

# A BILL

## Entitled An Act Respecting Common Schools.

**WHEREAS**, it is expedient that provision be made for the establishment, support and management of common schools

Be it therefore enacted by the Governor, on her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows :

1. That, commencing on the first day of January, one thousand eight hundred and sixty-five, and on the same day of the same month in each subsequent year, there shall be set apart by the Treasurer for the time being out of the general revenue of the Colony the sum of ten thousand dollars (\$10,000) for common school purposes, and the said sum of money shall be called the Common School Fund.

2. From and after the first day of January, one thousand eight hundred and sixty-five, and from and after the same day of the same month in every subsequent year, every resident male adult over twenty-one years of age and under sixty years of age, who shall have been a resident in the Colony for a continuous period of six months, shall be liable to pay a school tax of four dollars per head per annum, provided, always, that no person in active service in her Majesty's Army or Navy, nor any indigent person, nor an Indian shall be liable to pay this said school tax.

3. It shall be lawful for the Governor, or the person for the time being administering the Government, to appoint annually one or more persons to be collectors of the aforesaid school tax, and the said collectors shall be removable at pleasure.

4. Every collector of school tax shall, as remuneration for his services, be entitled to eight per centum of the total amount of the school tax collected by him.

5. Any collector who shall not pay into the Colonial Treasury the total sum of money collected by him as school tax, less the said eight per centum for his services as collector, within thirty days after such tax shall have been collected, shall be deemed guilty of embezzlement, and shall be punishable accordingly.

6. Every collector shall give bonds for the faithful performance of his duties, signed by himself and two securities each in a penal sum of not less than one thousand dollars, and in case of default the said penalty may be collected by action brought in the Supreme Court of this Colony.

7. Public notice shall be given on the second day of January in every year hereafter in each school district by the collector of school taxes for such district, that the school tax for the current year is due and payable, and that every person liable pay the same to the collector at his office within thirty days.

8. Every person liable to pay the said school tax and who shall not have paid the said school tax within the thirty days mentioned within the last section, shall be notified forthwith by the collector of the school tax, serving upon such person or by leaving at the last known residence of such person a verbal, written or printed notice, as the circumstances may require, that the said school tax is due and payable for the current year ; and if the said school tax be not paid to the collector within fifteen days after the notice mentioned in this section shall have been served, the collector shall summon all such per-

sons as may be liable and have not paid the school tax to appear before the nearest Justice of the Peace at such time as the said Justice of the Peace shall appoint, to show cause why the said school tax shall not be paid by such person so summoned; and if it shall appear to the satisfaction of the said Justice of the Peace that the said school tax ought to be paid by such person so summoned, the said Justice of the Peace shall order the defendant to pay the school tax, with two dollars costs; and in default of payment forthwith of the said school tax and costs, the said Justice of the Peace shall order the collector to levy on the goods, chattels and effects of the said defendant, and sell enough of the same to satisfy the order of the said Justice of the Peace, and in default of goods, chattels and effects on which to levy, the collector shall order any person who may owe the defendant any debt or salary to pay enough of such debt or salary to him, the said collector, to satisfy the order of the said Justice of the Peace, and in default of said goods, chattels and effects, or in default of any debt or salary due to such defendant, the said collector shall make a return to that effect to the said Justice of the Peace, who shall make an entry thereof, and the said collector shall also make a return to the treasurer of the name, residence and occupation of the said defendant, with the amount which such defendant is liable to pay; and if at any time subsequently it shall appear to the collector that the said defendant has goods, chattels or effects, the said collector or any other may levy on the said goods, chattels and effects, and sell enough of the same to satisfy the said order of the said Justice of the Peace; or if at any time subsequently it shall appear to said collector, or any other, that there is any debt or salary owed by any person to such defendant, it shall be lawful for the said collector or any other to order such persons as may owe said defendant to pay over to said collector or any other enough of the said debt or salary to satisfy the said order of the said Justice of the Peace, provided always that the said Justice of the Peace may for reasonable cause shown grant to any such defendant an extension of time not exceeding three months within which to pay the said school tax, with costs, provided always that the costs mentioned hereinbefore shall be equally divided between the said Justice of the Peace and the collector who may have summoned the said defendant; and provided always, that in case it shall come to the knowledge of the said collector that any person liable to pay the said school tax has not paid his school tax, and has not been summoned to pay his school tax, the collector shall proceed forthwith to notify such persons to pay the said school tax, and in case it shall not be paid within fifteen days thereafter, the collector shall take proceedings against any such person in the same manner as if he had been notified forthwith after the expiration of the thirty days mentioned in the last section.

9. Every person liable to pay a school tax and who shall refuse to give up his name, residence and occupation to any collector of school tax shall be liable to a fine of five dollars, which may be collected in a summary manner before any Justice of the Peace.

10. Any person who shall be solicited by any collector to pay the school tax and shall refuse to pay the said tax by reason of not having resided within the Colony for a period of six months, or by reason of having left the Colony and taken up his permanent residence elsewhere, shall be requested to sign either of the following declarations, that is to say—

1. "I, A. B., solemnly declare that I have not resided in the Colony of Vancouver Island for a period of six months;" or,

2. "I, A. B., solemnly declare that I am not a permanent resident of Vancouver Island, and that my permanent residence is in [name of place]."

Any wilfully false declaration under this section shall be deemed a misdemeanor and punishable accordingly; and in case any person should refuse to sign either of the declarations hereinbefore mentioned in this section, such person shall be liable to be fined five dollars, and said five dollars may be collected in a summary manner

before any Justice of the Peace, half of said five dollars to be added to school fund and the remainder to be equally divided between the Justice of the Peace and the Collector; provided, always, that it shall not be necessary for any Collector to ask any person to sign either of the declarations in this section, if the Collector is satisfied that such person is not liable to pay said school tax.

11. Any person who shall be notified or solicited by a Collector to pay said school tax for the current year, or to pay arrears of school tax, and shall before being summoned to pay the same, having refused so to do, shall either show to the Collector his receipt for his school tax, or make the following declaration, that is to say —

“I, A. B., of [place], solemnly declare that I have paid my school tax to [name the Collector to whom paid if he recollects], in [name the place] on [date].”

Any wilfully false declaration under this section shall be deemed misdemeanor and punishable accordingly; provided, always, that the Collector shall not summon any such person unless he shall have reasonable ground to believe that the receipt shown is false, or that the said declaration last mentioned is untrue.

12. All school taxes collected by the Collectors shall be paid within thirty days after collection to the Colonial Treasurer, and all the school taxes received by the said Treasurer shall be added to the aforesaid common school fund and shall be apportioned to each school district as hereinafter provided.

13. It shall be the duty of the Superintendent of Education, and he is hereby empowered, in the month of January in every year hereafter to apportion to each school district from the ten thousand dollars mentioned in the first section of this Act, and the said apportionment shall be made to each school district in proportion to the average annual attendants of pupils over five and under sixteen years of age in the common schools in each school district; provided, always, that it shall be lawful for the said Superintendent of Education to make in the month of January, one thousand eight hundred and sixty-five, the first apportionment of the said ten thousand dollars to each school district, or nearly as possible in conformity with this section.

14. The said Superintendent of Education shall make a return to the treasurer in the month of January in every year hereafter, containing a list of the school districts in the colony, and a proportion of the Common School Fund, mentioned in the first section, apportioned to every such district respectively.

15. That portion of the Common School Fund apportioned as in section thirteen shall at any time after the treasurer has been served with a return containing a list of the apportionment, be liable to be drawn from the treasury by the school trustees for the school district for which such apportionment shall have been made; and the said school trustees may expend the school money so apportioned as they may think proper, but subject always to the rules and regulations established by the Council of Public Instruction hereinafter mentioned and to the provisions of this Act; provided always, that no such apportionment of the said Common School Fund for any school district shall be drawn out of the treasury except on an order signed by at least two-thirds of the school trustees of the school district to which such apportionment has been made, and countersigned by the said Superintendent of Education.

16. On the first day of July, 1865, and on the same day of the same month in every subsequent year, the said Superintendent of Education shall apply to the treasurer for a return of the amount of the school tax paid into the treasury; and the treasurer is hereby required to make and deliver on the same day such return to the Superintendent of Education.

17. On the second day of July, 1865, and on the same day of the same month in every subsequent year, the Superintendent of Education

shall apportion to each school district in accordance with the average annual attendance of pupils, over five and under sixteen years of age, at the schools in each school district, the school taxes received by the treasurer as hereinbefore mentioned, and the apportionment for any district may be expended by the school trustees for any such district subject to the provisions mentioned in section 15, respecting expenditure of school money by school trustees, and may be drawn from the treasury in accordance with the proviso respecting school trustees drawing money out of the treasury, mentioned in section 15, and subject to the provisions of section 18.

18. The Superintendent of Education shall, between the second and fifth days in July, 1865, and between the same days in the said month in every subsequent year, make and declare to the treasurer a return containing a list showing the apportionment of school taxes to each school district.

19. The Superintendent of Education shall, in the month of January, 1866, and in the same month in every subsequent year, notify the Governor of the deficiency, if any, in the amount of school money necessary to defray the expenses of common schools in each school district for the year ending the thirty-first of December last preceding.

20. In case the apportionment of the Common School Fund in January and July, 1865, and in the said months in every subsequent year, shall be deficient in the amount necessary to defray the expenses for the current year of the common schools in any school district, it shall be lawful for the Governor or the person for the time being administering the Government, after he has been notified by the Superintendent of Education of the amount of such deficiency in any school district, to order the treasurer to collect a rate, to be called a School Rate, from all the real estate in any such school district registered on the real estate assessment roll under the Real Estate Amendment Act, 1862, that shall be equal in amount to the said deficiency, and the said school rate shall be a charge on the said real estate and the owners thereof, subject to the clauses of the Real Estate Amendment Act, 1862, respecting charges or liens; and the said school rate on such real estate and the owners thereof shall be collected in the manner provided in the clauses of the Real Estate Amendment Act, 1864; provided always, that the said school rate shall be levied on the value of the real estate as mentioned in the Real Estate Amendment Roll for the year in which such deficiency shall have occurred; and provided always, that process shall be issued for the collection of the said school rate in case of default in payment within thirty days after notice has been given in any school district for which the Governor, or person for the time being administering the Government, has made such order.

22. All common schools shall be conducted upon strictly non-sectarian principles; provided, always, that it shall be lawful for the clergy of every denomination at stated intervals, to be fixed by the Council of Public Instruction hereafter mentioned, to visit such schools and impart, in a separate room, religious instruction to the children of their respective persuasions.

23. No common schools shall be entitled to receive any apportionment from the school fund unless the average annual attendance of pupils at such school shall be ten in number.

24. The Governor in Council shall have power to establish school districts and alter the same, as circumstances may require.

25. That the Governor in Council shall appoint annually—

1. A Superintendent of Education.
2. A Council of Public Instruction, consisting of five persons, one of which shall be the Superintendent of Education.
3. A Board of School Trustees, consisting of three persons for each school district.