1960

c 368 Separate Schools Act

Ontario
CHAPTER 368

The Separate Schools Act

PART I

Protestant and Coloured Separate Schools

1. Upon the application in writing of five or more heads of families resident in a township, city, town or village, being Protestants, the council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for Protestants. R.S.O. 1950, c. 356, s. 1.

2. Upon the application in writing of five or more heads of families resident in a township, city, town or village, being coloured people, the council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for coloured people. R.S.O. 1950, c. 356, s. 2.

3. In a township the council shall prescribe the location of the school or schools authorized to be established under sections 1 and 2. R.S.O. 1950, c. 356, s. 3.

4. No person shall be a supporter of any separate school for coloured people unless he resides within three miles in a direct line of the site of the schoolhouse. R.S.O. 1950, c. 356, s. 4.

5. There shall be three trustees for each separate school and the first meeting for their election shall be held and conducted in the manner provided by section 27. R.S.O. 1950, c. 356, s. 5.

6. On the 25th day of December next following the date of the application mentioned in sections 1 and 2, the separate school shall go into operation, and shall, with respect to the persons for whom it is established, be under the same regulations as the public schools. R.S.O. 1950, c. 356, s. 6.

7. None but coloured people shall vote at the election of trustees of a separate school established for coloured people, and none but the persons petitioning for the establishment of or sending children to a Protestant separate school shall vote at the election of trustees of such school. R.S.O. 1950, c. 356, s. 7.
8. In a city or town the persons who make the application may have a separate school in each ward, or in two or more wards united as they may judge expedient. R.S.O. 1950, c. 356, s. 8.

9. No Protestant separate school shall be established in any school section except when the teacher of the public school in the section is a Roman Catholic. R.S.O. 1950, c. 356, s. 9.

10. (1) In a city, town, village or township public school section in which a separate school exists, every Protestant or coloured person, as the case may be, paying rates, whether as owner or tenant, and being a supporter of the school, is exempt from the payment of all rates imposed for the support of public schools and public school libraries, or for the purchase of land or the erection of buildings for public school purposes, within the city, town, village or section in which he resides, for the then current year, and every subsequent year thereafter while he continues a supporter of the school.

(2) Such exemption does not extend beyond the period during which such person is a supporter of the school, or to school rates or taxes imposed or to be imposed to pay for schoolhouses the erection of which was undertaken or entered into before the establishment of the separate school. R.S.O. 1950, c. 356, s. 10.

11. Separate schools shall not share in money raised by local municipal assessment for public school purposes. R.S.O. 1950, c. 356, s. 11.

12. Every separate school shall share in the legislative public school grants in like manner as a public school. R.S.O. 1950, c. 356, s. 12.

13. (1) The trustees of every separate school shall, on or before the 30th day of June and the 31st day of December of each year, transmit to the public school inspector a correct return of the names of all Protestant or coloured persons, as the case may be, who have sent children to or who have subscribed for the support of the separate school during the last preceding six months, the names of the children sent and the amounts subscribed, together with a statement of the average attendance of pupils in the separate schools during such period.

(2) The inspector shall, upon the receipt of the return, forthwith make a return to the clerk of the municipality in which the separate school is established stating the names of all the persons who being Protestant or coloured persons, as the case may be, contribute, or send children to the separate school.
(3) Except for a rate for building schoolhouses undertaken before the establishment of the separate school the clerk shall not include in the collector's roll for the general or other school rate and the board of trustees shall not include in their school rolls any person whose name appears upon the last-mentioned return.

(4) The clerk or other officer of the municipality within which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall allow any trustee or the authorized collector of the board to make a copy of the roll so far as it relates to their school section. R.S.O. 1950, c. 356, s. 13.


15. The trustees of a separate school are a body corporate under the name of "The Trustees of the Protestant (or Coloured) Separate School of.................................in the Township (City, Town or Village, as the case may be) of.........................", and have such powers as to imposing, levying and collecting school rates or subscriptions upon and from persons sending children to or subscribing towards the support of the separate school as are provided by section 59. R.S.O. 1950, c. 356, s. 15.

PART II

ROMAN CATHOLIC SEPARATE SCHOOLS

16. This Part applies to separate schools for Roman Catholics now or hereafter established. R.S.O. 1950, c. 356, s. 16.

17. In this Part,

(a) "Department" means the Department of Education;
(b) "Minister" means the Minister of Education;
(c) "regulations" means the regulations made under The Department of Education Act;
(d) "rural school" means a separate school for Roman Catholics in a township or in territory without municipal organization;
(e) "secretary" or "treasurer" includes a secretary-treasurer;
(f) "separate school" means a separate school for Roman Catholics;

(g) "urban school" means a separate school for Roman Catholics in a city, town or village. R.S.O. 1950, c. 356, s. 17.

18. Not less than five heads of families, being householders or freeholders resident within any public school section of a township, or within a city, town or village, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school therein for the election of trustees. R.S.O. 1950, c. 356, s. 18.

19. A majority of the persons present, being householders or freeholders, and Roman Catholics, may at the meeting elect from the duly qualified persons the requisite number of trustees. R.S.O. 1950, c. 356, s. 19.

20.—(1) Notice in writing that the meeting has been held, and of the election, shall be delivered by one of the trustees so elected to the head of the municipality or to the chairman of the board of public school trustees in the township, village, town or city in which the school is about to be established, designating by their names, occupations and residences the persons elected as trustees.

(2) The officer receiving the notice shall endorse thereon the date of its receipt, and shall deliver a copy of the notice so endorsed and duly certified by him to the trustee, who shall forthwith transmit the copy and a copy of the minutes of the meeting and of the notice calling it to the Department.

(3) From and after the delivery of the notice to such officer the trustees therein named are a body corporate under the name, in the case of a city, town or village, of "The Board of Trustees of the Roman Catholic Separate Schools for the City (Town or Village, as the case may be) of........................." and in the case of rural boards of "The Board of Trustees of the Roman Catholic Separate School for School Section Number........................., in the Township of.........................". R.S.O. 1950, c. 356, s. 20.

(4) Where a separate school is established in a township school area or in a consolidated school section, the name of the board of the separate school shall include the number of the former school section in which the school is situated. 1960, c. 109, s. 1.

21.—(1) In unorganized townships and in any part of Ontario not surveyed into townships any number of heads of families, not less than ten, who are Roman Catholics, may, at
a public meeting called for that purpose, elect three of their number as school trustees, and the trustees so elected have all the powers of public school boards in unorganized townships, and are in all other respects subject to the provisions of this Act. R.S.O. 1950, c. 356, s. 21 (1).

(2) The trustees are a body corporate under the name of, Corporate
name of board

(a) where they have jurisdiction in only one unorganized township, "The Board of Trustees of the Roman Catholic Separate School of the Township of .................................................. in the territorial district of ..................................................(inserting the name of the township, the number of the separate school and the district)";

(b) where they have jurisdiction in more than one unorganized township, "The Board of Trustees of the Roman Catholic Separate School of the Townships of .................................................. in the territorial district of ..................................................(inserting the names of the townships, the number of the separate school and the name of the district)"; and

(c) where they have jurisdiction in unsurveyed territory, "The Board of Trustees of the Roman Catholic Separate School of ..................................................(inserting a name selected by the inspector)". 1955, c. 78, s. 1.

(3) On receipt of notice by the Department signed by the trustees so elected that a school has been established and suitable accommodation provided for school purposes, the Minister may pay to the board out of the appropriation made by the Legislature for public and separate schools such sum for the maintenance of the school as may be approved by the Lieutenant Governor in Council.

(4) The board may appoint a fit and proper person, who may be one of the trustees, to collect the rates imposed upon the supporters of the school or the sums that the inhabitants or others have subscribed or a rate-bill imposed upon any person, and may pay to the collector at the rate of not less than 5 and not more than 10 per cent on the money collected by him, and every collector shall give such security as may be required by the board.

(5) Every collector has the same powers in collecting the school rate, rate-bill or subscription and is under the same liabilities and obligations and shall proceed in the same manner as a township collector in collecting rates in a township. R.S.O. 1950, c. 356, s. 21 (2-4).
22.—(1) In this section,

(a) "gross cost per pupil per day" shall be determined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year;

(b) "net cost per pupil per day" shall be determined by subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year. 1960, c. 109, s. 2, part.

(2) Every person who has attained the age of five years on or before the 31st day of December in any year and whose parent or guardian is a supporter of a separate school has the right to attend, after the 1st day of September in the following year, the separate school of which his parent or guardian is a supporter at the expense of the separate school board except a person who, by reason of mental or physical defect, is unable to profit by instruction in the separate school or a person who has attained the age of twenty-one years. 1957, c. 112, s. 1.

(3) Where a question arises as to whether or not a person can profit by instruction in a separate school, the matter shall be referred to a committee appointed by the Minister for that purpose, and the decision of the committee is final.

(4) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend the separate school, including proof of age.

(5) Where a board operates a kindergarten in a separate school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 2.

(6) Where the board operates a junior kindergarten in a separate school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 2.

(7) The board may charge a fee, not in excess of the net cost per pupil per day in the preceding year, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 2.
(8) A child who is a ward of a children's aid society shall be admitted to a separate school by the separate school board that was supported by his parent or guardian with whom he resided in the year in which he became a ward and no fee shall be charged by the board.

(9) Where a child who is a Roman Catholic and who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides with a supporter of a separate school and the separate school inspector certifies that there is sufficient accommodation in the separate school for the current school year, the separate school board shall admit the child to a separate school upon the prepayment monthly by the corporation, society or person of a fee not in excess of the net cost per pupil per day in the preceding year.

(10) Subject to subsection 2, a child whose mother,
   (a) resides in Ontario;
   (b) is the sole support of the child;
   (c) is not assessed as a supporter of a public or separate school in any school section; and
   (d) boards her child, who is a Roman Catholic, with a supporter of a separate school in a residence other than a children's boarding home as defined in The Children's Boarding Homes Act,

shall be admitted to the separate school without the payment of a fee.

(11) Subject to subsection 2, where a child whose parent or guardian is a separate school supporter moves with his parent or guardian into a residence that is assessed for public school purposes, and the date upon which the assessment for the current year may be changed to the support of separate schools has passed, upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a separate school by the board of the separate school that is closest to and within three miles of the residence without the payment of a fee.

(12) A separate school board may by agreement with another separate school board furnish education for the pupils of the other board and for that purpose may charge a fee not in excess of the gross cost per pupil per day for the preceding year. 1960, c. 109, s. 2, part.

RURAL SEPARATE SCHOOLS

23. For every rural school there shall be three trustees, each of whom, after the first election, shall hold office for three years and until his successor has been elected. R.S.O. 1950, c. 356, s. 22.
24.—(1) The trustees elected at the first meeting shall hold office,

(a) the person first elected, for two years from the annual school meeting next after his election and until his successor has been elected;

(b) the person secondly elected, for one year from such annual school meeting and until his successor has been elected;

(c) the person last elected, until the next ensuing annual school meeting and until his successor has been elected.

(2) A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

(3) A trustee may resign with the consent in writing of the other trustees.

(4) A retiring trustee may be re-elected with his own consent, otherwise he is exempt from serving for four years next after leaving office. R.S.O. 1950, c. 356, s. 23.

25. Any person being a British subject not less than twenty-one years of age may be elected as a trustee whether he is or is not a householder or freeholder. R.S.O. 1950, c. 356, s. 24.

26. Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, is entitled to vote at any election for school trustee or on any school question at any annual or special meeting of the supporters of the school. R.S.O. 1950, c. 356, s. 25.

27.—(1) A meeting of the supporters of a rural school for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December or, if that day is a holiday, on the next day following, commencing at the hour of 10 o’clock in the forenoon or, if the board by resolution so directs, at the hour of 1 o’clock or 8 o’clock in the afternoon, at such place as the board by resolution determines or, in the absence of such resolution, at the separate school.

(2) Where the annual meeting of supporters of the school cannot conveniently be held as provided for in subsection 1, the supporters, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting and, upon receiving the Minister’s approval, the annual meeting shall be held on
that day in each year thereafter unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved. 1954, c. 89, s. 1.

(3) The supporters of the school present at the meeting shall elect one of themselves 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 are required of him by this Part.

(4) The business of the meeting may be conducted in the following order:

(a) receiving and dealing with the annual report of the trustees;
(b) receiving and dealing with the annual report of the auditors;
(c) electing one or more auditors for the current year;
(d) electing a trustee or trustees to fill any vacancy or vacancies; and
(e) miscellaneous business.

(5) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman is not entitled to vote except in the case of an equality of votes, when he shall give the casting vote, and he shall decide all questions of order subject to an appeal to the meeting.

(6) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee the chairman shall forthwith grant the poll.

(7) Where a poll is granted the secretary shall enter in a poll book the name and residence of each qualified supporter of the school offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper.

(8) Ballot papers shall be pieces of plain white paper of uniform size.

(9) A voter shall mark his ballot,

(a) in the election of a trustee, by marking the name of the trustee thereon; and
(b) on a question, by marking the word "for" or "against" thereon.
(10) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose.

(11) Every candidate may appoint a person to act as his scrutineer during the election. R.S.O. 1950, c. 356, s. 26 (2-10).

(12) Where an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person whose right to vote is objected to to make the following declaration whereupon the person making the declaration is entitled to vote:

I, ........................................ declare,

(a) That I am an assessed householder or freeholder in School Section No. .........;

(b) That I am of the full age of twenty-one years;

(c) That I am a supporter of the Roman Catholic Separate School in School Section No. .............;

(d) That as such supporter I have the right to vote at this meeting.

R.S.O. 1950, c. 356, s. 26 (11); 1956, c. 83, s. 1 (1).

(13) The poll shall not close before noon, but shall close at anytime thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than 4 o'clock in the afternoon. R.S.O. 1950, c. 356, s. 26 (12).

(14) When the meeting is held at 8 o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at 10 o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded. R.S.O. 1950, c. 356, s. 26 (13); 1956, c. 83, s. 1 (2).

(15) When the poll is closed, the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and if there is a tie the chairman shall give a second or casting vote.

(16) In the case of an election of trustees the chairman shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a
School question he shall declare the same adopted or negatived as the majority of votes is in favour of or against the same.

(17) A statement of the result of the vote shall be certified by the chairman and secretary and in the case of an election of trustees the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered to each candidate. R.S.O. 1950, c. 356, s. 26 (17-16).

(18) A correct copy of the minutes of every meeting, signed by the chairman and secretary of the meeting, shall be transmitted forthwith by the secretary to the inspector of the separate school. 1958, c. 99, s. 1.

(19) If from want of proper notice or other cause any meeting for the election of trustees is not held at the proper time any two supporters of the school may call a meeting by giving six days notice posted up in at least three of the most public places in the locality in which the school is situate, and the meeting thus called has all the powers and shall perform all the duties of the meeting in the place of which it is called. R.S.O. 1950, c. 356, s. 26 (18).

28. A majority of the trustees is a quorum, and the board shall be organized by the election of a chairman and of a secretary and a treasurer or of a secretary-treasurer. R.S.O. 1950, c. 356, s. 27.

29. No act or proceeding is valid that is not adopted at a regular or special meeting of the board of which notice has been given as required by this Act and at which at least two trustees are present. R.S.O. 1950, c. 356, s. 28.

30. It is the duty of the secretary,

(a) to call, at the request in writing of two trustees, a special meeting of the board; and

(b) to give notice of all meetings to each of the trustees by notifying him personally or in writing, or by sending a written notice to his residence. R.S.O. 1950, c. 356, s. 29; 1954, c. 89, s. 2.

31. Where a board neglects or the ratepayers at an annual or special meeting neglect to appoint an auditor, or an auditor appointed refuses or is unable to act, the Minister, upon the request in writing of any five supporters of the school, may make the appointment. R.S.O. 1950, c. 356, s. 32.

32.—(1) The majority of the supporters of the separate schools under the jurisdiction of each of two or more separate school boards at public meetings duly called by each separate school board
school board may form a union separate school of which union the trustees shall give notice within fifteen days to the Minister and where the schools are located in one or more municipalities to the clerk or clerks of the municipality or municipalities and every union separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes, and shall every year thereafter be represented by five trustees to be elected by the supporters of the union separate school as provided by section 27. 1960, c. 109, s. 3 (1).

(2) The trustees are a body corporate under the name of "The Board of Trustees of the Roman Catholic Union Separate School for the United Sections numbers ............. in the .................". R.S.O. 1950, c. 356, s. 33 (2).

(3) Of the five trustees elected at the first election, the three trustees receiving the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year.

(4) In case, at the first election of trustees, two or more trustees receive an equal number of votes or all the trustees are declared elected by acclamation, the question as to which trustees shall hold office for two years shall be determined by lot to be cast by the secretary appointed under subsection 3 of section 27 in the presence of a majority of the elected trustees and the result shall be entered in the minutes of the meeting.

(5) After the first election, an election shall be held in each year to fill the office of any trustee whose term of office expires in that year and the trustee elected shall hold office for two years and until his successor has been elected. 1960, c. 109, s. 3 (2).

33.—(1) The board has power to select a site for a new schoolhouse or to agree upon a change of site for an existing schoolhouse, and shall forthwith call a special meeting of the supporters of the school to consider the site selected, and no site shall be adopted or change of school site made except in the manner hereinafter provided without the consent of the majority of such special meeting.

(2) If a majority of the supporters present at the special meeting differ as to the suitability of the site selected, each party shall then and there appoint an arbitrator, and the inspector of separate schools for the district in which the school is situate, or, in case of his inability to act, a person appointed by him to act on his behalf, shall be the third arbitrator, and the three arbitrators, or a majority of them present at any lawful meeting, have authority to make and publish an award upon the matter submitted to them.
(3) With the consent or at the request of the parties to the reference the arbitrators, or a majority of them, have authority, within one month from the date of their award, to reconsider the award and within two months thereafter to make and publish a second award, which award, or the previous one if not reconsidered by the arbitrators, is binding upon all parties concerned for at least five years from the date thereof. R.S.O. 1950, c. 356, s. 34.

34.—(1) Where a separate school has been established in a public school section that includes an urban municipality or a portion of an urban municipality, and a township or a portion of a township, and a majority of the ratepayers assessed as separate school supporters in the township or portion of a township petition the board of the separate school to notify the inspector of separate schools that the separate school supporters in the township or portion of a township are desirous of establishing a separate school therein, the inspector may signify in writing to the board his approval of the establishment of the separate school, and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and the school may be established and trustees may be elected in the manner provided by this Part.

(2) The inspector and two other persons, one of whom shall be chosen by the separate school board of the urban municipality and the other by the board of the separate school so established in the township or portion of a township, shall constitute a board of arbitrators who, or a majority of whom, shall determine what proportion of the assets and liabilities of the original separate school board shall belong to, be paid to or be borne by the separate school board of the urban municipality and the board of the rural separate school respectively, and shall adjust all matters consequent upon the separation, and the award of the arbitrators is final and binding.

(3) Nothing in this section relieves any property from liability for rates levied or to be levied for payment of school debentures issued prior to the establishment of the township separate school. R.S.O. 1950, c. 356, s. 35.

URBAN BOARDS

35.—(1) For every ward into which a city or town is divided there shall be two trustees, each of whom, after the first election, shall continue in office for two years.

(2) One of the trustees in each ward chosen at the first election, to be determined by lot at the first meeting of the board 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.

(3) In towns divided into wards the board by resolution may limit the number of trustees to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect, and such limitation shall not come into operation until the close of the current school year.

(4) When such resolution has been adopted, the election shall thereafter be by vote of the separate school ratepayers of the whole municipality.

(5) The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual election, and thereafter three trustees shall be elected annually by the separate school ratepayers of the whole municipality to fill the place of the same number retiring by rotation. R.S.O. 1950, c. 356, s. 36.

36.—(1) In every village there shall be six trustees, each of whom, after the first election, shall continue in office for two years.

(2) Three of the trustees chosen at the first election to be determined by lot at the first meeting of the board 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 three shall continue in office one year longer. R.S.O. 1950, c. 356, s. 37.

37. A trustee shall continue in office until his successor has been elected. R.S.O. 1950, c. 356, s. 38.

38.—(1) A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee shall take place at noon on the last Wednesday in the month of December annually or, if the board by resolution so directs, at the hour of 8 o'clock in the afternoon, or if that day is a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the board, and in municipalities divided into wards in each ward if the board thinks fit, and the board shall give at least six days notice of the meeting. R.S.O. 1950, c. 356, s. 39 (1); 1960, c. 109, s. 4.

(2) The board shall by resolution name the returning officers to preside at the meetings for the nomination of candidates, and in case of the absence of any such officer, a chairman chosen by the meeting shall preside.
(3) If at the meeting only the number of candidates necessary to fill the vacant offices is proposed and seconded, the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the secretary of the board; but if two or more candidates are proposed and seconded for any one office, and a poll in respect of the office is demanded by any candidate or school supporter, the returning officer or chairman shall adjourn the proceedings for filling the office until the first Wednesday of the month of January then next, when polls shall be opened at such places and in each ward, where wards exist, as is determined by resolution of the board.

(4) The polls shall be opened at 10 o'clock in the forenoon and shall continue open until 5 o'clock in the afternoon and no longer, and a poll may close at any time after 11 o'clock in the forenoon when a full hour has elapsed without any vote having been polled.

(5) The board shall, before the second Wednesday in December in each year, by resolution, fix the places for the nomination meetings and for holding the election in case of a poll, and name the returning officers who shall preside at the respective polling places, and forthwith give public notice thereof.

(6) The returning officer or chairman shall, on the day after the close of the election, return the poll book to the secretary of the board with his solemn declaration thereto annexed that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

(7) The secretary shall add up the number of votes for each candidate for any office as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes.

(8) If two or more candidates have an equal number of votes, at the first meeting of the board held after the election the member present who is assessed highest as a supporter of the school on the last revised assessment roll shall give a vote for one or more of such candidates so as to decide the election.

(9) The voting for the election of trustees and for all other urban school purposes shall be by open vote, except as otherwise provided by section 39.

(10) In a city or town divided into wards, the clerk of the municipality shall furnish to the board, within three days after request in writing, the voters' list for each ward, annexing thereto a list of the names of all supporters of separate schools for Roman Catholics.
Furnishing voters' list in towns not divided into wards, and in villages

(11) In towns not divided into wards and in villages the clerk of the municipality shall furnish to the board within three days after request in writing the voters' list for each polling subdivision in such town or village as provided by subsection 10.

For each polling place

(12) The board shall provide every polling place with such lists and with a poll book.

Entries in poll book

(13) At every election at which a poll is demanded, the returning officer or chairman or the poll clerk shall enter in the poll book at the head of separate columns the names of the candidates proposed and seconded at the nomination, and shall opposite to such columns write the names and residences of the school supporters offering to vote at the election, and shall in each column in which is entered the name of the candidate voted for set the figure "1" opposite the voter's name, and where a poll is demanded upon any school question the name of each voter shall be similarly placed opposite separate columns headed "for" or "against".

Declaration by voters

(14) If an objection is taken to the right of any person to vote, the returning officer or chairman shall require the person whose right to vote is objected to to take the declaration mentioned in subsection 12 of section 27.

Where non-resident is to vote

(15) Where a school supporter resides without the municipality in which the school is situate, he is entitled to vote in that ward or division of the municipality in which the schoolhouse is situate that is nearest to his place of residence.

Furnishing voters' list of separate school supporters to board

(16) In cities and towns, the clerk of the municipality, instead of furnishing to the board the lists as provided in subsection 10 or 11 shall, within three days after request in writing, furnish to the board the voters' list for each ward or polling subdivision, as the case may be, with the letter "S" marked or written therein opposite the name of every supporter of separate schools for Roman Catholics and after the name of every Roman Catholic wife or husband of such supporter. R.S.O. 1950, c. 356, s. 39 (2-16).

Adoption of ballot and manner of voting

39.—(1) An urban separate school board may, by resolution passed between the 1st day of May and the 1st day of October in any year,

(a) provide for the election of trustees to be by ballot; and

(b) require the vote to be conducted in the same manner as municipal elections in the municipality in which the separate school is situated.
(2) The board may in like manner discontinue the use of the ballot or the voting conducted in the manner of the municipal elections.

(3) Where the board requires the voting to be by ballot or the vote to be conducted in the same manner as the municipal elections and elections are so held, no change shall be made in the mode of voting for a period of three years.

(4) Where a resolution is passed under subsection 1 requiring the vote to be conducted in the same manner as municipal elections,

(a) the election of trustees in that year and in subsequent years shall be held at the same place and time and conducted by the same officers and in the same manner as the municipal elections in the municipality in which the separate school is situated;

(b) the meeting of the supporters of the urban separate school for the nomination of candidates shall be held on the same day as the meeting for the nomination of candidates for council;

(c) the board shall advertise in each of its schools the place and time of the nomination meeting and the secretary of the board shall report the names of the nominees to the clerk of the municipality; and

(d) the provisions of The Municipal Act with respect to elections except those with respect to the nomination of candidates apply *mutatis mutandis* except that the oath to be taken by a voter shall be in the form prescribed in clause a of section 40. 1960, c. 109, s. 5.

40. Where the voting is to be by ballot, the provisions of The Municipal Act for and relating to holding the municipal elections, including those as to recount, secrecy of proceedings, offences and penalties, apply *mutatis mutandis*, except that,

(a) the oath to be taken by a voter shall be:

You swear that you are the person named (or intended to be named) in the list of voters now shown to you *showing the list to the voter*;

That you are a ratepayer;

That you are of the full age of twenty-one years;

That you are a Roman Catholic separate school supporter;

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;
That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God;

(b) when the result of the polling is indecisive by reason of two or more candidates having an equal number of votes, all of them shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll shall, before the organization of the board, give a vote for one or more of such candidates so as to decide the election;

(c) the duties to be performed by the clerk shall be performed by the secretary; and

(d) the word "secretary" shall be substituted for the words "clerk" or "clerk of the municipality" wherever they occur. R.S.O. 1950, c. 356, s. 41.

41. In cities and towns every person whose name is on the voters' list as entitled to vote at municipal elections and who is a supporter of separate schools for Roman Catholics, or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, is entitled to vote at the election of trustees of the separate schools. R.S.O. 1950, c. 356, s. 42.

ELECTION IRREGULARITIES

42. No election is invalid by reason of non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of forms, or of any irregularity, if it appears that the election was conducted in accordance with the principles laid down in this Act, and that the non-compliance or mistake or irregularity did not affect the result of the election. R.S.O. 1950, c. 356, s. 43.

CONTROVERTED ELECTIONS

43.—(1) A judge of the county or district court, if a complaint respecting the validity or mode of conducting the election of any trustee in any municipality within his county or district is made to him within twenty days after the election, shall receive and investigate the complaint, and shall thereupon within a reasonable time, in a summary manner, hear and determine the same.
(2) The judge may by order cause the assessment rolls, collectors’ rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or by oral testimony, and may cause such persons to appear before him as he may deem expedient, and may confirm the election or set it aside, or declare that some other candidate was duly elected.

(3) The judge may order a person found by him not to have been duly elected to be removed, and if the judge determines that any other person was duly elected, he may order him to be admitted, and if he determines that no other person was duly elected instead of the person removed, he shall order a new election to be held and shall report his decision to the secretary of the board.

(4) The provisions of The Municipal Act as to bribery and undue influence apply, and, where the election is complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only. R.S.O. 1950, c. 356, s. 44.

BOARD MEETINGS

44.—(1) Special meetings of the board may be called by the chairman, and shall be called on the request in writing of two members of the board specifying the objects for which the meeting is to be held, which shall also be stated in the notice calling the meeting. R.S.O. 1950, c. 356, s. 45 (4).

(2) For the purposes of subsection 8 of section 38, a quorum majority of the trustees remaining in office constitutes a quorum. R.S.O. 1950, c. 356, s. 45 (6); 1954, c. 89, s. 4 (2).

DUTIES AND POWERS OF TRUSTEES

45.—(1) It is the duty of every board and it has power, to appoint a secretary and a treasurer or a secretary-treasurer and one or more collectors, if requisite, of the school fees or rate-bills, and the collector or collectors, and secretary and treasurer, or secretary-treasurer may be members of the board, and shall discharge duties, are subject to obligations and penalties, and have powers similar to those of like officers of the corporation of a municipality;

(b) to appoint annually on or before the 1st day of December an auditor or auditors;

(c) to lay all the accounts of the board before the auditors, together with the agreements, vouchers, con-
tracts and books in its possession, and to afford the auditors all the information in its power as to the receipt and expenditure of school money; R.S.O. 1950, c. 356, s. 46, cls. (a-c).

(d) to provide adequate accommodation and legally qualified teachers for all children who have the right to attend a school operated by the board; 1958, c. 99, s. 2 (1).

(e) to acquire or rent school sites and premises and build school buildings; 1954, c. 89, s. 5 (1).

(f) where the board does not appoint a collector, to apply to the municipal council, on or before the 1st day of February in each year, for the levying and collection of all sums for the support of their schools, and for any other school purposes authorized by this Act to be collected from the supporters of the separate schools under the control of the board, laying before the council an estimate of such sums, and such moneys shall be paid to the board on the warrant of the proper inspector;

(g) to give notice in writing to the Department, before the 15th day of January in each year, of the names and post office addresses of the trustees then in office and of the teachers employed by the board, and give reasonable notice in writing from time to time of any changes therein;

(h) to exempt, in its discretion, from the payment of school rates wholly or in part, any indigent person, and to give notice of the exemption, when the school rate is collected by the municipal council, to the clerk of the municipality on or before the 1st day of February;

(i) to take possession and have the custody and safe keeping of all school property, acquired or given for school purposes, and to acquire and hold as a corporation, by any title whatsoever, land, movable property, money or income given to or acquired by the board at any time for school purposes and hold or apply the same according to the terms on which it was acquired or received; and to dispose by sale or otherwise of any school site or school property not required in consequence of a change of school site or other cause, and to convey the same and apply the proceeds thereof to school purposes or as provided by this Act;
(j) to exercise all such other powers and perform all such other duties of public school boards as are applicable to the case of separate schools, except as to matters to which other provision is made by this Act; R.S.O. 1950, c. 356, s. 46, cls. (f, g, i, k, m).

(2) It is the duty of every urban board and it has power to appoint from its members annually, or oftener if deemed expedient, and under such regulations as may be deemed proper, a committee of not more than three for the special charge, oversight and management of each school within the city, town or village, and to see that all the schools under its charge are conducted according to the regulations. R.S.O. 1950, c. 356, s. 46, cl. (q).

(3) It is the duty of every rural board and it has power,

(a) to appoint the place of each annual school meeting of the supporters of the school, and the time and place of any special meeting for,
   (i) filling any vacancy in the board,
   (ii) the selection of a new school site,
   (iii) the appointment of a school auditor, or
   (iv) any other school purpose,

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 neighbourhood in which the school is situate at least six days before the time of holding the meeting; R.S.O. 1950, c. 356, s. 46, cl. (t).

(b) to arrange for the payment of teachers' salaries monthly and, if necessary, to borrow on its promissory note, under the seal of the corporation, at interest not exceeding 8 per cent per annum, the money required for that purpose until the taxes are collected; R.S.O. 1950, c. 356, s. 46, cl. (u); 1958, c. 99, s. 2 (2).

(c) to cause to be prepared and read at the annual school meeting a report for the year then ending, containing among other things a summary of the proceedings of the board during the year, together with a full and detailed account of the receipts and expenditures of all school money during such year, and signed by the chairman and by one or both of the school auditors;

(d) to ascertain and report to the Minister, at least once in each year, the names and ages of all children of school age who would otherwise be required to attend a school under its charge, who are deaf and dumb or blind;
(e) if deemed expedient, to provide for surgical treatment of children attending the school suffering from minor physical defects where, in the opinion of the teacher and (where a school nurse and medical inspector is employed) of the nurse and medical inspector, the defect interferes with the proper education of the child, and to include in their estimates for the current year the funds necessary for cases where the parents are not able to pay. R.S.O. 1950, c. 356, s. 46, cls. (u-x).

VACANCY IN OFFICE OF TRUSTEE

46.—(1) If a vacancy in the office of trustee for a rural school occurs from any cause the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor held office.

(2) The new election shall be conducted in the same manner and is subject to the same provisions as an annual election. R.S.O. 1950, c. 356, s. 47.

ASSESSMENTS, BORROWING POWERS AND GRANTS

47.—(1) Every person paying rates, whether as owner or tenant, who by himself or his agent, on or before the 15th day of July in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and a supporter of a separate school situate in the municipality or in a municipality contiguous thereto is exempt from the payment of all rates imposed for the support of public schools and of public school libraries, or for the purchase of land or the erection of buildings for public school purposes within the city, town, village or section in which he resides, for the following year, and every subsequent year thereafter while he continues a supporter of a separate school.

(2) The notice is not required to be renewed annually.

(3) Where an owner or tenant is not, on or before the 15th day of July in any year, a resident of the municipality or rated upon the assessment roll thereof, but subsequently becomes so resident or liable to be so rated before the time for appealing from the assessment to the court of revision, he is entitled to give the notice provided for by this section at any time before the expiration of the time for appealing, and a notice so given has the same effect as if given on or before the 15th day of July of the year in which it is given.
(4) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof.

(5) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates, and in addition is guilty of an offence and liable to a fine of $40.

(6) Nothing in this section exempts any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a schoolhouse or schoolhouses, imposed before the establishment of the separate school. R.S.O. 1950, c. 356, s. 56.

48. Subject to the other provisions of this Part, no person shall be deemed a supporter of a separate school unless he resides within three miles in a direct line of the site of the schoolhouse. R.S.O. 1950, c. 356, s. 57.

49.—(1) A supporter of a separate school whose residence is within three miles of two or more separate schools is ipso facto a supporter of the school nearest by road to his place of residence.

(2) A supporter of a separate school having a debenture debt is not bound to become a supporter of another school while any part of such debt remains unpaid. R.S.O. 1950, c. 356, s. 58.

50. When a supporter of an urban school resides without the municipality in which the school is situate he is entitled to vote in the ward or polling subdivision in which the schoolhouse nearest to his place of residence is situate if within the distance of three miles in a direct line. R.S.O. 1950, c. 356, s. 59.

51.—(1) Where a person is entitled to be and is a supporter of a separate school situate in a municipality other than that in which he resides he is exempt from the payment of separate school taxes or rates in the municipality in which he resides, but is liable to pay and shall pay the school taxes or rates to the board of the school of which he is a supporter, and the same shall be based upon his assessment in the municipality in which he resides.

(2) The board of the school of which he is a supporter shall on or before the 1st day of August in each year notify the clerk of the municipality in which such supporter resides that he is a supporter of such school, and of the amount of the
school taxes or rates payable by him, and the same shall be entered upon the collector's roll of the municipality for that year and collected in like manner as other taxes, and when collected shall be paid over to the board. R.S.O. 1950, c. 356, s. 60.

Right of non-residents to be assessed for separate school

52. Any person who, if resident in a municipality, would be entitled to be a supporter of a separate school therein or in an adjoining municipality may, on giving the notice provided for by The Assessment Act that he is the owner of unoccupied land situate in either municipality, require that all such land as is situate either in the municipality wherein the separate school is situate or within the distance of three miles in a direct line of the site of the separate school shall be assessed for the purposes of the separate school, and the assessor shall thereupon enter such person in the assessment roll as a separate school supporter only. R.S.O. 1950, c. 356, s. 61.

Notice of withdrawal of support

53. — (1) A Roman Catholic who desires to withdraw his support from a separate school shall give notice thereof in writing to the clerk of the municipality on or before the fourth Wednesday in May in any year, otherwise he shall be deemed to be a supporter of the school.

Exception

(2) A person who has withdrawn his support from a Roman Catholic separate school is not exempt from paying rates for the support of separate schools or separate school libraries, or for the erection of a separate schoolhouse, imposed before the time of his withdrawing such support. R.S.O. 1950, c. 356, s. 62.

Clerk to keep index book

54. — (1) The clerk of every municipality shall keep entered in an index book (Form 1) and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by sections 47, 52, 57 and 58, or by former Acts respecting separate schools.

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(2) The clerk shall enter opposite the name, in a column for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 53, or by any such other Act, with the date of the withdrawal, or any disallowance of the notice by the court of revision, by a judge of the county or district court, by the Ontario Municipal Board or by the Court of Appeal, with the date of the disallowance.
(3) The index book shall be open to inspection by any ratepayer.

(4) The clerk shall file and carefully preserve all such notices heretofore or hereafter received.

(5) The assessor shall be guided by the entries in the index book in ascertaining who have given the prescribed notices.

R.S.O. 1950, c. 356, s. 63.

55.—(1) If it appears to the council of any municipality after the final revision of the assessment roll that through mistake or inadvertance a ratepayer has been entered on the roll either as a supporter of separate schools or as a supporter of public schools the council after due inquiry and notice may correct the error by directing the school taxes of the ratepayer to be paid to the proper school board; but it shall not be competent for the council to reverse the decision of the court of revision, a judge, the Ontario Municipal Board or the Court of Appeal on appeal.

(2) In case of such action by a council the ratepayer is liable for the same amount of school taxes as if he had in the first instance been properly entered on the roll. R.S.O. 1950, c. 356, s. 64.

56.—(1) The clerk of every municipality, in making out the collector's roll, shall place columns therein so that under the heading of “School Rate” the public school rate may be distinguished from the separate school rate, and that under “Special Rate for School Debts” public school purposes may be distinguished from separate school purposes.

(2) The proceeds of any such rate shall be kept distinguished by the collector and accounted for accordingly. R.S.O. 1950, c. 356, s. 65.

57.—(1) Where land is assessed against both owner and occupant, or the owner and tenant, the occupant or tenant shall be deemed to be the person primarily liable for the payment of school rates and for determining whether those rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves alters or affects this provision.

(2) Where, as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate, he may direct the same to be applied to either public or separate school purposes, and if the public school rate
and the separate school rate are not the same he is only liable to pay the amount of the rate of the schools to which he directs his money to be paid. R.S.O. 1950, c. 356, s. 66.

58.—(1) A corporation by notice (Form 2) to the clerk of any municipality wherein a separate school exists may require the whole or any part of the land of which the corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of the corporation made under The Assessment Act, to be entered, rated and assessed for the purposes of the separate school.

(2) The assessor shall thereupon enter the corporation as a separate school supporter in the assessment roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes.

(3) Unless all the stock or shares are held by Roman Catholics the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares.

(4) A notice given in pursuance of a resolution of the directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors.

(5) Every notice so given shall be kept by the clerk on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect an assessment roll.

(6) The assessor shall in each year, before the return of the assessment roll, search for and examine all notices that may be so on file and shall follow and conform thereto and to the provisions of this Act. R.S.O. 1950, c. 356, s. 67.

59.—(1) The board of a separate school may impose and levy school rates and collect school rates and subscriptions upon and from persons sending children to or subscribing
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towards the support of such schools, and may appoint collectors for collecting the school rates or subscriptions who shall have all the powers in respect thereof possessed by collectors of taxes in municipalities.

(2) If a collector appointed by the board is unable to collect any part of a school rate charged on land liable to assessment, by reason of there being no person resident thereon or no goods and chattels to distrain, the board shall make a return to the clerk of the municipality before the end of the then current year of such land and the uncollected rates thereon.

(3) The clerk shall make a return to the county, city, town or village treasurer of such land and the arrears of separate school rates thereon.

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

(5) The council of the township, village, town or city in which the separate school is situate shall make up the deficiency arising from such uncollected rates out of the general funds of the municipality. R.S.O. 1950, c. 356, s. 68.

60. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor’s or collector’s roll of the municipality, shall permit any trustee or the collector of the board to make a copy of the roll in so far as it relates to the persons supporting the separate school. R.S.O. 1950, c. 356, s. 69.

61. The clerk of a municipality in which there is a separate school shall, once in each year, upon the written request of the board, deliver to it a statement in writing showing the names of all persons appearing upon the assessment roll for the current year who have given the notice required by section 47, with the amount for which each person has been rated upon the assessment roll. R.S.O. 1950, c. 356, s. 70.

62.—(1) A municipal council, if so requested by the board at or before the meeting of the council in the month of February in any year or prior thereto if required by the council, shall, through its collectors and other municipal officers, cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools.

(2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation or any of its officers shall be borne by the corporation, and the rates or taxes, as and when collected, shall within a reasonable time
thereafter, and not later than the 14th day of December in each year, be paid over to the board without any deduction whatever. R.S.O. 1950, c. 356, s. 71.

63.—(1) A separate school board and the council of a municipality, three-fifths of whose members are not separate school supporters, may enter into an agreement for a term of years that for each year of the term and at such times and in such sums as may be agreed upon, in lieu of and as being the amount to be levied and collected in such year for separate school purposes, there shall be paid by the corporation of the municipality to the board a fixed proportion of the total amount levied and collected within the municipality in and for the year for both public and separate school purposes.

(2) If in and for any year the rate of assessment actually levied for separate school purposes within the municipality is not the same as that actually levied therein for public school purposes the agreement shall not be in force for or apply to such year.

(3) The agreement may be determined by either of the parties thereto at the end of any calendar year on giving six months previous notice to the other party. R.S.O. 1950, c. 356, s. 72.

64. The separate school board of a municipality or in a school section or union school section has and may exercise the same rights, powers and privileges with respect to the establishment and maintenance of continuation schools and is subject to the same duties and obligations with respect to such schools as the public school board of the municipality, section or union school section as the case may be. R.S.O. 1950, c. 356, s. 73.

65. Notwithstanding anything contained in any by-law or resolution heretofore or hereafter passed by any board of separate school trustees or in any debenture issued thereunder, the board may at any time by by-law provide that all moneys theretofore or thereafter collected on account of sinking fund for payment of any such debenture shall,

(a) be paid over to the Treasurer of Ontario to be dealt with as provided in section 315 of The Municipal Act; or

(b) be invested in securities of the Province of Ontario and for that purpose the board may sell or dispose of any securities in which such sinking fund moneys
have theretofore been invested or withdraw such moneys from any loan company, trust company or bank in which they may be deposited. R.S.O. 1950, c. 356, s. 74.

66.—(1) The board of a separate school may pass by-laws for borrowing money, by mortgages or other instruments, upon the security of the schoolhouse property and premises and any other real or personal property vested in the board and upon the separate school rates for the purpose of paying the cost of school sites, school buildings or additions or repairs thereto or for any other school purposes, and any ratepayer, who was a separate school supporter at the time when the loan was effected on the security of the property or rates or who became a supporter during the term of the loan, shall, while resident within three miles of the separate school, continue to be liable for the rate to be levied for the repayment of the money so secured. 1957, c. 112, s. 2.

(2) The principal money may be made payable in annual or other instalments, with or without interest, and the board, in addition to all other rates or money that it may levy in any one year, may levy and collect in each year such further sum as may be requisite for paying all principal money and interest falling due in that year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected.

(3) Such mortgages and other instruments may in the discretion of the board be made in the form of debentures, and the debentures are a charge on the same property and the rates as in the case of mortgages thereof made by the board.

(4) The debt to be so incurred and the debentures to be issued therefor may be made payable in thirty years at the furthest, and in equal annual instalments of principal and interest, or in any other manner authorized by The Municipal Act in the case of debentures issued under that Act.

(5) Where the debt is not payable by instalments the board shall levy in each year during its currency in addition to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable, which shall be invested in the manner provided by The Municipal Act as to the investment of sinking funds. R.S.O. 1950, c. 356, s. 75 (2-5).
(6) Before any such by-law is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation in the area within three miles of the separate school stating,

(a) the purpose for which the money is to be borrowed;

(b) the amount to be borrowed and the security therefor;

(c) the terms of repayment including the rate of interest,

and, if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law is valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law. 1955, c. 78, s. 2.

(7) The debentures issued under the by-law may be for such amounts as the board may deem expedient. R.S.O. 1950, c. 356, s. 75 (7).

67.—(1) Every separate school is entitled to share in all grants, investments and allotments for public school purposes made by any municipal authority according to the average number of pupils attending the school during the next preceding twelve months, or during the number of months that may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township.

(2) Where the grant is made by a county council it shall be apportioned in like manner as the legislative grant.

(3) A separate school is not entitled to share in any school money arising or accruing from local assessment for public school purposes within the city, town, village or township in which the school is situate. R.S.O. 1950, c. 356, s. 76.

MISCELLANEOUS

68. The Minister, the judges of all courts, members of the Assembly, heads of the municipal corporations in their respective localities, the inspectors of public schools and clergymen of the Roman Catholic Church are visitors of separate schools. R.S.O. 1950, c. 356, s. 77.

69. The schools with their registers are subject to such inspection as may be directed by the Minister and are subject also to the regulations. R.S.O. 1950, c. 356, s. 78.
70. The Minister may, subject to the regulations, constitute a separate school in any county or district a model school for the training of teachers for separate schools. R.S.O. 1950, c. 356, s. 79.

71. In the event of a disagreement between a board and the inspector of public schools or any municipal authority or of a complaint against the election of a rural school trustee or against the establishment of a school in close proximity to an existing school, or any other proceeding of a rural school meeting, signed by five supporters of the school concerned or of such existing school, the matter in difference shall be determined by the Minister, subject to an appeal to the Lieutenant Governor in Council, whose decision is final. R.S.O. 1950, c. 356, s. 80.

72. (1) The trustees of every separate school are personally responsible for the amount of any school money forfeited by or lost to the board in consequence of their neglect of duty.

(2) The amount so forfeited or lost shall when collected be applied in the manner provided for by this Act. R.S.O. 1950, c. 356, s. 100.

73. Except as otherwise provided, the fines imposed or under the authority of this Act are recoverable under The Summary Convictions Act and shall be applied to such separate school purposes as the Minister may direct. R.S.O. 1950, c. 356, s. 101.

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**FORM 1**

**FORM OF INDEX BOOK**

*(Section 54 (1)*)

<table>
<thead>
<tr>
<th>Names</th>
<th>Notices claiming exemption, when received</th>
<th>Remarks</th>
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<td>Allen, John</td>
<td>3rd February, 19...</td>
<td>Notice of withdrawal received 1st January, 19...</td>
</tr>
<tr>
<td>Ardagh, Joseph</td>
<td>3rd February, 19...</td>
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</tr>
<tr>
<td>Ashbridge, Robert</td>
<td>3rd February, 19...</td>
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R.S.O. 1950, c. 356, Form 1.
FORM 2
Notice by Corporation as to Application of School Tax

(Section 58 (1))

To the Clerk of (describing the municipality)

Take notice that (here insert the name of the corporation so as to sufficiently and reasonably designate it) pursuant to a resolution in that behalf of the directors requires that hereafter and until this notice is either withdrawn or varied, the whole or so much of the assessment for land and business or other assessments of the corporation within (giving the name of the municipality) as is hereinafter designated, shall be entered, rated and assessed for separate school purposes, namely, one-fifth (or as the case may be) of the land and business or other assessments.

Given on behalf of the company this (here insert date).

R. S., Secretary of the Company.

R.S.O. 1950, c. 356, Form 2.