



CHAPTER 170.

An Act respecting the Public Schools.

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

Short Title.

1. This Act may be cited as the “Public Schools Act.” 1891, c. Short title. 40, s. 2.

Interpretation.

2. The expression “actual resident” shall include any person who either actually dwells or has his place of business within a School District. 1895 c. 48, s. 3. Meaning of “actual resident.”

Existing School Districts.

3. All existing School Districts shall continue until altered under the provisions of this Act. 1891, c. 40, s. 3. Existing districts.

Council of Public Instruction.

4. The members of the Executive Council shall constitute a Council of Public Instruction. 1891, c. 40, s. 4. Council of Public Instruction.

5. It shall be lawful for the Lieutenant-Governor in Council to appoint a Superintendent of Education for the Province of British Columbia, who shall ex-officio be Secretary of the Council of Public Instruction. 1891, c. 40, s. 5. Superintendent of Education.

6. It shall be lawful for the Council of Public Instruction, from time to time— Powers of Council of Public Instruction.

- (1.) To create and to define the boundaries of School Districts, in addition to those already existing, and from time to time to abolish or to alter the boundaries of existing, or hereafter created, Districts: Provided that no School District shall be created unless within the portion of the Province to be included

within the boundaries thereof there be resident not less than twenty children of school age, between six and sixteen years of age:

- (2.) To set apart in every School District such a quantity of the waste lands of the Crown as in the opinion of the Council may be necessary for school purposes in such District :
- (3.) With the sanction of the Lieutenant-Governor in Council, to grant, on the application of the School Trustees of any School District, such moneys as may be required to pay the salary of the Teacher in such School District; in Rural Districts to defray the cost of erecting a school-house, or providing a house or room within which the Public School of such District may be held ; the cost of all furniture and apparatus necessary for the use of any school, and the current expenses connected therewith :
- (4.) With the sanction of the Lieutenant-Governor in Council, to grant such sum as shall be thought proper in aid of the establishment of a school in any part of the Province, not being a School District, and having not less than seven and not more than nineteen children between the age of six and sixteen years resident therein, upon the application of a majority of the parents resident in such part of the Province :
- (5.) To appoint two or more Examiners, at such remuneration as shall be thought proper, who, together with the Superintendent of Education, shall constitute a Board of Examiners, and shall examine teachers and grant certificates of qualification. Such certificates shall be of three classes, viz.: first class (grades A and B) certificates, second class (grades A and B) certificates, and third class (grades A and B) certificates :
- (6.) To appoint, at a remuneration to be fixed by the Council, one or more Inspectors to visit the Public Schools, and to require such Inspectors to inquire into and report to the Superintendent of Education upon the progress and attendance of the pupils, the discipline and management of schools, the system of education pursued, the mode of keeping school registers, the condition of school buildings and premises, and generally, the compliance with the provisions of this Act and all such other matters as by the Council may be deemed expedient or advisable in the public interests :
- (7.) To make and establish rules and regulations for the conduct of the Public Schools, to prescribe the duties of teachers, and their classification :
- (8.) To determine the subjects and percentages required for all classes and grades of certificates of teachers, as well as to make

and prescribe rules for the governance of candidates for certificates of qualification as teachers :

- (9.) To select, adopt, and prescribe a uniform series of text-books to be used in the Public Schools of the Province, as well as the courses or standards of instruction and study for schools :
- (10.) To suspend or cancel for cause the certificate of qualification of any teacher, subject to the approval of the Lieutenant-Governor, as expressed by an Order in Council :
- (11.) To determine all cases of appeal arising from decisions of Trustees, and to make such orders thereon as may be required :
- (12.) To make any provisions, not inconsistent with this Act, that may be necessary to meet exigencies occurring under its operation ; and generally from time to time to make and enforce all such general rules, orders, and regulations as may be necessary for the purpose of giving full effect to all or any of the provisions of this Act :
- (13.) To establish a Normal School, with Model Departments, and to make regulations for its conduct and management. 1891, c. 40, s. 6, & 1896, c. 42, s. 2.

High Schools.

7. The Council of Public Instruction may establish a High School or Collegiate Institute in any school district where it may be expedient so to do, wherein the higher branches may be taught, and every such High School or Collegiate Institute shall be under the control of the local Board of Trustees for the district within which such High School or Collegiate Institute is situate : Provided, however, that no High School or Collegiate Institute shall be established in any district in which there are less than twenty persons duly qualified and available to be admitted as High School or Collegiate Institute pupils. 1891, c. 40, s. 7, & 1894, c. 46, s. 4.

Council of Public Instruction may establish High Schools or Collegiate Institutes.

Duties of Superintendent of Education.

8. It shall be the duty of the Superintendent of Education—

- (1.) To take charge of and safely keep all apparatus that may be procured for school purposes, and to furnish, at his discretion, on the application of the Trustees of any School District, such apparatus as may be required for the schools in such district :
- (2.) To establish a separate school for females in any School District where he may deem it expedient so to do ; and such school, when so established, may be presided over by a female teacher or teachers, but otherwise shall be subject to the same obligations and regulations as Public Schools generally under this Act :

Duties of Superintendent of Education.

- (3.) To examine and inquire into, from time to time, the progress of the pupils in learning, the order and discipline observed, the system of instruction pursued, the mode of keeping the school registers, the average attendance of pupils, the character and condition of the buildings and premises, and to give such directions as he may judge proper :
- (4.) To do all in his power to persuade and animate parents, guardians, trustees, and teachers to improve the character and efficiency of the Public Schools, and to secure the sound education of the young generally :
- (5.) To have, subject to the Council of Public Instruction, the supervision and direction of the Inspectors and schools :
- (6.) To enforce the provisions of this Act, and the regulations and decisions of the Council of Public Instruction :
- (7.) To organise, under regulations framed by the Council of Public Instruction, a Teachers' Institute or Teachers' Institutes :
- (8.) To grant temporary certificates of qualification, countersigned by the Provincial Secretary ; which temporary certificates shall be valid till the next examination of teachers :
- (9.) To make annually, for the information of the Legislature, a report of the actual state of the Public Schools throughout the Province, showing the number of pupils taught in each School District, the branches taught, and average attendance, the amount of moneys expended in connection with each school, the number of official visits made to each school, the salaries of teachers, the number of qualified teachers, their standing and sex, together with any other information that he may possess respecting the educational state and wants and advantages of each school and district in the Province, and such statements and suggestions for improving the Public Schools and school laws, and promoting education generally, as he may deem useful and expedient ; which report shall be laid before the Legislature within fifteen days after the opening of the next succeeding session thereof :
- (10.) To be responsible for all moneys paid through him on behalf of the Public Schools, and to give such security as the Lieutenant-Governor in Council may require :
- (11.) To prepare suitable forms, and to give such instructions as he may judge necessary and proper for making all reports and conducting all proceedings under this Act :
- (12.) With due diligence, after any complaint shall have been made to him respecting the mode of conducting any election of Trustees (as hereinafter provided for), to investigate such complaint, and report the facts to the Council of Public Instruc-

tion, who shall confirm or set aside such election; and in the latter case they shall appoint the time and place for a new election in such district:

- (13.) To close schools where the average attendance falls below ten:
- (14.) To cause copies of this Act, with regulations of the Council of Public Instruction, to be published and furnished gratuitously to Trustees and Teachers. 1891, c. 40, s. 8.

9. Immediately after the formation of any new School District or Districts, pursuant to the provisions of this Act, the Superintendent of Education shall prepare notices in writing describing such district or districts respectively, and appoint a time and place for the first school meeting for the election of Trustees, and shall cause copies of such notices to be posted in at least three public places in each of such School Districts at least ten days before the time of holding the meeting; and the Trustees elected at any such meeting shall respectively hold office until the next annual meeting for the election of Trustees, and no longer. At such first meeting the voters present shall elect one of their own number to preside over the proceedings of such meeting, and shall also appoint a Secretary. 1891, c. 40, s. 9.

Proceedings after the formation of new district.

Rural Districts—Election of Trustees and School Meetings.

10. For each Rural District there shall be three Trustees. 1891, c. 40, s. 10.

Trustees of rural district.

11. An annual meeting for the election of School Trustees shall be held in all Rural School Districts on the last Saturday in June in every year, commencing at eleven o'clock in the forenoon, the nomination closing at twelve noon, and the voting (if any) at four o'clock in the afternoon of the same day. 1891, c. 40, s. 11.

Annual election of Trustees in rural districts.

12. At such annual meeting, or at any meeting called under sections 47 and 53 of this Act, the voters present shall elect a Chairman to preside over such meeting, and a Secretary. 1891, c. 40, s. 12.

Election of chairman and secretary at annual meeting.

13. The Chairman shall decide all questions of order, subject to an appeal to the meeting, and in case of an equality of votes shall give the casting vote, but he shall have no vote except as Chairman. 1891, c. 40, s. 13.

Powers and functions of chairman.

14. The Chairman shall take the votes by a poll, and the names of all voters who are present shall be recorded by the Secretary; such poll to remain open from noon till four o'clock p.m., when the Chairman shall declare the result. 1891, c. 40, s. 14.

Method of voting.

15. The Trustees so elected at the first annual school meeting in any district shall respectively hold office as follows:

Term of office of Trustees elected at first election.

- (1.) The person receiving the largest number of votes shall continue in office until the next ensuing annual school meeting after his election, and for two years thereafter, reckoning therefrom, and from that time onward until his successor shall have been elected :
- (2.) The person receiving the next largest number of votes shall continue in office until the next ensuing annual school meeting after his election and for one year thereafter, reckoning therefrom, and from that time onward until his successor shall have been elected :
- (3.) The person receiving the next greatest number of votes shall continue in office until the next ensuing annual school meeting in such district, and until his successor shall have been elected. 1891, c. 40, s. 15 ; 1892, c. 40, s. 2.

Copy of proceedings to be sent to Superintendent of Education.

16. A correct copy of the proceedings of such first, and of every annual and of every special school district meeting in such district, signed by the Chairman and Secretary of the meeting, and countersigned by the Secretary of the Board of Trustees, shall be forthwith transmitted by the Secretary in such School District to the Superintendent of Education. 1891, c. 40, s. 16.

One Trustee elected annually.

17. A Trustee shall be elected to office at each ensuing annual school meeting, in place of any Trustee whose term of office is about to expire ; and upon the expiration of his term a Trustee shall be eligible for and may present himself for re-election ; but no Trustee shall be re-elected, except by his own consent, during the four years next after his going out of office. 1891, c. 40, s. 17.

Trustees' report dealt with at annual meeting.

18. At every annual meeting held for the election of Trustees under this Act, the report of the Trustees, as required by section 52 of this Act, shall be submitted and dealt with. 1891, c. 40, s. 18.

Qualification of voters.

19. Any householder or freeholder resident in any School District for a period of six months previous to the election, and being of the full age of twenty-one years, and the wife of any such householder or freeholder, shall be entitled to vote at any school meeting held in such district, and for the election of Trustees. Chinese and Indians shall not vote. 1891, c. 40, s. 19.

Voter, if challenged, to make declaration of qualification to vote.

20. If any person offering to vote at an annual or other school meeting is challenged as unqualified by any legal voter, the Chairman presiding at such meeting shall require the person so offering to make the following declaration :—

“ I do declare and affirm that I am a resident householder (*or freeholder, as the case may be*), in this School District, and that I have been a continuous resident householder (*or freeholder*) in this district for the last six months :”



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Or, "I do declare and affirm that I am the wife of a resident householder (*or* freeholder) in this School District, and that my husband has been a continuous resident householder (*or* freeholder) in this district for the last six months."

And every person making such a declaration shall be permitted to vote on all questions proposed at such meeting; but if any person refuse to make such declaration, his vote shall be rejected. 1891, c. 40, s. 20.

City School Districts—Election of Trustees and School Meetings.

21. For each of the School Districts of the City of Victoria, the City of Vancouver, the City of New Westminster, and the City of Nanaimo, there shall be seven Trustees, constituting a Board of Trustees for each city respectively; and each of such boards shall be a body corporate in relation to all the powers and duties conferred upon it by virtue of this Act, and shall be styled "The Board of School Trustees of Victoria," (*or* Vancouver, *or* New Westminster, *or* Nanaimo, *as the case may be*); the organization, rights, powers, duties and liabilities of each of which boards shall be as herein defined. 1891, c. 40, s. 21, & 1895, c. 48, s. 6.

Board of Trustees for city districts.

22. The Board of Trustees for each City School District shall be elected in the manner hereinafter provided by the votes of electors possessing the qualifications prescribed in the "Municipal Elections Act" for electors entitled to vote for Mayor; and when preparing the annual voters' list in cities where the said Act does not govern the election of Mayor, a list of the names of those entitled to vote for School Trustees, but not included in the city annual voters' list as entitled to vote for Mayor, shall be added thereto. 1897, c. 40, s. 2.

Board of Trustees in cities, how elected.

23. Each voter shall be entitled at each election to as many votes as there are members of the Board of Trustees to be elected, but may only give one vote for any one candidate. 1892, c. 40, s. 6, & 1893, c. 41, s. 13.

Voting at election.

24. The nomination and election of the Board of Trustees shall be held at the same time and by the same Returning Officer or Officers, when possible, and conducted in the same manner as the municipal nomination and election for Mayor would be conducted, and the provisions of the "Municipal Elections Act," or of the special Act or Acts of Incorporation of the respective cities, and amendments, respecting the time for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies, and declarations of office and of challenged voters, shall, as nearly as may be, apply to the election of Boards of School Trustees. 1892, c. 40, s. 7, & 1893, c. 41, s. 7.

Elections, how conducted, etc.

Council may name polling place.

25. The Municipal Council shall have power, by resolution, to name the polling place for the election of School Trustees. 1893, c. 41, s. 11.

Term of office of Trustees.

26. At the first election under this Act, the three candidates receiving the highest number of votes shall be declared elected to serve for two years, and the three candidates receiving the next highest number of votes shall be declared elected to serve for one year; and at each subsequent annual election three Trustees shall be elected to serve for two years: Provided, that any election under the authority of section 30 of this Act may, if convenient, be held concurrently with the annual election; and provided, further, that all Trustees may remain in office, and exercise all the powers of Trustees, until their successors shall have been elected. 1892, c. 40, s. 8.

Four Trustees to be elected.

27. At every election for Boards of City School Trustees there shall be elected such number of Trustees as shall be necessary to fill the place of the Trustees whose term of office is about to expire. 1895, c. 48, s. 8.

Qualification of Trustee.

28. In every School District, any person being a householder in the School District, and being a British subject of the full age of twenty-one years, and otherwise qualified by this Act to vote at an election of School Trustees in the said School District, shall be eligible to be elected or to serve as a School Trustee in a School District. 1896, c. 42, s. 8.

Vacancy—how filled.

29. In case of any vacancy in the office of Trustee of any Public School Board arising from any cause, the remaining Trustees shall forthwith take steps to hold an election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is filled. 1892, c. 40, s. 10.

Election to fill vacancy, how conducted, etc.

30. Such election shall be conducted in the same manner, and be subject to the same provisions, as an annual election, and the Public School Board shall name a returning officer to act at such election, who shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held on the third day following the day of said nomination, unless such day is a Sunday or statutory holiday, in which case the election shall be held on the next lawful day after such Sunday or holiday. 1892, c. 40, s. 11.

Meetings of Board.

31. The Board of Trustees shall meet at least once in each month, and four members shall constitute a quorum. 1892, c. 40, s. 12.

Chairman.

32. The Board of Trustees shall, at the first meeting after the annual election, appoint one of its number to be Chairman of the Board, and the member so appointed shall preside at all meetings of

the Board, and generally fulfil all the duties usually performed by such an officer; such Chairman shall have a casting vote in case of an equality of votes between the other members of the Board upon any question before the Board, but shall not otherwise vote as a member of the Board. In case of the absence from any meeting of the Chairman, the members present at such meeting shall appoint one of their number to act as Chairman at such meeting. 1892, c. 40, s. 13.

33. Each Board of Trustees shall appoint its own Secretary (who Secretary of Board. may be one of the Trustees) and fix his salary. The Secretary shall keep a record of the proceedings of the Board, and perform such other duties as the Board may prescribe in relation to its corporate affairs, and such record, and all books, accounts, vouchers, and papers of the Board, shall at all times be subject to the inspection of the Council of Public Instruction, and any Committee of the City Council appointed by resolution of such Council for that purpose. 1891, c. 40, s. 29; 1892, c. 40, s. 14; 1896, c. 42, s. 3.

City School Districts—Teachers' Salaries.

34. The salaries of the teachers employed in the Public Schools in the Cities of Victoria, Vancouver, New Westminster and Nanaimo shall be fixed and paid at the discretion of the School Trustees of the said cities respectively, and such salaries, and all other expenses for the purchase or lease of school sites, erection, enlargement, or rent of school buildings, for furniture and repairs, and all other incidental expenses whatsoever incurred by the Board of Trustees in the respective cities, shall be borne and paid by the Municipal Corporations of the said cities respectively. 1893, c. 41, s. 3. Cities to pay salaries of teachers in city schools, and all other expenses.

35. A per capita grant of ten dollars per head per annum, based on the average actual daily attendance of the Public School pupils, shall be paid quarterly by the Minister of Finance, out of the Consolidated Revenue Fund of the Province, to each of the Municipal Corporations of the Cities of Victoria, Vancouver, New Westminster, and Nanaimo, respectively; provided that the schools have been conducted in accordance with the Rules and Regulations prescribed by the Council of Public Instruction. The average actual daily attendance shall be calculated upon the attendance for the half-year preceding the payment. 1893, c. 41, s. 3. Allowance by Government to cities.

City School Districts—Powers of Trustees.

36. The Board of Trustees shall have power, and it shall be the duty of the Board, to provide sufficient school accommodation and tuition, free of charge, to all children in the district between six and sixteen years of age, inclusive, and for such purpose shall organise and establish such and so many schools as it shall deem requisite, with power to alter and discontinue the same; to purchase or lease lands or Duties of Board of Trustees.

buildings for school purposes; to erect, enlarge, alter, repair, and improve school buildings and their appurtenances, according to the requirements of the case; to furnish school-houses and procure furniture, maps, and apparatus, and to provide text books for indigent pupils; to provide fuel and light, and defray the contingent expenses of the several schools, and of the Board of Trustees; to have the custody and safe keeping of the school property of the district, and to insure the school buildings and furniture; to determine the sites of school-houses; to appoint the number of teachers for whose salaries provision has been made in the estimates; to appoint, dismiss, and fix the salaries, wages, or remuneration of, from time to time, other officers or employees, as may be deemed necessary by the Board to secure the efficient management of the schools; to report annually to the City Council upon the expenditure of the moneys received by the Board; to furnish annually, on or before the fifteenth day of July in each year, to the Superintendent of Education, a full report of its proceedings, also returns of all schools in accordance with the forms supplied by him. 1891, c. 40, s. 33; 1893, c. 41, s. 4.

Board to annually supply Council with estimate of sums required.

37. The Board of Trustees shall, on or before the first day of February in each year, cause to be prepared and laid before the City Council a detailed estimate of the sums required by the Board for the current year's ordinary expenses of maintaining the schools as they exist at the time of the making of such estimate, which sums shall be paid over from time to time as required, upon the order of the Trustees, by the City Treasurer, to the several persons or corporations for whose use such moneys are payable; and the Board shall further prepare the like detailed estimate of the sums required to meet any special or extraordinary expenses legally incurrable by the Board, which last-mentioned estimate shall be subject to consideration, alteration and final approval by the Council; and if the Council shall finally reject or disapprove of any such last-mentioned sum or sums, it shall be the duty of the Council, not more than thirty days after the receipt by the Mayor of the written request of the Secretary of the Board in that behalf, to submit for the assent of the electors, in the manner prescribed by section 68 of the "Municipal Clauses Act," a by-law authorising the proposed expenditure, and, if necessary, the raising of the moneys required to defray the same upon the credit of the municipality; and in the event of such by-law receiving the assent of the electors in the manner set forth in section 75 of the "Municipal Clauses Act," the City Treasurer shall pay out of the proceeds of the debentures so issued all expenses connected with the issuance of the said loan, and the balance shall be paid out in manner hereinbefore in this section provided. 1892, c. 40, s. 17; 1893, c. 41, s. 8.

City Treasurer to keep separate accounts of school moneys.

38. The City Treasurer shall, upon the receipt of any moneys from time to time paid into his hands on account of the rates and taxes, set

apart and keep to a separate account, to be called "The Board of School Trustee's Account," so much and such proportion of such moneys as the amount ordered to be assessed and levied for school purposes in such city, and pay over such moneys so set apart to the Board, as are mentioned in section 37 hereof, and shall whenever requested, exhibit to the said Board the state of such account; and such moneys so set apart, or that ought to be set apart, shall not be applied to any other purpose whatsoever by the City Treasurer. It shall not be lawful for the Board of School Trustees to incur any liability beyond the amount shown by such account to be at their disposal. 1891, c. 40, s. 35; 1892, c. 40, s. 18; 1893, c. 41, s. 5.

39. All property acquired by the Board of Trustees shall not be subject to taxation, or be liable to be taken in execution; but in case of any judgment being recorded against the Board of Trustees, they shall forthwith notify the City Council of the amount thereof, and the City Council shall levy and collect the same as in other cases provided for by this Act. 1891, c. 40, s. 36.

School property to be free from taxation.

40. The City Council shall annually appoint an auditor to audit the accounts of the Board of Trustees, and the expenses of such audit shall be paid out of the contingent expenses of the Board. 1891, c. 40, s. 37.

Auditor.

41. The Board of Trustees of any of the said City School Districts may, by resolution, declare that it is desirable that tuition fees should be paid in respect of pupils attending at any High School situate within its limits, so as to make such High School more or less self-sustaining, whereupon it shall be the duty of such Board to settle the amount to be paid by parents and guardians for each pupil attending the High School, and to fix the times of payment, and, when necessary, to sue for and recover such amounts, in the name of the City Treasurer, who shall receive and apply the same to the purposes specified in section 36 of this Act; but in settling such amount the Board shall make provision by which pupils whose parents or guardians find it beyond their means to pay the tuition fees imposed by the Board may have the advantages of the High School, either altogether without fee, or at some smaller fee within the means of the parent or guardian 1893, c. 41, s. 9.

Board may demand tuition fees for High Schools.

42. Trustees shall serve without emolument or reward, except as provided by section 33 hereof, and shall not be interested, directly or indirectly, in any contract authorised by the Board of Trustees. 1896, c. 42, s. 4.

Trustees to serve without reward.

43. The Board of Trustees in every City School District shall cause to be published annually in January, in at least three issues of some newspaper circulating in the district, a detailed audited statement of

Board in City Districts to publish annual audited statement.

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all receipts and expenditures for the year ending the 31st December, which statement shall be signed by the Chairman and Secretary of the Board and countersigned by the Auditor appointed in that behalf by the City Council: Provided, however, that if the Corporation of any City Municipality shall in their annual published statement include a detailed audited statement of all receipts and expenditures for the year ending the 31st December, as hereinbefore provided, and signed by the Chairman and Secretary of the Board and countersigned by the said Auditor, it shall not be necessary for the Board of Trustees to also publish such statement. 1895, c. 48, s. 2.

Rural School Districts—Trustees, their Powers and Duties.

Qualification of Trustees in rural districts.

44. Any person, being a British subject of the full age of twenty-one years, who is a resident householder or a resident freeholder in a School District, and who is otherwise qualified by this Act to vote at an election of School Trustees in the said School District, and the wife of such householder or freeholder, shall be eligible to be elected or to serve as a School Trustee: Provided always, that the wife of an acting School Trustee shall not be eligible for election. 1896, c. 42, s. 5.

Occasional vacancies.

45. Any Trustee elected to fill an occasional vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. 1891, c. 40, s. 41.

Trustees to be a Corporation.

46. The Trustees of any School District duly elected shall be a corporation under the name of "The Trustees of the [*naming the title*] School District." 1891, c. 40, s. 42.

Trustees to appoint and give notice of meetings.

47. It shall be the duty of the Trustees of each School District to appoint the place of each annual school meeting of the voters of the district, and of elections and of a special meeting for the filling up of any vacancy in the Trustee Corporation occasioned by death, removal, or other cause, and to cause notices of the time and place to be posted in three or more public places in such district, one of which shall be upon the school-house, at least ten days before the holding of such meeting, and to specify in such notices the object of such meeting. They shall also call and give like notices of any special meeting for any school purpose which they may think proper. 1891, c. 40, s. 43.

Meeting not being held through want of notice.

48. In case, from the want of proper notices, or from any other cause, any annual school meeting required to be held for the election of Trustees, or any special meeting or election, shall not be held at the proper time, any five voters in such district may, within twenty days after the time at which such meeting should have been held, call a meeting by giving ten days' notice, to be posted in at least three public places in such School District, and the meeting then called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. 1891, c. 40, s. 44.

49. Any person chosen as Trustee may resign by giving written notice of such intention to his colleagues in office. 1891, c. 40, s. 45. Trustees may resign.

50. It shall be the duty of the Board of Trustees to appoint one of themselves to be Secretary and Treasurer to the Corporation, who shall give such security as may be required by a majority of the Trustees, for the correct and safe keeping and forthcoming, when called for, of the papers and moneys belonging to the Corporation, and for the correct keeping of a record of their proceedings in a book procured for that purpose, and for the receiving and accounting for all school moneys which shall come into his hands, and for the disbursing of such moneys, in the manner directed by a majority of the Trustees. 1891, c. 40, s. 46. Appointment of Secretary and Treasurer.

51. The Board of Trustees shall meet at least once in every three months. 1891, c. 40, s. 47. Meetings of the Board.

52. The Trustees shall 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 such district, and shall have power to acquire and hold as a Corporation, by any title whatsoever, any land, movable property or income, for school purposes, and to apply the same according to the terms on which the same were acquired or received; with the approval of the Council of Public Instruction to do whatever they shall judge expedient with regard to the building, repairing, renting, warming, furnishing, and keeping in order the district school-house or houses, and the furniture and appendages belonging thereto, and the school lands and enclosures held by them; to visit, at least three times a year, each school under their charge, and to see that it is conducted according to the authorised regulations; to see that no unauthorised books are used in the school, and that the pupils are duly supplied with a uniform series of authorised text-books; to exercise all the corporate powers vested in them by this Act; to cause to be prepared and read at the annual meeting of their district, their annual school report for the year then terminating; and such report shall include, amongst other things, a full and detailed account of the receipt and expenditure of all school moneys received and expended in behalf of such district, for any purpose whatever, during such year; to prepare and transmit annually, on or before the fifteenth day of July, a report to the Superintendent of Education, signed by a majority of the Trustees, and specify therein— Powers and duties of Trustees.

- (1.) The whole time the school in their district was kept by a qualified teacher, during the year ending the 30th day of June:
- (2.) The amount of money received for the School District, and the manner in which such money has been expended:
- (3.) The whole number of children residing in the School District under the age of six years and between six and sixteen, the

number of children taught in the school or schools respectively in such district, distinguishing the sexes, and the average attendance of pupils during the year :

- (4.) The branches of education taught in the school, the number of pupils in each branch, the number of visits made by each Trustee, the number of public school examinations, visits, and lectures, and by whom made or delivered, and such other information as may be required :
- (5.) The uses to which the school buildings and lands have been applied during the year, and the damage arising or the revenue derived therefrom. 1891, c. 40, s. 48.

Selection of site for school-house.

53. The site on which to erect a school-house in a rural district shall be chosen by the Trustees, who shall immediately thereafter call a special meeting of the voters of the district to approve of the selection made; if a majority of the voters of such district present at this meeting do not ratify the site chosen by the Trustees, the voters of the district shall at this meeting determine upon a suitable site, and their decision, subject to the approval of the Council of Public Instruction, shall finally decide the matter. 1891, c. 40, s. 49.

(2.) In case the voters of a School District neglect or refuse to select a site which meets with the approval of the Council of Public Instruction, the Superintendent of Education or any person appointed by him shall visit the School District and, after careful inspection, shall select a site, and such selection, subject to the approval of the Council of Public Instruction, shall finally decide the matter. 1896, c. 42, s. 6.

General Provisions.

Appointment and dismissal of teachers.

54. The Trustees of any School District shall, from time to time, select and appoint (from amongst those persons properly qualified) the teacher or teachers in the School District of such Trustees, and may remove and dismiss such teacher or teachers upon giving at least thirty days' notice to the teacher or teachers of such intention of removal and dismissal, and the reasons therefor. The Trustees shall, upon notification from the Council of Public Instruction of the inefficiency or misconduct of the teacher, give such teacher thirty days' notice of dismissal. Nothing in this section shall be taken to confer on any teacher a right to such thirty days' notice, or salary in lieu of notice, where any teacher has been suspended by the Trustees for gross misconduct : Provided always, that in any case where the Trustees have suspended or dismissed any teacher on a charge of gross misconduct, such teacher may appeal to the Council of Public Instruction, who shall have power to take evidence and confirm or reverse the decision of the Trustees ; but in case of a reversal of the decision, the teacher shall not, without the consent of the Trustees, be reinstated in the same school. 1891, c. 40, s. 50.

Appeal by dismissed teacher.

55. The Trustees shall forthwith report to the Superintendent of Education the appointment, resignation, or dismissal of any teacher or teachers in their district, and in case of dismissal must state the reasons for such dismissal. 1891, c. 40, s. 51.

Report to Superintendent of Education of appointments and dismissals.

56. In case a school is summarily closed for any cause the teacher shall not be paid salary for a longer period than one month from the date of such closing. 1896, c. 42, s. 7.

Teacher's salary to cease one month from date of closing of school.

57. No person shall be appointed or retained as a teacher in any Public School, unless he shall hold a First, Second, or Third Class Certificate, or a Temporary Certificate of Qualification. 1891, c. 40, s. 52.

Qualification of teachers.

58. Temporary Certificates shall be granted according to the following regulations;—

When temporary certificates granted.

- (1.) The expression "persons properly qualified," in section 54 of this Act, shall mean persons holding a First, Second, or Third Class Certificate of Qualification: Provided, however, that the Trustees may, upon their satisfying the Superintendent of Education of their inability to secure a person properly qualified, suitable as a teacher for their school, appoint as a teacher temporarily, the holder of a temporary certificate:
- (2.) A temporary certificate shall be valid until the next public examination of teachers has been held, and no longer; and no person to whom a temporary certificate has been issued, who has neglected or failed to obtain at such next public examination a First, Second, or Third Class Certificate, shall be entitled to receive a second Temporary Certificate, except in the case of the holder of an expired First, Second, or Third Class Certificate, who may obtain a second Temporary Certificate upon satisfying the Superintendent of Education that he or she was prevented by illness or other satisfactory cause from attending at such public examination. 1891, c. 40, s. 53.

59. Any Trustee who during his Trusteeship is convicted of any criminal offence, or who becomes insane, or ceases to be an actual resident within the School District of which he is a Trustee, shall ipso facto forfeit and vacate his seat, and the remaining Trustee or Trustees shall declare his seat vacant, and forthwith call a special meeting for the election of his successor:

Trustee convicted of criminal offence, becoming insane, or ceasing to reside in district, forfeits seat.

Meeting for election of successor to be called.

(1.) This section shall apply to a Trustee elected, and to a conviction made, or other cause of forfeiture matured either before or after the passing of this Act. 1894, c. 46, s. 2.

Act retrospective.

60. It shall not be lawful for any powder magazine, or store-house or place where powder or other dangerous explosive substances are kept or stored, to be or to remain within a distance of five hundred

Explosives not to be stored within 500 yards of school-house.

yards from any school-house or place or building used for the purposes of a school, or where scholars do or may assemble for the purposes of this Act. 1894, c. 47, s. 7.

Constitutes "The Collegiate Institute Board."

61. The Board of Trustees of each School District wherein a High School or Collegiate Institute is situate shall, for the purposes of the control and of the management of the affairs of such High School or Collegiate Institute, be a body corporate and politic, under the name of "The Collegiate Institute Board." 1894, c. 46, s. 5.

Empowers any "Collegiate Institute Board" to affiliate with certain Canadian Universities.

62. It shall be lawful for any Collegiate Institute Board to enter into affiliation with any one or more of the following Canadian Universities, viz.:—The University of Toronto; the University of Queen's College, Kingston; the University of McGill College, Montreal; the University of New Brunswick, Fredericton, or Dalhousie University, Halifax; which may by its charter and regulations be authorised to admit such Board into affiliation, and for the purpose of carrying out any agreement for affiliation there is hereby conferred upon and granted to each Collegiate Institute Board all necessary powers and authorities. 1894, c. 46, s. 6.

Charters of Incorporation to City Boards as Bodies Collegiate.

63. Whereas it is in the interest of advanced education to enable the High Schools of the Province to become affiliated with one or other of the Canadian or foreign universities:

And whereas the charters and constitutions of certain of the said universities only allow to be admitted into affiliation schools managed by an incorporated Board of Governors:

Therefore be it enacted as follows:—

The Lieutenant-Governor may, by Letters Patent under the Great Seal of the Province, grant a charter or charters of incorporation to any of the Boards of School Trustees of the Cities of Victoria, Vancouver, New Westminster or Nanaimo who shall petition therefor, constituting the Board of Trustees mentioned in such Letters Patent, and their successors, duly elected, under the provisions of the Public School Law of the Province for the time being, a body corporate and politic under the name and style of "The Board of Governors of the College," and in and by said Letters Patent the Lieutenant-Governor shall specify the powers, rights and immunities to be held and enjoyed by said body; and from and after the issue of such Letters Patent the persons named therein, and their successors, shall be a body corporate and politic, and shall have such of the powers, rights, and immunities vested by law in such bodies as may be specified in the said Letters Patent, but except as is so specified the provisions of sub-section (37) of section 10 of the "Interpretation Act" shall not apply to any such body. 1896, c. 42, s. 9.

School Lands Conveyance.

64. The lands in the Schedule hereto formerly set apart as School Reserves, or acquired by the Crown for school purposes, and situate in the Cities of Victoria, Vancouver, New Westminster, and Nanaimo, respectively, are hereby granted and conveyed to and vested in each and several the corporations of the Cities of Victoria, Vancouver, New Westminster, and Nanaimo, in which the same are respectively situate, in trust for school purposes and as school sites. 1894, c. 46, s. 8.

Grants certain school reserves to certain corporations.

65. The said lands hereby granted and conveyed to and vested in the said several corporations shall be held by them upon trust as aforesaid, and shall not be conveyed, alienated or otherwise disposed of. 1894, c. 46, s. 9.

Said lands to be held on trust and not alienated.

66. The lands hereby conveyed shall revert to the Crown upon failure of the corporations of said cities, or of the school trustees thereof, to conform to, comply with and carry out the provisions of this Act, or other the Act or Acts for the time being in force in this behalf, or to maintain the schools in accordance with the provisions of the school law for the time being in force. 1894, c. 46, s. 10.

Reversion to Crown on failure of performance of certain provisions.

Teachers' Certificates.

67. The Board of Examiners shall have authority to grant certificates as follows :—

Teachers' certificates.

- (1.) Third Class, Grade B, valid for one year :
- (2.) Third Class, Grade A, valid for two years :
- (3.) Second Class, Grade B, valid for three years :
- (4.) Second Class, Grade A, valid for five years :
- (5.) First Class, Grade B, valid for life, or during good behaviour, if issued after July 1st, 1888 :
- (6.) First Class, Grade A, valid for life, or during good behaviour, if issued after July 1st, 1888. 1891, c. 40, s. 54.

68. Every certificate of qualification obtained at any examination shall be signed by the Superintendent of Education, and by at least one Examiner, and shall be countersigned by the Provincial Secretary. 1891, c. 40, s. 55.

By whom signed.

69. No certificate shall be given to any person as a teacher who does not furnish satisfactory proof of good moral character, and satisfy the Board of Examiners that he or she is a fit and proper person to be granted a certificate. 1891, c. 40, s. 56.

Moral character and fitness to teach.

70. Graduates in Arts, of recognized British or Canadian Universities, who have proceeded regularly to their degrees, shall be exempt from examination in other than professional subjects ; but may be

Exemptions from examination.

required by oral examination to further satisfy the Examiners as to their knowledge of the Art of Teaching, School Discipline and Management, and the School Law of the Province. 1891, c. 40, s. 57.

Certificate-holders
who have taught for
15 years.

71. All holders of certificates, who shall have taught in the Public Schools of the Province for a period of fifteen years, shall be entitled to have their certificates renewed annually, without examination, while they continue actively engaged in the service. 1891, c. 40, s. 59.

Public School Teachers and their Duties.

Duties of teacher.

72. 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 prescribed rules and regulations :
- (2.) To keep the daily, weekly and monthly registers of the school :
- (3.) To maintain proper order and discipline in his school, according to the authorised forms and regulations ; and to send to the parent or guardian of each pupil a monthly report of the progress, attendance and punctuality of such pupil :
- (4.) To keep a visitors' book (which the Trustees shall provide) and enter therein the visits made to his school, and, if deemed advisable, to present such book to such visitor, and request him to make therein any remarks suggested by his visit :
- (5.) At all times, when desired by them, to give to Inspectors and Trustees access to the registers and visitors' book appertaining to the school, and upon his leaving the school, to deliver up the same to the order of the Trustees :
- (6.) To have, at the end of each half-year, public examinations of his school, of which he shall give due notice to the Trustees of the school, and through his pupils to their parents and guardians :
- (7.) To furnish to the Superintendent of Education, monthly, or when desired, any information which it may be in his power to give respecting anything connected with the operation of his school, or in anywise affecting its interest or character :
- (8.) To verify, by affidavit before any Justice of the Peace, the correctness of such returns as the Superintendent of Education may, from time to time, require to be so verified .
- (9.) To give at least thirty days' notice to the Trustees of his or her intention of resigning :
- (10.) To strictly obey the Rules and Regulations made by the Council of Public Instruction. 1891, c. 40, s. 60.

Salaries of teachers.

73. Salaries of public school teachers in rural districts shall be paid from the Provincial Treasury, but no public school teacher in rural
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districts shall be entitled to draw more than one salary for any month or portion thereof. 1891, c. 40, s. 61, & 1893, c. 41, s. 12.

General Provisions.

74. All public schools established under the provisions of this Act shall be conducted on strictly secular and non-sectarian principles. The highest morality shall be inculcated, but no religious dogma nor creed shall be taught. The Lord's Prayer may be used in opening or closing school. 1891, c. 40, s. 62.

Schools to be non-sectarian.

75. No Trustee shall hold the office of teacher within the district of which he is a Trustee: Provided always, that no clergyman of any denomination shall be eligible for the position of Superintendent, Inspector, Teacher or Trustee. 1891, c. 40, s. 63.

Trustees and clergy ineligible for certain positions.

76. School buildings and school lands in rural districts shall be under the control of the Lands and Works Department; but no public school reserve shall be alienated without the consent of the Trustees of the school district in which such reserve is situate. 1891, c. 40, s. 64.

School property in rural districts.

77. It shall be lawful for the Lieutenant-Governor in Council to convey from time to time such school lands within a municipality, or portions thereof, as he thinks fit, to the Corporation of such municipality in trust for school purposes and the conducting of public schools in accordance with the law for the time being in force, and subject to such further trusts, conditions, and restrictions as may from time to time be determined by Order in Council. 1892, c. 40, s. 15.

Lieut.-Governor may convey school lands to municipality for school purposes.

78 There shall be set apart by the officer in charge of the Treasury for the time being, out of the general revenue of the Province, in each year, such sum as may be voted by the Legislative Assembly for public school purposes, and the said sum of money shall be called the "Public School Fund." 1891, c. 40, s. 65.

"Public School Funds."

Compulsory Clauses.

79. Every child, from the age of seven to twelve, inclusive, shall attend some school, or be otherwise educated for six months in every year; and any parent or guardian who does not provide that every such child under his care shall attend some school or be otherwise educated, shall be subjected to the penalties hereinafter provided by this Act. 1891, c. 40, s. 66.

Children of school age must attend school.

80. It shall be the duty of the Trustees of every Public School, or of the Superintendent of Education, or any person authorised by them or him, after being notified that the parents or guardians of any child continue to neglect or violate the provisions of the last preceding

Penalty in case of violation of preceding clause.

section of this Act, to make complaint of such neglect or violation to a Magistrate or Justice of the Peace; and it shall be competent for the Police Magistrate of any city or town, and for any Magistrate or Justice of the Peace in any town or school district where there is no Police Magistrate, to investigate and decide in a summary manner upon any such complaint made by the Trustees, or any person authorised by them, against any parent or guardian for violation of the last preceding section of this Act, and to impose a fine not exceeding five dollars for the first wilful offence, and double that penalty for each subsequent offence, which fine and penalty shall be enforced as provided in section 84 of this Act. 1891, c. 40, s. 67.

Exemptions from compulsory clause.

81. It shall be the duty of the Police Magistrate, or any Magistrate or Justice of the Peace where there is no Police Magistrate, to ascertain, as far as may be, the circumstances of any party complained of for not sending his child or children to some school, or otherwise educating him or them; and he shall accept any of the following as a reasonable excuse:—

- (1.) That the child is under instruction in some other satisfactory manner:
- (2.) That the child has been prevented from attending school by sickness, or any other unavoidable cause:
- (3.) That there is no public school open which the child can attend, within a distance not exceeding three miles, measured according to the nearest passable road from the residence of such child:
- (4.) That such child has reached a standard of education of the same or of a greater degree than that to be attained in such public school. 1891, c. 40, s. 68.

Penalties.

Penalty for false declaration of right to vote.

82 Any person wilfully making a false declaration of his right to vote shall, on a summary conviction thereof before any Justice of the Peace, be sentenced therefor to imprisonment for any period not exceeding three months, or to a fine not greater than one hundred dollars. 1891, c. 40, s. 69.

Penalty for disturbing school meetings or schools.

83. Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorised to be held by this Act, or any school established and conducted under its authority, or interrupts or disquiets any public 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 such school, shall for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for public school purposes, to the school district within which the offence

was committed, such sum, not exceeding twenty dollars, together with the costs of the conviction, as the said Justice may think fit. 1891, c. 40, s. 70.

84. All fines, penalties and forfeitures mentioned in this Act may be sued for, recovered, and enforced, with costs, by and before any Police Magistrate, Stipendiary Magistrate, or Justice of the Peace having jurisdiction within the school district in which such fine or penalty has been incurred; and if any such fine or penalty and costs be not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied, and collected, with costs of distress and sale of the goods and chattels of the offender, and shall by such Justice be paid over to the Treasurer of the school district; and in default of such distress, such Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same, be sooner paid. 1891, c. 40, s. 71.

Recovery of penalties.

SCHEDULE.

Schedule.

IN THE CITY OF VICTORIA.

- 1. School Reserve, bounded by School and Yates Streets, and Fernwood Road ; and in part by Fort Street, and private property abutting thereon, as shown on the Victoria City official map.
- 2. Lot 33, map 52A, Springfield Estate, section XXXI, Esquimalt District.
- 3. Lots 10 and 12, Block H, Harbour Estate.
- 4. Lots 135 and 136, map 132, Block 10, Hillside extension of the Work Estate.
- 5. Lots 25, 26 and 27, subdivisions of sections 50, 51, 52, 53, 66 and 67, Spring Ridge, map 205.
- 6. Lots 932 and 933 Victoria City.

IN THE CITY OF VANCOUVER.

	District Lots.	Block.	Lots.
1.....	196 and 181.....	74
2.....	541.....	37	1 to 15 inclusive, and 32 to 36
3.....	185.....	6	15, 16, 17 and 18.
4.....	526.....	350

IN THE CITY OF NEW WESTMINSTER.

1. Lots 8, 9, and 10, in the subdivision of Lot 6, in Block 11, suburban.

2. The Public School Reserve bounded by Queen's and Royal Avenues and Sixth and Seventh Streets.

3. Lots Nos. 1, 2, 3, 4, 25, 26, 27, 28, and part of A in Block IV., being portions of Lot No. 13 in Block I., and of Lots Nos. 6, 7, 8, 9, 13 and 14, Block II., Map No. 489. 1895, c. 48, s. 5.

IN THE CITY OF NANAIMO.

	Block.	Lot.
1.....	AA.....	3
2.....	XXII.....	18, 19, 20, 21 and 22.
	1894, c. 46, Sch.	

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