due upon such debentures and coupons, (subject to any provisions for establishment of sinking funds for the repayment of any such debentures) shall be included in the amount required from time to time for school purposes for the said district, and shall be collected and received by and paid to the trustees of the said school district in the manner directed for the raising of moneys for school purposes.”

Section 107
amended.

26. Section 107 of the said Act is amended by striking out all the words in the first and second lines thereof, as far as and including the word “and” in the second line thereof.

Loans for
current
expenses.

27. At any time in any one year before the estimate of a school district has been prepared by a board of school trustees or handed to the Clerk of the Municipality, or before the moneys have been paid over to the board by the municipality a board of school trustees in any city, town or local municipality, may borrow monies upon the credit of the board, and give the promissory note or

notes of the board for the same or for the moneys heretofore borrowed to such an amount as is legally authorized ; provided however that no such moneys shall be borrowed or notes given to an amount exceeding in the aggregate one-half of the said estimate for the year, if such estimate have been made nor one-half the amount of the said estimate for the next preceding year, if such estimate have not been made for the current year ; and provided also that such moneys shall only be borrowed or notes given upon a by law or by laws of the board, which shall recite the amounts previously borrowed and the notes previously given therefor and any sums paid thereon, but any error or omission in reciting such sums or notes shall not invalidate such by law as against a *bonâ fide* lender or payee or holder for value of any such note not having notice of such error or omission.

“(a.) Any such note or debt for money so borrowed may be enforced against the board of school trustees and the ratepayers liable to contribute to its revenues in the same manner as claims against or debts of municipalities may be enforced under “The Manitoba Municipal Act, 1884.” Suits for claims.

“(b.) Upon the payment to the board by a municipality of any portion of the sums to be levied for the trustees by a municipality it shall be the duty of the board of school trustees to apply one half of such sum so paid to it to the reduction of the debt or debts incurred for monies so borrowed or upon such note or notes or in the event of no such debt or note or not sufficient thereof to exhaust the one half of the sum so paid being then overdue, then to deposit such half, or the unexhausted portion thereof in some chartered bank and to apply the same to such debts or notes as they become due and payable.” Application of sums levied.

28. This Act may be cited as “The Manitoba School Amendments Act 1884.” Short title.

Amendment Act, 1884 (3 June).

47 VIC., c. 54.

An Act to Amend the Manitoba School Act and the Manitoba School Amendments Acts, 1884.

[Assented to 3rd June, 1884.]

HER MAJESTY by and with the advice and consent of the Legislative Assembly of Manitoba enacts as follows :—

1. Section 35 of the “Manitoba School Act” is hereby amended by adding the following :— Proviso added to section 35.

“Provided that the trustees in any year elected shall remain in office until their successors are elected ; and to remove all doubts as to the past, it is hereby declared and enacted that this clause as hereby amended shall have a retroactive

effect up to the 1st of January 1882, and that all acts and things done and passed by a board of trustees, the term of office of some or all of whom should have expired by lapse of time or by some provision of law, are legal and binding to all intents and purposes."

Sub-section
(a) of section
15 amended.

2. Sub-section (a) of section 15 of "The Manitoba School Act" as amended by section 4 of "The Manitoba School Amendments Act 1884" passed during the present session is hereby amended by adding in the third line thereof, after the word "includes" the words "or is included in," and in the ninth line thereof after the word "sub-division," the words "which election shall take place in each ward at the call of the superintendent, and in such case the trustees that may then be in office will so remain in office only until such election takes place irrespective of the date of their appointment."

Section 19
amended.

3. Section 19 of "The Manitoba School Act" as amended by "The Manitoba School Amendments Act 1884" passed during the present session, is amended by adding in the tenth line thereof, after the word "year" the words "from the date of the previous annual meeting in school districts," and by adding at the end of the section the following words: "And afterwards there shall be elected at the annual meeting a number of trustees equal to the number of those whose term of office has expired, and these newly elected trustees shall remain in office two years, or until their successors are appointed."

Section 17 of
46 & 47 vic.
cap. 46
amended.

4. Section 17 of Chapter 46 of 46 and 47 Victoria is hereby amended by adding thereto the following sub-section:—

"(a.) The said minutes shall also contain a list of the names of the ratepayers who voted at the said meeting upon the question of raising or borrowing money distinguishing those who are freeholders from those who are not, and recording the vote given by each person for or against the said question."

Section 25 of
School Act
amended.

5. Section 25 of "The Manitoba School Act" as amended by section 8 of "The Manitoba School Amendments Act, 1884" is hereby amended by adding thereto the following sub-section:—

"(a.) In portions of the province not organized into municipalities each section of the Board of Education shall have authority to form and alter school districts under its authority and the trustees of such school districts are hereby empowered to assess the same and to levy and collect taxes therein for the support of their schools.

48 VIC., c. 27.

An Act to Amend the Manitoba School Act and Acts Amending the same.

[Assented to 2nd May, 1885.]

HER MAJESTY by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows :—

1. The Manitoba School Act section 90 is hereby amended by striking out sub section (b) and (d) thereof and substituting therefor the following :—

Manitoba School Act section 90 amended by striking out sub-sec. (b) and (d) and substituting these therefor.

(b.) Then the sum of fifty dollars shall be paid semi-annually to each school which has been in operation during the whole of the previous term, and a proportionate part thereof to each school in operation for a part of the same; and in the case of newly established schools to those which have been in operation for at least one month of said term; Provided that except in the case of new school districts no school shall be entitled to receive a larger amount than one-half the sum incurred by the trustees thereof for its current expenses during the term for which such grant is made; Provided further that a reduction in the amount to be made may in the discretion of its section of the Board of Education be made in the case of any school district in which the average attendance of the resident pupils enrolled for the term has been less than one-third of such enrolled number.

(d.) No school shall be entitled to receive any portion of the Legislative grant whose trustees have neglected to transmit within the time provided by law, in the preceding year the census returns which form the basis of the apportionment of the public funds or whose annual or semi-annual returns are not transmitted as required by the regulations of their section of the Board of Education or whose school has not been kept in operation at least six months during the school year, unless with the sanction of the section of the Board.

2. The Manitoba School Act section 91 is hereby repealed and the following substituted therefor :—

All payments authorized by the section shall be made by the superintendent by cheque upon the bank in which the moneys have been deposited, or in case of the absence of the superintendent, by some person duly authorized to act for him, and in the case of payment to school districts the said cheque or cheques shall be made payable to the order of the duly qualified teacher or teachers of the school unless it be shown that such teacher or teachers' salaries have been paid in full, or are paid at least quarterly, and in that case the cheque or cheques shall be made payable to the secretary-treasurer of the school district, or to the trustees.

Manitoba School Act section 91 repealed and these substituted therefor.

3. Section 92 of the Manitoba School Act is hereby repealed and the following substituted therefor :—

Sec. 92
Manitoba
School Act
repealed and
these
substituted
therefor.

Any school not conducted according to all the provisions of this or any Act in force for the time or the regulations of the Board of Education or either of its sections in force under its authority shall not be deemed a public school within the meaning of the law and such school shall neither participate in the educational funds nor in the legislative grant.

Sec. 12 of
said Act as
amended by
sec. 3 of 47
Vic. cap. 37
amended by
adding these
sub-secs.

4. Section 12 of the Manitoba School Act as amended by section 3 of 47 Vic. Cap. 37 is hereby amended by adding thereto the following sub-sections:—

(a.) It is hereby provided that all school districts within the province in whatever manner established in which school houses have been built teachers engaged or liabilities incurred for school purposes previous to the twenty ninth day of April 1884, shall be considered to have been legally established school districts to all intents and purposes.

(b.) The Reeves or Mayors and the local Inspector or Inspectors of schools engaged in the formation or alteration of school districts extending within the bounds of two or more municipalities shall be entitled to the same remuneration per day with travelling expenses for their attendance as municipal Councillors for attendance at meetings of their respective Councils and each Reeve or Mayor shall be paid by the Council of his own municipality and the local Inspector by all the municipalities concerned in equal parts.

Sec. 14
Manitoba
School Act
amended by
adding this
sub-sec.

5. Section 14 of the Manitoba School Act is hereby amended by adding thereto the following sub-section.

(a.) The said arbitrators shall be entitled to receive for their attendance at the said arbitration the same remuneration with travelling expenses as paid to Municipal Councillors for their attendance at meetings of their respective Council, and such payments shall be paid equally by the school districts, represented in the arbitration.

Sec. 23
Manitoba
School Act
as amended
by sec. 7 of
47 Vic. cap.
37 amended.

6. Section 23 of the Manitoba School Act as amended by section 7 of 47 Vic., Cap. 37 is hereby amended by striking out the form of declaration (or affirmation) therein and substituting therefor the following.

“I, A. B., do declare (or affirm) that I am rated on the assessment roll of that portion of the municipality of _____ now included in the School district that I am of the full age of twenty one years and that I am legally qualified to vote at this Election.”

Form of
declaration.

Sec. 53 of
Manitoba
School Act
amended.

7. Section fifty-three of the Manitoba School Act is hereby amended by striking out the words “or ward” in the third and fourth lines thereof.

Cap. 46 of 46
and 47 Vic.
sec. 24 & 25
amended.

8. Sections 24 and 25 of 46 and 47 Vic. Cap. 46 are hereby amended by adding after the word “Education,” in the third line of each of the said sections “and not otherwise.”

9. The Manitoba School Act section 25 as amended by 47 Vic. Cap. 37 section 8 is hereby repealed and the following substituted therefor:—

Manitoba
School Act
sec. 25 as
amended by
47 Vic. cap.
37, sec. 8
repealed and
these secs.
substituted
therefor.

“For the purpose of supplementing the legislative grant it shall be the duty of the Council of each municipality to levy and collect each year by assessment upon the whole of the Protestant or Catholic real and personal property within the municipality (as the case may be) that is liable to taxation under the Municipal Act a sum equal to twenty dollars for each month that the trustees of each school district wholly or included within the municipality, may declare as hereinafter provided that they have kept and will keep a teacher under engagement at a salary in each of their schools during the current school year: and for each school district partially included within the municipality they shall levy and collect in like manner a proportionate part of twenty dollars per month as fixed by the local Inspector in the manner hereinafter provided for each of their schools and the said council may in their discretion levy and collect in like manner an additional sum not exceeding twenty five per cent. of the amount hereinbefore required to be levied.

(a.) From the moneys so levied and collected the council shall upon the first day of December following pay over to each school district wholly or partially included in the municipality one-half the sum of twenty dollars per month or the proportion thereof allotted to each district as hereinbefore provided and upon the 31st day of January following shall pay over the whole of the balance due to the said trustees whether the necessary amount has been fully collected or not from the tax levied for the same, Provided that no board of trustees shall be entitled to receive a larger total amount for the school year than twenty dollars for each month within the same that they have actually had a teacher engaged at a salary in each of their schools and in case of doubt or dispute as to the number of months the certificate of the superintendent shall decide.

(b.) It shall be the duty of the trustees of each school district wholly situated in a municipality to lay before the Council at its first meeting after the thirty-first day of July in each year a statement of the number of months in the current school year during which they have kept and will keep a teacher engaged at a salary in each of their schools and before the thirty-first day of January following shall notify the clerk of the municipality if they have failed to keep a teacher engaged as so stated by them and in such case give the actual number of months they have had such teacher engaged.

(c.) It shall be the duty of the trustees of each school district that extends within the bounds of two or more municipalities or of a city or town and rural municipality to obtain from the last revised assessment roll of each municipality concerned a copy of that part of the said roll relating to the school district as included within the three miles limit as defined in this Act and forward the said copies before the first of July to the local inspector with a statement of the number of months in the current school year during which they have kept and will keep a teacher

under engagement at a salary in each of their schools and the amounts of their estimates exclusive of the legislative grant required for the use of their schools and the said inspector shall equalize the rate of assessment of the portion of each municipality including within the school district as hereinbefore described and shall allot to each municipality its due proportion of the sum of twenty dollars per month of the current school year that the said trustees have declared their school has been and will be kept in operation and shall send notice thereof by mail to the clerk of each municipality concerned before the fifteenth day of July and the said inspector shall in like manner allot the remainder of the trustees estimate and return the copies of the rolls with his equalization and on allotment duty made out thereon to the trustees and the said trustees if they fail to keep a teacher under engagement during the school year for the full time stated by them shall before the thirty-first day of January following notify the local inspector of the actual time and he shall make another allotment based upon such time and notify each council concerned and the said trustees and the said inspector shall be entitled to receive from the trustees for each allotment made as hereinbefore required the sum of five dollars.

(d.) Any board of school trustees that fails to notify their Council or the local Inspector (as the case may be) in due time of the number of months their school is to be kept in operation during any school year as hereinbefore required shall not be entitled to receive a larger amount in such year from the municipal levy than the Council or the local Inspector (as the case may be) may in their discretion fix for them, and any board of trustees failing to keep a teacher under engagement the full time stated by them shall not be entitled to receive their second instalment of school moneys due on January thirty first until they have notified the clerk of the municipality of the actual time such teacher has been under engagement and any board of trustees wilfully making a false statement in regard to such time shall forfeit their second instalment.

(e.) Any moneys collected by a Council from a general levy for school purposes that remain over in any year after all due payments therefrom have been made to the school districts entitled to the same shall be deposited in some chartered Bank by the said Council and afterwards used only to pay or advance moneys to school districts within the municipality in the year or years following unless the proper section of the Board of Education shall require the same moneys or any portion of them to be paid over at any time to any school district or school districts wholly or partly included in the municipality that the said board may consider in especial need of such assistance.

(f.) In levying an assessment for Protestant or Catholic School purposes (as the case may be) the Council of each municipality shall assess all lands the denomination of whose owners as Catholics or Protestants cannot be ascertained before the time of making such levy in the manner provided in section 28 of the Manitoba School Act.

10. The Manitoba School Act section 26 as amended by 47 Vic. Cap. 37, section 9 is hereby repealed and the following substituted therefor:—

Manitoba
School Act
sec. 26 as
amended by
47 Vic. cap.
37 sec 9
repealed and
following
substituted
therefor.

For the purpose of supplementing the legislative grant and the municipal levy it shall be the duty of the Board of Trustees of each school district wholly or partially included in a rural municipality before the first day of July in each year at a meeting of the said board to make an estimate of the sum over and above the amount of the said legislative grant and municipal levy that they shall require for school purposes during the current school year and resolve whether the said estimate shall be collected by the municipal Council or Councils concerned or by a collector or collectors appointed by the said board.

(a.) In case the board of trustees resolve to levy and collect by their own authority the amount of their estimate it shall be the duty of the said board if their school district be wholly included within a single municipality, to obtain a copy of the last revised assessment roll of that portion of the municipality that includes all the lands liable for taxation for their school district any portion of which lands lie within three miles in a direct line from the school house or site, except such as are partially included within the said limit, but with the ordinary residence of the occupant thereof situated upon the same beyond the said limit, or a distance of four miles or over by the public road from the said school house or site, and the said board of trustees shall then strike and levy a rate for raising the amount of the said estimate, and place the amount of tax to be collected from each person or property included within the aforesaid limit opposite his name, or the description of his property, and place the roll in their collector's hands for collection, and such roll handed to him shall be his warrant for the collection of the taxes entered upon the same, and in collecting he shall possess and be vested with the same power and authority, and be subject to similar obligations and penalties as a collector employed by the municipality. The said collector may be the secretary-treasurer of the trustees, or some other person not a trustee, and his remuneration shall in no case exceed five per cent. of the amount collected; and if the secretary-treasurer act as collector his remuneration for both offices shall not exceed the amount fixed for the office of secretary-treasurer by the Manitoba School Act. The said collector shall give security to the satisfaction of the trustees for the faithful performance of his duties to the amount of the trustees' estimates, and if such security be not given the trustees shall, *ipso facto*, be his sureties.

(b.) The said collector shall pay over the taxes as collected to the secretary-treasurer, and shall return his roll to the trustees on or before the thirty-first day of January following his appointment, and the trustees shall forthwith forward the said roll, showing the uncollected taxes, to the clerk of the municipality, whose duty it shall be to forward the same to the judicial board for collection in the same manner as uncollected municipal taxes, and to pay the same to the trustees when collected.

(c.) In case the school district is included within the limits of two or more municipalities, whether city, town, or rural municipalities, the trustees shall levy and collect the amount of their estimate according to the allotment made for them upon the equalized assessment rolls returned to them by the local inspector in the same manner, under the same conditions, and with the same powers given by this Act to trustees of school districts wholly included within the limits of a single municipality for the collection of their estimates.

(d.) In case the board of trustees resolve to have their estimates levied and collected by the council or councils of the municipality or municipalities in which their school district is wholly or partially included they shall transmit a copy of such resolution with the amount of their estimate or in the case of school districts included within the limits of two or more municipalities the proportion of their estimate allotted by the local inspector to the Council of the municipality concerned, at or before its first meeting after the thirty-first day of July of the year in which such estimate is made, and it shall be the duty of the Council of such municipality, employing their own lawful authority to levy and collect such estimate or proportion thereof upon the real and personal property within the three miles limit in each school district as hereinbefore described and pay the whole amount so collected to the trustees at the dates upon which they are required to pay them the amounts due from the municipal levy and the said Council shall transmit the uncollected taxes of the said estimate to the judicial board for collection with the uncollected municipal taxes and when collected pay over the said school taxes to the trustees.

(e.) For the purpose of collecting the arrears of school taxes for any year the trustees of any school district wholly or partially included in a city town or rural municipality may, in any year transmit a list of such arrears to the Council of the municipality concerned with the estimate of the taxes to be collected for them for the current school year, and thereupon the said Council shall levy and collect the said arrears and pay them over to the trustees on the same dates as they are required to pay over their taxes collected for the current year and shall return the amounts uncollected to the judicial board with the uncollected municipal taxes or the trustees may, employing their own lawful authority bring a suit in a Court of competent jurisdiction for the collection of such arrears whether they had been assessed by the said trustees or by the Council of the municipality and forward to the said Council a list of the amounts they may be unable to collect for transmission by them to the judicial board for collection; and upon receiving from the judicial board any moneys realized from the collection of school taxes it shall be the duty of each Council, forthwith to pay the same over to the trustees entitled to receive them.

11. Section 104 of the Manitoba School Act is hereby amended by striking out sub-sections (a) and (b) thereof and substituting therefor the following:—

Manitoba School Act sec. 104 amended by striking out sub-secs. (a) and (b) and substituting these therefor.

(a.) No loan under two thousand dollars shall be made for any term exceeding ten years nor for any amount for a period exceeding twenty years.

(b.) The principal on such loan shall be made payable by annual instalments unless with the sanction of the Lieutenant Governor in Council and the said annual instalments, together with interest on the principal of such loan may be applied towards the immediate redeeming of the debt contracted by the issue of such debentures and all school boards that have issued debentures not payable in instalments shall invest in a sinking fund annually a sufficient sum to meet such debentures when due and such investment shall be made with the consent and advice of the proper Superintendent of Education and when so made shall not be payable to the order of the trustees without such order being countersigned by said superintendent until their debentures mature

12. Section 82 of the Manitoba School Act is hereby amended by adding thereto the following sub-section:—

Manitoba School Act sec. 82 amended by adding this sub-sec.

(a.) If any trustee or officer of a public school knowingly signs a false report, or if any teachers of a public school keeps a false school register, or makes a false return that may thereby show a claim of such school to a larger sum than the just proportion of school moneys coming to the same, such school trustee, officer or teacher shall for every offence forfeit to the public school fund of the municipality the sum of twenty dollars, for which any person whatever may prosecute him before a Justice of the Peace, and he may be convicted upon the oath of one credible witness other than the prosecutor.

13. Section 76 of the Manitoba School Act is hereby amended by adding thereto the following sub-section:—

Manitoba School Act sec. 76 amended by adding this sub-sec.

(a.) Any teacher whose agreement has expired with a board of trustees, or who is dismissed by them, shall be entitled to receive forthwith all moneys due to him for his services as teacher while employed by the said board; if such payment be not made by the trustees or tendered to the said teacher by them he shall be entitled to recover from the said trustees the full amount of his salary due and unpaid, with ten per cent. interest per annum, until payment is made by a suit in a Court of Competent Jurisdiction, and upon his obtaining judgment therein his claim shall be a first lien upon all payments due the said trustees from any source whatever until the said claim is satisfied.

14. In rural school districts it shall be the duty of the trustees to obtain a title to the lands required for their school site and grounds that are chosen for that purpose, in accordance with the Regulations of their section of the Board of Education, and register the same.

Rural districts: duty of trustees to obtain title to school site.

Arbitrators
may be
appointed to
decide value
of lands.

Award shall
be registered.

Arbitrators
here paid.

Sec. 19 of
Manitoba
School Act
as amended
by 47 Vic.
cap. 37 sec. 4
and 47 Vic.
cap. 54 sec. 3
repealed and
this sec.
substituted
therefor.

Sec. 22
Manitoba
School Act
repealed and
this
substituted
therefor.

Election of
trustees.

(a.) The trustees of any school district, the school house of which is built upon grounds for which the owner thereof neglects or refuses to give them a title, may appoint an arbitrator, and notify the said owner, who shall also appoint an arbitrator; and these two, with the local inspector or any two of them, or in case of the owner not appointing an arbitrator within ten days after receiving notice of the appointment of the trustees' arbitrator, then the local inspector and the trustees' arbitrator shall value the said grounds, and award in writing to the parties concerned the amount to be paid for the same and to whom it shall be paid; and the trustees upon paying or tendering payment of the sum so awarded, and registering the award of the arbitrators, shall thereby become the owners of the said grounds, and said registered award shall be their indefeasible title to the same.

(b.) The said arbitrators shall be entitled to the sum of five dollars each for their services which shall be paid by the trustees.

15. Section 19 of the Manitoba School Act as amended by 47 Vic. Cap 37, section 4 and 47 Vic. Cap. 54, section 3 is hereby repealed and the following substituted therefor.

In all school districts which include or may hereafter include a city or town not divided into wards for school purposes there shall be elected three trustees at the first school meeting therein whose term of office shall be the same as that of trustees elected at the first meeting in rural school districts: and in all school districts divided or hereafter to be divided into wards for school purposes there shall be two trustees elected for each ward at the first meeting, one of whom shall hold office one year from the next annual school meeting thereafter, and the other until the next annual school meeting, and in each case until a successor has been appointed the trustee to hold office for the longer term shall be the first nominated if no poll be held, and in case a poll is held the person obtaining the highest number of votes and in case there be an equality of votes, the returning officer by his vote shall designate the person to serve the longer term, and afterwards there shall be elected at each annual meeting a number of trustees equal to the number of those whose term of office has expired and these newly elected trustees shall remain in office three years in towns and cities not divided into wards for school purposes and two years in such as are so divided and in each case until a successor has been appointed.

16. Section 22 of the Manitoba School Act is hereby repealed and the following substituted therefor.

In incorporated cities and towns all annual meetings in each ward shall be held on the first Monday of February in every year commencing at ten o'clock in the forenoon, and shall be called by the chairman of the respective boards of school trustees. It shall be the duty of the said boards to furnish the chairman of every such meeting with a copy of the Protestant or Catholic Voters' List for such ward as the case may be. Provided that when the minority elect only three trustees, and in all cases of cities and towns not divided into wards for school purposes there shall be but one voting place in such city or town.

(a.) The ratepayers present at the said meeting shall elect a chairman and secretary and shall proceed to nominate a trustee or trustees to take the place of those whose term of office has expired.

In case the number of nominations does not exceed the number of vacancies to be filled before the hour of 11 o'clock the chairman shall declare the person or persons so nominated to be elected but should the number of persons nominated exceed the number of vacancies to be filled a show of hands shall be taken and the person or persons having the majority of votes shall be declared elected should no ratepayer present demand a poll.

If a poll be demanded the chairman shall be the returning officer and shall record the votes given and at 4 o'clock the poll shall be closed and the person or persons having the majority of votes shall be declared elected provided that if one hour elapse during such poll without a vote having been recorded the chairman shall then declare the poll closed.

(b.) The first meeting of the Board of Trustees in a city or town shall be held on the day following the annual meeting.

Meeting of trustee board.

17. Section 60 of the Manitoba School Act, section 50 thereof as amended by 46 and 47 Vic. Cap. 46 section 13 section 51 thereof as amended by 46 and 47 Vic. Cap. 46 section 14 and 47 Vic. Cap. 37 section 16 section 52 thereof section 79 thereof as amended by 47 Vic. Cap. 37 section 22 and section 106 thereof are hereby repealed and the following substituted therefor:—

Manitoba School Act sec. 60 and sec. 50 as amended by 46 & 47 Vic. cap. 46 sec. 13; sec. 51 as amended by 46 & 47 Vic. cap. 46 sec. 14 and 47 Vic. cap. 37 sec. 16; sec. 52 of said Act; sec. 79 as amended by 47 Vic.; cap. 37 sec. 22; sec. 106 of said act repealed and these substituted therefor. As to duties and powers of trustees in cities and other towns.

It shall be the duty of the Board of Trustees of cities and towns and they are hereby empowered.

(a.) At their first meeting after the annual meeting of ratepayers or at some subsequent meeting to elect one of their number as chairman and to appoint one of their number or some other person as the majority of the board may decide to be their secretary-treasurer to determine the amount of salary to be paid to such officer and to impose by by-law such additional duties as may be required of him by the Board of Trustees and his appointment shall in all other respects be subject to the same duties obligations and penalties as are imposed by this Act in the appointment of secretary-treasurers in rural school districts.

(b.) To appoint if they think proper to do so a collector or collectors of school taxes for the city or town who shall discharge similar duties and be subject to similar obligations and penalties and have the full powers and authority of a collector of a municipality.

(c.) If they deem it advisable to do so to make an estimate of the sum or sums required for educational purposes of the school district during the current school year to obtain a copy of the last revised assessment roll of the city or town that relates to properties liabilities to taxation for school purposes within the school district; to strike and levy a rate for the raising of the amount of the said estimate upon such assessment

placing the amount of tax payable opposite the name or description of each person or property assessed and to place the said assessment roll in their collector's hands for collection and he shall be empowered to collect the same in the same manner as any collector of a municipality.

(*d.*) In case they deem it advisable to do so to provide the clerk of the city or town before the 1st day of May in school year with their estimate of the sum required in such year by them for educational purposes and accompany such estimate with a list of the names of the persons or a description of the properties liable to be assessed for the support of the schools of which the Board applying are trustees and it shall be the duty of the Council of such city or town to levy and collect the amount demanded and add a separate column for school taxes to their collector's roll and to pay over such taxes monthly to the trustee as collected.

(*e.*) To demand and obtain from the Council of the city or town if they deem it expedient to do so a list of all uncollected school taxes for the current or for any previous school year, and it shall be the duty of the Council to furnish such list in compliance with such demand and the said Board may place such list in the hands of a collector appointed by them whose powers duties and obligations in collecting the same shall be the same as those of any collector of the municipality and the said trustees may bring suit for the collection of all arrears of school taxes in a court of competent jurisdiction whether the said arrears had been assessed by them or by the Council of the municipality.

(*f.*) To collect at their discretion from the parents or guardians of children who do not reside or are not assessed with the school district a sum not exceeding one dollar per month for each pupil attending their schools and if they think proper so to do to supply all the pupils attending their schools with the necessary text books and other school requisites and to collect from their parents or guardians a sum not exceeding 20 cents per month for each pupil in payment for the same.

(*g.*) To submit the books and accounts of their secretary-treasurer annually to the examination of the city or town auditor or to two auditors appointed by the Board for that purpose and to publish in one or more public newspapers or on printed sheets for the information of the public on or before the 15th day of January in each year a detailed statement of their receipts and expenditure of all school moneys for the current year and of the assets and liabilities of the Board with the certificate of the said auditor or auditors as to the correctness of such statement.

(*h.*) To make all the returns required by the Board of Education for the province or the sectional board under whose jurisdiction the schools are upon the forms provided and within the time specified by the Board of Education requiring the same.

(i.) To require their officers and teachers to comply with the law and regulations of their section of the Board of Education in the attendance and classification of pupils and the arrangement of their school exercises the certification and duties of teachers the arrangement of school rooms and their furniture and the use of text books and apparatus.

(j.) To purchase or rent school sites and school premises and to build furnish repair warm and keep in order the school houses and appendages lands enclosures and moveable property of the school district and to provide registers in the prescribed form suitable maps apparatus text and prize books for the schools and if they deem it expedient to establish and maintain school libraries.

(k.) To determine under the direction and authority of their section of the Board of Education the number kind grade and description of schools (such as Male, Female, Infant, Central or Ward Schools) to be established and maintained the teachers to be employed the term upon which they are employed the amount of their remuneration, and the duties in addition to those prescribed by their section of the Board of Education which they are to perform.

(l.) To appoint with the concurrence of their section of the Board of Education an Inspector or Manager of the schools within their jurisdiction whose duty shall be by frequent visits to the school and in every other way do all in his power to improve their character and efficiency, he shall have control of the organisation and management of the schools of such city or town and report monthly to the trustees as to their condition and progress but the schools of such city or town shall be under the supervision of the Inspector appointed by the Board of Education for the county in which such city or town is situate except that in citizen towns in which a collegiate department is or may be established the collegiate inspectors shall have such supervision and report half yearly to the superintendent.

(n.) To establish with the consent and not otherwise of their section of the Board of Education and to conduct in accordance with the regulations of the same a Collegiate department for the preparation of students for matriculation in the University of Manitoba for the preparation of students for first and second class teachers' certificates and for the purpose of laying the foundation of a thorough education in the English or French language and literature.

(o.) To exercise all the powers and perform all the duties not herein specified and not inconsistent with these provisions that are given to the trustees of rural school districts by this Act.

18. Section 105 of the Manitoba School Act is hereby amended by striking out the words "hereinafter provided" at the end thereof, and substituting therefor the following "provided in section 104 of the Manitoba School Act."

Sec. 105
Manitoba
School Act
amended.

Proceedings
in embezzle-
ment, etc., of
of school
fund.

19. It shall be the duty of the Superintendent of Education in case of the loss of any school money or properties belonging to any school district through default embezzlement or wilful neglect of any trustee or person connected therewith to prosecute such trustee or person in his own name as such superintendent for the benefit of the district concerned and to collect any costs that may be incurred by him in such prosecution from the school district or districts for whose benefit such prosecution was undertaken by notifying the clerk of the municipality in which each such district is wholly or partially situated and such clerk shall thereupon pay the said costs of the said superintendent out of the municipal levy for the said school district before paying any portion of the same to the trustees provided that all such prosecution shall be undertaken only when authorized by a resolution of the proper section of the Board of Education.

Proviso.

Manitoba
School Act
sec. 77
repealed.
By laws as to
debentures,
and debentures,
etc.,
declared
valid and
binding.

20. Section 77 of the Manitoba School Act is hereby repealed.

21. All by-laws resolutions and proceedings under the authority of which debentures have been issued or sold by any school district of this province are hereby legalized and confirmed and declared to be and to have been valid and binding on such school districts notwithstanding any defect informality and irregularity in said by-laws resolutions and proceedings the execution thereof or the organisation of such districts and every debenture so issued and sold and the coupons thereto belonging shall be legal and binding upon the said school districts issuing or purporting to issue same respectively and not be questioned in any Court of Law or Equity.

Exception.

Provided that this Section shall not apply to by-laws resolutions proceedings or debentures the validity whereof is now in question in litigation.

District must
contain ten
children to
receive
government
grant.

22. No school district shall be entitled to receive any money from the Legislative grant or the Municipal levy in any year that does not contain at least 10 resident children of school age, but the trustees of such may levy and collect from their school district the amount of any indebtedness that may fall due within the same during such year.

Manitoba
School act
sec. 34
repealed and
and this sec.
and sub-sec.
substituted
therefor.

23. Section 34 of the Manitoba School Act is hereby repealed, and the following substituted therefor :—

The school trustees in each school district shall be a corporation under the name of the School Trustees for the Protestant (or Catholic as the case may be) School District of Number in the Province of Manitoba, and it shall be lawful for the section of the Board of Education concerned to assign a name and a number to designate each school district under its authority. The trustees of each school district shall have perpetual succession and a Common Seal. They may sue and be sued, and shall generally have the same powers which any other body politic or corporate has or ought to have with regard to the purpose for which it is constituted.

(a.) It is hereby provided that the names under which the school districts established at the date of the passing of this Act are known, and

under which they have entered into any engagement shall be their respective corporate names, until changed by the proper section of the Board of Education, and no change in the designation of any school district made in accordance with the provisions of this Act shall in anywise affect any engagement entered into, obligation incurred, or action done previous to such change by any School Board, and all lands heretofore conveyed to any School Corporation, under any name, shall be properly vested in such Corporation under any name that may be given to it under the provisions of this or any other Act.

24. Section 104 of the Manitoba School Act as amended by section 26 of 46 and 47 Vic. Cap. 46 is hereby amended by striking out the forms of debentures and coupons contained in Schedule B thereof and substituting therefor the following.

Sec. 104
Manitoba
School Act,
as amended
by sec. 26 of
46 of 47 Vic.
amended as
to form of
debentures
and coupons.

SCHEDULE B.

Debenture No. _____ of the school trustees for the Protestant (or Catholic as the case may be) school district of _____ Number _____ in the Province of Manitoba.

The School Trustees for the Protestant (or Catholic as the case may be) school district of _____ Number _____ in the Province of Manitoba promise to pay to the Bearer at the _____ at

the sum of _____ dollars of lawful money in Canada in _____ years from the years from the date hereof and to pay interest thereon during the currency hereof at the same places at the rate of _____ per centum per annum to the bearer of the coupons hereunto annexed respectively and numbered with the number of this debenture.

Issued at _____ this _____ day of _____ 18 _____ by and under the authority of sub-section (f.) of section 104 of an Act of the Legislature of Manitoba passed in the 44th year of Her Majesty Reign, Cap. 4 and any amending Act.

T. R.,
Secretary-Treasurer.

S. M.,
Trustee.

COUPON No.

The School Trustees for the Protestant (or Catholic as the case may be) school district of
 Number _____ in the province of Manitoba will pay to the bearer
 hereof at the _____ at
 on the _____ day of _____ 18
 the sum of _____ dollars being interest due on that day
 on school debentures No. _____

T. R.,
Secretary-Treasurer.

This act not
 to affect any
 pending suit.

25. None of the provisions of this Act shall affect any suit pending in any of the Courts at the date of the passing of the same.

Engagement,
 etc., entered
 into under
 sections dec-
 lared valid.

26. All engagements entered into or liabilities incurred by any Board of School Trustees in cities or towns by authority of any section or sections of this Act herein repealed shall be considered valid and binding upon all the parties concerned notwithstanding the repeal of such section or sections.

Short title.

27. This Act may be cited as "The School Amendments Act 1885."

50 Vic., c. 18.

An Act to Amend the Manitoba School Act and the Acts Amending the same.

[Assented to 10th June, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

1. This Act may be cited as the School Amendments Act, 1887. Citation of Act.
2. Section 90 of the Manitoba School Act, as amended by the School Amendments Act, 1885, is hereby amended by striking out the words "one-third" in the last line of sub-section (b) thereof and substituting therefor the words "forty per cent." Sec. 90 as amended hereby amended.
3. Sub-section (c) thereof is hereby repealed and the following substituted therefor:—
Sub-sec. (c) repealed and new sub-section.

(c.) The residue remaining after all payments have been made as authorized by the Manitoba School Act and its amendments, except this clause and 45 Vic., Cap. 8, shall by each section of the Board of Education respectively be divided annually or semi-annually by awarding to every teacher in a rural school, over and above his salary, who has secured an average attendance of resident pupils for the half-year exceeding fifty per cent. of the enrollment of the same a bonus not exceeding twenty dollars, and in its discretion a like sum payable to the School District, and by dividing any residue then remaining between all the schools according to the class and grade of the certificate held by the teachers, but not exceeding twenty-five dollars to any school; and each section of the Board is hereby empowered to require any teacher or school officer to certify, under oath, to the correctness of the returns of attendance at his school: Provided that no school shall be entitled to receive aid under this clause in addition to that authorized under Section 11 of this Act. Bonuses to teachers in certain cases.
4. Section 9 of the School Amendments Act, 1885, is hereby amended by adding to sub-section (a) thereof the following words: "Provided further, that after the 31st day of July, 1887, all rural schools kept in operation over seven months of the school year which have not secured an average attendance of resident pupils for the period of operation equal to forty per cent. of the enrollment of the same for the same period, shall be subject, in the discretion of the council or councils concerned, with the consent of the proper superintendent of education, and not otherwise, to a reduction not exceeding one-half of the amount otherwise payable for each month it was kept in operation over seven months; and this percentage of attendance may be obtained on the application of any council from the proper superintendent after the close of the last half of the school year." Proviso.
5. Sub-section (c) of the same is amended by adding thereto the following: "And the said inspector shall be empowered, if he deem the amount of the trustee's estimate, over and above the municipal levy, to be excessive or improper, Sec. 9 of School Amendments Act of 1885 amended by adding to sub-sec. (a) the following proviso.
Sub-sec. (c) of same sec. amended and addition made

to demand an explanation thereof from the trustees, and in his discretion to reduce the said amount, with the consent of the proper superintendent and not otherwise."

Sec. 10 of School Amendments Act, 1885 amended. Levies by board of trustees by their own authority regulated and governed.

6. Section 10 of the School Amendments Act, 1885, is hereby amended by striking out all the words in sub-section (a) thereof from the beginning to and including "over the public road to the said school house or site," and substituting therefor the following:—"In case the board of trustees resolve to levy and collect by their own authority the amount of their estimate, it shall be the duty of the said board, if their school district be wholly included in a single municipality, to obtain a copy of the last revised assessment roll of that portion of the municipality that includes all the lands liable for taxation for their school within their school district, and these lands shall be such within the district as are wholly included within a distance of three miles in a direct line from the school house or site, and each quarter section or parish lot partially included within the same, except such as may contain a residence, the occupant of which must travel four miles or over by the public road from it to reach the school house.

Sub-sec. (d) of same Act amended by adding a proviso.

7. Sub-section (d) of the same is hereby amended by adding thereto the following: Provided that in the case of any school district wholly situated within a municipality, the council shall be empowered, if it deem the estimate of the trustees for the special school rate excessive or improper, to demand an explanation thereof from the trustees and in its discretion to reduce the said estimate, with the consent of the proper superintendent and not otherwise.

Assessment of personal property defined. Sub-secs. (b) (c) (d) and (e) of sec. 10 School Amendments Act repealed. Provision instead thereof for levy of school tax.

8. In all cases where the assessment of personal property is mentioned in the Manitoba School Act and its amendments it shall be held to mean personal property liable to assessment under the Municipal Act, and the provisions in sub-sections (b,) (c,) (d) and (e) of section 10 of the School Amendments Act, 1885, requiring the collection of arrears of school taxes by judicial boards are hereby repealed, and it is hereby provided instead thereof, that the whole or any portion of any school tax levied upon any land that has been due and unpaid for more than one year after the 31st day of December of the year when the rate for the same was struck, whether levied before or after the passing of this Act, shall be liable to be sold for taxes in the manner provided by the Municipal Act for the sale of lands for taxes; and it shall be the duty of each municipal collector or treasurer, as the case may be, to include such lands in all lists of lands submitted by him to the mayor or reeve for authentication; provided that in cases where school trustees levy the school tax by their own authority it shall be the duty of their secretary-treasurer to supply the council with a certified list of lands liable to sale for arrears of school taxes, from time to time, and it shall be the duty of each council, upon receiving the proceeds of any sale of lands for school taxes, forthwith to hand the said proceeds over to the school trustees entitled to the same, less the costs of such sale, interest and the excess over the amount of the school tax.

Arrears of school tax to be debt due by council.

9. All the general school and the special school tax actually collected remaining unpaid to the trustees by a council after the date fixed by this Act for payment of the same shall be a debt due by such council to the trustees, except arrears of taxes levied by the authority of the trustees themselves.

10. In the case of any rural school district, the trustees of which neglect or refuse to levy or ask the council to levy a special rate to meet their debenture indebtedness maturing within the school year, and in the case of any rural school district in which there is not a legally competent school board, the proper Superintendent shall be empowered to act for such school board or school district in requiring the council or councils concerned to levy or collect the sum he shall designate as necessary to meet such indebtedness, and the council or councils shall levy and collect such sum and pay the same over to the creditors upon the order of the said Superintendent. And it is further provided that upon the trustees of any rural school district becoming legally incompetent or unable to act from any cause, and there not being a sufficient number of ratepayers resident in the district to form a new school board, the proper superintendent of education shall thereupon be invested with the powers of the school trustees for such district and shall be empowered to collect and receive all moneys due the said trustees from any source, to take possession of all their school properties, secure a proper title for all properties they may be entitled to, and in his discretion to dispose of or sell the same; provided that all moneys received by the said superintendent in any way in behalf of such district shall be paid over by him to meet the liabilities of the same that may become due from time to time.

Superintendent to act for school boards in certain cases as to collection of moneys to meet debenture rate.

And for other purposes.

11. Each section of the Board of Education is hereby empowered to make and enforce regulations for the establishment and operation of departments in such of its schools as it may deem suitable for the preparation of candidates for the annual examination of teachers and for matriculating at the university of Manitoba, and for the doing of general literary work corresponding to the standard required for these examinations, and to give special aid to such schools from the funds at its disposal, not exceeding in the aggregate one-twentieth of its appropriation; providing that no school shall be entitled to receive such special aid that does not comply fully with the regulations made by its section of the board for its operation: provided further that each such department shall be established duly with the consent of the local board of school trustees.

Preparation of candidates for examination as teachers provided for. Departments in schools may be established.

12. It shall be lawful for the Protestant section of the Board of Education to pay the grants provided to be paid to school boards by the Acts amended by this Act to the qualified school teachers to the town of Portage la Prairie for the time which the schools in said town have been kept in operation and for the time they may hereafter be kept in operation by a committee of citizens acting instead of a school board in the said town; provided that in case the teachers have been paid up, the grants shall be paid to the said committee.

Payment of teachers in Portage la Prairie provided for.

13. No person suffering from any contagious or infectious disease, or who resides in a house in which any such disease exists, shall be entitled to attend or enter any public school during the existence of any such disease as aforesaid nor at any time thereafter until he present to the trustees of the school he wishes to attend, a certificate of a physician that there is no longer danger of contagion or infection from his attendance to the other pupils of the school; provided that in rural school districts the trustees may, in the absence of a physician, admit applicants for admission without such certificate if they are satisfied that there is no danger of contagion or infection from their doing so. And any parent or

Persons suffering from contagious disease, &c., not to attend school.

Proviso.

Penalty for
contravention
of this sec.

guardian of any child who knowingly sends such child to any public school in contravention of these provisions shall be liable, upon conviction before a justice of the peace upon the complaint of the trustees or of any ratepayer of the school, to a fine not exceeding ten dollars for each offence or imprisonment in the common jail for a period not exceeding thirty days.

Sub-sec. (b)
of sec. 4,
School
Amendments
Act, 1885
amended.
Proviso
added.

14. Sub-section (b) of section 4 of the School Amendments Act, 1885, is hereby amended by adding thereto the following :

“Provided that in no case the inspector shall be paid a less sum than two dollars and a half per day and ten cents per mile each way for travelling expenses.”

Act to Amend 45 Vic., c. 8.

50 Vic., c. 19.

An Act to Amend an Act to establish Normal School Departments in connection with Public Schools.

[Assented to 10th June, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows :—

Cap. 8, 45 Vic.,
amended by
adding clause
to sub-sec. (a)

45 Vic. Cap. 8, intituled an Act to establish Normal School departments in connection with Public Schools, is hereby amended by adding to it the following :

1. After the word “teaching” in sub-section (a) thereof, the following words shall be added: “And to establish and provide for the conducting of Teachers’ Institutes at any other schools within the jurisdiction of the respective sections.”

Sub-sec. (f)
amended by
adding clause.

2. Sub-section (f) is amended by adding to it the following: “Unless in the case of either section, the said sum of three thousand dollars shall not amount to one-tenth of its total apportionment, and in that case it may apply an increased amount to the said purpose, but not exceeding in the total amount one-tenth of its apportionment.”

Appointment
of principals
to Normal
Schools.
Salary.

3. It is hereby provided that each section of the Board of Education shall be empowered to select a suitable person as principal of the Normal School under its management; and the salary of the said principal shall be fixed by the Lieutenant-Governor-in-Council and paid from the funds of the section of the board appointing him.

51 Vic., c. 31.

An Act to further amend the Manitoba School Act and the Acts amending the same.

[Assented to 18th May, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows :—

1. Section 14 of the School Amendments Act, 1885, is hereby repealed and the following substituted therefor :

14. (1) "It shall be the duty of the trustees of every school district to purchase or lease, and take with the consent in writing of the proper section of the board of education in that behalf the necessary lands or real property for school houses, teachers' residences and other buildings in connection therewith, and if necessary for the purposes aforesaid to increase the extent of the school grounds already in possession by purchasing or leasing and taking lands adjoining the same"—

Duties of Trustees to procure school site, etc.

(2) "No land or property may be taken for the purposes aforesaid without the consent of the owner, if, at the time of the application of the trustees for the same."

Consent of owner necessary if:

(a.) "The said land or property is owned by any religious charitable or educational corporation,"

Owner religious, Corporation, etc.

(b.) "The land or property required for a Protestant school is owned by a Roman Catholic, or that required for a Roman Catholic School is owned by a Protestant."

Or other school.

(c.) "In a rural school district the land required is less than 300 yards from the owner's residence or buildings, or exceeds one acre in extent."

Or land less than 300 feet from residence

(d.) "In a city or town the lot required is not vacant."

City or town land not vacant.

(3.) "For the purposes aforesaid the school trustees shall first serve the owners of the land or parties empowered to convey the land required as aforesaid with a notice which shall contain :

Notice to be served shewing :

(a.) "A description of the land to be taken."

Description.

(b.) "A declaration of readiness to pay some certain sum or rent, as the case may be, for such land."

Readiness to pay.

(c.) "The name of a person to be appointed as the arbitrator of the school trustees if their offer be not accepted," and

Name of Arbitrator.

(d.) "Such notice shall be accompanied by the affidavit of one or more of the school trustees, setting forth that he knows the land, that the said land is required for school purposes, and that the sum offered is in his opinion a fair compensation."

Affidavit verifying.

If owner accepts, contracts to be entered into.

(4.) "If within ten days after service of the said notice, the person owning the said land signifies in writing his readiness to accept the said sum or rent, then the school trustees shall cause the proper agreements and contracts to be made and entered into, and the price of compensation to be paid.

Reference to arbitration on refusal to consent.

(5.) "If within the time aforesaid, the owner or holder of the land does not signify his readiness to accept the said sum, but gives notice in writing of the name of his arbitrator, then the two arbitrators shall jointly appoint a third, and if they cannot agree upon the third, the Judge of the County Court having jurisdiction in the division in which the land is situate, shall appoint upon application such third arbitrator.

If owner neglects to appoint arbitrator, judge to appoint.

(6.) "If within the time aforesaid the said owner or holder of the land does not notify the trustees of his acceptance of the sum offered, nor of the name of a person whom he appoints as arbitrator, then the judge of the county court shall upon application appoint one in his stead, and the third arbitrator shall be appointed as aforesaid."

Proceedings when owner cannot be found.

(7.) "Where the person owning or holding the said land, or his agent or representative, is unknown, or cannot be found with due diligence, or is incapable of receiving tender, then upon proof thereof to the county court judge, the said judge may dispense with such tender and notice; and in such case notice of submission to arbitration shall be published in a newspaper in or near the district in which the land lies, and subsequent proceedings may thereafter be taken as if such tender had been personally made and notice given.

Award and costs.

(8.) "The said arbitrators duly appointed, or a majority of them, shall value the said land and make an award in writing, and fix the amount of the costs of the arbitration, not to exceed 3 dollars per day for each arbitrator, and 10 cents per mile each way for travelling expenses, and they shall further direct which of the parties should pay the said costs, and if a portion, in what proportion."

Appeal.

(9.) "An appeal to the judge of the county court shall lie upon application filed and served, within ten days of the award, for the revision of the costs taxed."

Compensation to stand in lieu of land.

(10.) "The compensation money agreed upon by the trustees or awarded by the arbitrators for any such land or property, shall stand in the stead of such land or property, and any claim thereto or incumbrance upon said land or property shall be converted into a claim for such compensation money, or to a proportionate amount thereof, and shall be void as respects the land or property which shall by the fact of the making of said tender or award, and of the payment of the money, become and be absolutely invested in the trustees for the purposes of this Act.

If no proper conveyance or incumbrance feared, may pay money into Court.

(11.) "If the person owning such land is incapable of conveying the same, or the person to whom the compensation money is payable, is incapable of executing or refuses to execute a proper conveyance and transfer of the said land to said trustees, or cannot be found, or is unknown, or has no agent or representative, or the trustees have reason to fear any claim or incumbrance,

they shall pay the compensation money agreed upon or the money awarded, into the office of the clerk or prothonotary of the Court of Queen's Bench, with interest thereon for six months at the rate of 6 per cent. per annum, and deliver to the clerk or prothonotary of the Court a copy of the conveyance, or agreement, or award, or a certified copy of the agreement or award.

(12.) "Notice in such form and for such time as the Court appoints, shall be forthwith inserted by the Prothonotary in a newspaper in or near the district in which the lands are situate, and shall state the facts under which such money is paid, and call upon all persons entitled thereto or claiming the same or any part thereof to file their claims, and such claims shall be received and adjudged upon by the Court and such proceedings shall for ever bar all claims to the compensation money or any part thereof, and the Court shall make such order for the proper distribution or payment of said moneys and for costs incidental to the application as may be proper."

Notice to be published on payment into Court.

2. Section 9 of cap. 27 of the Statutes passed in the 48th year of Her present Majesty's reign, is hereby amended by striking out the words "20 dollars" wherever they occur, and substituting the words "10 dollars" in lieu thereof.

Sec. 9 cap. 27
48 Vic.
amended.

3. Section 88 of cap. 4 of the Statutes passed in the 44th year of Her present Majesty's reign is hereby amended by striking out all the words therein after the word "be" in the third line thereof and substituting therefor the words "placed to the credit of the said respective Boards in accounts to be opened in the books of the Treasury Department and in the Audit Office."

Sec. 88 cap. 4
44 Vic.
amended.

4. Section 89 of said cap. 4 is hereby repealed.

Sec. 89 cap. 4
repealed.

5. Section 90 of said cap. 4 is hereby amended by striking out all the words in said Section from and inclusive of the word "first" in the second line thereof to and inclusive of the word "appropriation" in the sixth line thereof and substituting therefor the words "be paid such sums as may be provided by the Lieutenant-Governor-in-Council for incidental expenses and salaries of superintendent for each section respectively."

Sec. 90 cap. 4
amended.

6. Section 1 of cap. 27 of the Statutes passed in the 48th year of Her present Majesty's reign is hereby amended by striking out the word "fifty" in the first line of Sub-section (b) therein and substituting therefor the words "seventy-five."

Sec. 1 cap. 27
48 Vic.
amended.

7. Section 3 of cap. 18 of the Statutes passed in the 50th year of Her present Majesty's reign is hereby repealed and the following substituted therefor:—

Sec. 3 cap. 1
50 Vic.,
repealed and
new Sec.

3. Sub-section (c) of Section 90 of The Manitoba School Act is hereby repealed and the following substituted therefor:—

Sub-sec. (c) of
Sec. 90 M. S.
Act repealed.
New Sec.

(c) The residue remaining after all payments have been made as authorised by the Manitoba School Act and amendments and by cap. 8 of the Statute passed in the 45th year of Her present Majesty's reign and amendments, shall be divided among all the school districts on the basis of average attendance of pupils

Surplus monies to be divided on basis of average attendance.

at the schools of such districts. Provided that in reckoning such average attendance 50 per cent. shall be added to the average attendance in rural school districts (being school districts outside of the cities towns and villages).

Sec. 91 cap. 4
44 Vic. as
amended
repealed and
new Sec.

8. Section 91 of cap. 4 of the Statutes passed in the 44th year of Her present Majesty's reign as amended by Section 2 of cap. 27 of the Statutes passed in the 48th year of Her present Majesty's reign, is hereby repealed and the following substituted therefor :—

91. All payments to school districts shall be made to the order of the duly qualified teacher or teachers of the school, unless it be shown that the salary of such teacher or teachers has been paid in full.

Payments by
loan subject
to ratification
by L.-G.-in-C.

9. All payments authorised by loan which are in the discretion of the Boards of Education, shall be subject to ratification by the Lieutenant-Governor-in-Council.

Payments by
Prov. Treas.
for purposes
of education
how made.

10. All payments made by the Provincial Treasurer for the purposes of education shall be made direct to the person or persons entitled to receive the money. Provided no payment shall be made except upon the requisition of the respective superintendents of education. In all cases in which the respective Boards of Education are now authorised to pay out moneys obtained from the Provincial Treasury the Provincial Treasurer shall be authorised to make such payments.

Sub-sec. (f) of
cap. 8 45 Vic.
as amended
repealed.

11. Sub-section (f) of cap. 8 of the Statutes passed in the 45th year of Her present Majesty's reign, as amended by Section 2 of cap. 19 of the Statutes passed in the 50th year of Her present Majesty's reign is hereby repealed.

Grants for
maintenance
of Normal
schools.

12. The Lieutenant-Governor-in-Council may direct that a sum not exceeding one-tenth of the amount of the grant for educational purposes be allowed for the maintenance of Normal school departments as established by said cap. 8 and amendments.

Act to come
in force.

13. This Act shall come into force immediately on being assented to.

52 Vic. c. 5.

An Act to amend 51 Vic. cap. 31, intituled, "An Act to further amend the Manitoba School Act and the Acts amending the same."

[Assented to 4th September, 1888.]

HER MAJESTY by and with the advice and consent of the Legislative Assembly of Manitoba enacts as follows :

1. Section 2 of chapter 31 of the Statutes passed in the fifty-first year of Her present Majesty's reign is hereby amended by striking out the words "ten dollars" in the fourth line thereof, and substituting the words "fifteen dollars" in lieu thereof.

Sec. 2, cap. 31
of 51 Vic.
amended.

2. All by-laws, rates, rolls or other proceedings carrying out the provisions of this Act, passed, made, levied or executed by any Municipal Council from the first day of August, A.D. 1888, to the time this Act comes into force are hereby declared to be duly legalized: provided that such by-laws, rates, rolls and other proceedings would have been valid had section 1 of this Act come into force on the said first day of August, A.D. 1888.

Legalization
of by-laws, &c.
carrying out
provisions of
this Act.

3. This Act shall come into force on being assented to.

Act to come
into force
when
assented to.

52 Vic. c. 21.

An Act to amend "The Manitoba School Act" and Amendments thereto.

[Assented to March 5th, 1889.]

HER MAJESTY by and with the consent of the Legislative Assembly of Manitoba enacts as follows :

52 Vic. cap. 6.
Sec. 1
amended.

1. Section 1 of chapter 5 of 52 Victoria is hereby amended by striking out the words "fifteen dollars" in the fourth and fifth lines of the said section, and substituting therefor the words "twenty dollars."

Sec. 104 of
said act
amended.

2. Section 104 of the Manitoba School Act is amended by adding thereto the following sub-section :

Writ of execu-
tion against
trustees how
endorsed.

(h.) Any writ of execution against the trustees for any school district, which school district lies wholly within one municipality, may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings thereon shall be the following :

Proceedings
thereon sheriff
to leave
statement
with Treasurer

(1.) The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the municipality in which such school district is situate, or leave such copy at the office or dwelling house of such officer with a statement in writing of the sheriff's fees and of the amount required to satisfy such execution including in such amount the interest calculated to some day as near as is convenient to the day of service.

In case
amount not
paid within
month rate to
be struck.

(2.) In case the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service the sheriff shall examine the assessment roll of the municipality in which such school district is situate, and shall in like manner as rates are struck for general municipal purposes, strike a rate on the assessable lands in said school district sufficient on the dollar to cover the amount due on the execution with such addition to the same as the sheriff deems sufficient to cover the interest and his own fees up to the time when such rate will probably be available.

Precept to be
issued to
treasurer
directing levy
to be made.

(3.) He shall, thereupon, issue a precept or precepts under his hand and seal of office directed to the said treasurer, and shall annex to every such precept the roll of such rate, and shall by such precept after reciting the Writ, and that the said trustees had neglected to satisfy the same, and referring to the roll annexed to the precept command the said treasurer to levy or cause to be levied such rate at the time and in the manner by law required in respect of the general municipal rates.

(4.) At the time for levying the annual rates next after the receipt of such precept the said treasurer shall add a column to the tax roll of the lands in said school district headed "Execution rate of A. B. vs. the trustees for the Protestant (or Catholic) school district of _____ (or, as the case may be, adding a column for each execution if more than one) and shall insert thereon the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and said treasurer, so soon as the amount of such execution or executions is collected, shall return to the sheriff the precept with the amount levied thereon.

At time of levying rate next after precept execution rate to be levied and amount returned with precept to sheriff.

(5.) The sheriff shall after satisfying the executions and all fees thereon return any surplus within ten days after receiving the same to the said treasurer for the general purposes of the said school trustees.

Surplus to be returned to treasurer.

(6.) The treasurer shall for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such executions, be deemed to be an officer of the court out of which the writ issued, and as such shall be amenable to the court, and may be proceeded against by attachment, mandamus or otherwise, in order to compel him to perform the duties hereby imposed upon him.

Treasurer to be deemed to be officer of court with respect to such execution

(7.) The above clauses, one to six both inclusive, shall be applicable to executions against the school trustees for any district lying within more than one municipality, but in such case the said sheriff shall strike a rate on the assessable lands in said school district, from the assessment rolls of the several municipalities in which said school district is situate, and shall deliver to the treasurer of each of the municipalities the precept or precepts aforesaid, attaching a roll of said rate so far as it applies to the lands of said school district in the municipality of each of such treasurers.

Clauses 1 to 6 applicable to districts lying within more than one municipality.

3. Section 104 of the Manitoba School Act is further amended by striking out the words "school property in," in the eighth line of sub-section (f) of said section, and inserting in the place and stead thereof the words "revenues of."

Sec. 124 of School Act further amended.

2. This Act shall come into force immediately on being assented to.

53 Vic. c. 37.

An Act respecting the Department of Education.

[Assented to 31st March, 1890.]

- Department established. Sec. 1.
 Powers and duties of Department. Sec. 2.
 One member to sign certificate. Sec. 3.
 Advisory Board. Sec. 4.
 Mode of appointment and election. Secs. 5 to 13.
 Powers of Advisory Board. Sec. 14.
 Annual report by Department of Education. Sec. 15.
 Orders and regulations to be laid before the Legislature. Sec. 16.
 Appointing officers. Sec. 17.
 Boards of Education to cease to hold office, etc. Sec. 18.
 Act takes effect. Sec. 19.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows :

1. There shall be a Department of Education, which shall consist of the Executive Council, or a committee thereof appointed by the Lieutenant-Governor-in-Council. R.S.O., c. 224, s. 1. Department established.
2. The Department of Education shall have power :
 - (a) To appoint inspectors of High and Public Schools, teachers in Provincial Model and Normal Schools, and Directors of Teachers' Institutes ; Powers of Department of Education. Appointing inspectors and other officers. Fixing salaries.
 - (b) To fix the salaries of all inspectors, examiners, Normal and Model school teachers and other officials of the Department ;
 - (c) To prescribe forms for school registers and reports to the Department ; Prescribing forms.
 - (d) To provide for Provincial Model and Normal schools. 44 Vic., c. 4, s. 5 ; R.S.O., c. 224, s. 4 ; Providing Model and Normal schools. Conducting examinations of teachers.
 - (e) To arrange for the proper examination and grading of teachers and the granting and cancelling of certificates. Certificates obtained outside the Province may be recognised instead of an examination.
 - (f) To prescribe the length of vacations and the number of teaching days in the year. Prescribing length of vacations, &c.
3. The Department of Education shall nominate one of its members to sign all certificates granted by the Department. One member of Department to sign certificates. Advisory Board.
4. There shall be a Board constituted as hereinafter provided, to be known as the "Advisory Board."
5. Said Board shall consist of seven members. Three members shall constitute a quorum for the transaction of business. Constitution of Board. Quorum.

- Four members to be appointed. X 6. Four of the members of said Advisory Board shall be appointed by the Department of Education for a term of two years. Provided, that on the occasion of the first appointment the term of office of two of such members so appointed shall be one year.
- Public school teachers to elect two members. 7.—(1) Two of the members of the said Advisory Board shall be elected by the Public and High school teachers actually engaged in teaching in the Province.
- Province to be divided into two districts for purposes of such election. (2) The Department of Education shall, from time to time, divide the Province into two districts, so that the said teachers in each district may elect one member of said Board.
- Voting papers to be furnished. 8. On or before the first day of June in each year, the Department of Education shall furnish each High and Public School teacher actually engaged in teaching with a blank form of voting paper for the purpose of voting for a member of said Board.
- Voting papers to be sent to appointed member. Appointed members to count votes. 9. Such voting papers shall be sent to one of the appointed members of said Board.
- Voting papers must be in by 30th June. 10. The appointed members of the said Board shall receive and count the voting papers, and decide any questions relating thereto, and shall report to the Department of Education the names of the persons elected.
- Term of office. 11. Voting papers received after the thirtieth day of June shall not be counted. The person receiving the highest number of votes, in each case, shall be elected.
- University Council to appoint one member. Powers of Advisory Board. Equipment and ventilation of school-houses. 12. The term of office of such members so elected shall be two years, and shall commence on the first day of August next after election.
- Authorize text-books. X 13. The seventh member of said Board shall be appointed by the University Council, by ballot, from time to time, for a term of two years.
- Qualification of teachers and inspectors. 14. Said Advisory Board shall have power :
- Admission to High Schools. (a) To make regulations for the dimensions, equipment, style, plan, furnishing, decoration and ventilation of school houses, and for the arrangement and requisites of school premises ;
- Decide matters referred. (b) To examine and authorize text-books and books of reference, for the use of pupils and school libraries ;
- Appointing examiners. (c) To determine the qualifications of teachers and inspectors for High and Public Schools ;
- Forms of religious exercises. X (d) To determine the standard to be obtained by pupils for admission to High Schools ;
- Regulations for Normal, Model, High and Public Schools. (e) To decide or make suggestions concerning such matters as may, from time to time, be referred to them by the Department of Education ;
- (f) To appoint examiners for the purpose of preparing examination papers for teachers' certificates and for entrance admission of pupils to High Schools, who shall report to the Department of Education ;
- (g) To prescribe the forms of religious exercises to be used in schools ;
- (h) To make regulations for the classification, organization, discipline and government of Normal, Model, High and Public Schools. 44 Vic. c. 4, s. 5 ; R.S.O., c. 224, s. 4.

(i) To determine to whom certificates shall issue ;

To determine to whom certificates shall issue, etc.

(j) To decide upon all disputes and complaints laid before them, the settlement of which is not otherwise provided for by law.

To settle disputes, settlement of which not otherwise provided for.

15. The Department of Education shall report annually to the Lieutenant-Governor-in-Council upon the Model, Normal, High and Public Schools, with such statements and suggestions for promoting education generally as may be deemed useful and expedient. R.S.O., c. 224, s. 5.

Annual report to be made by Department of Education.

16—(1.) Every regulation or Order-in-Council made under this Act, or under the Public and High Schools Acts, by the Executive Council, the Department of Education and the Advisory Board, shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such regulation or Order-in-Council, and if the Legislature is not in session such regulation or Order in Council shall be laid before the said House within the first seven days of the session next after such regulation or Order-in-Council is made

Regulations and Orders-in-Council to be laid before Legislative Assembly.

(2.) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said regulation or Order-in-Council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such regulation or Order-in-Council, either wholly or of any part thereof, the regulation or Order-in-Council, so far as disapproved of, shall have no effect from the time of such resolution being passed. R. S. O., c. 224, s. 7.

Regulation or order disapproved of by Legislative Assembly to be void.

17. The Department of Education may appoint such officers, clerks and servants as may be necessary for the conduct of the business of the Department and of the Advisory Board.

Appointing officers, etc.

18. From and after the first day of May, A.D 1890, the Board of Education and Superintendents of Education appointed under Chapter 4 of 44 Victoria and Amendments, shall cease to hold office, and within three days after said first day of May, said Boards and Superintendents shall deliver over to the Provincial Secretary all records, books, papers, documents and property of every kind belonging to said Boards.

Boards of Education, etc., to cease to hold office after 1st May, 1890.

19. This Act shall come into force on the first day of May, A.D. 1890.

When Act shall come into force.

An Act Respecting Public Schools.

[Assented to 31st March, 1890.]

- Short title. Sec. 1.
 Interpretation. Sec. 2.
 Existing arrangements continued. Secs. 3, 4.
 Public schools to be free. Sec. 5.
 School Age. Sec. 5.
 Religious exercises, Secs. 6, 7, 8.
 Rural public schools :—
 New school districts. Sec. 9.
 Trustees' term of office and qualification. Secs. 10, 11, 12.
 Electors for rural school districts. Sec. 13.
 Election of trustees. Secs. 14-22.
 Corporation not to cease for want of trustees. Sec. 23.
 Posting of notices of annual meeting in new sections. Sec. 24.
 Declaration of office by trustee. Sec. 25.
 Minutes of meeting to be sent to inspector. Sec. 26.
 Complaints as to elections. Sec. 27 (1).
 Proceedings not invalidated through illegally elected trustee having acted.
 Sec. 27 (2).
 Secretary-treasurer. Secs. 28, 29.
 Notices of meetings. Sec. 30.
 Requisites of valid corporate acts. Sec. 31.
 Statement to be prepared by secretary-treasurer. Sec. 32.
 Remuneration of secretary-treasurer. Sec. 33.
 Auditors. Secs. 34-36.
 Duties of trustees. Sec. 37.
 Districts in unorganized territories. Secs. 38-51.
 Rural school sites. Secs. 52-67.
 Alteration of school boundaries. Secs. 68-71.
 Formation and dissolution of union school districts composed of parts of several municipalities. Secs. 72-77.
 Public school boards in cities, towns and villages :—
 Election of trustees. Secs. 78-85.
 Duties of board. Sec. 86.
 School census. Secs. 87, 88.
 Assessment for schools. Secs. 89-97.
 Borrowing money and issuing debentures for school purposes. Secs. 98-107.
 Legislative grant. Secs. 108-110.
 School corporations—their names—change of names, etc. Sec. 111.
 Disqualification of school trustees. Secs. 112, 113.
 Meetings of boards of school trustees. Secs. 114-120.
 Liability for school moneys. Secs. 121-124.
 Teachers :—
 Agreements with. Sec. 125.
 Qualification. Sec. 126.
 Duties. Sec. 127.
 Salary. Secs. 128-130.
 Certificates of qualification. Sec. 131.
 Suspension of certificate. Secs. 132-134.

- Inspectors. Secs. 135-137.
- Allowance to arbitrators. Sec. 138.
- Non-resident pupils. Sec. 139.
- Holidays. Sec. 140.
- Authorized books. Secs. 141-143.
- Libraries. Sec. 144.
- Special inquiries. Secs. 145, 146.
- Visitors. Secs. 147-150.
- Penalties and prohibitions. Secs. 151-173.
- Trustees resigning. Sec. 174.
- Execution against school districts. Sec. 175.
- General prohibitions. Sec. 176.
- Recovery of penalties. Sec. 177.
- Provisions as to Catholic school districts. Secs. 178-181.
- Repeal clause. Sec. 182.
- When Act to come into force. Sec. 183.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows :—

PRELIMINARY.

1. This Act may be cited as “The Public Schools Act.” R.S.O., c. 225, s. 1. Short title.
2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :— Interpretation.
 - (1) “Teacher” shall include female as well as male teachers. “Teacher.”
 - (2) “School site” shall mean such area of land as may be necessary for the school building, teacher’s residence, offices and play-grounds connected therewith. “Schoolsite.”
 - (3) “Owner” shall include a mortgagee, lessee or tenant, or other person entitled to a limited interest, and whose claims may be dealt with by arbitration as herein provided. “Owner.”
 - (4) “Resident” shall include such persons who, though not actually resident in a school district, pay a school rate at least equal to the average school rate paid by the actual residents of such district. “Resident.”
 - (5) “Ratepayer” shall mean an assessed householder, owner or tenant, or any person entered on the assessment roll as a farmer’s son. “Ratepayer.”
 - (6) “Inspector” shall mean the school inspector for the territory in which the school district is situate. R.S.O., c. 225, s. 2. “Inspector.”
 - (7) “Rural School District” shall mean a school district situate wholly in a rural municipality or rural municipalities. Rural School District.
3. All Protestant and Catholic school districts, together with all elections and appointments to office, all agreements, contracts, assessments and rate bills, heretofore duly made in relation to Protestant or Catholic schools, and existing when this Act comes into force, shall be subject to the provisions of this Act. R.S.O., c. 225, s. 4. Existing school arrangements continued.
4. The term for which each school trustee holds office at the time this Act takes effect shall continue as if such term had been created by virtue of an election under this Act. R.S.O., c. 225, s. 5. Trustees’ term of office.

PUBLIC SCHOOLS TO BE FREE.

Public Schools to be free. 5. All Public Schools shall be free schools, and every person in rural municipalities between the age of five and sixteen years, and in cities, towns and villages between the age of six and sixteen, shall have the right to attend some school. R.S.O., c. 225, s. 6.

School age.

RELIGIOUS EXERCISES.

Religious exercises. X 6. Religious exercises in the Public Schools shall be conducted according to the regulations of the Advisory Board. The time for such religious exercises shall be just before the closing hour in the afternoon. In case the parent or guardian of any pupil notifies the teacher that he does not wish such pupil to attend such religious exercises, then such pupil shall be dismissed before such religious exercises take place.

Conscience clause.

School trustees to have option as to religious exercises. 7. Religious exercises shall be held in a Public School entirely at the option of the school trustees for the district, and upon receiving written authority from the trustees, it shall be the duty of the teachers to hold such religious exercises.

Schools must be non-sectarian. X

8. The Public Schools shall be entirely non-sectarian, and no religious exercises shall be allowed therein except as above provided.

NEW SCHOOL DISTRICTS.

New school districts. 9. The council of each rural municipality shall form portions of the municipality where no schools have been established into school districts. Provided, no school district shall be so formed unless there shall be at least ten children of school age living within the same, and none distant more than three miles by the most direct road from the site for the school house. Provided, that no school district shall include more territory than twenty square miles, exclusive of public roads. There shall be an appeal from the action of the council in so forming school districts in the manner provided in section 69. R.S.O., c. 225, s. 9; 47 Vic., c. 37, s. 3; 48 Vic., c. 27, s. 4.

SCHOOL TRUSTEES FOR RURAL DISTRICTS.

Trustees' term of office. 10. For each rural school district there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected. R.S.O., c. 225, s. 12.

Term of office of each Trustee. First.

11. The trustees elected at a first school meeting in a rural school district shall respectively continue in office as follows:

(1) The first person elected shall continue in office for two years, to be reckoned from the annual school meeting next after his election, and thence until his successor has been elected;

Second.

(2) The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected.

Third.

(3) The third or last person elected shall continue in office until the next ensuing annual school meeting in such district, and until his successor has been elected;

Ranking of trustees.

(4) In case of a poll being taken for one or more trustees at a first school meeting, then the trustees shall rank in seniority according to the number of votes polled, and, in case of a tie, then in the order of their nomination. R.S.O., c. 225, s. 30; 44 Vic., c. 4, s. 18.

Trustees, qualification of. X

12. The persons qualified to be elected trustees shall be such persons as are actual resident ratepayers within the school district, rated on the last revised

assessment roll of the municipality, or one of the municipalities in which the school district is situate, and of the full age of twenty-one years, able to read and write, and not disqualified under this Act. R.S.O., c. 225, s. 13.

ELECTORS FOR RURAL SCHOOL DISTRICTS.

13. In rural school districts every ratepayer of the full age of twenty-one years, rated on the last revised assessment roll of the municipality, or one of the municipalities in which the school district is situate, shall be entitled to vote at any election for school trustee or on any question whatsoever, at any annual or special meeting in the district except as is herein otherwise provided. R.S.O., c. 225, s. 14; 47 Vic., c. 37, s. 7; 48 Vic., c. 27, s. 6.

Electors in rural school districts.

ANNUAL SCHOOL MEETINGS IN RURAL DISTRICTS.

14. On the first Monday in December in each year (provided the day is not a statutory holiday, in which case then on the following Wednesday) a meeting of the ratepayers of each rural school district shall be held, commencing at ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or trustees. Notice of such meeting shall be given by the trustees (except as is herein otherwise provided) by notice posted on the school house, if there be one, and in one other public place in the district at least two weeks before such day. R.S.O., c. 225, s. 15; 44 Vic., c. 4, s. 16; 47 Vic., c. 37, s. 5.

Annual school meeting.

15. In case, from the want of proper notice or other cause, any first or annual school meeting, required to be held for the election of trustees, was not held at the proper time, the inspector, or any two ratepayers in the district, may call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the school district; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. R.S.O., c. 225, s. 16; 44 Vic., c. 4, s. 21; 47 Vic., c. 37, s. 6.

Meetings to be called in default of first or annual meetings.

16—(1) The electors of such school district present at such meetings shall elect one of their own number to preside over its proceedings, and shall also appoint a secretary, who shall record the proceedings of the meeting, and perform such other duties as may be required of him by this Act.

Order of business.

(2) The business of such meeting may be conducted in the following order:—

(a) Receiving the annual report of the trustees, and disposing of the same;

(b) Receiving the annual report of the auditor or auditors, and disposing of the same;

(c) Electing an auditor for the current year;

(d) Miscellaneous business;

(e) Electing a trustee or trustees to fill any vacancy or vacancies.

R.S.O., c. 225, s. 17; 44 Vic., c. 4, s. 17; 47 Vic., c. 37, s. 5.

17. The election of trustees shall proceed by way of nomination, each nomination requiring a mover and seconder, both of whom must be present and qualified electors. Nominations shall be kept open until eleven o'clock in the forenoon. In case, at the said hour of eleven o'clock, the number of nominations

Proceedings at election of School Trustee.

does not exceed the number of vacancies to be filled, then the chairman shall declare the person or persons so nominated to be elected. In case the number of nominations exceed the number of vacancies to be filled, a show of hands shall be taken, and the person or persons having the majority of votes shall be declared elected by the chairman, should no ratepayer demand a poll. If a poll is demanded by a ratepayer present, the chairman shall be the returning officer, and shall open the poll forthwith. The secretary shall record the votes given. The poll shall be closed at four o'clock in the afternoon. Provided, that if at any time one hour elapse during such poll without a vote having been recorded, the poll shall then be closed. After the poll is closed the chairman shall declare the person or persons receiving the highest number of votes elected. R.S.O., c. 225, ss. 19, 20-22.

Chairman,
duties of.

18. The chairman shall preside and submit all motions to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote, but no other vote. He shall decide all questions of order, subject to an appeal to the meeting. R.S.O., c. 225, s. 18.

When voter is
objected to.

19. In case an objection is made to the right of any person to vote at any annual or special meeting, either for trustee or upon any school question, the chairman of the meeting, or other officer presiding, shall require the person whose right of voting is objected to, to make the following declaration :

Declaration.

(1) I, A. B., do declare that I am an assessed ratepayer (or farmer's son, as the case may be) in school district

(2) That I am of the full age of 21 years.

(3) That I have the right to vote at this election.

Whereupon the person making such declaration shall be entitled to vote, except as is herein otherwise provided. R.S.O., c. 225, s. 2.

Public School
questions to
be decided at
meetings.

20. Any public school question raised at such annual meeting, or any special meeting, may be submitted to vote and a poll demanded. In case of a poll being demanded, the proceedings shall be similar to those above provided for election of trustee.

Acceptance of
office by
Trustees.

21. The secretary of every school meeting at which any person or persons were elected as school trustees, shall forthwith notify in writing each of such persons of his election, and every person so notified shall be considered as having accepted such office, unless a notice to the contrary effect has been delivered by him to such secretary within twenty days after the date of such election. R. S. O., c. 225, s. 23.

Term for
vacancies.

22. Any trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. R. S. O., c. 225, s. 24.

Corporation
not to cease
by want of
Trustees.

23—(1) No school corporation shall cease to exist by reason of the want of trustees, but in case of such want any two ratepayers of the district, or the inspector, may, by giving six days' notice, to be posted in at least three of the most public places of the district, call a meeting of the ratepayers, who shall proceed to elect three trustees in the manner prescribed in Section 17 and the following sections of this Act; and the trustees thus elected shall hold and retire from office in the manner prescribed by Section 11 of this Act.

Tenure of
office.
When Muni-
cipal Council
may appoint
Trustees.

(2) When the ratepayers of any school district for two years neglect or refuse to elect trustees, after being duly notified as herein provided, the

council of the municipality may appoint trustees for the said school district, who shall hold office for the same term as if elected by the ratepayers. R. S. O., c. 225, s. 27.

24. In case of the formation of a new school district, the clerk of the municipality shall see that the notices for the annual meeting are posted up. R. S. O., c. 225, ss. 28 and 29.

25. Every trustee, before acting as such, shall make before the chairman of the Board, or before a justice of the peace, the following declaration in writing, which he shall deposit with the secretary-treasurer:

I, A. B., do solemnly declare that I will truly, faithfully, and to the best of my ability and judgment, discharge the duties of the office of school trustee for the school district of No. _____ to which I have been elected.

Dated at _____ this _____ day of _____ A.D. 18 _____.

Declared before me
at this
day of A.D. 18
C.D.,
Chairman of Board,
or J.P.

A.B.

—46 and 47 Vic., c. 46, s. 10.

26. A correct copy of the minutes of a first, and of every annual and of every special school meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman of the meeting to the inspector, R. S. O., c. 225, s. 31.

27—(1) When complaint is made to the inspector by any ratepayer that the election of a trustee for a rural school district, or that the proceedings or any part thereof of any rural school meeting, have not been in conformity with the provisions of this Act, the inspector shall investigate the same, and confirm or set the election or proceeding aside, and appoint the time and place for a new election, or for the reconsideration of a school question, but no complaint in regard to any election or proceeding at a school meeting shall be entertained by any inspector, unless made to him in writing within twenty days after the holding of the election or meeting.

(2) No resolution, by-law, proceeding or action of any board of trustees, shall be invalid or set aside by reason of any person whose election has been annulled or declared illegal having acted as a trustee. R.S.O., c. 225, s. 32; 44 Vic., c. 4, s. 21; 47 Vic., c. 37, ss. 6 and 20.

SECRETARY-TREASURER IN RURAL SCHOOL DISTRICTS.

28. The board of school trustees shall appoint, as secretary-treasurer, one of their own number, or some other competent person, who shall give such security as may be required of him by the Board; such security shall be deposited with the clerk of the municipality. R.S.O., c. 225, s. 33; 44 Vic., c. 4, ss. 55 and 56.

29. It shall be the duty of a secretary-treasurer of a rural school board:—

(1) To keep a full and correct record of the proceedings of every meeting of the Board in the minute-book provided by the trustees for that purpose, and

New district.
Posting notices.

Declaration of office.

Copy of minutes to be sent to Inspector.

Complaints as to elections.

Proceedings of Trustees not invalidated by illegally elected Trustee having acted.

Secretary-Treasurer to be appointed.

Secretary-Treasurer—duties of.

to see that the minutes, when confirmed, are signed by the chairman or presiding trustee ;

(2) To receive all school moneys collected from the inhabitants or rate-payers of the district or other persons, and to account for the same ;

(3) To disburse all moneys in the manner directed by a majority of the trustees ;

(4) To produce when called for by the trustees, auditors or other competent authority, all papers and moneys belonging to the corporation ;

(5) To call, at the request in writing of two trustees, a special meeting of the board of Trustees. R.S.O., c. 225, s. 34.

Notices of meetings—
how given.

30. Notice of all meetings shall be given by the secretary to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing or by sending a written notice to their residences. R.S.O., c. 225, s. 35.

Corporate acts must be adopted at lawful Trustee meetings.

31. No act or proceeding of a rural school corporation, which is not adopted at a regular or special meeting of the trustees, shall be valid or binding on any person affected thereby, unless notice has been given, as required by this Act, and unless at least two trustees are present. R.S.O., c. 225, s. 36.

Statement to be prepared by Secretary-Treasurer.

32. Every secretary-treasurer of a rural school district shall prepare and submit to the board of school trustees annually, previous to the annual election of trustees, a detailed statement of the receipts and expenditures of the school district for the current school year then expiring, and such statement, after being approved by the school trustees, shall be by them submitted at the annual meeting. The secretary-treasurer shall, on the payment to him of the sum of one dollar, furnish to any ratepayer a copy of such statement. 44 Vic., c. 4, s. 58.

Remuneration of Secretary-Treasurer.

33. The remuneration of a secretary-treasurer of a rural school district may, in the discretion of the school trustees, be fixed at any amount not exceeding the sum of ten dollars per annum. Such remuneration shall cover all services rendered and all contingent expenses whatever except such as may be specially authorized by the board. 44 Vic., c. 4, s. 59.

AUDITORS.

Appointment of Auditor.

34.—(1) Every board of rural school trustees shall, on or before the fifteenth day of November, appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses or is unable to act, then the inspector shall (at the request in writing of any two ratepayers) make the appointment.

Audit.

(2) It shall be the duty of the trustees, or their secretary-treasurer, to lay all their accounts before the school auditors of the district, or either of them, together with the agreements, vouchers, contracts and books in their possession, and the trustees, or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditures of school moneys. R.S.O., c. 225, s. 37 ; 44 Vic., c. 4, s. 74.

Time of audit.

35. The auditors appointed, or one of them, shall, on or immediately after the first day of November in each year, appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school district. R.S.O. c. 225, s. 38.

36. It shall be the duty of the auditors of every rural school district :

Duties of auditors.

(1) To examine into and decide upon the accuracy of the accounts of the district, and whether the trustees have duly accounted for and expended for school purposes the moneys received by them and to submit the said accounts, with a full report thereon, at the next annual school meeting ;

(2) In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the Inspector :

(3) If both of the auditors object to the lawfulness of any expenditures made by the trustees, they shall submit the matters in difference to the annual meeting, which may either determine the same or submit the matter to the Inspector, whose decision shall be final ;

(4) It shall be competent for the auditors, or one of them :

(a) To require the attendance of all or any of the persons interested in the accounts, and of their witnesses, with all such books, papers, and writings as the auditor or auditors may direct them or either of them to produce ;

(b) To administer oaths to such persons and witnesses :

(c) To issue their or his warrant to any person named therein ; to enforce the collection of any moneys by them awarded to be paid ; and the person named in the warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same has been issued, as any bailiff of a County Court has in enforcing a judgment and execution issued out of such court ;

(d) The auditors shall remain in office until their audit is completed.

R.S.O., c. 225, s. 39.

DUTIES OF TRUSTEES OF RURAL DISTRICTS.

37. It shall be the duty of the trustees of rural school districts :

(1) To appoint the place of each annual school meeting of the rate-payers of the district, and the time and place of a special meeting of the same for (1) the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal, or other cause ; or (2) for the selection of a new school site ; or (3) the appointment of a school auditor ; or (4) any other lawful school purpose, as they may think proper ; and to cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of the district at least six days before the time of holding such meeting ;

Meetings to be appointed by the Trustees.

Filling vacancies

Notice.

(a) Every such meeting shall be organized, and its proceedings recorded in the manner provided for in Section 16, and the following sections of this Act.

(2) To provide adequate accommodation and a legally qualified teacher or teachers, according to the regulations prescribed by the Department of Education, for two-thirds of the actual resident children, between the ages of five and sixteen years, as ascertained by the census taken by the municipal council for the next preceding year ;

Adequate accommodation.

(3) To apply to the municipal council at or before its first meeting after the thirty-first day of July for the levying and collecting by rate of all sums for the support of their school or schools, and for any other school purposes authorized by this Act to be collected from the ratepayers of such district, or to raise the amount necessary for the purchase of school sites, the erection or

Apply to municipalities for school moneys.

otherwise acquiring of school houses and their appendages, either by one yearly rate or by debentures, as provided in Section 101 of this Act, as may be required by the trustees ;

Arrange
payment of
salaries.

(4) To arrange for the payment of teachers' salaries at least quarterly, and, if necessary, to borrow on their promissory note, under the seal of the corporation, at interest not exceeding ten per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected ;

Repairing,
etc., school-
house.

(5) To keep the school house, furniture, out-buildings and enclosures in proper repair, and where there is no suitable school house belonging to the district, or where two or more school houses are required, to build or rent a house or houses, and to keep such house or houses, its or their furniture, out-buildings and enclosures in proper repair ;

Names and
addresses of
trustees and
teachers to be
given to muni-
cipal clerk.

(6) To give notice in writing, before the first day of January in each year, to the Inspector and to the clerk of the municipality in which their school is situate, of the names and post office addresses of the several trustees then in office, of the secretary-treasurer and of the teachers employed by them, and to give reasonable notice in writing, from time to time of any changes therein ;

Exempt indi-
gent persons.

(7) To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons, notice of such exemption to be given by the trustees to the clerk of the municipality, on or before the first day of August ;

Dismissal of
refractory
pupils.

(8) To dismiss from the school, any pupil who shall be adjudged so refractory by the trustees (or by a majority of them), and the teacher, that his presence in school is deemed injurious to the other pupils ;

Custody of
school
property.

(9) To take possession, and have the custody and safe keeping of all Public School property which has been acquired or given for Public School purposes in the district ; and to acquire and hold as a corporation, by any title whatsoever, any land, moveable property, moneys or income given or acquired at any time for Public School purposes, and to hold or apply the same according to the terms on which the same were acquired or received ; and to dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site or other cause ; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes, or as directed by this Act ;

Sale of school
site or other
property.

Visit schools.

(10) To visit, from time to time, every school under their charge, and see that it is conducted according to law and the authorized regulations, and to provide school registers and a visitors' book, in the form prescribed by the Department of Education ;

Text-books,

(11) To see that no unauthorized books are used in the school, and that the pupils are duly supplied with an uniform series of authorized text-books, sanctioned by the Advisory Board ; and to do whatever they may deem expedient in regard to procuring apparatus, maps, prize and library books for their schools ;

Apparatus.

Report to
annual
meeting.

(12) To cause to be prepared and read at the annual meeting of the ratepayers, a report for the year then ending, containing, among other things, a summary of their proceedings during the year, together with a full and detailed account of the receipt and expenditure of all school moneys received and expended in behalf of the district for any purpose whatever, during such year, and signed by the trustees, and by either or both of the school auditors of the district ;

Annual and
semi-annual
returns.

(13) To transmit to the Department of Education the semi-annual and

annual returns at the times and according to the forms prescribed by the Department of Education ;

(14) To collect, at their discretion, from the parents or guardians of children who do not reside, or are not assessed within the school district, a sum not exceeding fifty cents per month, for each pupil attending school. R. S. O., c. 225, s. 40 ; 44 Vic., c. 4, s. 39 ; 46 and 47 Vic., c. 46, s. 11 ; 47 Vic., c. 37, ss. 12 and 13. Collection from non-residents.

DISTRICTS IN UNORGANIZED TERRITORY.

38—(1) In unorganized territory it shall be lawful for the inspector of the district to form a portion or the whole of such territory into a school district. Formation of school districts.

(2) No such district shall, in length or breadth, exceed five miles in a straight line, and, subject to this restriction, the boundaries may be altered by the same authority from time to time, and the alteration shall go into operation on the twenty-fifth day of November next after such alteration ; Provided always, no such school district shall be formed except on the petition of five heads of families resident therein. R.S.O., c. 225, s. 41. Limits of school districts.

(39) After the formation of such a school district, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the district, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the district. R. S. O., c. 225, s. 43. Election of school trustees

(40) The trustees elected at such meetings, or at any subsequent school meetings of the district, as provided by law, shall have all the powers and be subject to all the obligations of public school trustees generally. R. S. O., c. 225, s. 44. Powers and obligations of trustees.

(41) The Inspector shall assume the functions of court of revision for any such district, and all the proceedings of the Inspector in the matter of the revision or correction of the assessment roll, shall be subject to the provisions of this Act, and shall have the same effect as if made in a court of revision. R. S.O., c. 225, s. 44. Inspector to constitute court of revision.

(42) The trustees of all school districts in unorganised territory shall, annually, appoint a duly qualified person to make out an assessment roll for the district. R. S. O., c. 225, s. 45. Annual assessment roll.

(43) A copy of the said roll shall be opened to inspection by all persons interested, at some convenient place in the district, notice whereof, signed by the secretary-treasurer of the district, shall be annually posted in at least three of the most public places in the district, and shall state the place and the time at which the Inspector will hear appeals against said assessment roll, and such notice shall be posted as aforesaid by the trustees for at least three weeks prior to the time appointed for hearing the appeals. R. S. O., c. 225, s. 46. Appeal against assessment.

(44) All appeals shall be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a court of revision in the case of ordinary municipal assessments, and the Inspector shall have the same power as ordinary municipal courts of revision. Provided, that the court of revision need not be held in the district, R.S.O., c. 225, s. 47. Manner of appeal.

45. The same exemptions shall be allowed in assessing property, as are allowed in connection with the collection of school taxes in districts in organized territory. Exemptions.

Confirmed
roll binding.

46. The annual roll, as finally passed and signed by the Inspector, shall be binding upon the trustees and ratepayers of the district, until the annual roll for the succeeding year is passed and signed as aforesaid. R. S. O., c. 225, s. 48.

Union school
districts.

47. In forming union schools districts between, and out of, an organized municipality and an unorganized locality, it shall be lawful for such union school district to be formed or altered according to the provisions of this Act, except that the Inspector shall act for the unorganized locality, and the reeve of the organized municipality for his municipality. R.S.O., c. 225, s. 50.

Appointment
and duty of
school
collector.

48. The trustees shall appoint some fit and proper person, or one of themselves, to be a collector (who may also be secretary-treasurer), to collect the rates imposed by them upon the ratepayers of their school district, or the sums which the inhabitants or others may have subscribed; or a rate-bill imposed on any person; and pay to such collector, at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every such collector shall give such security as shall be satisfactory to the trustees, which security shall be lodged for safe keeping with the Inspector by the trustees. R.S.O., c. 225, s. 51.

Powers of
school
collector.

49. Every such collector shall have the same powers in collecting the school rate, rate-bill of subscriptions, shall be under the same liabilities and obligations, and proceed in the same manner in his school district as a municipal collector does in his municipality, in collecting rates, as provided in the Municipal and Assessment Acts, from time to time, in force. R.S.O., c. 225, s. 52.

Sale of lands
for taxes.

50. A statement of arrears of taxes on lands may be returned by the collector to the secretary-treasurer of a rural municipality, near to such school district to be designated by the Inspector. Upon receipt of such statement of arrears of taxes by the secretary-treasurer, such municipality shall proceed to collect the same by sale of such land for taxes or otherwise, in the same manner, and with the same effect as if such lands were situate in and such taxes had been levied by such municipality. All moneys collected on account of such arrears, shall be paid over by such rural municipality to such board of school trustees, less a charge of five per cent. for collecting the same.

Secs. 38 to 50
to apply to dis-
tricts hereto-
fore formed in
unorganised
territory.

51. The above provisions as to unorganized territory shall apply to school districts formed but not within the limits of any organized municipality.

New sites.

RURAL SCHOOL SITES.

52. Before any steps are taken by the trustees for securing a new school site on which to erect a new school house, they shall call a special meeting of the ratepayers of the district to consider the site proposed; and no change of school site shall be made except in the manner hereinafter provided, without the consent of the majority of such special meeting. R.S.O., c. 225, s. 64.

When trustees
and ratepay-
ers disagree.

53. In case a majority of the trustees and a majority of the ratepayers present at such special meeting differ as to the situation of a new site, each party shall then and there choose an arbitrator, and the Inspector, or, in case of his inability to attend, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter or matters submitted to them. R.S.O., c. 225, s. 65.

Award.

Reconsidera-
tion of award.

54. With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within three months

from the date of their award, to reconsider such award and make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least one year from the date thereof. R.S.O., c. 225, s. 66.

55. If the owner of the land selected for a new school site, or required for the enlargement of school premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of any district, then such owner and the trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the inspector, or in case of his inability to attend, any person appointed by him on his behalf as third arbitrator, or any two of them, shall appraise the damages for such land. R.S.O., c. 225, s. 67.

When owner refuses to sell.

56. If the majority of the school trustees, or the majority of a public school meeting, neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator, as provided in the preceding section, or if the owner of the land selected as a school site, as provided by the said section, neglects or refuses to appoint an arbitrator, it shall be competent for the Inspector, with the arbitrator appointed, to meet and determine the matter; and the Inspector, in case of such refusal or neglect, shall have a second or casting vote, if he and the arbitrator appointed do not agree. R.S.O., c. 225, s. 68.

Appointment of arbitrators - their powers.

57—(1) The arbitrators aforesaid, or any two or them, shall have the power to settle all claims or rights of incumbrancers, lessees, tenants or other persons, as well as those of the owner, in respect of the land required for the purpose of the school site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights.

Additional powers of arbitrators.

(2) Upon the tender or payment of the amount of such damage to the owner or other person entitled thereto, or to any part of such amount, by the school trustees, the land shall be taken and used for the purpose aforesaid. R.S.O., c. 225, s. 69.

Taking land.

58. If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of the adjournment. R.S.O., c. 225, s. 70.

Proceedings where an arbitrator is absent.

59. Any award for a school site, made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper Registry Office or Land Titles Office, on the affidavit of one of the trustees verifying the same. R.S.O., c. 225, s. 71.

Award to constitute title.

60. The parties concerned in all such disputes, shall pay all the expenses incurred in them, according to the award or decision of the arbitrators, and the Inspector respectively. R.S.O., c. 225, s. 72.

Cost of arbitration.

61. A school site shall not be selected within a hundred yards of the garden, orchard, pleasure ground, or dwelling house of the owner of the site, without his consent. R.S.O., c. 225, s. 73.

Selection of school site.

Who may convey school sites.

62. All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes-couvertes, or other person seized, possessed of or interested in any land, may contract for, sell or convey all or part thereof to school trustees for a school site, or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made, shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying, are hereby indemnified for what they respectively do by virtue of, or in pursuance of this Act. R.S.O., c. 225, s. 75.

Remedy in case of absence of owner.

63. If the owner of land, duly selected for said purpose, is absent from the municipality in which the land lies, or is unknown, the trustees may procure from a sworn surveyor, a certificate that he is not interested in the matter; that he knows the land, and that some certain sum therein named is, in his opinion a fair compensation for the same; and on filing the said certificate with the Judge of the County Court of the district in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the municipality, and that, after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted, for such time as he sees fit, in some newspaper published in the district; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same, to be effected in such other way as he sees fit. R.S.O., c. 225, s. 76.

What notice shall contain.

64. The notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees, if their offer of that sum is not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the County Judge may direct. R.S.O., c. 225, s. 77.

Arbitrators.

Judge may appoint arbitrator.

65. If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property. R.S.O., c. 225, s. 78.

Responsibility of trustees as to compensation.

66. Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land, any claim to, or incumbrance upon the same or any portion thereof, shall, as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party. R.S.O., c. 225, s. 79.

In case of incumbrance.

67. If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the treasurer of the municipality, or in

Deposit of compensation money.

such other manner as the Inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper Registry Office or Land Titles Office on an affidavit of one of the trustees verifying the same. R.S.O., c. 225, s. 80; 51 Vic., c. 31, s. 1.

Award to be registered.

ALTERATION OF SCHOOL DISTRICTS.

68. Every council of a rural municipality shall have power,

(1) To pass by-laws to unite two or more districts in the same municipality into one, in case (at a public meeting in each district called by the trustees or Inspector for that purpose) a majority of the ratepayers present at each such meeting request to be united;

Union of existing districts

(2) To alter the boundaries of a school district, or divide an existing district into two or more districts or to unite portions of an existing district with another district, or with any new district, in case it clearly appears that all persons to be affected by the proposed alteration, division or union respectively, have been duly notified, in such manner as the council may deem expedient, of the proposed proceeding for this purpose, or of any application made to the council to do so;

Alteration etc. of school districts.

(3) Any such by-law shall not be passed later than the first day of May, in any year, and shall not take effect before the twenty-fifth day of November next thereafter, and it shall be the duty of the clerk to send forthwith, after such by-law has been passed, a copy of the by-law and minutes relating to the formation or alteration or union to the trustees of every school district affected thereby, and to the Inspector. R.S.O., c. 225, s. 81; 44 Vic., c. 4, s. 14; 47 Vic., c. 37, s. 3.

By-laws uniting districts.

69.—(1) A majority of the trustees, or any five ratepayers of one or more of the school districts concerned, may appeal to the County Court Judge of the district in which such district or districts is or are situated, against any by-law or resolution passed at any time previously by the municipal council, for the formation, division, union or alteration of their school district or districts, or against the neglect or refusal of the municipal council (on application being made to it by the trustees, or any five ratepayers concerned) to form, divide, unite, or alter the boundaries of a school district or school districts within the municipality. 48 Vic., c. 49, s. 82 (1); 50 Vic., c. 39, s. 14 (1).

Appeal to County Judge

(2) Such County Court Judge shall have power to revise, determine, or alter the boundaries of the school district or school districts so far as to settle the matters complained of; but the alterations or determination of the said matters shall not take effect before the twenty-fifth day of November in the year in which the Judge so decides, and shall thence continue in full force for the period of three years at least, and until lawfully changed by the municipal council, but such change shall be subject to the like appeal to the County Court Judge; Provided, that where the decision of the Judge does not affirm that of the council, and an application for reconsideration signed by a majority of the ratepayers affected by the decision, or signed by a majority of the trustees of

Appointment of arbitrators.

Proviso.

the district or districts affected by the decision, is delivered to the Judge of the County Court within three months of the giving of the decision, the said Judge may reconsider the matter, and if he thinks fit, may vary such decision, and shall, in such case, direct at what time the decision as varied shall go into effect, and the three years hereinbefore limited shall, in such case, be computed from the time when the decision varying the former decision is given.

Notice.

(3) Due notice of the alterations or the determination of the said matters made by the Judge, shall be given by the Judge to the clerk of the municipality, and to the trustees of the school districts concerned.

Payment of judge.

(4) Such Judge shall be entitled to be paid the sum of five dollars per day, and actual travelling expenses in connection with said appeals, by the municipality in which the district or districts involved are situate. In case such district or districts is or are situate in more municipalities than one, then such payment shall be made by such municipalities in the proportion ordered by such Judge. R.S.O., c. 225, s. 82.

Adjustment of claims between unions in same municipality.

70. On the formation, dissolution, division or alteration of any school district in the same municipality, in case the trustees of the districts interested are unable to agree, the Inspector and two other persons appointed by the council as arbitrators shall value and adjust in an equitable manner all rights and claims consequent upon such formation, division, dissolution or alteration between the respective portions of the municipality affected, and determine in what manner and by what portion or by whom the same shall be settled; and the determination of the said arbitrators, or any two of them, shall be final and conclusive. R.S.O., c. 225, s. 83.

Disposal of school property when not wanted.

71. In case a school site or school house or other school property is no longer required in the district, in consequence of the alteration or the union of school districts, the same shall be disposed of, by sale or otherwise, in such a manner as a majority of the ratepayers in the altered or united school districts may decide at a public meeting called for that purpose; and the inhabitants transferred from one school district to another shall be entitled, for the public school purposes of the district to which they are attached, to such a proportion of the proceeds of the sale of such school house or other public school property as the assessed value of their property bears to that of the other inhabitants of the school district from which they have been so separated; and the residue of such proceeds shall be applied to the erection of a new school house in the old school district, or to other public school purposes of such old district. In the case of united districts, the proceeds of the sale shall be applied to the like public school purposes of such united districts. R.S.O., c. 225, s. 84.

FORMATION AND DISSOLUTION OF UNION SCHOOL DISTRICTS COMPOSED OF PARTS OF TWO OR MORE MUNICIPALITIES.

What unions may be formed

72. A union school district may be formed between (a) parts of two or more adjoining rural municipalities; (b) parts of one or more rural municipalities and an adjoining town or village. R.S.O., c. 225, s. 85.

Procedure for formation, alteration or dissolution of union.

73. The following shall be the procedure for the formation, alteration or dissolution of union school districts:

(1) On the joint petition of five ratepayers of the territory in question from each of the municipalities concerned, to their respective municipal councils

asking for the formation, alteration or dissolution of a union school district, each municipal council so petitioned may appoint an arbitrator (who must not be a member of the council), notice of which shall be sent by the respective clerks to the Inspector or Inspectors, who shall be *ex-officio* arbitrators.

(2) In cases where the persons so appointed arbitrators would be an even number, the Senior County Court Judge shall be added, or in the case of an arbitration affecting two or more judicial districts, then the Senior County Court Judge of the judicial district having the largest population according to the last Dominion census.

(3) The first meeting of the arbitrators appointed under this section shall be called by the Inspector representing the greatest number of schools, and such Inspector shall give reasonable notice in writing of such meeting to the clerks of the municipalities concerned.

(4) The arbitrators, or a majority of them, shall report to the municipalities concerned upon the expediency of such union, alteration or dissolution, the specific parcels of land to be included in such union, and the proportion in which the part in each municipality shall be liable to contribute towards the erection and maintenance of the school and other requisite expenses; and shall at the same time value and adjust in an equitable manner all rights and claims consequent upon the formation, alteration or dissolution of such union between the respective municipalities and school districts concerned, and shall also determine in what manner and by what municipality or municipalities or what portions thereof the same shall be settled and the sum or sums of money to be paid by one portion of the municipalities or school districts concerned to the union school so formed, altered or dissolved, and the disposition of the property of the union and any payment by one portion to the other, and such valuation, adjustment and determination shall form and be considered as an integral portion of their report, and such report shall be taken as the award of the said arbitrators, and shall be binding on the the municipalities and school districts concerned subject to the provisions of this Act.

(5) The Inspector entitled under Sub-section 3 to call the meeting of the arbitrators, shall call the first meeting for the election of trustees.

(6) Such union alteration, or dissolution, shall not take effect until the 25th day of the month of November, which will be at least three months after the award of the arbitrators is filed with the clerks of the municipalities concerned.

(7) Nothing herein contained shall be construed as restraining any municipal council from enlarging the boundaries of any union school district as may be deemed expedient. R.S.O., c. 225, s. 86; 52 Vic., (Ont.) c. 52.

74—(1) The union of part of one or more rural municipalities with a town or village shall be deemed one school district, and as belonging to such town or village, and the provisions of this Act respecting public schools in towns or villages shall apply thereto; and such part of the rural municipality for all school purposes shall be deemed to be united to such town or village.

Union of parts
of municipali-
ties to be one
school district

(2) In the case of a town or village divided into wards to which a part of an adjoining rural municipality or municipalities is attached for school purposes purposes, the board of trustees of such union school district shall by resolution determine in which ward or wards the ratepayers in such part shall vote for the election of school trustees and at elections on other school questions, and in case

of no such resolution, then such portion of the rural municipality shall be considered for all election purposes as attached to the ward or wards adjacent. R.S.O., c. 225, s. 90.

Assessors to determine proportion of annual requisition to be levied upon municipalities forming union

75—(1) Once in every three years the assessors of the municipalities in which a union school district is situated, shall after they have completed their respective assessments and before the 1st day of July, meet and determine what proportion of the annual requisition made by the trustees for school purposes shall be levied upon, and collected from the taxable property of the respective municipalities out of which the union school district is formed, and in the event of the assessors disagreeing as to such proportion, the Inspector in whose district the union school is situate, shall name a third person, who with the assessors aforesaid shall determine the said matter and report the same to the clerks of the respective municipalities, and the decision of a majority shall be final and conclusive for the said period of three years.

Case of union district formed of portions of two inspectoral districts. Confirmation of by-laws for certain purposes.

(2) When the union school district is composed of two adjoining inspectoral districts then on the disagreement of the assessors the Inspector of the district concerned containing the greatest number of schools shall name an arbitrator. R.S.O., c. 225, s. 91.

76. Any by-law passed for the formation, alteration or dissolution of school districts, shall become absolutely legal and valid, and the jurisdiction of any court to question the same shall be deemed to be ousted when such by-law has been submitted to and confirmed by the Department of Education, who shall require notice to be given of such application by the parties applying, by advertisement or otherwise, as they may direct, and the certificate of the Provincial Secretary endorsed on a certified copy of such by-law shall be conclusive evidence of such confirmation, and the provisions of this section may be taken advantage of for the confirmation of any by-law for any of such purposes heretofore passed and not quashed or otherwise declared invalid, and this section shall be deemed to apply to any such by-law. R.S.O., c. 225, s. 92.

Continuation of boundaries of rural districts.

77. In case a portion of the territory composing one or more school districts becomes incorporated as a village or town, the boundaries of such school district or districts shall continue in force and be deemed a union school district, notwithstanding such Act of incorporation, until altered as provided in Sec. 73 of this Act. R.S.O., c. 225, s. 93.

PUBLIC SCHOOL BOARDS IN CITIES TOWNS AND VILLAGES.

When village town or city incorporated, old trustees to remain in office until new election.

78—(1) In case any village, town or city, is incorporated, the trustees having jurisdiction over the school property situated within such village, town or city, prior to its incorporation, shall exercise all the powers conferred by this Act, upon the trustees of villages, towns or cities, until a new election of trustees is held, and such trustees shall call a meeting of the ratepayers of such village, town or city, within one month after the date of such incorporation for the election of a new public school board.

New election.

Section 82 to apply to such election.

(2) In calling the meeting of the ratepayers of such newly incorporated village, town or city, the provisions of Section 82 shall be complied with, so far as the same are applicable. R.S.O., c. 225, s. 94.

Two trustees for each ward.

79—(1) For every ward into which any city, town or village is divided, there

shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected.

(2) One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer, and then retire. R.S.O., c. 225, s. 95; 4^s Vic., c. 27, s. 15.

One trustee for each ward to retire annually.

80. In every village not divided into wards, there shall be three trustees, whose term of office shall be the same as that of trustees elected at the first meeting in rural school districts. R.S.O., c. 225, s. 96.

Trustees in village not divided into wards.

81—(1) Every trustee shall continue in office until his successor has been elected, and the new board is organized.

Term of office.

(2) When any town or village is annexed to a city, the town or village so annexed shall, for all the purposes of this Act, be deemed to be part of the city. R.S.O., c. 225, s. 96.

Town or village annexed to city deemed part of city. Election of trustees in cities, towns and villages.

82—(1) In cities, towns and villages the nomination and election of public school trustees shall be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, as the case may be, and the provisions of The Municipal Act respecting the qualification of electors, the time for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies and declarations of office shall *mutatis mutandis* apply to the election of public school trustees.

(2) A separate set of ballot papers shall be prepared by the clerk of the municipality for all the wards or polling sub-divisions, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors, except the substitution of the words “school trustee” for councillors or alderman, as the case may be, on said ballot papers. R. S. O., c. 225, s. 103; 44 Vic., c. 4, s. 24; 48 Vic., c. 27, s. 16.

Ballot papers.

83. Any actual resident ratepayer of the full age of twenty-one years, able to read and write and not disqualified under this Act, shall be eligible to be elected a public school trustee in any city, town or village. R. S. O., c. 225, s. 106.

Who may be elected trustee

84. All contestations with regard to the election or qualification of school trustees in cities, towns and villages shall be regulated by the same law as that of municipal councillors and aldermen. All the provisions of the Municipal Act relating to such contestations shall apply *mutatis mutandis* to school trustees. 44 Vic., c. 4, s. 65.

Contestations.

85. No resolution, by-law, proceeding or action of any board of trustees shall be invalid or set aside by reason of any person whose election has been annulled or declared illegal, having acted as trustee. 47 Vic., c. 37, s. 20.

Setting aside election not to affect actions of board.

DUTIES OF BOARDS IN CITIES, TOWNS AND VILLAGES

86. It shall be the duty of the board of school trustees in cities, towns and villages:

Duties of board.

(1) To appoint a secretary and treasurer or secretary-treasurer and one or more collectors, if requisite, of such school fees or rate bills as the board may have authority to charge.

Appointment of secretary and collector.

Powers of secretary, collector, et al.

(a.) The collector or collectors, and secretary, and treasurer, or secretary-treasurer (who may be of their own number), shall discharge similar duties, and be subject to similar obligations and penalties and have similar powers as the like officers in the municipality;

To provide adequate accommodation.

(2.) To provide adequate accommodation, according to the regulations of the Department of Education, for all the children between the ages of six and sixteen, resident in the municipality, as ascertained by the census taken by the municipal council for the next preceding year;

To provide school premises, apparatus, prize books and library.

(3) To purchase or rent school sites and premises, and to build, repair, furnish and keep in order the school houses and appendages, lands, enclosures and moveable property, and procure registers in the prescribed form, suitable maps, apparatus and prize books, and, if they deem it expedient, establish and maintain school libraries;

Kind of schools.

(4) To determine the number, kind, grade and description of schools (such as male, female, infant, central or ward schools), to be established and maintained; the teachers to be employed; the terms on which they are to be employed; the amount of their remuneration, and the duties which they are to perform;

To lay before councils estimates for moneys.

(5) To prepare, from time to time, and lay before the municipal council of the city, town or village, on or before the first day of August, an estimate of the sums which they think requisite for all necessary expenses of the schools under their charge;

Trustees may collect a fee from parents.

(6) To collect, at their discretion, from the parents or guardians of children attending any public school under their charge, a sum not exceeding twenty cents per month per pupil, to defray the cost of text-books, stationery and other contingencies, and to see that all the pupils in the schools are duly supplied with a uniform series of authorized text-books, and to collect, at their discretion, from the parents or guardians of children who do not reside or are not assessed within the school district a sum not exceeding one dollar per month for each pupil attending school;

To see that authorised books are used.

To submit accounts to auditors.
To give orders for moneys expended.
Model school for teachers.

(7) To submit all accounts, books and vouchers to be audited by the municipal auditors, and it shall be the duty of such auditors to audit the same;

(8) To give orders on the treasurer of the public school board for all moneys expended for school purposes;

(9) To constitute, at their discretion, one or more of the public schools of such city to be a model school for the preliminary training of public school teachers therein, subject to the regulations of the Department of Education;

To publish auditor's report.

To prepare annual report for Department of Education.

(10) To publish at the end of every year, in one or more of the public newspapers, or otherwise, the annual report of the auditors, and to prepare and transmit annually, before the 15th January, to the Department of Education, in the form prescribed by said Department, a report signed by the chairman containing all the information required by the regulations of the Department of Education;

School sites.

(11) Every public school board in a city, town or village shall have the same power to take and acquire land for a school site, or for enlarging school premises already held, as the trustees of rural schools; and shall have the same powers in regard to school property generally as are conferred upon the trustees of rural schools by Sub-section 9 of Section 37 of this Act; Provided always,

that vacant land only shall be taken in such city, town or village for a school site without the consent of the owner, and in the event of disputes between the owner of the land selected and the trustees, Sections 52 to 60 of this Act shall apply;

Exceptions.

(12) To provide, if deemed expedient, for children between three and six years of age a course of instruction and training according to the methods practised in kindergarten schools, subject, however, to the regulations of the Department of Education in that behalf;

Kindergarten schools.

(13) To dismiss from the school any pupil who shall be adjudged so refractory by the trustees (or by a majority of them) and the teacher that his presence in school is deemed injurious to the other pupils. R. S. O., c. 225, s. 113; 44 Vic., c. 4, s. 39; 46 and 47 Vic., c. 46, s. 11; 47 Vic., c. 37, ss. 12 and 13; 48 V., c. 27, s. 17.

Dismissal of refractory pupils.

(14) To appoint a superintendent for the city, town or village.

Appointment of superintendent.

SCHOOL CENSUS.

87. The municipal council of every rural municipality, city, town and village shall cause the assessor or assessors, in preparing his or their annual assessment roll, to set down therein, in separate columns, the number of children in rural municipalities between the ages of five and sixteen, and in cities, towns, and villages between the ages of six and sixteen, opposite the name of each person on the assessment roll who are resident with him, and the clerk of the municipality shall furnish the secretary-treasurer of each district, or the secretary of the board of trustees for the city, town or village (as the case may be) and the Public School Inspector with a statement of the total number of children aforesaid in each school district, or in the city, town or village (as the case may be). R. S. O., c. 225, s. 114; 44 Vic., c. 4, s. 83.

Census.

88 The clerk of every municipality shall also, upon request, and free of any charge, furnish the Public School Inspector with a true statement of the assessed value of each school district, as shewn by the revised assessment roll for that year, and also of the several requisitions of the trustees for school moneys. R. S. O., c. 225, s. 116.

Clerk to give copy of assessment to Inspector.

SCHOOL ASSESSMENT.

89.—(1) For the purpose of supplementing the Legislative grant, it shall be the duty of the council of each rural municipality, to levy and collect each year, by assessment upon the taxable property within the municipality, a sum equal to twenty dollars for each month, for which school has been kept open in each school district in the municipality during the current year; and for each school district partially included within the municipality, they shall levy and collect in like manner, a proportionate part of twenty dollars per month as fixed in the manner hereinafter provided. A school district which employs more than one teacher, shall receive said sum of twenty dollars per month for each teacher employed.

Amounts to be levied by councils of rural municipalities.

(2) From the moneys so levied and collected, the council shall, upon the first day of December following, pay over to each school district, wholly or partially included in the municipality, one half the sum of twenty dollars per month, or the proportion thereof allotted to such district as hereinbefore provided;

Apportionment of amounts levied.

and upon the thirty-first day of January following, shall pay over the whole of the balance due to the said trustees, whether the necessary amount has been fully collected or not from the tax levied for the same; Provided that no board of trustees shall be entitled to receive a larger total amount for the school year than twenty dollars for each teacher, for each month within the same that they have actually had a teacher engaged at a salary, and, in case of doubt or dispute as to the number of months, the certificate of the Inspector shall decide.

Returns by trustees to municipal council as to time school kept open, etc.

(3) It shall be the duty of the trustees of each school district wholly situated in a municipality, to lay before the council, at its first meeting after the thirty-first day July in each year, a statement of the number of months in the current school year, during which they have kept and will keep school open, and the number of teachers employed; and before the thirty-first day of January following shall notify the clerk of the municipality if they have failed to keep a teacher engaged as so stated by them, and, in such case, give the actual number of months they have had such teacher engaged.

Levies for union school districts.

(4) In the case of union school districts the municipal council of each municipality of which the union school district is composed shall levy and collect upon the taxable property of the municipality the said sum in the proportion which the assessment of the part of such union school within the municipality bears to the whole assessment of such union school district, as equalized under Section 75 of this Act.

Penalty for not making the returns mentioned in sub-sec. 3.

(5) Any board of school trustees that fails to notify their council, in due time, of the number of months their school is to be kept in operation during any school year, as hereinbefore required, shall not be entitled to receive a larger amount in such year from the municipal levy than the council may, in their discretion, fix for them; and any board of trustees failing to keep a teacher under engagement the full time stated by them, shall not be entitled to receive their second instalment of school moneys due on January thirty-first, until they have notified the clerk of the municipality of the actual time such teacher has been under engagement; any board of trustees wilfully making a false statement in regard to such time shall forfeit their second instalment.

Disposition of balance after making above mentioned payments.

(6) Any moneys Collected by a council from a general levy for school purposes, that remain over in any year after all due payments therefrom have been made to the school districts entitled to the same, shall be deposited in some chartered bank by the said council, and afterward used only to pay or advance moneys to school districts within the municipality in the year or years following. 48 Vic., c. 27, s. 9; 50 Vic., c. 18, ss. 4 and 5; 51 Vic., c. 31, s. 2; 52 Vic., c. 5, s. 1; 52 Vic., c. 21, s. 1; R. S. O., c. 225, s. 117.

Special levy.

90. The council of every rural municipality shall also levy on the taxable property in each school district, the sum of money required by such school district in addition to the Legislative grant and the general municipal levy as above provided. In the case of union school districts, the council of each municipality of which the union district is composed shall levy and collect, as aforesaid, said sum in the proportion in which the assessment of the part of such union district within the municipality bears to the whole assessment of such union district as equalized under Section 75 of this Act. 48 Vic., c. 27, s. 10; 50 Vic., c. 18, ss. 6 and 7.

School taxes to be a debt.

91. All school taxes or moneys actually collected or due by a municipal

council remaining unpaid to the trustees after the date fixed by this Act for the payment of the same, shall be a debt due by the council to the trustees. 50 Vic., c. 18, s. 9.

92. The municipal council of every city, town and village shall levy and collect upon the taxable property within the municipality, in the manner provided in this Act and in the Municipal and Assessment Acts, such sums as may be required by the public school trustees for school purposes. R.S.O., c. 225, s. 118.

City, town or village council to levy sums required for school purposes.

93. The taxable property in a municipality for school purposes shall include all property liable to municipal taxation, and also all property which has heretofore been or may hereafter be exempted by municipal council from municipal taxation, but not from school taxation. No municipal council shall have the right to exempt any property whatsoever from school taxation. 44 Vic., c. 4, ss. 27 and 29; 47 Vic., c. 37, s. 10; 50 Vic., c. 18, s. 8.

What property to be taxable.

94. Where the land or property of any individual or company is situated within the limits of two or more school districts, each assessor appointed by any municipality shall assess and return on his roll, separately, the parts of such land or property, according to the divisions or the school districts within the limits of which such land or property is situate. R.S.O., c. 225, s. 119.

Assessors to value lands situated in each district.

95. Any person residing in one school district and sending his children to the school of a neighbouring one, shall, nevertheless, be liable for the payment of all rates assessed on his taxable property for the school purposes of the district in which he resides, as if he sent his children to the school of such district. R.S.O., c. 225, s. 124.

A resident of one district sending his children to another district.

96. All sums levied and collected by the municipal council of any municipality for school purposes shall be paid over to the secretary-treasurer of the board of trustees, without any deduction whatever, from time to time as collected, or sooner if they so desire. R. S. O., c. 225, s. 125.

School moneys—when to be paid over

97. The Secretary-treasurer shall pay to the order of the board of trustees all sums of money due and payable for teachers' salaries, and all other school purposes. R. S. O., c. 225, s. 126.

Payments to be made by treasurer.

BORROWING MONEY AND ISSUING DEBENTURES.

98.—(1) The ratepayers of any rural district may at a public meeting duly called, require the trustees to borrow any sum of money not exceeding the sum of seven hundred dollars (or in case the school district is already in debt, such a sum as will not increase the debt of the district beyond the sum of seven hundred dollars) for the purchase of school sites or erection and furnishing of school houses and their appendages or the purchase thereof, or the purchase or erection of a teacher's residence, or for the purpose of paying off any debt, charge or lien against the school house or teacher's residence, or against the corporation.

Borrowing money in rural districts to the amount of \$700 or less.

(2.) Notice of such meeting shall be duly given by posting up on the door of the school house (if any) and in two or more other conspicuous places within the school district, at least two weeks previous to such meeting, a notice in the form or to the effect of that set forth in Schedule A to this Act.

Notice of the meeting.

(3.) A majority of the ratepayers of any such school district present at such meeting shall be sufficient to authorize such loan, along with the assent of the Department of Education. 44 Vic., c. 4, s. 104.

Majority to be sufficient.

Borrowing money in cities, towns and villages and where amount exceeds \$700.

99. In the case of school districts in cities, towns and villages, and of rural school districts where the amount of the loan is greater than that authorized by the preceding section, it shall be necessary for the trustees to pass a by-law and submit the same to the ratepayers, to be voted on in the manner provided in the Municipal Act with regard to by-laws creating debts. All the provisions of the Municipal Act with respect to voting by electors upon by-laws creating debts shall apply (*mutatis mutandis*) to such school by-laws. It shall be the duty of the municipal council to submit any such by-law to vote on being requested to do so by the board of school trustees. In the case of rural school districts, the persons entitled to vote on such by-laws shall be all the owners of real estate within the district whose names appear upon the last revised municipal list of electors. Such by-law shall require the same majority as a municipal by-law creating a debt. The expense of submitting such by-law shall be paid to the municipal council by the trustees of the school district in the case of rural school districts.

Terms of loan under \$2,000.

100.—(1.) No loan under two thousand dollars shall be made for any term exceeding ten years, nor shall a loan be made, in any case, for a term exceeding twenty years.

Principal to be payable in annual instalments. Sinking fund to be raised. Investment of sinking fund must be approved by Lt.-Governor in Council. School districts may issue debentures.

(2.) The principal of such loan shall be made payable by annual instalments, unless with the sanction of the Department of Education. All school boards that have heretofore issued, or may hereafter issue, sufficient to meet such debentures when due; such sinking fund may be invested with the Provincial Treasurer, who shall pay interest upon the same at the rate of 4 per cent. per annum, compounded annually. Such sinking fund shall not be invested in any security, unless approved by the Lieutenant-Governor in Council. 48 Vic., c. 27, s. 11.

101. Any school district, having obtained the assent of the Department of Education to a loan, may issue debentures therefor in the form set forth in Schedule B to this Act, to secure the amount of the principal and interest of such loan, and the said debentures shall be signed by the secretary-treasurer, and countersigned by at least one trustee, and shall create a charge against all the school revenues of the district. The coupons attached to said debentures need be signed by the secretary-treasurer only. 44 Vic., c. 4, s. 104 (f).

Limit of annual rate fixed as to certain matters.

102. No board of school trustees in a rural municipality, city, town, or village, shall have the right to include in their estimate or levy for school purposes for any year, any amount for any of the purposes for which the trustees of rural school districts have power to borrow as provided in Section 98 hereof, if, thereby the special school rate for such school district is increased beyond eight mills in the dollar.

Liability for loan.

103. Notwithstanding any alteration which may be made in the boundaries of any school district, the taxable property situated in the school district, at the time when such loan was effected, shall continue to be liable for the repayment of the loan. R.S.O., c. 225, s. 131.

School corporations may borrow surplus moneys.

104. Any rural school corporation may, with the consent of the ratepayers of their school district, first had and obtained at a special meeting duly called for that purpose, by resolution, authorize the borrowing from any municipal corporation of any surplus moneys, for such term and at such rate of interest as may be set forth in such resolution, for any of the purposes mentioned in Section 98 of this Act, and any sum or sums so borrowed shall be applied to

that purpose, and to that only. No sum greater than seven hundred dollars shall be so borrowed. R.S.O., c. 225, s. 134.

105.—(1) All school loans shall require the assent of the Department of Education, and the proceedings to obtain same shall be as follows:—

School loans require the assent of Department of Education. Form of minutes of school meeting therefor.

(2) The minutes of any meeting of ratepayers of a school district called to consider the propriety of borrowing money, as mentioned in the said Section 98, shall be headed with a statement in the following form, or to the same effect:—

“Minutes of a public meeting of the ratepayers of the school district No. held the day of , 188 , in pursuance of notice given as required by ‘The Public Schools Act,’ and called for the purpose of considering (and advising the trustees of said school district in respect to) the question of raising or borrowing a sum of money for the purpose of (here state the purpose for which the loan is intended as in the published or posted notice).

“The said meeting having been organized by the appointment of Mr. A. B. as chairman, and Mr. C. D. as secretary, the following proceedings were had:

“It was moved by Mr. etc.” (the motions and formal proceedings of the meeting to be then given, certified at the foot thereof to be correct, and signed by the chairman and secretary).

(a) The said minutes shall also contain a list of the names of the ratepayers who voted at the said meeting upon the question of raising or borrowing money, distinguishing those who are freeholders from those who are not, and recording the vote given by each person for or against the said question. 46 and 47 Vic., c. 46, s. 17; 47 Vic., c. 51, s. 4.

(3) A copy of the said minutes shall be given to the secretary-treasurer of the board of trustees of the district for the information of the said board, and the original, with a statutory declaration endorsed thereon or attached thereto, taken before a justice of the peace or other person authorized to take declarations under the statute, with a copy of the notice calling such meeting, proving the posting of said notice as required by the Act, shall be given or transmitted to the Department of Education. Said Department shall decide whether such loan is a proper and necessary one. If said Department, having regard to the means of the ratepayers of such school district to repay the same, approves of such loan, said minutes, proof and other documents connected therewith shall be transmitted to the Provincial Secretary, together with a certificate or note of the approval thereof endorsed thereon, signed by the chief clerk or a member of said Department. 46 and 47 Vic., c. 46, s. 18.

Copy of said minutes to be given to secretary-treasurer of trustee board duly attested to.

(4) It shall be the duty of the secretary-treasurer of the board of school trustees of any school district, upon being made aware that a loan, as aforesaid, had been sanctioned by the ratepayers, to at once transmit to the Department of Education a statement, duly certified under the hand of said secretary-treasurer and the seal of the said board of trustees, to be correct, showing the amount of the assessed value of the real and personal estate of such school district; its debenture indebtedness, including the amount proposed to be added under such by-law then being submitted for approval; its indebtedness other than under said debentures; the total rate required for all purposes, and the interest past due, if any, on the indebtedness of said school district. 46 and 47 Vic., c. 46, s. 19.

Sec.-treas. of trustee board to transmit statement to Department of Education.

Said statement to be endorsed on back of each debenture.

(5.) A statement embodying the information mentioned in the last preceding sub-section as to the assets and liabilities of the school district, shall be written or printed on the back of each debenture issued under the authority of the Act; and, following such statement, shall also be written or printed the words "Issued under the provisions of the Public Schools Act." 46 and 47 Vic., c. 46, s. 20.

Words endorsed thereunder.

When Provincial Secretary is to sign and seal said debentures.

(6.) Upon the assent of the Department of Education being obtained to such loan, and upon presentation within twelve months thereafter to the Provincial Secretary or Acting Provincial Secretary, of the debenture or debentures issued to raise the same, the said Provincial Secretary, or Acting Provincial Secretary (unless such assent has in the meantime been withdrawn), shall sign such debenture or debentures under the statement or endorsement thereon hereinbefore mentioned, and shall affix the great seal of the Province thereto, and such signature and seal shall be conclusive evidence that all the formalities in respect to said loan, and the issue of such debenture, have been complied with, and of the correctness of the statement or endorsement thereof, and the legality of the issue of such debenture shall be thereby conclusively established, and its validity shall not be questionable by any Court in this Province, but the same shall, to the extent of the revenues of the school district issuing the same, be a good and indefeasible security in the hands of any *bona fide* holder thereof. 46 and 47 Vic., c. 46, s. 21; 47 Vic., c. 37, s. 24.

Effect thereof.

Department of Education may refuse to sanction loan.

(7.) The Department of Education, when the question of any school loan shall be before it for assent thereto, may take into consideration the effect of the proposed loan upon the security of any previous loan, in case the new proposed loan shall be repayable before a former one, or former ones, and may withhold such assent to such new loan, if it considers that the security of the holders of any existing debenture loan of such school district was likely to be rendered insufficient, by reason of the date of payment of the proposed new loan being prior to that of any then existing debenture debt of such district. 46 and 47 Vic., c. 46, s. 21.

This sec. to apply to by-laws passed under sec. 99. Application of 44 Vic., Cap. 24.

(8.) The provisions of this section shall apply (*mutatis mutandis*) to by-laws passed under section 99 of this Act.

106. The provisions of chapter 24, 44 Victoria, respecting registration of debentures, shall not apply to any debenture certified to by the Provincial Secretary under the provisions of this Act, nor to any by-law or resolution respecting the issue of such debentures. 46 and 47 Vic., c. 46, s. 27.

Loans for current expenses.

107.—(1.) At any time in any one year before the estimate of a school district has been prepared by a board of school trustees or handed to the clerk of the municipality, or before the moneys have been paid over to the board by the municipality a board of school trustees in any city, town, village or rural municipality, may borrow moneys upon the credit of the board, and give the promissory note or notes of the board for the same or for the moneys heretofore borrowed to such an amount as is legally authorized; Provided, however, that no such moneys shall be borrowed or notes given to an amount exceeding in the aggregate one-half the said estimate for the year, if such estimate has been made, nor one-half the amount of the said estimate for the next preceding year, if such estimate has not been made for the current year; and provided also, that such moneys shall only be borrowed or notes given upon a by-law or by-laws of the board, which

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shall recite the amounts previously borrowed and the notes previously given therefor and any sums paid thereon, but any error or omission in reciting such sums or notes shall not invalidate such by-law as against a *bona fide* lender or payee or holder for value of any such note, not having notice of such error or omission.

(2.) Upon the payment to the board by a municipality of any portion of the sums to be levied for the trustees by a municipality, it shall be the duty of the board of school trustees to apply one-half of such sum so paid to it to the reduction of the debt or debts incurred for money so borrowed or upon such note or notes, or in the event of no such debt or note or not sufficient thereof to exhaust the one-half of the sum so paid being then overdue, then to deposit such half, or the unexhausted portion thereof, in some chartered bank, and to apply the same to such debts or notes as they become due and payable. 47 Vic., c. 37, s. 27.

Application of sums levied.

LEGISLATIVE GRANT.

108.—(1.) The sum of seventy-five dollars shall be paid semi-annually for each teacher employed in each school district which has been in operation during the whole of the previous term, and a proportionate part thereof in case the school has been in operation for a part of the same; and in the case of newly-established schools, to those which have been in operation for at least one month of said term; Provided that, except in the case of new school districts, no school shall be entitled to receive a larger amount than one-half the sum required by the trustees thereof for its current expenses during the term for which such grant is made; Provided further, that a reduction in the amount to be made may, in the discretion of the Department of Education, be made in the case of any school district in which the average attendance of the resident pupils enrolled for the term has been less than forty per cent. of such enrolled number.

Legislative grant, how paid.

(2.) No school shall be entitled to receive any portion of the Legislative grant whose trustees have neglected to transmit within the time provided by law in the preceding year the annual or semi-annual returns as required by the regulations of the Department of Education, or whose school has not been kept in operation at least six months during the school year, unless with the sanction of the Department of Education. 48 Vic., c. 27, s. 1.

Returns must be transmitted.

(3.) Any school not conducted according to all the provisions of this or any Act in force for the time being, or the regulations of the Department of Education or the Advisory Board, shall not be deemed a public school within the meaning of the law, and such school shall not participate in the Legislative grant. 48 Vic., c. 27, s. 3.

School must be conducted according to law.

109. All payments to school districts shall be made to the order of the teacher or teachers of the school unless it be shown that the salary of such teacher or teachers has been paid in full.

Payments to be made to the order of the teacher.

110. In case after paying said grant of seventy-five dollars per half-year, and paying all the expenses and salaries of the Department of Education, the balance (if any) of the grant for education shall be divided among the school districts in the same proportion in which said school districts have received said grant for the current year.

Balance of education grant to be distributed.

SCHOOL CORPORATIONS.

Trustees a corporation. X

111.—(1.) The trustees of every school district shall be corporation under the name of "The School District of _____ Number _____."

Names.

(2.) The names under which the corporations of school districts existing at the date of the coming into force of this Act are known, shall continue to be their respective corporate names until altered by the Department of Education under the provisions of this section, and no change in the corporate name of any school district made in accordance with the provisions of this Act shall effect any obligations, rights, actions or property incurred, established, done or acquired prior to such change.

Number.

(3.) The number of each school district shall be furnished to them by the Department of Education. R.S.O., c. 225, s. 33 ; 48 Vic., c. 27, s. 23.

Change of name.

4. The Department of Education may change the corporate name of any school district, and in such case the seal theretofore used by such district shall continue to be the seal thereof until changed by the trustees.

DISQUALIFICATION OF SCHOOL TRUSTEES.

Trustee must be resident ratepayer.

112. No person shall be eligible to be elected or serve as a school trustee who is not a resident ratepayer of the school district he proposes to represent. 44 Vic., c. 4, s. 53 ; 47 Vic., c. 37, s. 17 ; 48 Vic., c. 27, s. 7.

Persons convicted of felony are disqualified.

113. No person convicted of felony, or of an infamous crime, shall be eligible to be elected or serve as a school trustee. 44 Vic., c. 4, s. 54.

MEETING OF BOARDS OF SCHOOL TRUSTEES.

First meeting of board.

114. The members of every board of school trustees shall hold their first meeting on the first Wednesday in January following the election, at the hour of eight o'clock in the evening, at the usual place of meeting of such board, and no business shall be proceeded with at such first meeting except the appointment of a chairman and such other business as may be necessary for the organization of such board. R.S.O., c. 225, s. 107.

Presidett at first meeting.

115. At the first meeting in each year of every public school board, the secretary of each board shall preside, or, if there be no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so elected to preside may vote as a member. R.S.O., c. 225, s. 108.

Casting vote.

116. In case of an equality of votes at the election of chairman of any such board, the member who is assessed as a ratepayer for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member. R. S. O., c. 225, s. 109.

Subsequent meetings of board.

117. Subsequent meetings of the board shall be held at such times and places as may from time to time be fixed by resolution of the board. R.S.O., c. 225, s. 110.

Presiding officer of board.

118. The chairman of the board shall preside, or in his absence any other person appointed to act as chairman by the majority of those present, and such chairman or person so acting may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O., c. 225, s. 111 ; 44 Vic., c. 4, s. 38.

119. A majority of the members of such board, when present at any meeting, shall constitute a quorum, and the vote of the majority of such quorum shall be valid to bind the corporation. R.S.O., c. 225, s. 112.

Quorum of school boards, etc.

120. The majority at any meeting of school trustees shall have power to decide all questions.

Majorities shall decide.

LIABILITY FOR SCHOOL MONEYS.

121. The council of every city, town, village and rural municipality, shall be responsible to Her Majesty, and to all other persons interested, that all school moneys coming into the hands of the treasurer of the city, town, village, or rural municipality, in virtue of his office, shall be by him duly paid over and accounted for, according to law. R.S.O., c. 225, s. 145.

Council responsible on default of treasurer, etc.

122. The treasurer and his sureties shall be responsible and accountable for such moneys in like manner to the city, town, village, or rural municipality, and any bond or security given by them for the duly accounting for, and paying over monies coming into his hands, belonging to the city, town, village, or rural municipality, shall be taken to apply to all public school moneys, and may be enforced against the treasurer or his sureties, in case of default on his part. R.S.O., c. 225, s. 146.

Treasurer, etc., responsible to municipality, etc.

123. The bond of the treasurer and his sureties shall apply to school moneys, and in case of any default, Her Majesty may enforce the responsibility of the city, town, village, or rural municipality, either by stopping a like amount out of any public moneys payable to the city, town, village, or rural municipality, or to the treasurer thereof, or by action against the corporation. R.S.O., c. 225, s. 147.

Bonds to apply to school moneys, etc.

124. Any person aggrieved by the default of the municipal treasurer, may recover from the corporation of any city, town, village, or rural municipality, the amount due or payable to such person as money had and received to his use. R.S.O., c. 225, s. 148.

City, etc., responsible for default of treasurer, etc.

TEACHERS.

125. All agreements between trustees and teachers, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees, and such agreements may lawfully include any stipulation to provide the teacher with board and lodging. R.S.O., c. 225, s. 151; 44 Vic., c. 4, s. 76.

Valid agreements with teacher.

126. No teacher of a public school shall be deemed legally qualified who does not at the time of his engaging with the trustees, and during the period of such engagement, hold a legal certificate of qualification. R.S.O., c. 225, s. 152.

Qualified teacher defined.

127. It shall be the duty of every teacher of a public school:

(1.) To teach, diligently and faithfully, all the branches required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act, and the regulations of the Department of Education and the Advisory Board;

Duties of public school teacher. To teach according to law.

2. To keep, in the prescribed form, the general entrance and the daily class, or other registers of the school, and to record therein the admission, promotion, removal, or otherwise, of the pupils of the school;

To keep the register of the school.

- To maintain order and discipline.
To keep a visitors' book.
- (3.) To maintain proper order and discipline in his school, according to the prescribed regulations ;
- (4.) To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school, and to present said book to every visitor and request him to make therein any remarks suggested by his visit ;
- To give access to register and visitors' book.
- (5.) To give the trustees and visitors access at all times, when desired by them, to the registers and visitors' book appertaining to the school ;
- To deliver up register and key.
- (6.) To deliver up any school registers, visitors' book, school house key, or other school property in his possession on the demand or order of the majority of the trustees employing him ;
- In case of refusal.
- (7.) In case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees ;
- To hold public examinations.
- (8.) To hold during each term a public examination of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in or adjacent to the school, and through the pupils to their parents or guardians ;
- To furnish information to the Department and Inspector.
- (9.) To furnish to the Department of Education, or to the School Inspector, from the trustees' report or otherwise, any information which it may be in his power to give respecting anything connected with the operations of his school, or in any wise affecting its interests or character ;
- To prepare reports.
- (10.) To prepare, so far as the school registers supply the information, such reports of the corporation employing him as are required by the regulations of the Department of Education ;
- To take precautions against spread of infectious diseases.
- (11.) To notify the medical health officer of the municipality, or where there is none to notify the local board of health or the trustees, whenever he has reason to believe that any pupil attending school is affected with or exposed to smallpox, cholera, scarlatina, diphtheria, whooping-cough, measles, mumps or other contagious disease, and to prevent the attendance of all pupils so exposed, or suspected of being exposed, until furnished with a written statement of the health officer, or of the local board of health, or of a physician, that such contagious diseases did not exist, or that all danger from exposure to any of them had passed away. R.S.O., c. 225, s. 153 ; 44 Vic., c. 4, s. 75.
- Proportion of salary to which teacher entitled.
128. Every qualified teacher of a public school employed for any period not less than three months shall be entitled to be paid his salary in the proportion which the number of teaching days during which he has taught in the calendar year bears to the whole number of teaching days in such year, unless otherwise expressly agreed. R.S.O., c. 225, s. 154.
- Case of sickness.
129. In case of sickness, certified by a medical man, every teacher shall be entitled to his salary during such sickness, for a period not exceeding four weeks for the entire year ; which period may be increased at the pleasure of the trustees. R.S.O., c. 225, s. 157.
- Four weeks allowed.
130. Any teacher whose agreement has expired with a board of trustees, or who is dismissed by them, shall be entitled to receive forthwith all moneys due him for his services as teacher while employed by the said board ; if such payment be not made by the trustees or tendered to the said teacher by them, he shall be entitled to recover from the said trustees the full amount of his salary due and unpaid with interest, until payment is made, by a suit in a court of competent jurisdiction. R.S.O., c. 225, s. 158 ; 48 Vic., c. 27, s. 13.
- What teacher entitled to recover.

CERTIFICATES.

131. Every certificate to teach a public school shall be ranked as of the first, second or third class, and shall be issued under the regulations of the Department of Education and the Advisory Board, only to such person as (a) furnish satisfactory proof of good moral character, (b) and, if males, are at least eighteen years of age, or if female, sixteen years of age, and (c) pass the examinations prescribed by the Department of Education and Advisory Board. R.S.O., c. 225, s. 159.

Three classes of certificates.

132. The Inspector of public schools may suspend the certificate of any teacher under his jurisdiction for inefficiency, misconduct, or a violation of the regulations of the Department of Education or Advisory Board or of this Act. In every case of suspension, he shall notify in writing the trustees concerned, and the teacher, of the reasons for such suspension. R.S.O., c. 225, s. 164.

Suspension of certificates for misconduct, etc.

133. Any teacher who enters into an agreement at common law with a board of trustees, and who wilfully neglects or refuses to carry out such agreement shall, on the complaint of any board of school trustees, be liable to the suspension of his certificate by the Inspector under whose jurisdiction he may be for the time being. R.S.O., c. 225, s. 165.

Suspension of certificate for breach of agreement.

134. The Inspector shall in all cases of suspension notify the Department of Education, and the Department shall as soon as possible decide what shall be done in the premises.

Inspector to notify Department of suspension.

INSPECTORS.

135. No person shall be eligible to be appointed an Inspector who does not hold a legal certificate of qualification as Inspector, granted according to the regulations of the Department of Education and Advisory Board, and no person who is a teacher or trustee of any public or high school shall be eligible for an appointment as inspector so long as he remains such teacher or trustee. R.S.O., c. 225, s. 175.

Qualification for appointment as inspector.

136. No Inspector of schools shall, during his tenure of office, engage in or hold any other employment, office or calling which would interfere with the full discharge of his duties as Inspector as required by law. R.S.O., c. 225, s. 188.

Inspector not to hold other offices.

137. In cases where an Inspector requires the testimony of witnesses to the truth of any facts alleged in any complaint or appeal made to him or to the Department of Education, it shall be lawful for such Inspector to administer an oath to such witnesses, or to require their solemn affirmation, before receiving their testimony. R.S.O., c. 225, s. 189.

Inspector to swear witnesses in certain cases.

ALLOWANCE TO ARBITRATORS.

138.—(1.) All persons engaged as arbitrators on any matter arising under this Act, and Inspectors who are acting as arbitrators, while engaged in investigating and deciding upon school complaints and disputes, shall be entitled to the sum of two dollars and fifty cents per day and actual travelling expenses.

Allowance to Arbitrators and Inspectors.

(2.) In making their award the arbitrators shall among other things determine the liabilities of the parties concerned therein for the costs of such arbitration, and such determination shall be final and conclusive. R.S.O., c. 225, s. 190.

Award.

NON-RESIDENT PUPILS.

Admission of
non-resident
pupils.

139. It shall be the duty of the trustees of every rural school district and of every public school board to admit, on payment in advance of fees not exceeding fifty cents per pupil for every month, any non-resident pupils who reside nearer to such school than the school in their own district; and in case of dispute as to the distance from the school the Inspector shall decide; but no trustee shall be required to admit any such children, unless they have sufficient school accommodation and a sufficient teaching staff besides what is required for the children attending such school from their own district.

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HOLIDAYS.

Holidays

140. Every Saturday, every statutory holiday, and every day proclaimed a holiday by the municipal authorities in which the school district is situated, shall be a holiday in the public schools. R.S.O., c. 225, s. 204; 44 Vic., c. 4, s. 100.

AUTHORISED BOOKS.

Only
authorised
text books to
be used.

141. No teacher shall use or permit to be used as text books any books in a model or public school, except such as are authorized by the Advisory Board, and no portion of the legislative grant shall be paid to any school in which unauthorized books are used. R.S.O., c. 225, s. 205.

Change of
text books.

142. Any authorized text book in actual use in any public or model school may be changed by the teacher of such school for any other authorized text book in the same subject on the written approval of the trustees and the inspector, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given. R.S.O., c. 225, s. 206.

Substitution
of unauthor-
ised text
books.

143. In case any teacher or other person shall negligently or wilfully substitute any unauthorized text book in place of any authorized text book in actual use upon the same subject in his school, he shall for each such offence, on conviction thereof before a Police Magistrate or Justice of the Peace, as the case may be, be liable to a penalty not exceeding \$10 payable to the municipality for public school purposes, together with costs, as the Police Magistrate or Justice may think fit. R.S.O., c. 225, s. 207.

LIBRARIES.

Establish-
ment of
libraries.

144. The council of every municipality may raise by assessment such sums as it may judge expedient for the establishment and maintenance of a public school library, subject to the regulations of the Department of Education. R. S. O., c. 225, s. 208.

SPECIAL INQUIRIES.

Commission
of enquiry.

145. The Department of Education shall have power to appoint one or more persons, as the Department from time to time deems necessary, to inquire into and report to the Department upon any school matter; such person or persons shall be entitled to such remuneration out of any moneys appropriated by the Legislature for that purpose as may be deemed just and equitable,

Remuneration
of commis-
sioners.

considering the nature and extent of the duties to be performed. Such person or persons, or any of them, shall have power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon. R. S. O., c. 225, s. 226.

Power to commissioners to administer oaths.

146. In any matter of inquiry which the Department of Education is by law authorized to institute, make or direct, a writ or writs of subpoena *ad testificandum* and also *duces tecum* may issue from the Court of Queen's Bench upon the *præcipe* of the Department of Education therefor, containing the names of the witnesses intended to be summoned thereby, to be directed to such person or persons for him or them to attend and give evidence under oath, at such times and places, and before such person or persons as the Department of Education shall appoint, and any default of any such person in obeying any such subpoena shall be punishable as in the like case in any action or cause in the said court. R. S. O., c. 225, s. 227.

Compelling attendance of witnesses.

SCHOOL VISITORS.

147.—(1) All clergymen, members of the Advisory Board, Judges, members of the Legislature and members of municipal councils, shall be school visitors in the rural municipalities, cities, towns and villages where they respectively reside.

Public school visitors defined.

(2) A clergyman shall be a school visitor only in the rural municipality, town, city or village where he has pastoral charge. R. S. O., c. 225, s. 238; 44 Vic., c. 4, s. 80.

Clergymen as visitors.

148. Each of the school visitors may visit the public schools in the rural municipality, city, town or village, as aforesaid. They may also attend the quarterly examination of schools, and, at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as they think advisable, in accordance with the regulations and instructions provided in regard to school visitors. R. S. O., c. 225, s. 239.

Their authority to visit public schools.

149. A general meeting of the visitors may be held at any time or place appointed by any two visitors, on sufficient notice being given to the other visitors in the rural municipality, city, town or village. R. S. O., c. 225, s. 240; 44 Vic., c. 4, s. 81.

General meeting of school visitors.

150. The visitors thus assembled may devise such means as they deem expedient for the efficient visitation of the schools, and for promoting the establishment of libraries and the diffusion of useful knowledge. R. S. O., c. 225, s. 241.

Authority at such meetings

PENALTIES AND PROHIBITIONS.

151. No person shall wilfully make a false declaration of his right to vote at any school meeting or election of school trustees; and any person convicted of a contravention of this section, upon the complaint of any person, shall be punishable by a penalty of not less than \$5 or more than \$10, to be sued for and recovered with costs before a justice of the peace by the public school trustees of the city, town, village or school district, for its use. R. S. O., c. 225, s. 243; 44 Vic., c. 4, s. 112.

Penalty for making a false declaration.

Fine on disqualified person acting as trustee.

152. If any person elected as a school trustee attends any meetings of the school board as such, after being disqualified under this Act, he shall be liable to a penalty of \$20 for every meeting so attended. R. S. O., c. 225, s. 244.

Trustees not to hold certain offices.

153. No trustee of a school district shall hold the office of Public School Inspector, or be a master or teacher within the district of which he is a trustee; nor shall the master or teacher of any public or high school hold the office of trustee, nor shall an Inspector be a teacher or trustee of any public or high school while he holds the office of Inspector. R. S. O., c. 225, s. 245; 44 Vic., c. 4, s. 42.

Seat vacated by conviction for crime, etc.

154. Any trustee who is convicted of any felony, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be an actual resident within the school district for which he is a trustee shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant and forthwith order a new election. R. S. O., c. 225, s. 246; 44 Vic., c. 4, ss. 44, 45 and 46, and 49.

Seat vacated by interest in contract with corporation.

155. Any trustee who has any pecuniary interest, profit or promise, or expected benefit in or from any contract, agreement or engagement, either in his own name or in the name of another, with the corporation of which he is a member, or who receives or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, except as secretary-treasurer, or for a school site, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and the remaining trustees, or a majority of them, shall declare the seat vacant and forthwith order a new election. R. S. O., c. 225, s. 247; 44 Vic., c. 4, s. 41; 47 Vic., c. 37, s. 14.

Penalty for not calling school meeting.

156. In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice shall forfeit the sum of \$5, to be sued for and recovered before a justice of the peace by any resident inhabitant in the rural school district, for his own use. R.S.O., c. 225, s. 248.

Penalty for disturbing a school or school meeting.

157. Any person who wilfully disturbs, interrupts or disquiets the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disquiets any public school established and conducted under authority of this Act, or other school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof, forfeit and pay for public school purposes to the school district within which the offence was committed, a sum not exceeding \$20, together with the costs of the conviction. R.S.O., c. 225, s. 249; 44 Vic., c. 4, s. 114.

Penalty for refusing to act as trustee.

158. Any person elected to the office of school trustee who refuses to serve as such, shall forfeit the sum of \$5 for the use of the school district, and his neglect or refusal to take the declaration of office within one month after his election, if resident at the time within the district, shall be construed as such refusal, after which another person shall be elected to fill the place; but no school trustee shall be re-elected, except by his own consent, during the four

Trustee exempt for four years.

years next after his going out of office. R.S.O., c. 225, s. 250; 44 Vic., c. 4, s. 43; 47 Vic., c. 37, s. 15.

159. Every person so chosen who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of \$20 to be sued for and recovered before a justice of the peace by the trustees of the school district, or by any person whatsoever for its use, as authorized by this Act. R.S.O., c. 225, s. 25; 44 Vic., c. 4, s. 107 and 115; 47 Vic., c. 37, s. 26. Penalty for refusing to perform duties

160. If the trustees of any public school wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such power shall be held to be personally responsible for the fulfilment of such contract or agreement. R.S.O., c. 225, s. 252; 44 Vic., c. 4, s. 116. Penalty for refusing to exercise corporate powers.

161. Any chairman who neglects to transmit to the Inspector a minute of the proceedings of an annual or other rural school meeting over which he has presided, within ten days after the holding of such meeting, shall be liable on the complaint of any ratepayer, to a fine of not more than \$5, to be recovered as provided by this Act. R.S.O., c. 225, s. 253. Penalty on chairman for neglect.

162. If any trustees of any school district refuse or neglect to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, they shall be held personally responsible for the moneys. R.S.O., c. 225, s. 254; 47 Vic., c. 37, s. 18. Liability for neglect to take security.

163. If any part of the public school fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them by the person entitled to receive the same by action in any court having jurisdiction to the amount, or by information at the suit of the Crown. R.S.O., c. 225, s. 255. Responsibility in case of lost school moneys

164. No secretary-treasurer appointed by the school trustees of any school district, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect or refuse to deliver up, or account for, and pay over the same or any part thereof to the person, and in the manner directed by a majority of the school trustees for the school district then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up, or account for, shall be punishable, as provided in the three following sections of this Act. R.S.O., c. 225, s. 256; 44 Vic., c. 4, s. 108. Penalty to be inflicted on secretary-treasurer, or trustee for refusing to account.

165.—(1.) Upon application to the County Court Judge of the district in which the school district or any part of it is situate, by a majority of the trustees, or any two ratepayers in a school district supported by their affidavit made before some justice of the peace, of such wrongful withholding or refusal, the Judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person do appear before him at a time and place to be appointed in the order. Mode of proceeding.

(2.) Any bailiff of a county court, upon being required by the Judge, shall

serve the order personally on the person complained against, or leave the same with a grown-up person at his residence. R.S.O., c. 225, s. 256.

Judge to issue order.

166. At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded, the Judge shall order the person complained of to deliver up, account for and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax. R.S.O., c. 225, s. 258.

Effect of non-compliance with Judge's order.

167. In the event of non-compliance with the terms specified in such order, or any or either of them, the Judge shall order the said person to be forthwith arrested by the sheriff of any judicial district in which he may be found, and to be committed to the common gaol thereof, there to remain without bail until the Judge be satisfied that the person has delivered up, accounted for, or paid over, the books, papers, chattels or moneys in question, in the manner directed by the majority of the trustees, or other competent authority as aforesaid; upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly. R.S.O., c. 225, s. 259.

Other remedy not affected.

168. No such proceeding shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. R.S.O., c. 225, s. 260.

Penalty to be inflicted on trustees refusing information, etc., to auditor.

169. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of a rural school district, or either of them, with any papers or information in their power, and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any ratepayer, shall be punished by fine or imprisonment, as provided by this Act. R.S.O., c. 225, s. 161; 44 Vic., c. 4, s. 110.

Penalty for delaying yearly report.

170. In case the trustees of any school district neglect to prepare and forward the annual report as provided by this Act, by the fifteenth day of January in every year, each of them shall, for every week after such fifteenth day of January, and until such report has been prepared and presented, forfeit the sum of \$5, to be sued for by the Inspector, and collected and applied in the manner provided by this Act. R.S.O., c. 225, s. 263.

Penalty for false school reports and registers.

171.—(1.) If any trustee of a public school knowingly signs a false report, or if any teacher of a public school keeps a false school register, or makes a false return, with a view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the public school fund of the district the sum of \$20, for which any person whatever may prosecute him before a justice of the peace.

Application of penalty.

(2.) The penalty, when so paid or collected, shall by the justice be paid over to the said public school district. R.S.O., c. 225, s. 264; 44 Vic., c. 4, s. 109; 48 Vic., c. 27, s. 12.

Trustees personally responsible for moneys lost.

172.—(1.) The trustees of every school district shall be personally responsible for the amount of any school moneys forfeited by or lost to the school district in consequence of the neglect of duty of the trustees during their continuance in office.

(2.) The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. R.S.O., c. 225, s. 265.

Application of money when recovered.

173. No person suffering from any contagious or infectious disease, or who resides in a house in which any such disease exists, shall be entitled to attend or enter any public school during the existence of any such disease as aforesaid, nor at any time thereafter, until he present to the trustees of the school he wishes to attend, a certificate of a physician that there is no longer danger of contagion or infection from his attendance, to the other pupils of the school; Provided that in rural school districts the trustees may, in the absence of a physician, admit applicants for admission without such certificate, if they are satisfied that there is no danger of contagion or infection from their doing so. And any parent or guardian of any child who knowingly sends such child to any public school in contravention of these provisions, shall be liable, upon conviction before a justice of the peace, upon the complaint of the trustees or of any ratepayer of the school, to a fine not exceeding ten dollars for each offence, or imprisonment in the common jail for a period not exceeding thirty days. 50 Vic., c 18, s. 13.

Persons suffering from contagious diseases, etc., not to attend school.

Proviso.

Penalty for contravention of this section.

TRUSTEES RESIGNING.

174. Any public school trustee may resign his office, with the consent, expressed in writing, of a majority of his colleagues.

Trustees may resign.

EXECUTION AGAINST SCHOOL DISTRICTS.

175. Any writ of execution against any school district, which school district lies wholly within one municipality, may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings thereon shall be the following :

Writ of execution against trustees—how endorsed.

(1.) The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the municipality in which such school district is situate, or leave such copy at the office or dwelling house of such officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy such execution, including in such amount the interest calculated to some day as near as is convenient to the day of service.

Proceedings thereon; sheriff to leave statement with treasurer

(2.) In case the amount, with interest thereon from the day mentioned in the statement, is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment roll of the municipality in which such school district is situate, and shall in like manner as rates are struck for general municipal purposes, strike a rate on the assessable lands in said school district sufficient on the dollar to cover the amount due on the execution, with such addition to the same as the sheriff deems sufficient to cover the interest and his own fees up to the time when such rate will probably be available.

In case amount not paid within one month, rate to be struck.

(3.) He shall thereupon issue a precept or precepts under his hand and seal of office directed to the said treasurer, and shall by such precept, after reciting the writ and that the said trustees had neglected to satisfy the same, command the said treasurer to levy or cause to be levied such rate at the time and in the manner by law required in respect of the general municipal rates.

Precept to be issued to treasurer directing levy to be made.

(4.) At the time for levying the annual rates next after the receipt of such precept, the said treasurer shall add a column to the tax roll of the lands in said school district, headed, “ Execution rate of A. B. vs School District of

At time of levying rate next after precept, execution rate to be

levied, and amount returned with precept to sheriff.

No. " (or, as the case may be, adding a column for each execution, if more than one), and shall insert thereon the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and said treasurer, so soon as the amount of such execution or executions is collected, shall return to the sheriff the precept with the amount levied thereon.

Surplus to be returned to treasurer.

(5.) The sheriff shall, after satisfying the executions and all fees thereon, return any surplus within ten days after receiving the same to the said treasurer for the general purposes of the said school trustees.

Treasurer to be deemed to be officer of court with respect to such execution.

(6.) The treasurer shall for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such executions, be deemed to be an officer of the court out of which the writ issued, and as such shall be amenable to the court, and may be proceeded against by attachment, mandamus, or otherwise, in order to compel him to perform the duties hereby imposed upon him.

Clauses 1 to 6 applicable to district lying within more than one municipality.

(7.) The above clauses, one to six, both inclusive, shall be applicable to executions against a school district lying within more than one municipality, but in such case the said sheriff shall strike a rate on the assessable lands in said school district from the assessment rolls of the several municipalities in which said school district is situate, and shall deliver to the treasurer of each of the municipalities the precept or precepts aforesaid. 52 Vic., c. 21, s. 2.

GENERAL PROHIBITIONS.

No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.

176. No teacher, trustee, inspector, or other person, officially connected with the Department of Education, or Model, Public, or High Schools, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever. R.S.O., c. 225, s. 266.

HOW FINES AND PENALTIES MAY BE RECOVERED.

How penalties under this Act shall be recoverable.

177.—(1.) Unless it is in this Act otherwise provided, all fines, penalties and forfeitures may be sued for, recovered and enforced, with costs, by and before any police magistrate, or justice of the peace.

Warrant of commitment.

(2.) If the fine, or penalty and costs, are not forthwith paid, the police magistrate or justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs are sooner paid.

Disposition of fines.

(3.) On receiving such fine or penalty the police magistrate or justice shall pay the same over to the secretary-treasurer of the school district or other party entitled thereto, except as otherwise provided in this Act.

Summary Convictions Act to apply.

(4.) The provisions of the Act of the Parliament of Canada, known as the Summary Convictions Act, shall apply to all such prosecutions so far as the same are applicable. R.S.O., c. 225, s. 267 ; 44 Vic., c. 4, s. 117.

PROVISIONS AS TO CATHOLIC SCHOOL DISTRICTS.

Catholic school districts covering

178. In cases where, before the coming into force of this Act, Catholic school districts have been established, covering the same territory as any

Protestant school district, and such Protestant school district has incurred indebtedness, the Department of Education shall cause an inquiry to be made as to the amount of the indebtedness of such Protestant school district and the amount of its assets. Such of the assets as consist of property shall be valued on the basis of their actual value at the time of the coming into force of this Act. In case the amount of the indebtedness exceeds the amount of the assets, then all the property assessed in the year 1889, to supporters of such Catholic school districts shall be exempt from any taxation for the purpose of paying the principal and interest of an amount of the indebtedness of such school district equal to the difference between its indebtedness and assets. Such exemption shall continue only so long as such property is owned by the person to whom the same was assessed as owner in the year 1889.

same territory as Protestant school districts.

179. In cases where, before the coming into force of this Act, Catholic school districts have been established as in the next preceding section mentioned, such Catholic school districts shall, upon the coming into force of this Act, cease to exist, and all the assets of such Catholic school districts shall belong to, and all the liabilities thereof be paid by the public school district. In case the liabilities of any such Catholic school district exceed its assets then the difference shall be deducted from the amount to be allowed as an exemption, as provided in the next preceding section. In case the assets of any such Catholic school district exceed its liabilities, the difference shall be added to the amount to be allowed as an exemption, as provided in the next preceding section.

Catholic school districts to cease to exist

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180. All arrears of taxes levied under the authority of any such Catholic school board shall be considered as part of its assets, and shall be handed over to the municipal council to be collected on behalf of the public school board.

Arrears of taxes levied by Catholic school boards.

181. The municipal council shall have all the power provided by the Assessment Act for the collection of such arrears, the same as if they were arrears of municipal taxes.

Municipal Council to have power to collect.

182. Chapter 4 of 44 Victoria, Chapters 8 and 11 of 45 Victoria, Chapter 46 of 46 and 47 Victoria, Chapters 37 and 54 of 47 Victoria, Chapter 27 of 48 Victoria, Chapters 18 and 19 of 50 Victoria, Chapter 31 of 51 Victoria, and Chapters 5 and 21 of 52 Victoria, are hereby repealed.

Repeal clause.

183. This Act shall come into force on the first day of May, A.D. 1890.

When Act to come into force.

SCHEDULE A.

(Section 98.)

PUBLIC NOTICE.

Notice is hereby given that a meeting of the ratepayers within the school district of _____ No. _____ will be held at the _____ in the said school district, on _____ the _____ day of _____ A.D. 18 _____, at the hour of _____ o'clock in the _____ noon, for the purpose of considering the expediency of raising money by way of loan to

[Here state the purposes for which the loan is intended.]

Dated this _____ day of _____ A.D. 18 _____.

A. B.,
Secretary-Treasury.

SCHEDULE B.

(Section 101.)

Debenture No. _____ of the School District of _____
 number _____
 The School District of _____ number _____
 promises to pay to the bearer at the _____ at
 the sum of _____ dollars of lawful money of Canada in _____ years
 from the date hereof, and to pay interest thereon during the currency hereof, at
 the same place, at the rate of _____ per centum per annum, to the bearer of the
 coupons hereunto annexed respectively, and numbered with the number of this
 debenture.

Issued at _____ this _____ day of _____ 18 _____, by and
 under the authority of the Public School Act.

T. R.,

Secretary-Treasurer.

S. M.

Trustee.

COUPON No.

The School District of _____ number _____, will pay to the bearer
 hereof, at the _____ at _____ on the _____ day
 of _____ 18 _____, the sum of _____ dollars, being interest due
 on that day on School Debenture No. _____

T. R.,

Secretary-Treasurer.