CHAPTER 357.

The Public Schools Act.

1. In this Act,—

(a) "Board" shall mean board of public school trustees; R.S.O. 1927, c. 323, s. 1 (a).

(b) "City inspector" shall mean an inspector who devotes his full time to the inspection of the public schools of a city;

(c) "City inspectorate" shall mean a city where there are one or more inspectors devoting full time to the inspection of the public schools of the city; 1930, c. 63, s. 3.

(d) "Elector" shall mean, in a municipality, any person entered on the last revised voters’ list as qualified to vote at municipal elections and who is not a supporter of a separate school, and in a school section in an unorganized township or in an unsurveyed district, "elector" shall mean any person who is entered on the last revised assessment roll for the school section as a public school supporter, and who is not disqualified under this Act, and who is not a supporter of a separate school; 1936, c. 55, s. 24.

(e) "Inspector" shall mean public school inspector;

(f) "Inspectorate" shall mean the territory for which an inspector is appointed;

(g) "Minister" shall mean Minister of Education; R.S.O. 1927, c. 323, s. 1 (g-i).

(h) "Ratepayer" shall mean person entered on the last revised assessment roll as a public school supporter for the school section or municipality; R.S.O. 1927, c. 323, s. 1 (j); 1931, c. 71, s. 2.

(i) "Regulations" shall mean regulations made under The Department of Education Act; R.S.O. 1927, c. 323, s. 1 (k).

(j) "School section" shall mean a locality formed of the whole of or any area in or any part of a township or of the whole or part of one or more townships or of
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the whole or any part of an urban municipality and
the whole or any part of an adjacent
township for which a public school board has hereto-
fore been or hereafter is established under the auth-
ority of this Act; 1932, c. 42, s. 2.

(k) "School site" shall mean and include land necessary
for a schoolhouse, playgrounds, school garden,
teacher's residence, caretaker's residence, drill hall,
gymnasium and offices connected therewith;

(l) "Secretary" or "treasurer" shall include a secretary-
treasurer;

(m) "Separated town" shall mean a town which does not
form part of a county for municipal purposes;

(n) "Teacher" shall mean a person holding a legal certifi-
cate of qualification;

(o) "Township" shall include union of townships;

(p) "Township board" shall mean a board having juris-
diction over all the public schools in a township;
R.S.O. 1927, c. 323, s. 1 (m-r).

(q) "Urban municipality" shall mean a city, town or vil-
lage. R.S.O. 1927, c. 323, s. 1 (u).

2. The regulations, though not specially referred to, shall
apply to any matter or thing in this Act contained, so far as the
same are consistent with this Act. R.S.O. 1927, c. 323, s. 2.

3. Nothing in this Act authorizing the levying or collecting
of rates on taxable property for public school purposes shall
apply to the supporters of Roman Catholic separate schools,
except that all taxable property shall continue to be liable to
taxation for the purpose of paying any liability incurred for
public school purposes while such property was subject to taxa-
tion for such purposes. R.S.O. 1927, c. 323, s. 3.

4. Until altered under the authority of this Act, all public
school sections or other public school divisions shall continue as
they now exist, and all trustees duly elected and all officers duly
appointed shall continue in office, and all agreements, contracts,
assessments, and ratebills heretofore duly made in relation to
public schools and existing when this Act takes effect shall con-
tinue subject to the provisions of this Act. R.S.O. 1927, c. 323.
s. 4.
PUBLIC SCHOOLS TO BE FREE

5.—(1) All schools established under this Act shall be free public schools, and every person between the ages of five and twenty-one years, except persons whose parents or guardians are separate school supporters, and except persons who, by reason of mental or physical defect, are unable to profit by instruction in the public schools, shall have the right to attend some such school in the urban municipality or rural school section in which he resides.

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

(2) Children between the ages of four and seven years may attend kindergarten schools, subject to the payment of such fees as to the board may seem expedient.

(3) Every corporation, society, agent or person having the custody of a child, and being a public school supporter, shall be entitled to send such child to the public school of the municipality or school section in which the child resides as if he were the child of a ratepayer in such municipality or school section, and every such corporation, society, agent or person shall be subject to the provisions of The School Attendance Act, in the same manner and to the same extent as a ratepayer. R.S.O. 1927, c. 323, s. 5.

SCHOOL YEAR AND HOLIDAYS

6.—(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June. R.S.O. 1927, c. 323, s. 6 (1).

(2) When the 1st day of September is a Friday, the schools shall not be opened until the following Tuesday, and when the 3rd day of January is a Friday, the schools shall not be opened until the following Monday, and when the 29th day of June or the 22nd day of December is a Monday, the schools shall be closed on the preceding Friday. 1936, c. 55, s. 25 (2).

(3) Every Saturday, every public holiday, the week following Easter Day, and every day proclaimed a holiday by the
authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department of Education shall be a holiday in public schools.

(4) With the approval of the inspector, the board of a rural school section may substitute holidays in some other part of the year for part of the time herein allowed for Easter and midsummer vacations to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed in each year.

(5) When there is no county organization the inspector, subject to an appeal to the Minister, may determine the length of time, which shall not be less than six months, during which a school shall be kept open each year, and it shall be the duty of the board to keep the school open during the whole of the time so determined. R.S.O. 1927, c. 323, s. 6 (2-4).

**RECOMMENDATION**

7.—(1) No pupil in a public school shall be required to  

read or study in or from any religious book, or to join in any  

exercise of devotion or religion, objected to by his parent or  

guardian.

(2) Subject to the regulations, pupils shall be allowed to receive such religious instruction as their parents or guardians desire. R.S.O. 1927, c. 323, s. 7.

**SCHOOL VISITORS**

8.—(1) Judges, members of the Assembly, and members of municipal councils, shall be school visitors in the municipalities where they respectively reside, and every clergyman shall be a school visitor in the municipality where he has pastoral charge.

(2) School visitors may visit public schools, may attend any school exercises, and at the time of any visit may examine the progress of the pupils and the state and management of the schools, and give such advice to the teachers and pupils, and any others present, as they deem expedient. R.S.O. 1927, c. 323, s. 8.

**SCHOOL LANDS**

9.—(1) All lands which before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school
trustees of the school section or municipality in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by them and their successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which such lands are now respectively held.

(2) Notwithstanding anything in subsection 1, lands originally granted or conveyed by the Crown for common school purposes and held by the trustees of a school section or municipality may be leased, sold or otherwise disposed of with the approval of the Lieutenant-Governor in Council and upon such conditions as to the investment or application of the proceeds or otherwise as may be prescribed in the order granting such approval. R.S.O. 1927, c. 323, s. 9.

SELECTION OF SCHOOL SITES BY RURAL BOARDS

10.—(1) Whenever it is deemed expedient by or it is the duty of a rural school board to erect a new school building, or to change the site of an existing school house, or where a petition in that behalf is presented by twenty-five per centum of the ratepayers of the school section, the board shall select a school site and shall thereupon call a special meeting of the ratepayers to consider the site selected by the board, whether the same be the present site or a new site, and if a majority of the ratepayers present at the meeting by resolution approve of such site, the same shall be adopted by the board and no site shall be adopted by the board until so approved, except as provided in subsections 2, 3, and 4.

(2) In case a majority of the ratepayers present at such special meeting differ from the board as to the suitability of the site selected by it, each party shall then and there choose an arbitrator, and the inspector or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator, and such three arbitrators or a majority of them present at any lawful meeting shall make and publish their award, and may, in and by the award, approve of the site selected by the board or may change the boundaries of the same or may select such other site as the arbitrators or the majority of them deem more suitable for the purpose.

(3) With the consent or at the request of the parties to the reference, the arbitrators, or a majority of them, shall 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, shall be bind-
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ing upon all parties concerned for at least five years from the date thereof; but if the boundaries of the section have been altered before any action has been taken by the board to purchase the site, proceedings under this section may be taken for the selection of a site as if no award had been made.

(4) If the board or the majority of the ratepayers present at a public school meeting neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator as provided in this Act, the inspector with the arbitrator appointed, shall meet and determine the matter, and the inspector in case of such refusal or neglect shall have a second or casting vote if he and the arbitrator appointed do not agree. R.S.O. 1927, c. 323, s. 10.

ACTIONS TO SET ASIDE AWARDS

11. No action to set aside an award made under this Act shall be undertaken by or at the instance of the board of a rural school section without the consent of the majority of the ratepayers of the section present at a special meeting duly called to consider the advisability of such action being brought. R.S.O. 1927, c. 323, s. 11.

SCHOOL WALLS AND FENCES

12. Any wall or fence deemed necessary by the board or required by the regulations for the enclosure of the school premises shall be erected and maintained by the board. R.S.O. 1927, c. 323, s. 12.

ENLARGEMENT OF SCHOOL GROUNDS BY BOARD

13. Where the area of a rural school site is less than is required by the regulations the board may, without reference to a special meeting of the ratepayers, enlarge the same so as to conform to the regulations. R.S.O. 1927, c. 323, s. 13.

ALTERATION OF SECTION BOUNDARIES

14.—(1) The council of a township may pass by-laws,—

(a) to unite two or more sections in the same township into one section if, at a meeting of the ratepayers in each section called by the board or by the inspector for that purpose, a majority of the ratepayers present at each meeting request to be united;
(i) but when all the school sections in a township have been consolidated the council may limit the number of trustees constituting the board to not less than six, after at least one month's notice in writing has been given to the secretary of the board of the intention to consider a resolution to that effect, and in such case the council may provide for the election of all trustees by a general vote of the ratepayers of the whole township or may divide the township into as many districts as there are trustees to be elected and provide for the election of one trustee for each of such districts;

(b) to alter the boundaries of a school section, or to divide an existing section into two or more sections, or to unite any part or parts of an existing section with another section or sections, or with a new section, or to unite parts of existing sections so as to form a new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union have been duly notified in such manner as the council may deem expedient of the proposed by-law for that purpose, or of any application made to the council for such alteration, division or union.

(2) No such by-law shall be passed later than the 1st day of June in any year nor shall any such by-law subject to the provisions as to the formation, alteration or dissolution of union school sections, take effect, except as herein otherwise provided, before the 25th day of December next thereafter, and subject to the provisions hereinafter contained every such by-law shall remain in force unless set aside as hereinafter provided, for a period of five years.

(3) The township clerk shall transmit a copy of such by-law immediately after the passing thereof to the board of every school section affected thereby and to the inspector.

(4) Where in the opinion of the inspector a change in the assessment, population or otherwise has so materially affected a school section that a readjustment of the boundaries thereof is required, or where part of a school section has been added to a city or town, the council of the municipality in which such section or the remaining portion of such section is situate may pass a by-law for the readjustment of the boundaries of such school section or remaining part of the school section notwithstanding the passing of a by-law or the publication of
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an award within five years affecting the limits of such section or part of the section or adjoining sections.

(5) Any section formed by dividing an existing section shall be deemed to be a new section for all purposes.

(6) The council of a county, at the request of a majority of the councils of the townships in the county for a readjustment of the boundaries of the school sections in the county, shall appoint arbitrators as provided by section 32.

(7) The council of a county may in like manner appoint arbitrators at the request of the council of any township in the county to readjust the boundaries of the school sections in the township.

(8) The arbitrators shall take action and make their award and the same may be put into effect notwithstanding that any time limit in connection with the operation of a previous award or change of boundaries has not expired. R.S.O. 1927, c. 323, s. 14.

15.—(1) The council of a township may by by-law, passed with the consent of a majority of the whole number of members of the council before the 1st day of July in any year, set apart the whole or any portion of the township as a township school area and may declare that thereafter the school sections included in the township school area shall cease to exist as separate school sections and that the school boards having jurisdiction therein shall be dissolved. R.S.O. 1927, c. 323, s. 15 (1); 1932, c. 42, s. 3.

(2) The by-law shall take effect from the 25th day of December in the year in which the same is passed, but all school boards in such school sections shall remain in office until a board for the township school area has been elected and organized as hereinafter provided.

(3) There shall be a board of public school trustees for every township school area, which shall consist of five members, and the board shall have and may exercise and perform the like powers and duties with respect to public schools in the township school area as in the case of a township board. R.S.O. 1927, c. 323, s. 15 (2, 3).

(4) The election of school trustees for the township school area shall be by ballot and shall be held for the year following the year in which the by-law takes effect and in each year thereafter, at the same time and place as the annual municipal elections of the township, and as nearly as may be in the same manner as an election of members of a municipal coun-
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cil, and the clerk of the township shall be the returning officer at each election, and except as herein otherwise provided all the provisions of this Act applicable to the election of trustees by ballot shall apply as nearly as may be to the election of school trustees under this section. 1928. c. 53, s. 2, part; 1936, c. 55, s. 26 (1).

(5) Of the trustees elected at the first election the three trustees receiving respectively 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.

(6) After the first election an election shall be held in each year to fill the places of trustees whose terms of office have expired, and the trustees elected shall hold office for two years.

(7) In case, at the first election of trustees, two or more trustees receive an equal number of votes, the clerk of the municipality shall determine which of such trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered on the minutes of the board. 1928, c. 53, s. 2, part.

(8) Every board of school trustees of a township school area shall be a corporation by the name of "The board of school trustees of the township school area of ____________", or by such other designation as the by-law may provide.

(9) Upon the election and organization of a board of public school trustees for a township school area the board of public school trustees for every school section then in existence in the township school area shall be dissolved and all the property, real and personal, vested in the board of any such school section shall be vested in and become the property of the board of the township school area.

(10) The board of the township school area shall be responsible for and shall discharge all liabilities and obligations of each of the school sections included in the township school area, and the indebtedness of the board of any school section shall be provided for by a general rate levied upon all property liable to taxation for public school purposes in the township school area. R.S.O. 1927, c. 323, s. 15 (5-7).

(11) It shall not be necessary in township school areas to hold the annual meeting of the electors as required by section 67; but for the purposes of the audit of accounts, books and vouchers and the publication of the annual report of the auditors as provided in clause r of section 89, the board of a township school area shall be deemed to be an urban board. 1936, c. 55, s. 26 (2).
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(12) No by-law shall be passed under the provisions of subsection 1 until the same shall have been submitted to and approved in writing by the Minister. R.S.O. 1927, c. 323, s. 15 (8).

(13) The provisions of subsection 1 of section 83 shall apply as to the first meeting in each year of every board elected pursuant to the provisions of this section. 1933, c. 58, s. 6.

16.—(1) All rights and claims between the respective parts of a township comprising the several school sections united under a township school board or into a township school area, shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Ontario Municipal Board within three months after the passing of the by-law forming the township school board or the township school area, as the case may be.

(2) The Ontario Municipal Board and any referee appointed by it shall have and may exercise such jurisdiction and powers as may be necessary for the purpose of having all or any of the said rights and claims valued, adjusted and determined, and the provisions of The Ontario Municipal Board Act, shall be applicable.

(3) A referee appointed under this section shall proceed to hear and report to the Ontario Municipal Board upon such rights and claims as the Board may, from time to time, make or issue, and he shall submit his report to the Board within three months after the time of his appointment or within such further time as the Board may allow, and every such referee shall be paid for his services, such fee as the Board may direct and allow.

(4) Upon the report of a referee being filed with the Board, it shall forthwith consider such report and may hear such representations in respect thereof as it may see fit, and before adopting any such report, the said Board may refer it back to the referee for his further consideration.

(5) The Board may by its order adopt, vary or amend the report of any referee appointed under this section, and the order of the Board adopting such report or varying or amending it shall be final and conclusive and not open to question or appeal and it shall be binding upon the township and the ratepayers of such township and of any school section affected thereby.

(6) The council of the township shall annually impose and levy such special rates against the lands assessable therefor as may be directed in any order of the Board for the purpose.
of adjusting the rights and claims of any school section or other area.

(7) No by-law passed under the authority of section 14 or 15 shall come into force or take effect until such time as the Board may by its order direct, and no such order shall be issued until the Board has made an order under subsection 5 hereof.

(8) No by-law passed under the authority of section 14 or 15 shall come into force or take effect until the Minister has first approved the same, and no order shall be made by the Board under subsection 5 until the said approval of the Minister has been obtained. 1936, c. 55, s. 27.

17. Subject to the approval of the Minister, the board of public school trustees of a township school area may enter into an agreement with the board of education or board of public school trustees of an adjacent urban municipality for the purposes and in the manner provided by section 88. R.S.O. 1927, c. 323, s. 16; 1932, c. 42, s. 4.

18.—(1) Where the board of public school trustees of a township school area has entered into an agreement under section 17, the council of the township may exempt the taxable property of the public school supporters in such township school area from the general rate required to be levied under section 112, but such exemption shall not be granted until the Minister has given his approval thereto in writing. R.S.O. 1927, c. 323, s. 17 (1); 1932, c. 42, s. 5.

(2) Where an exemption is granted from the township rate under subsection 1, the township school area shall not share in the expenditure of any sum raised by any such general rate, nor shall it be necessary for the township council in fixing such rate to take into account schools in the township school area. R.S.O. 1927, s. 323, s. 17 (2).

ESTABLISHMENT OF METROPOLITAN SCHOOL AREAS

19.—(1) The council of any county in which there is situate a city having a population of not less than 100,000 may, subject to the approval of the Lieutenant-Governor in Council, by by-law passed before the 1st day of July in any year set aside any defined area in the county adjacent to the city as a metropolitan school area and in and by such by-law shall name the person to be the secretary-treasurer of the metropolitan school area until some other person is appointed by the metropolitan public school board to be established as hereinafter provided.
(2) Where a by-law has been passed under the provisions of subsection 1, there shall be established a metropolitan school board for the metropolitan school area and such board shall consist of one member elected by the vote of the supporters of public schools in each municipality or portion of a municipality included in the metropolitan school area and of six members to be elected by general vote of the public school supporters throughout the metropolitan school area.

(3) The members of the board to be elected in each such municipality or portion of a municipality shall be elected in the same manner and at the time and place provided for the election of members of the municipal councils in the municipalities included in the metropolitan school area, and the first election shall take place at the municipal election held next after the passing of the by-law, and the persons qualified to vote shall be those only who shall be qualified to vote for public school trustees in the municipality or portion of a municipality.

(4) The members so elected shall be elected annually.

(5) The members of the board shall possess the same qualifications as urban school trustees.

(6) The secretary-treasurer shall be the returning officer for the metropolitan school area.

(7) Nominations for the election of the six members of the board to be elected by general vote shall be made by filing in the office of the returning officer on or before the hour of two o'clock in the afternoon of the last Monday in the month of November a nomination paper in writing signed by at least one hundred persons qualified to vote at the election being entered on the voters’ list as public school supporters in the metropolitan school area, and the nomination paper shall contain the names, addresses and qualification in respect of which each person signing the paper has the right to vote and the signatures to such nomination paper shall be witnessed by some person of the age of twenty-one years and qualified as aforesaid.

(8) No person shall be qualified to be elected by general vote unless he is a resident in the metropolitan school area and qualified to vote as a public school supporter therein.

(9) If more than six persons are nominated then immediately after the expiry of the time for filing the nomination paper the returning officer shall notify the clerk of each local municipality the whole or any portion of which is included in the metropolitan school area, of the names, addresses and
occupations of the persons so nominated, and the clerk of every such local municipality shall cause ballots to be printed in the same manner as nearly as may be as in the case of the election of school trustees in the municipality, setting out the names, addresses and occupations of each person so to be elected by general vote, and the polls shall be taken in the same manner and at the same time and place as in the case of the election of members of the board representing local municipalities.

(10) At the close of the poll in each local municipality the clerk or other local returning officer shall transmit to the returning officer a statement showing the votes cast for each candidate, including the candidates for election as representatives of the local municipality and upon the receipt of the last of such returns the returning officer, at the hour of two o’clock in the afternoon on the third Monday in January next after the last of such elections shall at his office make up from the statements so received by him the total number of votes cast for each candidate and publicly declare the result of the election, and the returning officer shall thereupon certify in writing over his hand and seal the names of the persons so elected and shall deliver or send by post a copy of such certificate to each of the candidates.

(11) The six members elected by general vote at the first election shall hold office for two years and an election shall be held in every second year in the manner hereinbefore provided.

(12) Where any member of the board dies, retires from office or vacates his seat by reason of disqualification or by reason of non-attendance, or becomes incapable of acting, the board shall, at the next meeting after the occurrence of such vacancy, appoint a duly qualified person to fill the vacancy for the remainder of the term for which the person whose office has become vacant, was elected.

(13) The first meeting of the board shall be held at the hour of two o’clock in the afternoon on the last Monday in January next after the passing of the by-law mentioned in subsection 1 and thereafter the first meeting of the board for each year shall be held annually at the same time and on the same day, and the board in each year shall be organized by the election of a chairman who shall thereafter preside, but until the election of a chairman the secretary-treasurer shall preside.

(14) Until the time of the organization of the first board, the existing school trustees of the various public school boards of the municipalities included in the metropolitan school area
shall continue to hold office, but upon the organization of the board for the metropolitan school area the public school boards theretofore established in the area shall be dissolved and all property, real and personal, vested in such boards, together with all rights and privileges theretofore vested in them, shall be vested in the metropolitan school board.

(15) Where a metropolitan school board is established under this section the board shall at its first meeting in each year appoint three persons, who need not be members of the board, and who shall constitute an equalization commission whose duty it shall be to equalize the assessment for public school purposes in the various municipalities included in the metropolitan school area, and the equalization commission shall make its report to the board within two months after such appointment.

(16) A copy of the report of the equalization commission shall be forwarded to every municipality included in or a portion of which is included in the metropolitan school area.

(17) An appeal shall lie on behalf of any municipality from the report of the equalization commission to the judge of the county court of the county, who shall hear and determine such appeal and whose decision shall be final.

(18) The procedure upon such appeal shall be the same as nearly as may be as in the case of an appeal from the decision of the county council upon the equalization of assessment for county purposes.

(19) For the purposes of this Act metropolitan school area shall be deemed to be an urban municipality, and the metropolitan public school board may issue debentures in its corporate name in the same manner as nearly as may be as in the case of debentures issued by a municipal corporation for public school purposes and all the provisions of The Municipal Act, and of this Act, with respect to the issue of debentures for public school purposes shall apply, but it shall not be necessary to obtain the assent of the electors in the metropolitan school area to any by-law for the issue of debentures of the board in any case where the Ontario Municipal Board, upon the application of the metropolitan public school board, certifies in writing that the annual rate required to meet the payment of principal and interest on any issue of debentures will not exceed, together with any already issued and outstanding, thirty per centum of the total rate required to be levied for public school purposes in the metropolitan school area.
(20) The board of the metropolitan school area shall be responsible for and shall discharge all liabilities and obligations of each of the school sections or municipalities included in the metropolitan school area and any indebtedness of the board of any school section or municipality shall be provided for by the general rate levied upon all property liable for taxation for public school purposes in the metropolitan school area.

(21) (a) The metropolitan school board shall annually, on or before the 1st day of March, make up its estimates of the cost of establishing, equipping and maintaining public schools in the metropolitan school area and the same shall be raised, levied and collected by general rate levied upon all property liable to taxation for public school purposes in the metropolitan school area.

(b) The board shall apportion to each municipality, all or any part of which is included in the metropolitan school area, the amount to be raised in that municipality, and it shall be the duty of the council of such municipality to raise, levy and collect the same accordingly.

(c) No rates for public school purposes other than those provided for by this Act shall be raised, levied or collected in the metropolitan school area, and the metropolitan school area shall not share in the expenditure of any sum raised by any such rate except the rates to be levied and collected for the metropolitan school board under the authority of this Act.

(22) Notwithstanding anything in the foregoing subsections contained, a public school in any part of a metropolitan school area which, if such part were not included in the metropolitan school area, would be a rural school, shall be deemed a rural school for the purposes of this Act, except as otherwise expressly provided in this section. R.S.O. 1927, c. 323, s. 18.

APPEALS FROM TOWNSHIP COUNCIL

20.—(1) A board, or any five ratepayers of any one or more of the school sections concerned, may within twenty days, by notice filed in the office of the county clerk, appeal to the county council of the county in which such section or sections are situate against any by-law of the township council for the formation, division, union or alteration of their school section or sections, or against the neglect or refusal of the township council, on application being made to it by a board or any five ratepayers concerned, to form, unite, divide or alter the boundaries of a school section or school sections within the township.
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(2) The time for appeal shall run from the date of the by-law complained of or from the date of the meeting at which the council refused to pass the by-law, or from the second meeting after which notice was received by the clerk of the application of the board or ratepayers asking for such by-law to be passed, as the case may be.

(3) The county council may, if it thinks fit, appoint a board of arbitrators consisting of not more than five nor less than three competent persons, two of whom shall be the county judge, or some person named by him, and the inspector, and a majority of whom shall form a quorum to hear such appeal and to form, divide, unite or alter the boundaries of the school section or school sections so far as to settle the matters complained of.

(4) Due notice of the alteration or of the determination of the arbitrators shall be given by the inspector to the clerk of the township and to the school boards concerned.

(5) In a provisional judicial district the appeal shall be to a board of three arbitrators composed of the judge of the district court or some person named by him, the inspector and some person appointed by by-law or resolution of the township council.

(a) The notice of appeal shall be given to the clerk of the township, the inspector and the judge.

(b) The township council, at its first meeting after service of such notice upon the township clerk, shall appoint their arbitrator, and the clerk of the township shall forthwith notify the inspector of such appointment.

(c) The judge, upon receipt of the notice of appeal, shall notify the inspector in writing of his willingness to act as arbitrator, or shall name some person to act in his stead, and notify the inspector in writing of such appointment.

(d) When the board is complete the judge or his nominee shall convene the first meeting of the board and he shall be chairman thereof.

(6) The alterations or determination of such matters, except as herein otherwise provided, shall not take effect before the 25th day of December in the year in which the award is made, and shall thence continue in full force for the period of five years at least, and thereafter until changed under this Act.
(7) No person shall be nominated or appointed arbitrator who is a member of the township council or who was a member at the time at which the council passed or refused or neglected to pass the by-law. R.S.O. 1927, c. 323, s. 19.

CONSOLIDATED SCHOOLS

21.—(1) For the purpose of establishing and maintaining consolidated schools agreements may be entered into for the consolidation of school sections, union school sections or incorporated villages, or union school sections composed of portions of townships and incorporated villages or portions of incorporated villages, or for the consolidation of any of these with any of the others.

(2) Where the council of a township deems it desirable, for the purposes of facilitating the establishment of a consolidated school, that a school section in the township should be divided, the council may, at any time, by by-law, divide such school section into two or more provisional school sections, and for the purpose of entering into an agreement under subsection 1, each part of the section so divided shall be deemed a separate school section, but such division shall not have effect or apply for any other school purpose until a consolidated school section has been established as provided in this section.

(a) Upon the establishment of a consolidated school section, including part of the section so divided, the council of the township may, by by-law, annex the remaining portion of the section to any contiguous school section, or may constitute it an independent school section.

(3) The agreement shall be approved by the ratepayers in each section, and of any village or union school section or provisional school section party thereto in the manner following, that is to say,—

(a) in the case of a school section or provisional school section or a union school section which does not include an incorporated village or any part of an incorporated village, by a resolution of the ratepayers at a special meeting duly called for that purpose;

(b) in the case of a village, by a vote of the ratepayers who are public school supporters in the village, upon a question to be submitted in the manner provided by The Municipal Act;
(c) in the case of a union school section comprising a part or the whole of an incorporated village and a portion of a township,—

(i) by a resolution of the ratepayers of each school section or portion of a school section included in a union school section lying in the township, to be passed at a meeting of the ratepayers of the section or portion of the section specially called for that purpose, in the manner provided by this Act with respect to public school meetings in rural school sections; and

(ii) by a vote of the ratepayers in the village or part of a village included in the union school section, to be taken in the manner provided by clause b.

(4) The agreement shall provide for the apportionment and distribution of the assets and liabilities of the respective boards to be consolidated, and may provide for the levying of a special rate for a term of years in any part of the consolidated school section, in order to give effect to such apportionment and distribution, or the agreement may provide for such apportionment and distribution and for the fixing of any such special rate by a board of arbitrators, to be composed of the inspector, the judge of the county or district court of the county or district, and one person to be named by the council of the local municipality or by the councils of each of the local municipalities in which the consolidated school section or any part thereof is situated, and in case the number of arbitrators so chosen is an even number, an additional arbitrator may be appointed by the Minister.

(5) Where a consolidated school section includes territory lying in two or more townships,—

(a) the agreement for forming the consolidated school section shall determine what proportion of the cost of establishing and maintaining the school shall be borne by each township, or shall provide that such proportion shall be determined by the award of the arbitrators mentioned in subsection 4, and the same shall be annually raised, levied and collected upon the property liable to taxation for public school purposes in that portion of the consolidated school section lying within the boundaries of the township; and

(b) the proportions of the sums to be raised under section 112 for consolidated schools by the corpora-
tion of each of the townships interested shall be determined by agreement between the corporations of the townships, or in default of such agreement, by the board of arbitrators provided for in subsection 4.

(6) Where a consolidated school section includes a village or a portion of a village, the agreement shall determine,—

(a) what portion of the cost of establishing and maintaining the school shall be borne by the village and by the township or townships, and that the same shall be annually raised, levied and collected by the village and by the township or each of the townships respectively, upon the property liable to taxation for public school purposes in that portion of the consolidated school section lying within the boundaries of the municipality;

(b) the proportion of the sums raised under section 112, which shall be borne by the corporation of the township or of each of the townships interested;

or the agreement shall provide that the matters referred to in the clauses a and b shall be determined by the award of the arbitrators mentioned in subsection 4.

(7) Where a consolidated school section includes a village or a portion of a village, or a police village or a portion of a police village, the agreement may provide for the election of a member or members of the board of trustees of the consolidated school section by the ratepayers of the village or police village or that portion of the village or of the police village lying within the consolidated school section, and for the election of the remaining trustees by the ratepayers of that portion of the consolidated school section lying within the township or townships, and for the term of office of each of the trustees first elected and their retirement and the election of their successors as far as possible in conformity with the provisions of subsections 10 and 11.

(8) The agreement for consolidation shall not come into force or take effect until it has been submitted to and approved by the Minister.

(9) After the approval of the agreement by the Minister, it shall not be open to question upon the ground that the procedure prescribed by this section has not been followed or that there has been any irregularity or informality in such procedure, or upon any other ground whatsoever.
(10) Upon the approval of the agreement in writing by
the Minister the agreement shall take effect forthwith, and
thereupon the territory included in the agreement shall form
a consolidated school section, and the first election of a
board of trustees for the consolidated school section shall be
held on a date to be fixed by the Minister.

(11) Subject to the terms of any agreement entered into
under the provisions of subsection 7, there shall be elected for
the section a board of trustees to be composed of five members,
one of whom shall be elected to hold office from the date of
the first election until the date of the second annual municipal
election held after the first election of trustees—one of whom
shall be elected to hold office until the date of the third annual
municipal election after the first election of trustees—and
two of whom shall be elected to hold office until the date of
the fourth annual municipal election after the first election of
trustees—and thereafter at every annual municipal election a
trustee or trustees shall be elected in place of the retiring
member or members of the board and shall hold office for a
term of three years and until his or their successor or suc-
cessors are elected.

(12) The election of trustees shall be by ballot and shall be
held as nearly as may be in the same manner as the election of
members of a municipal council, and the secretary and
secretary-treasurer of the board, or, in the case of the first
election, a person appointed by the inspector, shall be the
returning officer for such election, and all the provisions of
this Act applicable to the election of school trustees by ballot
shall apply as nearly as may be to the election of trustees under
this section.

(13) Upon the election of a board of trustees of a consoli-
dated school section, each of the boards in the territory con-
solidated shall be deemed to be dissolved and all the real and
personal property vested in each of the said boards shall
become vested in the board of trustees of the consolidated
school section, and such board shall be a corporation by the
name of “The Board of Trustees of
Consolidated School” (inserting name of school), and shall
possess all the powers and perform all the duties and be
subject to all the liabilities conferred and imposed by this Act
on the trustees of public schools.

(14) Until a consolidated school is established, the board
of trustees of the consolidated school section shall have the
management and control of each of the schools in the territory
consolidated, and shall have and may exercise and perform
with respect to every such school the powers and duties
When to
take effect.

Election of
board.

Procedure
at election.

Dissolu-
tion of
former
boards.

Corporate
name of
board.

Management
of
school.

pending
establish-
ment of
consoli-
dated
school.
theretofore vested in the board of public school trustees having
the control and management of the school.

(15) The board of trustees of a consolidated school, with
the approval of the Minister, may sell and dispose of the
schoolhouses and other school property in the territory con-
solidated, and the proceeds thereof shall be applied in accord-
ance with the terms of the agreement or award referred to in
subsection 4.

(16) Subject to the regulations, the board of trustees of a
consolidated school section may provide for the conveyance of
pupils to and from school and for the cost thereof as part of
the cost of maintenance of the school.

(17) The board of trustees, with the approval of the
Minister, may select a name for the school.

(18) The plans of any consolidated school building and the
selection of a site therefor shall in every case be subject to
the approval of the Minister.

(19) For the purposes of the legislative grant for public
and separate school purposes and of the county grant provided
for in section 111, every consolidated school shall be deemed
to be a rural school.

(20) Regulations may be made in the manner provided by
The Department of Education Act, providing,—

(a) for the form of agreement for the establishment of
a consolidated school and the manner in which and
the persons by whom the same shall be executed or
authenticated;

(b) for the procedure at any school meeting called for
the approval of such agreement or on taking a vote
of the ratepayers;

(c) for plans and specifications of consolidated school
buildings and outbuildings connected therewith;

(d) for the number of teachers to be employed and the
rooms and other accommodation and school supplies
to be furnished in each school;

(e) for equipment and appliances to be provided in the
school;

(f) for the apportionment and payment of any sums
appropriated by the Legislature for consolidated
school purposes, and the application thereof to the
purchase of a site and the erection of school build-
ings thereon and the expenses of providing means of transportation for pupils to and from school;

(g) for giving such directions as may appear to be necessary to carry out the provisions of this Act relating to the election of trustees and the holding of meetings, and for the guidance of returning officers, chairmen and other officers and persons charged with any duty respecting the same, and for modifying or altering any provision of this Act relating to such elections or meetings when the same appear to be inconvenient or impracticable, and for making due provision for circumstances which are not provided for or contemplated by this Act;

(h) for permitting the board of trustees of a consolidated school and the trustees of any adjacent school section to enter into an agreement for incorporating such school section in the consolidated school section, and for prescribing the method in which the rights and liabilities of the respective boards shall be determined and the agreement consummated;

(i) for determining all questions which may arise as to the rights, powers and duties of the board of trustees of a consolidated school section with respect to any matter as to which no express provision is made by this Act.

(21) The trustees of a consolidated school section at their first meeting and at the first meeting in each year thereafter for which an election has been held shall elect a chairman.

(22) The secretary of the board, or in the case of the first meeting of the board a person appointed by the inspector for that purpose, who shall be a ratepayer in the consolidated school section, shall preside at such election, and in case an equal number of votes shall be given for two or more candidates he shall give a casting vote.

(23) The councils of two or more townships, portions of which constitute a union school section, on the petition of five ratepayers resident in each of the municipalities concerned may, with the approval of the Minister, pass by-laws for dividing such union school section into two or more provisional school sections, and for the purpose of entering into an agreement under subsection 1, each part of the union school section so divided shall be deemed a school section, but such division shall not have effect or apply for any other school purpose until a consolidated school section has been established.
(a) Upon the establishment of a consolidated school section including part of a union school section so divided, the remaining portion of the school section may constitute a school section or a union school section, as the case may be, or may be annexed to any contiguous school section or union school section.

(24) If, within two years after the approval of the Minister in accordance with subsection 10, the ratepayers have not voted the money required by the trustees for the erection of the school, the question of dissolving the consolidation shall be submitted by the board to a vote of the ratepayers in the same manner, as nearly as may be, as that provided for the election of trustees, and if a majority of the ratepayers who vote on the question are in favour of dissolving the consolidation, the Minister may approve of the dissolution and the return of the sections to their former status. R.S.O. 1927, c. 323, s. 20.

22. Where the boundaries of a school section are extended so as to include territory in which children reside who are entitled to attend the school and whose place of residence is at a greater distance than three miles by the nearest highway from the school, the Minister may, subject to the regulations, make grants out of the appropriation for consolidated schools for the transportation of pupils and for the erection of school buildings, where, in the opinion of the Minister, such transportation and school buildings have become necessary by reason of such extension. R.S.O. 1927 c. 323, s. 21.

23. Subject to the terms of the agreement for the establishment of a consolidated school, where a consolidated school area includes an urban municipality and a rural school section or rural school sections or parts thereof, application for the issue of debentures shall be made by the board of the consolidated school area to the council of such urban municipality, and subsections 5 and 6 of section 54 shall apply mutatis mutandis. R.S.O. 1927, c. 323, s. 22.

24. Subject to the terms of the agreement for the establishment of a consolidated school, where a consolidated school area consists of school sections or parts of school sections situate in two or more districts, any debentures which may be issued upon the requisition of the board of the consolidated school area shall be issued by the council of the township in which the school is situate, and the provisions of section 55 shall apply mutatis mutandis. R.S.O. 1927, c. 323, s. 23.
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25. Where a consolidated school section includes portions of two or more municipalities lying in the same county or in different counties, subject to the terms of the agreement for the establishment of a consolidated school, the money required to be raised for the purposes of the school shall be raised in the like manner, and the assessment upon which rates are levied for consolidated school purposes shall be equalized in the like manner as nearly as may be in the case of a union school section similarly composed. R.S.O. 1927, c. 323, s. 24.

26. Where two or more schools have been established in a school section and the board of trustees of the section, by resolution approved of by the ratepayers at a meeting specially called for that purpose, signify their desire to establish a centrally located school in place of the schools theretofore maintained in the section, the Minister may authorize the establishment of a school in a location approved of by him and in conformity with the regulations, and may direct that such school shall, for the purposes of sharing in any grant made under the authority of section 21, and for the purposes of sharing in any county or township grant made under sections 111 and 112, be deemed to be a consolidated school. R.S.O. 1927, c. 323, s. 25.

27.—(1) Where the council of a township has passed or hereafter passes a by-law under subsection 1 of section 14, to unite two or more school sections, and the school established or to be established in the section requires the employment of two or more teachers and it is necessary to provide means of transportation for the pupils of the school, the Minister, subject to the regulations, and upon the application of the board of trustees of the school section approved of by the ratepayers as provided in subsection 3 of section 21, may declare the school section to be a consolidated school section, and thereafter the said section shall apply thereto as if the school section were a consolidated school section established by agreement under subsection 1 of the said section.

(2) Where the councils of two or more townships have passed or hereafter pass a by-law under section 31 for the formation of a union school section, the same terms and conditions, mutatis mutandis, shall apply as in the case of subsection 1 above. R.S.O. 1927, c. 323, s. 26.

ADJUSTMENT OF CLAIMS BETWEEN SECTIONS

28.—(1) On the formation, dissolution, division or alteration of any school section or sections in the same township, in case the boards of the sections interested are unable to agree, the inspector and two other persons appointed by the
township council shall, as arbitrators, value, adjust and determine in an equitable manner all rights and claims consequent upon such formation, dissolution, division or alteration between the respective parts of the township affected, and the determination of the arbitrators or of any two of them shall be final and conclusive.

Where more inspectors than one.

(2) Where there are more inspectors than one, the township council shall name the inspector who is to act. R.S.O. 1927, c. 323, s. 27.

SALE OF SCHOOL PROPERTY

29.—(1) When a school site, schoolhouse or other school property is no longer required, in consequence of the alteration or the union of school sections, the same shall be disposed of in such manner as a majority of the ratepayers in the altered or united school sections may decide at a meeting duly called for that purpose.

(2) Where ratepayers are transferred from one school section to another the board of the section to which they are transferred shall be entitled, for the public school purposes of the section, to such a proportion of the proceeds of the sale as the assessed value of the property of the ratepayers so transferred bears to that of the whole number of ratepayers of the school section to which they belonged before the separation, and the residue of such proceeds shall be applied to the erection of a new schoolhouse or to other public school purposes in the old school section.

(3) In the case of united sections the proceeds shall be applied to the public school purposes of the united section. R.S.O. 1927, c. 323, s. 28.

VALIDITY OF SCHOOL ARRANGEMENTS AND PROCEEDINGS

30.—(1) Whenever a school section or a union school section has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law or not, it shall be conclusively deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such section had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of such section and notice thereof has been given to the persons who, according to the practice of the court in which the proceedings are taken, ought to be served with notice thereof, and such proceedings shall result in its being determined that such section has not been legally formed.
(a) Provided that where the boundaries of one or more school sections have been altered by the award of a board of arbitrators under the provisions of this Act and such award has not been acted upon for a period of two years, the Minister may cancel such award and may direct the appointment of new arbitrators or may himself appoint arbitrators for the reconsideration of the matter, and where the arbitrators are appointed by the Minister their award shall not be subject to any appeal.

(b) Where an award is cancelled by the Minister as provided in clause a, such cancellation shall be deemed to have had effect from the time of the making of the award.

(2) No proceeding in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, and no arbitration or award in reference thereto or as to any matter which by the provisions of this Act are to be or may be determined by arbitration shall be deemed to be invalid or shall be set aside because of the failure to comply with the provisions of this Act, applicable to such proceeding, arbitration or award, unless, in the opinion of the tribunal before which such proceeding, arbitration or award is called in question the same, if allowed to stand, will cause substantial injustice to be done to the persons affected thereby, or some of them.

(3) Should any question arise touching the validity of the proceedings in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, or touching the selection, adoption or change of a school site, or touching any by-law of the council of any municipal corporation in any way relating to such matters or any or either of them, or touching any arbitration or award heretofore or hereafter had or made under the provisions or authority of this Act, the same shall not be raised or determined by action or proceeding in the Supreme Court, but shall be raised, heard and determined upon a summary application to the judge of the county or district court of the county or district in which such school section or some part thereof is situate, and the decision of such judge shall be final and conclusive unless special leave to appeal therefrom shall be given by the Supreme Court or a judge thereof, and if such leave be given an appeal shall lie to the Supreme Court upon questions of law only, upon and subject to such terms and conditions as the Court or judge giving the leave shall prescribe.
(4) Where the question touches an arbitration or award to which the judge has been a party, the application shall be heard and determined by the judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census. R.S.O. 1927, c. 323, s. 29.

UNION SCHOOL SECTIONS

31.—(1) A union school section may be formed between parts of two or more adjoining townships, or a union may be formed between parts of one or more townships and an adjoining urban municipality not being a city or a separated town, and in such case the union shall be considered an urban municipality.

(2) A union school section may be formed consisting of a part of a township or parts of two or more townships and an adjoining city or separated town where the suburban school section or sections concerned, by a majority vote at a meeting of the ratepayers in such section or in each of such sections regularly called, approves of such annexation, and such union is also approved by the urban board, and the union shall take effect on the 25th day of December next after the union has been confirmed by by-laws passed by the councils of the township and the city or separated town respectively, at the request of the boards of the suburban school section or sections and of the city or separated town.

(3) Where a union school section is established under subsection 2, the assessment for school purposes of all property liable to taxation in the rural portion of the union school section shall be fixed from year to year by a board of three arbitrators, one of whom shall be appointed by each of the townships interested, one by the council of the city or town and one by the Minister.

(4) For the purpose of subsection 3 the assessor of the township in which the rural portion of the union school section is situate shall deliver a copy of the assessor’s roll or so much of it as may be necessary, to the board of arbitrators who shall within two weeks thereafter return the same to the assessor with the assessment required for school purposes.

(5) The board of arbitrators shall, after they have completed the revision and before the 1st day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters in the rural portion of the union section.
(6) The council of the township in which the rural portion of the union school section lies shall levy in each year on all the property liable for assessment for school purposes in the rural portion of the union school section according to the assessment fixed as provided in subsection 3 a rate equal to the rate imposed by the corporation of the city or town for public school purposes.

(7) Except where the section is an urban municipality, the board shall be a corporation under the name of “The Board of Public School Trustees of Union School Section number in the .”

(8) A union school section may be formed, altered or dissolved on the petition of five ratepayers from each of the municipalities concerned to their respective councils asking for the formation, alteration or dissolution of the section.

(9) Each of the councils so petitioned may appoint an arbitrator who shall not be a member of the council, and notice of the appointment shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned who shall also be arbitrators.

(10) A council may act upon a petition addressed to the councils concerned or to any two or more of them jointly if such petition is signed by five ratepayers of the municipality acting thereon.

(11) Where there would otherwise be an even number of arbitrators the judge of the county or district court, or some person named by him, shall be added, and where the arbitration affects two or more counties or districts the judge of the county or district court of the county or district which has the largest population according to the last Dominion census, or some person named by him, shall be added.

(12) The arbitrators, or a majority of them, may make and publish the award.

(13) The first meeting of the arbitrators shall be called by the senior inspector, who shall give ten days’ notice in writing of such meeting to the clerks of the municipalities concerned who shall forthwith notify the arbitrators appointed by their respective councils.

(14) Where the arbitrators determine upon the formation of a new union section, or upon the alteration of the boundaries of an existing union section, they shall in their award set forth the specific parcels of land to be included in such new union section or in such altered section as the case may be.
(15) In the event of the transfer of any land from an existing union section to some other section, the arbitrators shall in their award set forth to what other section such transfer shall be made.

(16) Where the arbitrators determine upon the dissolution of an existing union section, they shall set forth in their award the section or sections to which the land composing such union section shall be attached.

(17) Where the arbitrators are of opinion that it would be in the interests of the parties concerned, and that it is practicable so to do, they may form part of the territory of a section into a new section, or form a new union section, and they shall indicate the land of which such section or union section shall be composed, and the remainder of the union section shall be disposed of as herein provided.

(18) Where a new union section is formed or an existing union section is altered, the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection of the schoolhouse and the maintenance of the school and other necessary expenses. R.S.O. 1927, c. 323, s. 30 (1-18).

(19) The arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of a union section between the respective municipalities, school sections and ratepayers concerned, and shall also determine in what manner and by what municipality or municipalities or by what parts thereof the same shall be paid and the money to be paid by one part of the municipalities or school sections concerned to the union section so formed or altered, and the disposition of the property of the union section, and any payment by one part to the other and the right of any ratepayer affected by the award.

(a) Where the award directs the payment of any sum of money by one municipal corporation to another, the corporation liable may pass a by-law for borrowing the money by the issue and sale of debentures, and it shall not be necessary to obtain the assent of the electors to any such by-law, or to observe the other formalities in relation thereto prescribed by The Municipal Act.

(b) The debentures and the money to be raised annually for the payment thereof shall be chargeable only upon the property of ratepayers who are the supporters of public schools.
(c) The debentures may be for such amount and for such term of years, not exceeding thirty, as the council sees fit, or the council may make the principal and interest payable in annual or other instalments in the manner provided by The Municipal Act, R.S.O. 1927, c. 323, s. 30 (19); 1930, c. 63, s. 4.

(20) Where a new union section is formed, the inspector authorized under subsection 13 to call the first meeting of the arbitrators shall call the first meeting of electors for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act.

(21) Such union, alteration or dissolution, except as herein otherwise provided, shall not take effect until the 25th day of December after the award or a certified copy thereof is filed with the clerks of the municipalities concerned, but the trustees may at any time after their election raise money for and may acquire a school site, erect school buildings and provide school equipment.

(22) Subject to the provisions of subsections 6, 7 and 8 of section 14 and subsection 27 of this section, a union school section shall not be altered or dissolved for a period of five years after the award has gone into operation, whether the award does or does not change the boundaries of existing sections, but nothing herein shall prevent a municipal council from enlarging the boundaries of a union section as may be deemed expedient, and two-thirds of the ratepayers of a union section may, at the expiration of three years from the date of its formation, petition the municipal council or councils concerned for a reconsideration of the award for the formation of the section, and the proceedings shall be the same as in the case of a petition under subsection 8.

(a) Where the arbitrators appointed by the councils of the municipalities interested have failed to establish a union school section in accordance with the petition or where the arbitrators appointed by the council of a county have set aside an award made by the arbitrators appointed by the councils of the local municipalities, the council of each of the local municipalities on the petition of at least five ratepayers resident in the municipality asking for reconsideration of the award after the expiration of two years from the date of the award may appoint arbitrators and take all other necessary proceedings as provided by this section for the establishment of such union school section.
(23) Where an award, whether for or against the formation of a new union school section, has not been acted upon the proceedings mentioned in subsection 1 may be taken at any time after the expiration of three years after the award was made.

(24) Where an award, whether for or against the formation of a new union school section, has been adjudged illegal or void, the proceedings mentioned in subsections 1 and 8 may be taken at any time after the expiration of the time for appealing against the judgment or decision or after the disposition of any appeal therefrom. R.S.O. 1927, c. 323, s. 30 (20-24).

(25) In a provisional judicial district,—

(a) a union school section may be formed of any two or more of the following, namely—an organized township or any part thereof, or two or more organized townships or parts thereof, an unorganized township or any part thereof, or two or more unorganized townships or parts thereof, unsurveyed territory, and a town or village, and the union school section may be altered or dissolved, and in such case the petition of the ratepayers for the part of the union school section not included in an urban municipality or organized township shall be presented to the inspector;

(b) the arbitrators shall be—one person appointed by each of the councils of the organized municipalities concerned, the inspector of the district and the judge of the county or district court or some person named by him, and they shall have all the powers of the board of arbitrators mentioned in this section, all of which, so far as applicable, shall apply to the subject matter of this subsection. R.S.O. 1927, c. 323, s. 30 (25); 1934, c. 52, s. 3.

(26) The powers conferred by this section may be exercised notwithstanding that the period fixed by subsection 2 of section 14 or by subsection 1 of section 39 has not expired.

(27) Where within the period of five years mentioned in subsection 22 the assessment of the union school section is materially altered by reason of any land therein becoming exempt from taxation for public school purposes, such union school section notwithstanding the provisions of that subsection may be altered or dissolved. R.S.O. 1927, c. 323, s. 30 (26, 27).

32.—(1) Where the territory which it is proposed to form into a union section, or where the union section which it is proposed to alter or dissolve lies wholly within a county, the
board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council from any award made by the arbitrators either for or against the formation, alteration or dissolution of such section or against the neglect or refusal of the township council or councils concerned to appoint arbitrators as provided in section 31.

(2) On receipt of such appeal, the county council shall have power to appoint not more than three arbitrators, who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 31 and the decision of a majority of them shall be final and conclusive.

(3) The first meeting of such arbitrators shall be called by the county clerk. R.S.O. 1927, c. 323, s. 31.

33.—(1) Where territory which it is proposed to form into a union school section or where the union school section which it is proposed to alter or dissolve comprises an organized or unorganized township or any part thereof, and an urban municipality, or lies in more than one county, or in a district, the board, or any five ratepayers in the union school section or territory concerned, or any inspector or inspectors may at any time appeal to the Minister from any award made by arbitrators for or against the formation, alteration or dissolution of such section or against the refusal or neglect of the council or councils concerned to appoint arbitrators as provided in section 31.

(2) The Minister may in his discretion alter, determine or confirm such award, or where no award has been made he may appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 31, and a decision of a majority of them shall be final and conclusive.

(3) The first meeting of the arbitrators shall be called by the Minister. R.S.O. 1927, c. 323, s. 32.

34. The collectors of each municipality in which a part of a union section is situate shall collect the school rates for that part, and the amount collected from the ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and the treasurer shall pay over the same without any charge or deduction to the board entitled thereto. R.S.O. 1927, c. 323, s. 33.
35. Where a township is divided for municipal purposes, all school sections which, in consequence of such division, are situate partly in each of the newly formed municipalities shall be deemed union sections until otherwise altered under the provisions of this Act. R.S.O. 1927, c. 323, s. 34.

36. Every union school section shall, for the purpose of the election of trustees, be deemed one section, and in respect to inspection shall be deemed to be within the municipality in which the schoolhouse is situate, or if there are two or more schoolhouses, then in that municipality within which a schoolhouse is situate which has the largest amount of property assessed for public school purposes. R.S.O. 1927, c. 323, s. 35.

37.—(1) Where a union school section includes an urban municipality divided into wards and part of an adjoining township, the board shall by resolution determine in which ward or wards the electors of the township shall vote for the election of school trustees and on other school questions, and in the absence of any such resolution, then such part of the township shall be considered for all election purposes as attached to the adjacent ward, and if two or more wards are adjacent, any such elector may vote in either of such wards.

(2) The clerk of the township shall furnish to the clerk of the urban municipality a certified copy of so much of the last revised voters’ list of the township as contains the names of electors qualified to vote in that portion of the union school section lying within the township. R.S.O. 1927, c. 323, s. 36.

38.—(1) Where part of a township becomes incorporated as or is annexed to and becomes part of an urban municipality such part shall for all school purposes be deemed to be part of the urban municipality, provided that when the part incorporated or annexed comprises or includes part only of a school section, the municipalities interested, unless determined by agreement after the incorporation or annexation, shall each appoint an arbitrator who, with the judge of the county or district court, shall value and adjust in an equitable manner the rights and claims of all parties thereby affected, and shall determine by which municipality or part thereof the same shall be paid or settled.

(2) The award shall be final and conclusive, and any money found due, either by agreement or under the award, shall be deemed public school money and shall be payable out of the property taxable for public school purposes in that part of the school section situate within the indebted municipality.
(3) The provisions of section 55 shall not apply to the money required to be paid under the award or agreement, and debentures may be issued to be payable out of the property so taxable without calling a special meeting of the electors and upon the terms and conditions set forth in a by-law of the council of the municipality.

(4) Subject to the provisions of this Act as to the alteration of school boundaries and the formation of union school sections, where a part of a township so incorporated or annexed includes part only of a school section, the part remaining shall constitute a school section by the same name as before the incorporation or annexation, and the school corporation shall continue, and the trustees who are in office at the time of such incorporation or annexation shall continue in office until their successors are elected and shall be the board of public school trustees for the part of the section not so included in the urban municipality, and the trustees may resume office or be elected for the section in case the board has been disbanded, and action may be taken by the township council at any time, as provided by this Act, to readjust the boundaries of the portion of the section that is not included in the urban municipality.

(5) Where urban municipalities become united, all the assets and liabilities of the board of each municipality shall be vested in and assumed by the board of the united municipality. R.S.O. 1927, c. 323, s. 37.

MAINTENANCE OF UNION SCHOOLS

39.—(1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per centum of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section is situate shall, after they have completed their respective assessments and before the 1st day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which such section lies.

(2) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for school purposes, the assessors shall, at their next meeting, revise the equalization.
Sec. 39 (3).

(3) The meeting of the assessors shall be called by the assessor of the municipality in which the schoolhouse is situate.

(4) Where there are more assessors than one, the head of the municipal corporation shall name the assessor who shall act.

(5) Notice of the determination shall be given forthwith to the secretary of the board and to the clerk of each municipality.

(6) Where the assessors disagree, the inspector in whose inspectorate the school of the union section is situate, and the assessors, shall be arbitrators to determine the matter and report to the secretary of the board and to the clerk of each municipality, on or before the 1st day of July. R.S.O. 1927, c. 323, s. 38 (1-6).

(7) Where the union school section is composed of parts of two adjoining counties, then on the disagreement of the assessors, the inspector of the township in which the schoolhouse of the section is situate shall act with the assessors. R.S.O. 1927, c. 323, s. 38 (7) ; 1930, c. 63, s. 5.

(8) The decision of a majority of the arbitrators shall be final and conclusive until the next equalization of assessments takes effect.

(9) The assessors or, in the case of an arbitration, the arbitrators on the request in writing of the inspector or of five ratepayers may within one month after the report of the determination or award to the secretary of the board correct any omission or error in the terms in which the determination or award is expressed.

(10) The cost of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in the same proportion as the equalized assessments bear to each other. R.S.O. 1927, c. 323, s. 38 (8-10).

CONFIRMATION OF BY-LAWS AND AWARDS

40.—(1) A by-law of a municipal council for forming, altering or dissolving a school section, and an award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding, notwithstanding any defect in substance or form, or in the manner or time of passing or making the same unless notice of an application to quash such by-law or award is given to the township clerk within one month after the publication of such by-law or award, and the same is subsequently quashed or set aside.
(2) Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary of each board of trustees affected thereby. R.S.O. 1927, c. 323, s. 39.

(3) Arbitrators appointed under any of the provisions of this Act shall make their award within one month from the time when the last arbitrator was appointed, provided, however, that the county or district judge may extend the time for making an award upon application to him by the arbitrators either before or after the time for making the award has expired. 1932, c. 42, s. 6.

ESTABLISHMENT OF SECOND SCHOOLS IN SECTIONS WHERE ROADS IMPASSABLE

41.—(1) Where it appears to the Minister that owing to the condition of the roads or other causes the public school in any school section in any township is inaccessible, during certain months of the year, to any of the pupils entitled to attend such school, the Minister may require the council to form a new school section or the board to provide a second school in their section, or to provide transportation to and from the school for such pupils.

(2) The Minister may provide that the second school be opened during such months of the year as he may deem necessary and may prescribe the area from which pupils shall have the right to attend such second school.

(3) Any grant in either case from the assisted school fund shall be supplemented by equal amounts from the townships and county councils.

(4) The provisions of subsection 1 of section 6 shall not apply to a school established under this section, but nothing herein shall relieve the pupils attending such second school from attendance at the public school of the school section during those periods of the school year in which the second school is closed, nor relieve the board of such school section from the duty of providing school accommodation for such pupils during such periods. R.S.O. 1927, c. 323, s. 40.

SECTIONS IN UNORGANIZED TOWNSHIPS

42.—(1) Subject to the approval of the Minister, the inspector may form an unorganized township or part of an unorganized township or parts of two or more adjoining unorganized townships into a school section. R.S.O. 1927, c. 323, s. 41 (1); 1934, c. 52, s. 4 (1).
(2) The section shall not, in length or breadth, exceed five miles, and subject to this restriction, the boundaries may, with the approval of the Minister, be altered by the inspector from time to time. R.S.O. 1927, c. 323, s. 41 (2); 1934, c. 52, s. 4 (2).

(3) The inspector on the petition of any head of a family who has a child attending school and who lives in one school section on land contiguous to another school section may alter the boundaries of such sections so as to transfer such land from one section to the other, but such transfer shall not relieve the land from any taxation required to meet a liability incurred prior to the transfer, nor shall it be made unless in the opinion of the inspector it is more convenient for the child to attend the school in the section to which the transfer is requested. R.S.O. 1927, c. 323, s. 41 (3).

(4) After the formation of a section any two ratepayers in the section may, by notice posted for at least six clear days in not less than three of the most public places in the section, appoint a time and place for a meeting for the election of three school trustees for the section.

(5) The trustees elected at such meeting or at any subsequent school meeting of the section shall have the powers and be subject to all the obligations of public school trustees, and may at any time after their election take the proper steps, in accordance with the provisions of this Act, to raise funds for and purchase a school site and erect school buildings and provide equipment for the school, but in other respects any alteration of the boundaries of a section shall go into operation on the 25th day of December next after such alteration and not before. R.S.O. 1927, c. 323, s. 41 (5, 6).

43.—(1) The inspector shall divide the school sections into groups of three or as near thereto as practicable, and shall notify the secretary of each section of the group to which it belongs, and the grouping may be changed from year to year as the inspector may direct.

(2) The treasurers of the boards in a group shall constitute a court for the revision of the school assessment rolls of the sections in the group, and for the hearing and determination of any appeals against the same, and the members of such court shall be paid reasonable travelling expenses by their respective boards for their attendance. R.S.O. 1927, c. 323, s. 42 (1, 2).

(3) Where, from the sparseness of settlements, it would be inconvenient for a court of revision to meet for the revision of the assessment roll of any section, the inspector, on the
request of any board, may assume or may, by writing, appoint some other person to assume the functions of a court of revision for the section on behalf of which the request is made. and all the proceedings of the inspector or other person appointed by him in the matter shall be subject to the provisions of this Act and shall have the same effect as if made in a court of revision constituted under subsection 2. R.S.O. 1927, c. 323, s. 42 (3); 1936, c. 55, s. 28.

44.—(1) The board shall, annually, at their first meeting, appoint an assessor, who may be one of themselves, to prepare an assessment roll for the section, and the secretary shall submit a certified copy of the same to the proper court for revision.

(a) Where a new school section is formed after the 1st day of March in any year, the appointment of an assessor shall be made as soon after its formation as possible.

(2) The assessor shall notify every person assessed by leaving a notice containing the particulars of his assessment at his place of residence, or, if a non-resident, by mailing the same by registered post to his last known address, or, if his address is unknown, by posting up the same in the post office nearest to the land assessed.

(3) The assessor shall be subject to the provisions of The Assessment Act with regard to the equitable rating of all taxable property in the section, and shall, before returning his assessment roll to the secretary of the board, attach thereto a certificate signed by him and verified upon oath according to the form prescribed in The Assessment Act.

(4) The assessor shall return the assessment roll to the secretary not later than the 1st day of June of the year in which the assessment is made.

(5) A copy of the roll so certified shall be open to inspection by all persons interested at some convenient place in the section, notice whereof signed by the secretary shall be posted up by him in at least three of the most public places in the section, and shall state the place and the time at which the court will hear appeals against the assessment.

(6) The notice shall be posted up for at least three weeks before the time appointed for hearing the appeals, and shall be mailed by registered post to the last known addresses of non-resident ratepayers.
(7) Subject to the provisions of clauses a and b, all appeals and the proceedings thereon shall be the same as nearly as may be as in the case of appeals to a court of revision, from municipal assessments, and the court of revision shall have the same powers as municipal courts of revision.

(a) The notice of appeal shall be given to the treasurer of the board within one month after the delivery, mailing and posting up of the notice provided for by subsection 2.

(b) The court may appoint a competent person to be its clerk for each section or one for all the sections.

(8) The assessor, when making his assessment, shall enter in a book to be provided by the board the name, age and residence of every child between the ages of five and twenty-one years resident in the section and the name and residence of such child’s parents or guardian, and shall, with the assessment roll, return the book to the secretary, and the secretary shall include a copy of the particulars entered in the book in his annual report to the inspector.

(9) The roll, as finally passed and signed by the chairman of the court of revision, shall be binding upon the trustees and ratepayers of the section until the roll for the succeeding year is passed and signed as aforesaid. R.S.O. 1927, c. 323, s. 43.

45.—(1) Any part of an unorganized township which forms part of a union section, the remainder of which is an organized municipality or part of an organized municipality, shall for public school purposes be deemed to be annexed to such organized municipality, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the unorganized township forming part of such union section as any part thereof which lies within the organized municipality.

(2) Where a union section is composed of a town in a provisional judicial district and of a portion of any other organized municipality and any part of an unorganized township the part of the unorganized township included in the school section shall, for public school purposes, be deemed to be annexed to the town and form part thereof, and the officers of the town shall make any assessments and collect all taxes and do all such other acts and perform such duties and be subject to the same liabilities with respect to the part of the unorganized township forming part of such union section as with respect to the town. R.S.O. 1927, c. 323, s. 44.
Sec. 47 (3).  PUBLIC SCHOOLS. Chap. 357.

(3) Any assessments to be made and taxes to be collected under this section with respect to part of an unorganized township shall include as part thereof the proper proportion of the salaries and expenses of the officers making the said assessments and collecting the said taxes, having regard to the ratio which the assessment in that part of the unorganized township bears to the total assessment of the union section. 1931, c. 71, s. 3.

46.—(1) In unorganized townships, the board of a section may issue debentures for the purchase of a school site and the erection of a school house, for such amounts and for such term of years, not exceeding thirty, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided by The Municipal Act, provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section.

(2) The debentures shall be signed by the trustees and shall be sealed with the corporate seal of the board, and shall be a charge upon the taxable property of the public school supporters of the section. R.S.O. 1927, c. 323, s. 45.

47.—(1) The board may appoint some competent person who may be a member thereof to collect the rates imposed by them upon the ratepayers of their section, or the sums which the inhabitants or others may have subscribed, and may pay to such collector at the rate of not less than five nor more than ten per centum on the moneys collected by him, and every collector shall give security satisfactory to the board, and the security shall be lodged for safe keeping with the inspector.

(2) Every collector shall have the same powers in collecting the school rate or subscriptions, and shall be under the same liabilities and obligations and proceed in the same manner in the section or township, as a township collector in collecting rates in his township as provided by The Assessment Act.

(3) The collector shall, on or before the 1st day of June in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the county or district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of such return with the year for which the rates so in arrear were imposed.
(4) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

(5) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the same became due, but in the case of payments made before the expiration of such period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book kept by him.

(6) After the expiration of such period, all such arrears shall be payable to the sheriff, who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board. R.S.O. 1927, c. 323, s. 46 (1-6).

(7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the same became payable, the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality. R.S.O. 1927, c. 323, s. 46 (7); 1933, c. 58, s. 7.

SCHOOLS IN UNSURVEYED DISTRICTS

48.—(1) In any part of Ontario not surveyed into townships, five of the inhabitants thereof who are twenty-one years of age may call a public meeting of such inhabitants, by giving such notice of the meeting as the public school inspector shall direct.

(2) The meeting may elect three of the inhabitants to serve as public school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of this Act.

(3) On receipt of a report from the inspector that a public school has been established and suitable accommodation and equipment provided for public school purposes, the Minister may pay over to the board, out of the appropriation made by this Legislature for public schools, such sum of money for the maintenance of such school as may be approved by the Lieutenant-Governor in Council. R.S.O. 1927, c. 323, s. 47.
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49. In addition to any other remedy possessed by public school trustees in unorganized townships or in unsurveyed territory, for the recovery of rates imposed under the authority of this Act, the trustees, with the approval of the inspector in writing signed by him, may bring an action in any court of competent jurisdiction for the recovery of any rates in arrear against the person assessed therefor.  R.S.O. 1927, c. 323, s. 48.

EXEMPTIONS

50. No by-law of a municipal council passed after the 14th day of April, 1892, or hereafter passed, for exempting any part of the rateable property in the municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind.  R.S.O. 1927, c. 323, s. 49.

RETURN OF ANNUAL CENSUS

51.—(1) The clerk of every county shall make a return to the Minister showing the population of each local municipality within the county, and the clerk of every city and of every separated town shall make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous years, such returns to be made on or before the 1st day of April in each year.

(2) The clerk of every county shall furnish the inspector forthwith on demand with such school statistics in regard to assessments as the Minister may direct.  R.S.O. 1927, c. 323, s. 50.

52.—(1) The clerk of every township shall give to the inspector when requested by him, a statement of the assessed value of each school section as shown by the last revised assessment roll, and at the request of any board shall furnish them with a statement showing the several parcels or lots of land composing the school section, the assessment of each parcel or lot and the amount of taxes entered on the collector’s roll against each parcel or lot, and the other particulars required by section 33 of The Assessment Act as to the children in each section, and the cost of preparing this statement shall be paid by the board applying for the same.

(2) The clerk of every township in which a section is situate which is wholly or in part united to an urban municipality shall give to the clerk of the urban municipality such information as may be required regarding population and
APPORTIONMENT OF INVESTMENTS BY TOWNSHIPS

53. The council of every township may by by-law apportion among the school sections in the township the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid to the teachers engaged by the respective boards during the past year, or according to the average attendance of pupils in each section during the same period. R.S.O. 1927, c. 323, s. 51.

BORROWING POWERS

In Urban Municipalities

54.—(1) The council of an urban municipality, on the application of the board, may pass a by-law for borrowing money by the issue and sale of debentures for any one or more of the following purposes,—

(a) the purchase or enlargement of a school site or building;

(b) the purchase or enlargement of a site and the erection thereon of a building for the use of the board for administration or office purposes;

(c) obtaining and conveying, from beyond the school premises if necessary, a supply of water;

(d) the erection of a schoolhouse, drill hall, gymnasium or teacher’s residence, or any addition to the same or any of them;

(e) repairs or improvements of the school property;

(f) the purchase of furniture, furnishings, school apparatus, a school library and other equipment;

and it shall not be necessary that the by-law shall be submitted to the electors for their assent.

(2) The debentures and the money to be raised annually for payment thereof shall be chargeable only upon the property of ratepayers who are supporters of public schools.

(3) Where the council refuses to pass such a by-law the question shall be submitted by the council, if requested by the board, to the vote of the electors qualified to vote under The Municipal Act on money by-laws and who are supporters of public schools, in the manner therein provided, and on
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the assent of such electors being obtained the council shall pass the by-law and issue such debentures, and it shall not be necessary that the by-law shall be submitted to the electors for their assent.

(4) The debentures may be for such amount and for such term of years, not exceeding thirty, as the council sees fit, or the council may make the principal and interest payable by annual or other instalments, in the manner provided in The Municipal Act.

(5) The application for the issue of debentures by the board of an urban municipality to which part of an adjoining township is attached shall be subject to the provisions of this section, and where a by-law is submitted to the electors as provided in subsection 3, the vote shall be taken in the same manner as nearly as may be as at an election in a union school section consisting of an urban municipality and a portion of a township, but only those electors shall vote who are public school supporters qualified to vote on money by-laws under The Municipal Act.

(6) Where the amount provided by a by-law passed under the authority of this section proves insufficient for the purposes for which the by-law was passed the council may pass another by-law for borrowing the remainder of the money required for such purposes, and all the provisions of this section shall apply to the application for the issue of debentures for the amount required, and to the passing of a by-law for that purpose. R.S.O. 1927, c. 323, s. 53.

In Rural Sections

55.—(1) On the application of a rural school board for the issue of debentures for any of the purposes mentioned in section 54 the council of the township shall pass a by-law therefor, and shall forthwith issue debentures to be payable out of the taxable property of the public school supporters of the section in such annual amounts as they may deem expedient, provided always that the proposal for the loan has been submitted to and sanctioned at a special meeting of the ratepayers called for the purpose.

(2) The application for a loan for any of such purposes shall be made by the board of a union school section to the council of the municipality within which the schoolhouse or school site of such section is situate, and all debentures for the payment of the loan shall be issued by the corporation of such municipality.
Sanction by ratepayers.

(3) The application must be sanctioned by the ratepayers of the school section in the manner set forth in subsection 1.

Application of proceeds of debentures.

(4) Where the by-law authorizes the issue of debentures for the erection of buildings such proportion of the proceeds of the debentures as may be necessary may be applied for the purchase or enlargement of a school site upon which such buildings are to be erected.

Municipality forming part of union section to pay in proportion.

(5) The corporation or corporations of any other municipality or municipalities forming, or any part of which forms, part of the union section shall, on the requisition of the clerk of the municipality by which the debentures were issued, pay its or their share of the loan, including interest as it comes due according to its or their liability as determined by section 39.

How payable.

(6) The proportion of the moneys payable by the corporation of each of the municipalities shall be payable out of the taxable property of the public school supporters therein lying within the section.

Expenses of publishing by-laws.

(7) The expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such section.

Liability for loan where boundaries altered.

(8) Notwithstanding any alterations which may be made in the boundaries of a section the taxable property of the public school supporters situate therein at the time when such loan was effected shall continue to be liable for the rate which may be levied for the repayment of the loan. R.S.O. 1927, c. 323, s. 54.

Lands included in section by reason of alteration in boundaries to be subject to taxation.

(9) When upon alteration of boundaries of a school section lands are included therein which are taxable property of public school supporters, such lands shall be subject to taxation for school purposes, including debenture rates, of the school section to which they are attached in the same manner and to the same extent as all other taxable property of public school supporters in the school section; provided that if the lands so attached continue liable for debenture rates for the purposes of the school section from which they are detached, they shall during the continuance of such liability be subject only to taxation for school debenture rates in the school section to which they are attached, to the amount by which such last mentioned debenture rates exceed the amount of the debenture rates for which they have continued liable. 1936, c. 55, s. 29.
56.—(1) A rural school board may require the council to raise by one yearly rate such sums as may be necessary for the purchase or enlargement of a school site, or the erection of a schoolhouse, or an addition thereto, or a teacher's residence.

(2) A municipal council shall not levy or collect during any one year more than one school rate except for one or more of the purposes mentioned in subsection 1. R.S.O. 1927, c. 323, s. 55.

57. A rural school board may, with the consent of the ratepayers first obtained at a special meeting called for that purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys derived from the Ontario Municipalities Fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution for any or more of the following purposes: the purchase or enlargement of a school site, the erection of a schoolhouse, drill hall, gymnasium, or teacher's residence, or any addition to the same or any of them, and any sum so borrowed shall be applied only to the purpose for which it was borrowed. R.S.O. 1927, c. 323, s. 56.

RATES

58.—(1) The council of every local municipality shall levy and collect upon the taxable property of the public school supporters of the municipality, or of the sections in the case of rural schools, in the manner provided in this Act. and in The Municipal Act, and The Assessment Act, such sums as may be required by the board for school purposes, and shall pay the same to the treasurer of the board from time to time as may be required by the board on the warrant of the proper inspector. R.S.O. 1927, c. 323, s. 57 (1); 1930, c. 63, s. 6.

(2) In the case of a union school section formed of parts of townships, the sums levied and collected from the ratepayers by township councils shall be levied and collected by the several councils out of the taxable property of the public school supporters of such union school section, each in the proportion which such taxable property within its jurisdiction bears to the taxable property of public school supporters in the whole union section.

(3) Every municipal council shall annually account for all moneys collected for public school purposes, including any sum which has been collected in excess of the sums disbursed, on account of the public school or schools within such municipality or section, and shall pay over the same to the
59.—(1) In addition to any sums which the council of a municipality may be bound to levy and collect under any section of this Act, the council of any municipality may make grants as it may deem expedient for the purposes of public schools within the municipality, and may assess, levy and collect the sums required to pay the same by general rate upon all taxable property of public school supporters in the municipality.

(2) The purposes for which the rate mentioned in subsection 1 may be raised shall include, but shall not be limited to, the establishment and maintenance of school corporations, aiding new or weak schools, or continuation schools or fifth classes in the municipality, or the supplementing of teachers' salaries or retiring allowances. R.S.O. 1927, c. 323, s. 58.

60. Every municipal council shall correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be to the end that no property shall escape from or be compelled to pay more than its proper proportion of the rate. R.S.O. 1927, c. 323, s. 59.

61.—(1) Where in any municipality situate in an organized county there are persons entered on the assessment roll as public school supporters and there is no public school to which public school rates levied by the council of the municipality can be applied, there shall be assessed, levied and collected annually upon the property of all persons assessed as public school supporters in such municipality, a rate equal to the average public school rate levied in the county for boards of public school trustees of villages, and of towns not separated from the county and of school sections, and the moneys so raised shall be set apart or invested by the council of the municipality in the manner provided by section 330 of The Municipal Act. R.S.O. 1927, c. 323, s. 60; 1931, c. 71, s. 4.

(2) In urban municipalities situate in unorganized territory where a like condition exists the rates to be so levied on public school supporters shall be equal to those levied in the nearest urban municipality. 1932, c. 42, s. 7 (1), part; 1934, c. 52, s. 6.

(3) In rural school sections in townships situate in unorganized territory where a like condition exists the rates to be so levied on public school supporters shall be equal to the average rate levied on public school supporters in the other
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rural school sections in the same township in which there is a public school, or if there be none then equal to the rate levied on public school supporters in the nearest rural school section outside the township in which there is a public school. 1932, c. 42, s. 7 (1), part.

RURAL SCHOOL SECTIONS

62.—(1) Where not already so subdivided the municipal council of every township shall subdivide the township into school sections so that every part of the township shall be included in some section, and shall distinguish each section by a number.

(2) Where the land or property of any person is situate within the limits of two or more sections the parts so situate shall be assessed and returned upon the assessment roll separately according to the divisions of the school sections within the limits of which the same are situate.

(3) No section shall be formed which contains less than fifty children between the ages of five and twenty-one years whose parents or guardians are residents of the proposed section unless such proposed section is more than four square miles in area, provided that a smaller area, although it contains a less number of such children, may be formed into a school section where, because of lakes or other physical conditions, a section convenient for school purposes containing an area of more than four square miles cannot be formed.

(4) Every township clerk shall prepare in triplicate a school map of the townships showing the divisions of the township into school sections and parts of union school sections, and shall furnish one copy to the county clerk, for the use of the county council, one to the county or district school inspector and retain the other in his office for the use of the township council, and shall furnish annually, on or before the 1st day of December, to the local inspector information in writing of the acreage, the assessed value, the rate for school purposes and the school population between the ages of five and twenty-one years of each section or part of a union section within the township. R.S.O. 1927, c. 323, s. 61.

RURAL SCHOOL TRUSTEES

63.—(1) The trustees of every rural school section shall be a corporation by the name of "The Public School Board of Section No. of the Township of in the County of " (inserting the number of the section and the names of the township and county).
(2) For every rural school section there shall be three trustees, each of whom, in rotation, shall, except as herein otherwise provided, hold office for three years and until his successor has been elected. R.S.O. 1927, c. 323, s. 62 (1, 2).

(3) The persons qualified to be elected trustees shall be any person who is a British subject, of the full age of twenty-one years, not disqualified under this Act and who is,—

(a) a resident ratepayer whose taxes for school purposes are neither overdue nor unpaid; or

(b) the husband, wife, son or daughter of a person assessed as the owner of a farm if resident on the farm with the assessed owner, provided that all taxes for school purposes payable with respect to such farm are neither overdue nor unpaid;

and no person not so qualified shall be elected or competent to act as trustee. '1932, c. 42, s. 8; 1935, c. 64, s. 3.

(4) For the purposes of subsection 3, “farm” shall mean not less than twenty acres of land in the actual occupation of the owner thereof. R.S.O. 1927, c. 323, s. 62 (4).

64.—(1) At the first election in every new section the first trustee elected shall hold office for three years, the second for two years, and the third for one year, or in case of a poll being taken the trustee receiving the highest number of votes shall hold office for three years, the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year.

(2) Where two or more trustees have received an equal number of votes the chairman shall give a casting vote or votes.

(3) The first year in each case shall be deemed to commence at the date of such first election and extend till the date fixed by this Act for holding the second annual meeting of ratepayers thereafter. R.S.O. 1927, c. 323, s. 63.

65. A school corporation shall not cease to exist by reason of the want of trustees, but if there are no trustees, any two electors of the section, or the inspector, by giving six days' notice, to be posted up in at least three of the most public places of the section, may call a meeting of the electors, who shall elect three trustees in the manner prescribed by this Act. R.S.O. 1927, c. 323, s. 64.
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66.—(1) Where the electors of a section for two years neglect or refuse to elect trustees, the council of the township may appoint trustees for the section, one for three years, one for two years, and the third for one year, to be reckoned from the date upon which the last election should have been had by the electors, and may fill the vacancies on the board so long as the electors neglect to do so.

(2) Instead of appointing trustees the council may, by by-law, declare the section dissolved and attach the same, in such proportions as they may deem expedient, to adjoining sections, and the assets of the section shall be disposed of as may be determined by the judge of the county or district court of the county or district in which the school is situate, the inspector, and one other person to be named by them, whose direction or the direction of a majority of them as to the disposition of the assets shall be carried out by the council.  R.S.O. 1927, c. 323, s. 65.

67.—(1) A meeting of the electors of every section 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 ten o'clock in the forenoon, or if the board by resolution so directs, at the hour of one o'clock or eight o'clock in the afternoon, at such place as the board shall by resolution determine, or in the absence of such resolution, at the schoolhouse of the section.  R.S.O. 1927, c. 323, s. 66 (1); 1936, c. 55, s. 30 (1).

(2) Where the annual meeting of electors of a rural section cannot conveniently be held as provided for in subsection 1, the electors 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.  1936, c. 55, s. 30 (2).

(3) Where a new section is formed the clerk shall fix the place for the first meeting and shall call the same for the fourth Wednesday after the time for appealing against the by-law forming the section has expired, or after the final disposition of the appeal, if any, by causing notices to be posted up in three of the most public places in the new section at
least six clear days before the date when the meeting is to be held.

(4) The meeting shall be held at the same hour and conducted in the same manner as the annual meeting in organized sections.

(5) At any time after the election of trustees in a new school section proceedings may be taken under the provisions of this Act to raise money for and acquire a school site, erect school buildings and provide school equipment.

(6) When any school meeting has not been held at the proper time the inspector, or any two electors in the section, may call a meeting of the electors by giving six clear days' notice, to be posted up in at least three of the most public places in the school section, and the meeting so called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

(7) The electors present at a school meeting shall elect one of their number as chairman, and shall also appoint a secretary who shall record the minutes of the meeting and perform such other duties as are required of him by this Act.

(8) The chairman shall submit all motions to the meeting in the manner desired by the majority and shall be entitled to vote on any motion, and in case of a tie the motion shall be declared to be negatived, and he shall decide all questions of order, subject to an appeal to the meeting.

(9) The business of every school meeting may be conducted in the following order,—

(a) receiving the annual report of the trustees and disposing of the same;

(b) receiving the annual report of the auditor and disposing of the same;

(c) electing an auditor for the ensuing year;

(d) miscellaneous business;

(e) instructing the trustees by resolution, if deemed expedient, to insure the school buildings and furniture;

(f) the election of trustees.

(10) Where a special meeting of the electors of a school section is called, the meeting shall be held at the hour of ten o'clock in the forenoon, or, if the board by resolution so directs, at the hour of one o'clock in the afternoon or eight o'clock in the afternoon, at such place as the board shall by
resolution determine, or, in the absence of such resolution, at the school house of the section. R.S.O. 1927, c. 323, s. 66 (2-9).

VOTING ON ELECTIONS OR SCHOOL QUESTIONS IN A RURAL SECTION

68.—(1) Every person who is a ratepayer in a rural school section, and every other person who is qualified to vote at municipal elections and who resides in the rural section and is not a supporter of separate schools, shall be entitled to vote at an election of trustees in the section and on every question submitted to a school meeting except a question involving expenditure of money on capital account.

(2) On a question involving the expenditure of money on capital account only such persons as are ratepayers in the school section shall be entitled to vote.

(3) A person who is not a British subject, or who is a citizen or subject of any foreign country shall not be entitled to vote at an election of school trustees in a rural school section or upon any school question. R.S.O. 1927, c. 323, s. 67.

69.—(1) A poll may be demanded by any two electors at a meeting for the election of trustees or for the settlement of any school question in a rural section, and such poll shall be granted by the chairman forthwith if demanded within ten minutes after the result of a vote has been declared by the chairman.

(2) Where a poll is granted for the election of a trustee, the secretary shall enter in a poll-book, in separate columns, the names of the candidates proposed and seconded, and shall write therein the names and residences of the electors offering to vote within the time prescribed by this Act, and shall, in the column in which is entered the name of a candidate voted for by a voter, set the figure “1” opposite his name.

(3) Where a poll is granted on any school question the secretary shall prepare a poll-book with two separate columns marked, respectively, “for” and “against”, and shall write therein the name and residence of each person voting on the question; and shall record his vote by setting the figure “1” opposite his name in the proper column so as to show how he votes on the question.

(4) If objection is made to the right of any person to vote, the chairman, if the name of such person appears on the assessment roll or on Part I or Part II of the Voters’ List,
shall require such person, where he votes as a ratepayer, to make the following declaration,—

Declaration by voter.

(1) I, A.B., declare and affirm that I am an assessed ratepayer, in school section No.—;
(2) That I am of the full age of twenty-one years;
(3) That I am a natural born (or naturalized) subject of His Majesty; and am not a citizen or subject of any foreign country;
(4) That I am a supporter of the public school in said school section No.—;
(5) That I have a right to vote at this election;

or shall require such person, where he votes as an elector, who is not a ratepayer, to make the following declaration,—

(1) I, A.B., declare and affirm that I am entered on the assessment roll (or voters’ list) of this municipality as entitled to vote at municipal elections;
(2) That I am of the full age of twenty-one years;
(3) That I am a natural born (or naturalized) subject of His Majesty, and am not a citizen or subject of any foreign country;
(4) That I am not a supporter of any separate school;
(5) That I have been a resident of this school section for the six months last past;
(6) That I have a right to vote at this election.

After making such declaration the person making it shall be entitled to vote.

When poll shall close.

(5) The poll shall not close before noon, but may close at any time thereafter when a full hour elapses without any vote being polled, and shall not be kept open later than four o’clock in the afternoon.

Polling at evening meeting.

(6) When the meeting is held in the evening the electors may decide, by resolution, that the poll shall be conducted forthwith or at ten o’clock on the following morning, and, if conducted in the evening, the poll shall close after ten minutes has elapsed without any vote being recorded.

Counting votes—casting vote.

(7) 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.

Declaration of result.

(8) 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.
(9) A correct copy of the minutes of every school meeting and a copy of the poll-book, where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the inspector.

(10) The secretary of every school meeting at which any person is elected as trustee shall forthwith notify him in writing of his election, and of the name and address of the chairman of the meeting, and every person so notified shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the date of election. R.S.O. 1927, c. 323, s. 68 (1-10).

(11) Where complaint is made to the inspector by an elector that the proceedings for the election of a trustee, or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act, the inspector shall investigate the complaint and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting, and it shall not be incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with the provisions of this Act if he is satisfied that the result of such election or proceeding has not been affected thereby. R.S.O. 1927, c. 323, s. 68 (11); 1936, c. 55, s. 31.

(12) The clerk of the municipality shall supply a list of the persons qualified to vote when required by the board or when required by the inspector in the case of an investigation with regard to the election of a trustee or the proceedings of a school meeting. R.S.O. 1927, c. 323, s. 68 (12).

URBAN SCHOOL BOARDS

70.—(1) Every board in urban municipalities shall be a corporation by the name of "The Public School Board," prefixing to the words "Public School Board" the name of the municipality for which the board is elected. R.S.O. 1927, c. 323, s. 69 (1).

(2) Any ratepayer in an urban municipality who is a British subject, and who resides in the municipality, or in the case of a city or town, within one mile from the boundaries of the municipality, and who is of the full age of twenty-one years and
not disqualified, may be elected a public school trustee and every trustee, except as otherwise herein provided, shall continue in office until his successor has been elected, and a new board organized, but no person who is not a British subject shall be elected or competent to act as trustee.

(a) The husband or wife of a person assessed as actual owner or tenant of land in the municipality for an amount sufficient to entitle him or her to vote at municipal elections shall be deemed a ratepayer within the meaning of this subsection, but shall not be eligible for election or to sit or vote as a member of the board while his or her wife or husband is a member of the board. R.S.O. 1927, c. 323, s. 69 (2).

(b) A person shall not be eligible to be elected as a trustee or to sit or vote as a member of the board if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which such person qualifies, are overdue or unpaid at the time of the nomination; provided that the provisions of this clause shall not apply where such person is a tenant of such property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property. 1936, c. 55, s. 33.

71.-(1) Where an unincorporated village becomes incorporated or a village or town changes its corporate status, or a portion of a township or portions of two or more townships is or are incorporated as a town, the board having jurisdiction over the school property situate within such village or town before its incorporation or before the change of its corporate status shall exercise all the powers conferred by this Act upon the board of an urban municipality until a new election of trustees is held.

(2) Where an unincorporated village becomes incorporated, the board shall call a meeting of the electors within one month after the date of the incorporation for the election of a new board.

(3) In calling the meeting, the provisions of section 76 shall be complied with so far as the same are applicable. R.S.O. 1927, c. 323, s. 70.

(Note.—As to elections in a union school section, including an urban municipality and a portion of a township, see section 37).
Municipalities Divided Into Wards

72.—(1) For every ward into which an urban municipality is divided there shall be two trustees, each of whom shall, except as otherwise provided in this Act, continue in office for two years and until his successor has been elected and the new board organized.

(2) After the first election of trustees in any ward, or when from any cause the two trustees in any ward are elected simultaneously, one of them, to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall hold office for one year and the other for two years, and after such first or simultaneous election one trustee shall be elected annually for each ward. R.S.O. 1927, c. 323, s. 71.

73.—(1) The municipal council of a city having a population of over 100,000 and in which there is a board of public school trustees, may submit to the electors assessed as public school supporters in the municipality in the manner provided by The Municipal Act, a question in the following form, namely:

Are you in favour of the election of members of the public school board by general vote of the electors of the city instead of by wards? Yes

No

and if the majority of the votes on the said question are in the affirmative, at the first annual election held thereafter nine trustees shall be elected and the three of them who receive the highest number of votes shall hold office for three years, the three of them who receive the next highest number of votes shall hold office for two years, and the remaining three of them shall hold office for one year, each of them, however, holding office until his successor is elected and takes office.

(a) Upon the organization of the board first elected after an affirmative vote, the term of office of all trustees elected prior to the last election shall, notwithstanding anything to the contrary in this Act, expire. R.S.O. 1927, c. 323, s. 72 (1); 1932, c. 42, s. 9 (1).

(2) After such first election, three trustees shall be elected annually by vote of the electors of the whole municipality, and such trustee shall hold office until his successor has been elected. R.S.O. 1927, c. 323, s. 72 (2).
Election by ballot.

(3) Every election of trustees by general vote provided for in subsections 1 and 2 shall be by ballot and the provisions of subsections 4 and 5 of section 77 shall apply thereto.

Tenure of office.

(4) If at the first election of trustees by general vote at the nomination meeting no more candidates are nominated for office than the nine who are to be elected and those nominated are declared to be duly elected, the three of them who have the highest rateable assessments shall hold office for three years, the three of them who have the next highest rateable assessments shall hold office for two years, and the remaining three of them shall hold office for one year, each of them, however, holding office until his successor is elected and takes office, and the amount of the rateable assessment of each of them shall be ascertained from the last revised assessment roll of the municipality.

Procedure on the vote.

(5) If at the first election of trustees by general vote under this section the third and fourth or the sixth and seventh of them in order of highest number of votes received an equal number of votes that one of the third and fourth, or the sixth and seventh, respectively, who has the highest rateable assessment according to the last revised assessment roll of the municipality shall hold office for three years or two years, as the case may be, and until his successor is elected and takes office. 1932, c. 42, s. 9 (2).

(6) After such question has been submitted and carried in the affirmative, the system of election provided for in subsections 1 and 2 shall remain in force for three years succeeding the year in which the vote was taken, but the council may thereafter submit to the electors assessed as public school supporters the following question, namely:

Are you in favour of electing public school trustees by wards instead of by general vote? Yes No

and if a majority of the persons voting on the said question vote in the affirmative, then in the year next following that in which the vote is taken and for three years thereafter trustees shall be elected by wards in the manner provided by section 72. R.S.O. 1927, c. 323, s. 72 (3).

Municipalities Not Divided Into Wards

74.—(1) The board of a town or village not divided into wards shall consist of six trustees, each of whom, except as otherwise provided in this Act, shall continue in office for two years and until his successor has been elected and the new board organized.
(2) After the first election, three of the board to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall hold office for one year, and the other three for two years, and after the first election three trustees shall be elected annually. R.S.O. 1927, c. 323, s. 73.

ELECTION OF TRUSTEES IN URBAN MUNICIPALITIES

75. Every person named in the last revised voters' list as being entitled to vote at municipal elections shall be entitled to vote at the election of school trustees in urban municipalities, excepting persons who are assessed as supporters of separate schools and persons who are entered on such voters' list by reason of being the wife or husband of a person assessed as a supporter of separate schools. 1930, c. 63, s. 7.

76.—(1) Subject to the provisions of section 74, elections of public school trustees in urban municipalities shall be held in the manner following:—

(a) a meeting of the electors for the nomination of candidates shall take place at noon on the last Wednesday in the month of December, annually, at such place as shall be fixed by resolution of the board, and in municipalities divided into wards in each ward thereof if the board so directs;

(b) the board shall, by resolution, before the second Wednesday in December in each year, name the returning officers to preside at the meetings for the nomination of candidates and also for holding the election in case of a poll and in case of the absence of such officer a chairman chosen by the meeting shall preside, and the board shall give at least six days' notice of such meeting;

(c) if at such meeting only the necessary number of candidates are proposed and seconded the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected and shall so notify the secretary; but if more candidates are nominated than are required to be elected the returning officer or chairman shall adjourn the proceedings until the first Wednesday in January then next, when a poll or polls shall be opened at such place or places and in each ward, where the municipality is divided into wards, as shall be determined by resolution of the board;
(d) the polls shall be opened at the hour of ten o'clock in the forenoon and shall continue open until five o'clock in the afternoon and no longer, but any poll may be closed at any time after eleven o'clock in the forenoon when a full hour elapses without a vote having been polled;

(c) in urban municipalities and where township boards exist, the clerk of the municipality shall furnish to the board, within three days after request in writing, "The Voters' List" of the municipality, together with a supplementary list, either printed or in writing, of the names of persons who are assessed as supporters of separate schools;

(f) the board shall provide each polling place with such lists and a poll-book, and the returning officer or deputy returning officers or the poll clerk shall enter in such book, in separate columns, the names of the candidates nominated, and shall write the names and residences of the electors offering to vote at the election, and shall in each column in which is entered the name of a candidate voted for by a voter set the figure "1" opposite the voter's name;

(g) when an objection is made to the right of a person to vote, the returning officer or deputy returning officer shall require such person to make the following oath,—

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

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

That you are a public school supporter [or in the case of an elector who is not assessed as a ratepayer: That you are a resident of this municipality and are not a supporter of separate schools];

That you are a natural born or naturalized subject of His Majesty, and that you are not a citizen or subject of any foreign country;

That you have not before voted for school trustee at this election, at this or any other polling place in this ward (or in this municipality, where the municipality is not divided into wards) for school trustee;

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to 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;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God.
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and after making such oath the person making it shall be entitled to vote;

(h) the returning officer or deputy returning officer shall, on the day after the close of the election, return the poll-book to the secretary 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 or deputy returning officer;

(i) the secretary shall add up the number of votes for each candidate as appears from the poll-book so returned, and shall declare elected the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them;

(j) when the result of the polling is indecisive by reason of two or more candidates having an equal number of votes, all of such candidates 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.

(2) Where trustees are elected by wards in the case of a town divided into wards, or in the cases provided for in subsection 4 of section 78, and the election of trustees is not by ballot, it shall be conducted as nearly as may be in accordance with the provisions of subsection 1. R.S.O. 1927, c. 323, s. 75.

ELECTION BY BALLOT

77.—(1) The board of an urban municipality or a township board may, by resolution of which written notice shall be given to the clerk of the municipality on or before the 1st day of October in any year, require the election of school trustees for such urban municipality or township to be held by ballot on the same day as municipal councillors or aldermen are elected, as the case may be.

(2) Any such board may in like manner discontinue the use of the ballot on giving written notice to the clerk to that effect at the time hereinbefore mentioned, and thereafter the elections shall be conducted as provided in section 76.
(3) Where any such board requires elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time then the provisions of section 76 shall apply for a period of three years at least after such discontinuance.

(4) Where notice is given requiring the election to be held by ballot, such election shall thereafter be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of The Municipal Act respecting the time and manner of holding the election, including the mode of receiving nominations for office, and the resignation of persons nominated, vacancies, and declarations of qualification and office, shall mutatis mutandis apply to the election. R.S.O. 1927, c 323, s. 76 (1-4).

(5) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions, containing the names of the candidates in the same form mutatis mutandis as those used for councillors or aldermen, and no ballot shall be delivered to any person who is entered on the list of voters as a separate school supporter or by reason of being the wife or husband of a separate school supporter. 1931, c. 71, s. 5.

Election of trustees where wards abolished.

78.—(1) 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.

(2) When such resolution has been adopted, the election shall thereafter be by vote of the electors of the whole municipality.

(3) 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 ratepayers of the whole municipality to fill the place of the same number retiring by rotation.

(4) In a city having a population of 20,000 or over, and until a resolution has been passed under subsection 1, in a city having a population of less than 20,000, and in a town, the
trustees shall continue to be elected by wards notwithstanding that aldermen and members of the council are elected by general vote and not by wards.

(5) Where the trustees are elected by ballot, the election shall be conducted as nearly as may be in the manner provided in section 77, and the officers for holding such election shall be appointed by the municipal council as if the election of aldermen or councillors by general vote had not been adopted for such city or town. R.S.O. 1927, c. 323, s. 77.

(NOTE.—As to elections in a union school section, including an urban municipality and a portion of a township, see section 37).

VACANCIES ON BOARD.

79.-(1) Where the office of trustee of a rural school section becomes vacant from any cause, the remaining trustees shall forthwith hold a new election to fill such vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected. R.S.O. 1927, c. 323, s. 78 (1); 1933, c. 58, s. 8 (1); 1935, c. 64, s. 3 (3).

(2) Subject to the provisions of subsection 3, where the office of a trustee of an urban school board becomes vacant from any cause, a majority of the remaining trustees present shall at the first regular meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy, and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of such meeting shall have a second or casting vote. 1933, c. 58, s. 8 (2).

(3) In the case of an urban school board, any vacancy which occurs within one month of the time for the next ensuing annual election shall not be filled in the manner provided by subsection 2, but the office shall remain vacant until the annual election, and if the term of the vacant office then expires a new trustee shall be elected, or if the term of the vacant office does not then expire, some duly qualified person shall be elected at such annual election to fill the vacancy for the unexpired term of office for which his predecessor was elected. 1933, c. 58, s. 8 (3).

(4) Where the inspector reports that no persons duly qualified are available, the Minister may appoint as members of the board such persons as he may deem proper, and the persons so appointed shall have all the authority of a board as though they were eligible and duly elected according to the provisions of this Act. R.S.O. 1927, c. 323, s. 78 (3).
CONTROVERTED ELECTIONS

80.—(1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a township board has been established shall be made to the judge of the county or district court within twenty days after such election, and he shall, within a reasonable time, in a summary manner hear and determine the complaint, and may cause the assessment rolls, collector’s rolls, poll-books and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit, and may cause such persons as he may deem expedient to appear before him and give evidence.

(2) The judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed, and if the judge determines that any other person was duly elected he may order such person to be admitted, and if the judge determines that no person was duly elected he shall order a new election to be held, and he shall in all cases report his decision to the secretary of the board. R.S.O. 1927, c. 323, s. 79.

81. In the case of an election of trustees in an urban municipality or in a township for which a township board has been established, the provisions of The Municipal Act as to bribery and undue influence shall apply, and in every case in which an election is complained of on those grounds the inquiry by the judge in reference thereto shall be by oral testimony only. R.S.O. 1927, c. 323, s. 80.

RESIGNATIONS

82.—(1) A trustee of a rural section may resign by giving notice in writing to each of the other trustees.

(2) Where, after the resignation of a rural school trustee he has continued to act for three months without his right to do so having been called in question by proceedings to vacate his seat or for the holding of a new election, he shall be deemed to have continued to be a trustee, notwithstanding his resignation, and shall hold office for the residue of the term for which he was elected.

(3) A member of an urban board may resign by giving written notice of his resignation to the secretary.
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A retiring trustee shall be exempted from serving for four years next after leaving office, but he may, with his own consent, be re-elected. R.S.O. 1927, c. 323, s. 81.

MEETINGS OF BOARDS

83.—(1) Unless a date for the first meeting has been decided upon by the board of the preceding year, every urban board shall hold its first meeting in each year on the third Wednesday in January at the hour of seven o'clock in the evening, or at such other hour on the same day and at such place as may have been fixed by resolution of the former board, or, if no place has been so fixed, at the usual place of meeting of the council of the municipality. R.S.O. 1927, c. 323, s. 82 (1); 1932, c. 42, s. 10.

(2) The secretary shall preside at the election of chairman, or if there is no secretary or in his absence, the members present shall choose one of themselves to preside at such election, and the member so chosen may vote as a member.

(3) In case of an equality of votes at the election of chairman, the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

(4) The presence of a majority of the members constituting a board shall be a quorum at any meeting, and a vote of the majority of such quorum shall be necessary to bind the corporation.

(5) On every question other than the election of a chairman, the chairman or presiding officer of the board may vote with the other members of the board, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1927, c. 323, s. 82 (2-5).

84.—(1) Subject to the provisions of subsection 13 of section 15 and of subsection 6 of section 67, every rural school board shall hold its first meeting in each year at the schoolhouse of the section not later than the Wednesday following the annual meeting at the hour of four o'clock in the afternoon, and shall be organized by the election of a chairman, a secretary and a treasurer or a secretary-treasurer. R.S.O. 1927, c. 323, s. 83 (1); 1932, c. 42, s. 11; 1933, c. 58, s. 9.

(2) Subsequent meetings shall be held at such time and place as the board may deem expedient.
(3) The presence of a majority of the members constituting a board shall be necessary to form a quorum. R.S.O. 1927, c. 323, s. 83 (2, 3).

85.—(1) No act or proceeding of a rural school board which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding. R.S.O. 1927, c. 323, s. 84.

(2) If for any reason an urban board has not held its first meeting as provided by subsection 1 of section 83, or a rural board has not held its first meeting as provided by subsection 1 of section 84, the inspector may at any time call the first meeting of the board for such day, at such hour and at such place as he may determine. 1935, c. 64, s. 3 (4).

NON-RESIDENT PUPILS

86.—(1) The board shall admit to the school any non-resident pupil if the inspector reports that the accommodation is sufficient for the admission of such pupil and that the school is more accessible for him than the school in the section or urban municipality in which the pupil resides. 1931, c. 71, s. 6, part.

(2) The parent or guardian of such non-resident pupil shall pay such fees monthly as may be prescribed by the board, but such fees paid by the parent or guardian to such school shall not exceed the average cost per pupil of the maintenance of the school for the next preceding calendar year. R.S.O. 1927, c. 323, s. 85 (2); 1936, c. 55, s. 34 (1).

(3) For the purposes of subsection 2 in computing the average cost per pupil all legislative, county and municipal grants of the preceding year shall be deducted from the gross cost of maintaining the school during such year, and the net remaining sum shall be divided by the aggregate pupil-day attendance of all pupils for the year to ascertain the net pupil-day cost to the section or urban municipality for such year and the fee payable by a parent or guardian of a non-resident pupil shall not exceed the net pupil-day cost so ascertained, multiplied by the number of days attended by the non-resident pupil as shown in the daily register of the school. 1936, c. 55, s. 34 (2).

(4) The parent or guardian shall be liable for the payment of all rates assessed on his taxable property for the purposes of the section or urban municipality in which he resides, but the board of that section or urban municipality shall remit to the parent or guardian any rates so payable to the extent
of the amount of the fees so paid to the board of the neighbouring school.

(5) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents, the children of such non-resident shall be admitted to the public school of the section or urban municipality on the same terms and conditions as the children of residents.

(6) Where the children attending a neighbouring school reside three miles or more by the nearest public road from the schoolhouse in the section or urban municipality to which they belong, the board of the section or urban municipality in which such children reside shall remit so much of the taxes payable by the parents or guardians of such children for school purposes as equals the fees paid to the board of the neighbouring school. 1931, c. 71, s. 6, part.

(7) A person of school age maintained in a county house of refuge or a children’s shelter shall be deemed to be a non-resident, and the county council shall pay to the board of the school attended by such person such monthly fees as may be agreed upon, or at least the average cost per pupil of the maintenance of the school. R.S.O. 1927, c. 323, s. 85 (6).

87.—(1) Where in any rural school section there are for two consecutive years less than eight persons between the ages of five and fourteen years residing therein, the Minister may direct that the public school of such section shall no longer remain open, and the same shall thereupon be closed until the Minister otherwise directs. 1933, c. 58, s. 10 (1).

(2) The board of a rural section may provide for the admission of the pupils of such section to the schools of any adjoining urban municipality or school section or to an Indian school under the supervision of a public school inspector, subject to the approval of the Minister and of the board of such urban municipality or school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation which the board is required by this Act to make for the pupils of the section, and as a public school within the meaning of sections 111 and 112. R.S.O. 1927, c. 323, s. 86 (1); 1933, c. 58, s. 10 (2).

(3) The first mentioned board may levy and collect upon the taxable property of the section such sums as may be necessary to pay the fees of pupils attending the schools of such urban municipality or school section and to pay for the conveyance of the pupils to and from such schools, and also
such other sums as they may deem expedient or as may be required by this Act. R.S.O. 1927, c. 323, s. 86 (2); 1933, c. 58, s. 10 (3).

(4) The township council shall pay to the board of such rural section their actual disbursements for the maintenance of their pupils at and their transportation to and from the school which they attend, not exceeding the minimum sum required by subsection 1 of section 111 and subsections 1 and 2 of section 112, to be levied, collected and applied to teachers' salaries. R.S.O. 1927, c. 323, s. 86 (3); 1933, c. 58, s. 10 (3).

(5) The board shall also be entitled to receive such share of the legislative and county grants as may be determined by the Minister in case the amount received from the township council is not sufficient to cover such actual disbursements. R.S.O. 1927, c. 323, s. 86 (4); 1933, c. 58, s. 10 (3).

88.—(1) The board of education or board of public school trustees in an urban municipality may agree with the board of public school trustees of an urban municipality or school section or township school area adjacent to the boundaries of such first mentioned urban municipality for the erection by either or any of the boards of a school or schools in such adjacent urban municipality, school section or township school area, or in such first mentioned municipality, for the joint accommodation of pupils from such adjacent urban municipality, school section or township school area, and from such first mentioned urban municipality or from any designated area thereof contiguous to such township municipality, school section or township school area, or for the joint use of a school or schools in any such school section or municipality by pupils from such first mentioned urban municipality and from such adjacent urban municipality, school section or township school area or such designated area.

(2) Where any such agreement heretofore or hereafter made provides that a part of the annual expenditure for maintenance and for the payment of the debenture debt shall be borne by each board, the assessment shall be equalized annually by a board of arbitrators, one of whom shall be appointed by each of the boards interested, and in the case of the number so appointed being an even number the judge of the county or district court shall be a member of the board and the chairman thereof.

(3) The agreement shall fix the accommodation to be provided, and where the schools are to be erected, provide for the erection thereof and the class of buildings to be erected, and shall also fix the proportion of the cost of providing such
accommodation or of erecting and maintaining the school to be contributed by the urban municipality, the school section and the township school area, respectively.

(4) Each of the boards shall include in its annual estimates an amount sufficient to pay its proportion of such cost, and the same shall be levied, collected and paid over by the corporation of the urban municipality and the corporation of the township as part of the rate levied for public school purposes in the urban municipality or in the school section or township school area.

(5) The agreement shall not be binding nor shall it be acted upon until it has received the approval in writing of the Minister.

(6) The Minister may make regulations in the manner provided by The Department of Education Act for the apportionment of the legislative and municipal grants in the case of schools to which this section applies, and may fix the proportion which shall be paid on account of any such schools out of the legislative grants for rural and urban schools, respectively, and the proportion of the municipal grant to rural schools which shall be paid on account of such school. R.S.O. 1927, c. 323, s. 87.

**DUTIES OF TRUSTEES**

89. It shall be the duty of the boards of all public schools to see that the same are conducted according to this Act and the regulations, and they shall have power.—

(a) to appoint a secretary and a treasurer or a secretary-treasurer, who may be a member of the board, and to appoint such committees, officers and servants as may be deemed expedient; R.S.O. 1927, c. 323, s. 88 (a); 1933, c. 58, s. 11 (1).

(b) to fix the time and place of meetings of the board, and of keeping a correct account of the proceeding of such meetings, and to transmit to the Minister all returns and reports required by the regulations;

(c) in the case of a rural school board at the first meeting of the board, to examine the schoolhouse, outbuildings and school furniture, maps and apparatus, with a view to ascertaining what repairs or improvements may be necessary, and to make suitable provision for lighting fires and keeping the schoolhouse and
To provide accommodation.


(d) to provide adequate accommodation for all children between the ages of five and sixteen years, resident in the municipality, and in the case of rural schools for two-thirds of such children resident in the section, as ascertained in both cases by the school census taken by the assessor in the next preceding year, and in computing such residents the children of persons on whose behalf a separate school has been established under The Separate Schools Act shall not be included; provided that where the accommodation is not more than sufficient for all children over six years of age or where the general progress of the school or grade may be prejudicially affected, the inspector may in either case authorize the board to refuse to admit any pupil who is not more than six years of age at any time other than at the commencement of the school year in September; R.S.O. 1927, c. 323, s. 88 (d); 1934, c. 52, s. 7.

To provide and maintain school premises.

(c) to acquire or rent school sites and premises, and to build, repair, furnish, and keep in order the school-houses, furniture, fences and all other school property, and to keep the wells, closets and premises in a proper sanitary condition;

To procure books and appliances.

(f) to procure registers, maps, globes, apparatus and, if deemed expedient, prize books, and to establish and maintain school libraries;

To determine number and kind of schools, etc.

(g) to determine the number, grade, territorial boundaries and description of schools to be opened and maintained; the teachers to be employed; the terms on which they are to be employed and their remuneration and rank, whether principals or assistants;

To keep school open and establish classes, etc.

(h) to keep open each school during the whole period of the school year, except where it is otherwise provided by this Act, and, if deemed expedient, to establish kindergartens and classes for industrial training and instruction in household science, and establish school gardens and summer or vocational schools;

Rural school—reporting deaf, dumb and blind.

(i) in the case of a rural school board, to ascertain and report to the Minister at least once in each year the names and ages of all children of school age who are blind or who are deaf and dumb and who would
otherwise be required to attend the school under their charge; R.S.O. 1927, c. 323, s. 88 (e-i).

(j) to provide and pay for such medical and dental inspection of pupils as the regulations may prescribe, but only where provision for such medical and dental inspection was inaugurated by the board prior to the 31st day of July, 1924; 1933, c. 58, s. 11 (2).

(k) to enter into an agreement with the local board of health of the municipality to provide medical and dental inspection of pupils as authorized by The Public Health Act as the board may deem proper; 1933, c. 58, s. 11 (3).

(l) to expel from the school a pupil who is adjudged by the board and the teacher to be so refractory that his presence in school is injurious to the other pupils;

(m) if deemed expedient, to purchase for the use of pupils text-books and other school supplies, and either to furnish the same to the pupils free of charge or to collect for the use thereof from their parents or guardians a sum not exceeding twenty cents per month per pupil to defray the cost thereof;

(n) if deemed expedient, to exempt any indigent person from the payment of school rates, in whole or in part, and to notify the clerk of the municipality of such exemption on or before the 1st day of August, and, where deemed necessary, to provide for the children of such person text-books and other school supplies at the expense of the board; R.S.O. 1927, c. 323, s. 88 (l-n).

(o) to provide and pay, in the case of urban schools, salaries of inspectors, teachers, instructors and other officers and employees of the board, repairs to buildings, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of trustees and officers of the board, incurred by the authority of the board, and, if deemed expedient, to make contributions to a pension fund for the benefit of teachers, inspectors, officers and other employees of the board; R.S.O. 1927, c. 323, s. 88 (o); 1936, c. 55, s. 35.

(p) to prepare and submit to the municipal council on Estimates to be submitted to council, or before such time as the council may prescribe, estimates for the current year of all sums required to be provided to meet expenditures for the schools
under their charge, and such estimates shall show the amount of any surplus or deficit remaining at the end of the preceding year and any revenues estimated to be derived by the board during the current year from all sources; 1933, c. 58, s. 11 (q).

(q) to provide, in the case of rural schools, for the payment of a secretary's and teachers' salaries monthly, and, if necessary, to borrow on the promissory note of the board, under its corporate seal, at interest not exceeding eight per centum per annum, such moneys as may be required for that purpose until the taxes imposed therefor are collected;

(r) to submit, in the case of urban municipalities, all accounts, books and vouchers to be audited by the municipal auditors, whose duty it shall be to audit the same, and to publish, as soon as the audit is made, in one or more of the public newspapers or otherwise, an abstract of the annual report of the auditors with their findings and recommendations;

(s) to take possession of all property acquired or given for public school purposes and to hold the same according to the terms on which it was acquired or given, and to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site or other cause, to convey the same under their corporate seal, and to apply the proceeds thereof for school purposes or as directed by this Act;

(t) to supplement out of school funds, as deemed expedient, any allowance payable under this Act to superannuated teachers; R.S.O. 1927, c. 323, s. 88 (q-t).

(u) to contribute, as deemed expedient, towards providing life insurance for teachers and officers of the board; 1929, c. 84, s. 2.

(v) to permit the schoolhouse and premises to be used for any educational or other lawful purposes which may be deemed proper, provided the proper conduct of the school is not interfered with;

(w) if deemed expedient and subject to the regulations, to establish, conduct and maintain free lectures, open to the public, and to include in their estimate for the current year the expense thereof;
(x) if deemed expedient, to dismiss the secretary or treasurer at any time and thereupon to make a new appointment to fill the vacancy;

(y) if deemed expedient, to provide books, stationery and other materials necessary in connection with the establishment and maintenance of a penny savings bank, or any system introduced for the encouragement of thrift and the habit of saving;

(z) 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, provided that no such treatment shall be undertaken without the consent of the parent or guardian of such child;

(z\(a\)) in cities of 100,000 population and over, to provide, special classes for the instruction of and for blind and deaf, blind or deaf and dumb pupils residing within the municipality; R.S.O. 1927, c. 323, s. 88 (V-\(\text{aa}\)).

(z\(b\)) to provide and pay for such equipment as may be necessary for the teaching of agriculture, and, if deemed expedient, to contribute toward the support of rural school fairs; 1930, c. 63, s. 8.

(z\(c\)) if deemed expedient, to provide and maintain such equipment as may be deemed advisable and to operate the playground as a park or playground and rink during the school term or in vacation or both, and to provide such supervision as the board may deem proper, provided the proper conduct of the school is not interfered with;

(z\(d\)) if deemed expedient, to organize and carry on gymnasium classes in the school building for pupils or others during the school term or in vacation or both, and to provide supervision and training for such classes, provided the proper conduct of the school is not interfered with. 1931, c. 71, s. 7.

90. The board of a city may, when so requested in writing by a charitable organization having the charge of children of school age, employ and pay teachers for the education of such
91.—(1) An urban board may expend such sums as it may deem expedient for establishing and maintaining cadet corps and in promoting and encouraging athletic exercises, but such sums shall not exceed $200 per annum when the annual registered attendance of pupils does not exceed three thousand, and $50 additional for each additional thousand in attendance. R.S.O. 1927, c. 323, s. 90 (1); 1933, c. 58, s. 12.

(2) The board may also provide uniforms for classes in military drill.

(3) Where a board of education has been established in any city or town the allowance for games to high schools and public schools may be consolidated, and games for the high schools and public schools held on the same day. R.S.O. 1927, c. 323, s. 90 (2, 3).

92. The board may pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association, or other like association of teachers or trustees in Ontario, and the board may make grants to the Ontario Educational Association or other like associations in Ontario. R.S.O. 1927, c. 323, s. 91; 1933, c. 58, s. 13.

93. If deemed expedient, the board may pay the costs, or any part thereof, incurred by any member, teacher, officer or employee of the board in successfully defending any legal proceeding brought against him for libel or slander in respect of any statements published at any meeting of the board or of any committee thereof, relating to the employment, suspension or dismissal by the board of any person. 1936, c. 55, s. 36.

94. The board may provide for the transportation of pupils to and from a school maintained by it or which is used jointly by it and another board or other boards, and any payment made or any liability heretofore made or incurred for such purpose under agreement or otherwise is hereby validated and confirmed and declared to have been legally made or incurred. R.S.O. 1927, c. 323, s. 92.
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95.—(1) The board of a section or municipality may provide for the transportation of pupils residing in the section or municipality, as the case may be, to and from a continuation, high or vocational school situate elsewhere which such pupils have the right by law to attend, and for the purpose may co-operate with any other board.

(2) The cost of providing transportation under section 94 or this section shall be an expense to be included in the estimates for the current year. 1932, c. 42, s. 13.

DUTIES OF TREASURER

96.—(1) The treasurer shall give such security as may be required by the board, and the security shall be deposited with the clerk of the municipality.

(2) A trustee shall not be surety for the treasurer or for any person entrusted with school money.

(3) The treasurer shall receive all school moneys and shall account for the same and shall disburse all moneys as directed by the board, and he shall produce, when required by the board or by auditors or other competent authority, all papers and money in his possession, power or control belonging to the board. R.S.O. 1927, c. 323, s. 93.

DUTIES OF SECRETARY

97. It shall be the duty of the secretary,—

(a) to keep a full and correct record of the proceedings of every meeting of the board in the minute book provided by the board for that purpose, and to see that the minutes, when confirmed, are signed by the chairman of the meeting;

(b) in the case of a rural school section, to call a special meeting of the board at the request in writing of two trustees or of five electors, specifying the objects for which the meeting is to be held, and to state the objects of the meeting in the notice calling the same;

(c) in the case of a rural section, to give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the municipality of the names and post office addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes;
(d) in the case of a rural section, to give the notice required by this Act of each annual meeting of the ratepayers of the section, to call a special meeting of the ratepayers when directed by the board, or, on the request in writing of five electors, for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school auditor, or for any other lawful school purpose, and to cause notices of the time and place and of the objects of such meeting to be posted up in three or more public places in the section at least six clear days before the time of holding such meeting, and to cause to be prepared for the annual meeting of the ratepayers a report for the year then ending containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during such year and any further information that may be required by the Minister or by the regulations, such report to be signed by the trustees and by either or both of the auditors of the section;

(c) to transmit to the inspector all returns, on or before the 15th day of January in each year, according to the forms prescribed by the regulations. R.S.O. 1927, c. 323, s. 94.

98. Where the secretary of a rural school section is not a member of the board he may be allowed such remuneration for his services and for attending to the repairs of the schoolhouse or premises as shall be fixed by the trustees, and where he is a member of the board he may be allowed compensation for his services as provided in subsection 3 of section 139. R.S.O. 1927, c. 323, s. 95.

AUDITORS OF RURAL SECTIONS

99.—(1) There shall be two auditors for every rural section, one of whom shall be elected annually by the ratepayers at the annual meeting or at a special meeting, and the other appointed by the board on or before the 1st day of December in each year.

(2) Where an auditor refuses or is unable to act or dies, another may be elected or appointed in his place.

(3) If from any cause at any time after the 1st day of December there are not two auditors willing, able and authorized to act, the inspector on the written request of any two
ratepayers shall appoint one or both auditors as the case may require.

(4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer and each of them shall afford to the auditors all the information in his or their power as to the receipts and expenditures which the auditors or either of them may require.

(5) The auditors, or one of them, shall on or immediately after the 1st day of December in each year appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section.

(6) There shall be two auditors for every consolidated school, one of whom shall be appointed by the trustees and the other by the inspector. R.S.O. 1927, c. 323, s. 96.

100.—(1) It shall be the duty of the auditors to examine into and decide upon the accuracy of the accounts of the section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts with a full report thereon at the next annual school meeting.

(2) Any difference of opinion between the auditors on any matter in the accounts shall be decided by the inspector.

(3) If both auditors object to the lawfulness of any expenditure they shall report the matter to the annual meeting, and shall submit it to the Minister, whose decision shall be final. R.S.O. 1927, c. 323, s. 97.

101. The auditors or either of them may require the attendance of all persons interested in the accounts, and of their witnesses, with such books, papers, and documents as the auditor or auditors may direct, and may administer oaths to such persons and witnesses. R.S.O. 1927, c. 323, s. 98.

102. An auditor who has entered upon an audit may complete the same although he has not done so within the time prescribed by this Act. R.S.O. 1927, c. 323, s. 99.

DUTIES OF TEACHERS

103. It shall be the duty of every teacher,—

(a) to teach diligently and faithfully the subjects in the public school course of study as prescribed by the...
regulations, to maintain proper order and discipline in the school, to encourage the pupils in the pursuit of learning, and to inculcate by precept and example respect for religion and the principles of Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

(b) to use the English language in instruction and in all communications with the pupils in regard to discipline and the management of the school, except where it is impracticable to do so by reason of the pupil not understanding English, but recitations requiring the use of a text-book may be conducted in the language of the text-book;

(c) to see that the schoolhouse is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon, to call the roll every day according to the register prescribed by the regulations, to enter in the visitors' book visits made to the school, to give the inspector, trustees and visitors access at all times to the register and visitors' book, and to deliver the register, the schoolhouse key and other school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his engagement has ceased;

(d) to classify the pupils according to the courses of study prescribed by the regulations, to conduct the school according to a time-table accessible to pupils and visitors, to prevent the use by pupils of unauthorized text-books in the school, to attend regularly the teachers' institutes in the inspectorate, to notify the board and the inspector of his absence from school and of the cause thereof, and to make at the end of each school term, and subject to revision by the inspector, such promotions from one class or form to another as he may deem expedient;

(e) to hold closing exercises of the school and to give due notice thereof to the board, to any school visitors who reside in the school section, and through the pupils to their parents or guardians, and to hold such examinations as may be required by the inspector for the promotion of pupils or for any other purpose as the inspector may direct;
(f) to furnish to the Minister and to the inspector any information which it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports of the board as are required by the regulations;

(g) to give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the schoolhouse, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement and neat appearance of the playgrounds, and to report promptly to the board and to the municipal health officer or to the school medical officer where one has been appointed, when he has reason to suspect the existence of any infectious or contagious disease in the school, or the unsanitary condition of the schoolhouse, outhouses or surroundings;

(h) to refuse admission to the school of any pupil who he believes is affected with or exposed to chicken-pox, smallpox, cholera, glanders, scarlet fever, scarletina, diphtheria, whooping cough, measles, mumps or other infectious or contagious disease, or consumption, until furnished with a certificate of a medical officer of health or of a duly qualified medical practitioner approved by him that all danger from exposure to contact with such pupil has passed;

(i) to suspend any pupil guilty of persistent truancy, or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language, or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil and the board of such suspension, but the parent or guardian of any pupil suspended may appeal against the action of the teacher to the board which shall have power to remove, confirm or modify such suspension.

R.S.O. 1927, c. 323, s. 100.

A teacher who refuses to deliver to the board any visitors' book, school register, schoolhouse key or any other school property in his possession shall not be a qualified teacher until restitution is made, and he shall also forfeit any claim which he may have against the board. R.S.O. 1927, c. 323, s. 101.
CHANGE OF AUTHORIZED TEXT-BOOKS

105. An authorized text-book in actual use may be changed by the teacher for any other authorized text-book on the same subject with the written approval of the board and subject to the regulations. R.S.O. 1927, c. 323, s. 102.

AGREEMENTS

106.—(1) Every agreement between a board and a teacher shall be in writing signed by the parties thereto and sealed with the seal of the board, and shall be executed before the teacher enters upon his duties. R.S.O. 1927, c. 323, s. 103; 1932, c. 42, s. 14.

(2) No person shall be employed or act as a teacher unless he holds a certificate of qualification.

(3) Unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

(4) Every teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery, but the period of four weeks may in any case of sickness be allowed and extended at the pleasure of the board without a certificate.

(5) Every teacher shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties.

(6) All matters of difference between boards and teachers in regard to salary or other remuneration whatever may be the amount in dispute shall be determined in the division court of the division where the cause of action arose, subject to appeal, as provided by this Act.

(7) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months' salary. R.S.O. 1927, c. 323, s. 103 (2-7).
(8) For the purposes of subsection 7 the failure of a board to pay a teacher's salary may be extended by a judge to include failure to pay a teacher's salary when an agreement for his employment has been made by the board but no written agreement has been entered into and executed as required by subsection 1, if the judge is satisfied upon the evidence that the refusal of the board to pay the salary by reason of the absence of an agreement in writing is without merit. 1934, c. 52, s. 9.

TEACHERS' CERTIFICATES

107.—(1) Any British subject of good moral character and physically fit to perform the duties of a teacher, may be awarded a certificate of qualification as a teacher upon passing the examinations prescribed by the regulations. R.S.O. 1927, c. 323, s. 104 (1).

(2) All certificates shall be valid for such periods as the regulations prescribe.

(3) The inspector may suspend the certificate of any teacher in his inspectorate for inefficiency, misconduct, or a violation of this Act or of the regulations or for willful neglect or refusal to carry out his agreement with a board, and he shall give notice in writing to the Minister, to the board concerned and to the teacher of such suspension and of the reasons therefor.

(4) The teacher may appeal to the Minister, who may make such order or orders with regard to the suspension as he deems proper. R.S.O. 1927, c. 323, s. 104 (5-7).

TEACHERS' INSTITUTES

108.—(1) Subject to the regulations, teachers may organize themselves into teachers' institutes for the purpose of receiving instruction in methods of teaching and for discussing educational methods.

(2) The Minister may out of any money appropriated for that purpose apportion $25 to each teachers' institute so organized and conducted according to the regulations where the number of teachers in an inspectorate or united inspectorate is one hundred or less, and where it is more than one hundred, $25 for each additional one hundred or portion thereof, and the council of each county, city or separated town, or town in territory without county organization shall pay annually to the president of each teachers' institute established within such county, city, or town a sum at least equal to the amount so apportioned.
(3) If the teachers in an inspectorate composed of a city and part of a county are united in one teachers' institute, the corporation of each municipality shall pay its share of the equivalent of the legislative grant in the proportion that the number of teachers in each inspectorate bears to the total number of teachers in the combined inspectorates.

(4) In territory without county organization the Minister may apportion $50 to each teachers' institute where there is no city or town council liable for such contribution. R.S.O. 1927, c. 323, s. 105.

LEGISLATIVE AND MUNICIPAL GRANTS

109.—(1) With respect to all moneys received by him from the county treasurer a township treasurer shall be a sub-treasurer of the county treasurer, but the county council may by by-law constitute the county treasurer the sub-treasurer for municipalities not separated from the county.

(2) The treasurer of the school board of each city and separated town shall receive the government grants apportioned to the city or town and shall hold the same for school purposes subject to the order of the board.

(3) The treasurer and sub-treasurer and their sureties shall be accountable for school moneys to the county, city or town, as the case may be, and any bond or security given by a treasurer or sub-treasurer for duly accounting for and paying over moneys coming into their hands shall apply to school moneys, and may be enforced against the treasurer or sub-treasurer or his sureties in case of default on his or their part. R.S.O. 1927, c. 323, s. 106.

110.—(1) The treasurer of every county except where he acts as sub-treasurer also shall pay to the treasurer of every township within the county the legislative grant apportioned to the rural public and separate schools within the township.

(2) The township treasurer shall pay to the boards of the rural public and separate schools within the township the amount of the legislative grant apportioned to such schools respectively.

(3) Where the county treasurer acts as sub-treasurer also he shall perform the duty which is by subsection 2 to be performed by a township treasurer.

(4) A statement showing the amount of the legislative grant apportioned to the school shall be sent to every board by the sub-treasurer or the township treasurer as the case may be.
(5) The payments to the boards under this section shall be made on the warrant of the proper inspector. R.S.O. 1927, c. 323, s. 107.

(6) Notwithstanding the provisions of section 226 of The Legislative grant—Assessment Act a county treasurer shall not, by reason of the payment of any legislative grant or any part thereof received by him. 1933, c. 58, s. 14.

111.—(1) The council of every county shall levy and collect an equal rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to the county by the Minister on the basis of the equipment of the rural schools of the county, including portions of union school sections and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportions as such grant is apportioned.

(2) The council of every county shall levy and collect an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to the county by the Minister on the basis of the equipment and accommodations of the rural schools of the county, including portions of union school sections and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

(3) In a case of a union school section composed of parts of two or more counties the council of each county shall pay a proportion of the whole sum required to be paid under subsections 1 and 2 which bears the same ratio to that sum as the assessed value of the part of the section in the county bears to the assessed value of the whole section. Such assessed value to be according to the last revised assessment rolls of the local municipalities in which the section is situate.

(4) The county council of two or more counties united for municipal purposes may apportion the amount to be levied for public school purposes so that each county forming the union shall be liable only for sums payable in respect of public and separate schools within such county. R.S.O. 1927, c. 323, s. 108.

(5) Where pupils from a county attend fifth classes in the schools of an urban municipality, the council of the county may agree with the board or boards having jurisdiction over such schools to contribute and pay to it or them for the cost of such classes in urban municipalities.
of education of each of the said pupils a sum not exceeding eighty per centum of the total cost per pupil, which total cost shall be ascertained by dividing the total expenditure for the fifth classes, less any revenues by way of grants and fees properly attributable or apportionable thereto, by the total number of days’ attendance of all pupils attending the fifth classes during the year in which the said pupils from the county attend.

County levy for pupils.

(6) For the purpose of providing any sum agreed to be paid for any year under subsection 5, the council of the county shall in the next ensuing year include such sum in the amounts to be levied for county purposes as provided in The Assessment Act. 1933, c. 58, s. 15.

112.—(1) The council of each township in a county shall each year levy and collect by assessment upon the taxable property of the public school supporters of the whole township, not included in an urban municipality or annexed to an urban municipality for school purposes, at least the sum or sums set forth below for every public school where a teacher or a principal teacher is engaged for two consecutive terms and the additional sums set forth below where an assistant teacher is engaged for two consecutive terms,—

(a) where according to the equalized assessments the assessed value of all the taxable property of the public school supporters in such a township is at least equal to an average assessment of $100,000 for each section therein, the sum of $600 at least for every principal teacher and the additional sum of at least $400 for every assistant teacher;

(b) where such assessed value is at least equal to an average assessment of $60,000, but is less than an average assessment of $100,000, for each section, at least $500 for each principal and $350 for each assistant;

(c) where such assessed value is at least equal to an average assessment of $40,000, but is less than an average assessment of $60,000, the sum of $400 at least for each principal and $300 for each assistant;

(d) where such assessed value is at least equal to an average assessment of $30,000, but is less than an average assessment of $40,000, the sum of at least $300 for each principal and $200 for each assistant;

(e) where such assessed value is below an average assessment of $30,000, the sum of at least $150 for each principal and $100 for each assistant teacher;
(f) where a teacher or principal teacher is engaged for one school term or longer, but for less than two consecutive school terms, a proportionate amount of the sums set forth above shall be levied and collected for every principal and every assistant teacher.

(2) In a township in territory without county organization, whatever its assessment may be, the council of the township shall each year levy and collect as aforesaid the sum of $150 at least for every school where a teacher or principal teacher is engaged for two consecutive school terms, and a proportionate part of such sum where a teacher or principal teacher is engaged for one school term or longer, and an additional sum of at least $100 for every assistant teacher engaged for two consecutive school terms, and a proportionate amount of such sum where such assistant teacher is engaged for one school term or longer. R.S.O. 1927, c. 323, s. 109 (1, 2).

(3) The sums so levied and collected shall be applied exclusively to teachers' salaries, and payment of sums to boards under this section shall not be made unless the salary of the teacher for the year, in each case, is at least $500. R.S.O. 1927, c. 323, s. 109 (3); 1935, c. 64, s. 3 (5).

(4) In the case of a union school section formed of parts of townships the sums mentioned in subsections 1 and 2 shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 39. R.S.O. 1927, c. 323, s. 109 (4).

(5) The council of every township shall each year levy and collect by assessment upon the taxable property of the whole township not included in an urban municipality or annexed thereto, for school purposes, such a sum as is required to pay the salary and expenses of the attendance officer or officers appointed by said council under authority of The School Attendance Act and The Adolescent School Attendance Act.

(6) The payments to the boards under this section shall be made on the warrant of the proper inspector. 1930, c. 63, s. 9.

(7) Each section in a township which forms part of a consolidated school section shall for the purposes of subsection 1 be counted as a separate section. 1933, c. 58, s. 16.

113. Where part of the salary of a teacher in a rural school for any reason does not become payable or is withheld from him under the provisions of this Act, the sums payable respectively by the county, the township or townships, and the ratepayers and out of the legislative grant, on account of such salary, shall abate in the proportions in which they were respectively liable for the whole. R.S.O. 1927, c. 323, s. 110.
114. All moneys required to be levied and collected and applied to the salaries of teachers shall be paid over as required. R.S.O. 1927, c. 323, s. 111.

Consolidated schools.

115.—(1) Subject to the provisions of sections 21 to 27, the provisions of sections 111 to 113 shall apply to consolidated schools, but the amount of the township grant provided for by section 112 shall not be less than the total amount which would be paid to the boards of trustees of the school sections included in the consolidated school section had the sections not been consolidated, and if more teachers are employed in the consolidated school than were employed in the school sections, the grant shall be as for a principal teacher for each school consolidated, and as for an assistant teacher for each teacher in excess of the number of teachers employed in the sections at the time when consolidation took place.

(2) Where upon the formation of a consolidated school section a public school section has been divided and each of the provisional sections so formed has become a part of a consolidated school section, the township grant for the public school section divided shall be apportioned between the consolidated school sections according to the assessment of each of the provisional sections.

(3) Where one of the provisional sections becomes part of a consolidated school section and the remaining provisional section is continued as an independent section the whole of the township grant shall be paid to such independent section until it becomes part of a consolidated school section, and thereupon the grant shall be distributed as provided in subsection 2.

(4) Where a provisional section which has not been included in a consolidated school section ceases to remain an independent section and becomes a part of an adjoining school section by rearrangement of boundaries or by the formation of a union school section, the township grant formerly paid to the school section of which the provisional section formed a part shall be paid to the consolidated school section, or if more than one consolidated school section has been formed the township grant shall be apportioned to each of such consolidated school sections as provided in subsection 2.

(5) Where a consolidated school section includes an urban municipality the consolidated school section shall not share in the township grant to be levied and applied under section 112, and the portion of the township included in the consolidated school area shall be exempt from taxation for the purpose of raising the amount necessary for the payment of such township grant. R.S.O. 1927, c. 323, s. 112.
Number. Limits of Inspectorates

116.—(1) The Minister shall determine the number of inspectors to be appointed throughout the Province, and he shall also define the limits of the inspectorate of each inspector except in the case of a city inspector.

(2) Where more inspectors than one are appointed in a city, the board of education or board of public school trustees, as the case may be, shall, subject to the approval of the Minister, define the limits of the inspectorate of each inspector, and subject to the like approval may assign to each inspector such duties in addition to those prescribed by the regulations as the board may deem expedient. 1930, c. 63, s. 10, part.

117.—(1) Where the duties of an inspector are confined entirely to the public schools of a city, the appointment of such inspector shall be made by the board of education or the public school board, as the case may be, of the city.

(2) The appointment of all other inspectors shall be made by the Lieutenant-Governor upon the recommendation of the Minister, and they shall hold office during pleasure.

(3) Where the Minister directs the appointment of an additional inspector in a city, or when a vacancy occurs in the office of city inspector, an inspector shall be appointed by the board by resolution passed at the first meeting held after receiving such direction or after the vacancy occurs.

(4) The secretary of the board shall forthwith transmit a copy of the resolution, certified by the chairman, to the Minister by registered post.

(5) Where a public school board or board of education of a city for one month after a vacancy occurs or after the Minister has directed the appointment of an inspector neglects to make an appointment the same may be made by the Minister.

(6) Every appointment of a city inspector shall be subject to ratification by the Minister, and if not so ratified within one year after he enters upon his duties the engagement of the inspector shall terminate at the end of that period and the board shall appoint another inspector as provided for by this Act.

(7) Where more inspectors than one are appointed in a city the board may, subject to the approval of the Minister, designate one of the inspectors to be chief inspector, and, subject also to the approval of the Minister, the board may assign such
duties in addition to those prescribed in the regulations to the chief inspector and to each inspector, as the board may deem expedient.

(8) When the number of teachers in a city occupying separate classrooms with separate registers becomes one hundred, the public school board or the board of education, as the case may be, of the city shall appoint a city inspector.

(9) In a city where the number of teachers occupying separate classrooms with separate registers is fewer than one hundred, the public school board or board of education, as the case may be, of the city may make application to the Minister for power to appoint a city inspector and the Minister shall have authority to approve of the request. 1930, c. 63, s. 10, part.

118.—(1) An inspector may be suspended or removed from office by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity.

(2) (a) The board of a city by which an inspector is appointed may suspend the inspector for neglect of duty, misconduct, inefficiency or physical infirmity.

(b) The secretary of the board of the city shall forthwith report such suspension to the Minister in writing, with a statement of the reasons therefor, and the Minister may remove or confirm the suspension or may remove the inspector from office, and the decision of the Minister shall be final.

(3) The Minister may give such direction as to the payment or forfeiture of the salary of the inspector for the period of suspension as he may think just. 1930, c. 63, s. 10, part.

119.—(1) The Minister shall have power to make regulations from time to time governing the qualifications of inspectors, and he shall also have power to make provision for courses of training for inspectors.

(2) No person shall be appointed or act as an inspector of public schools who has been removed from the office of inspector by the Minister.

(3) An inspector appointed by the board of education or the public school board, as the case may be, of a city shall hold the qualifications for an inspector prescribed by the regulations and shall be required to take such courses of training as may be required under the regulations.

(4) An inspector shall not accept any other office or employment and may not follow any other profession or calling.
during his tenure of office as an inspector, without the approval of the Minister. 1930, c. 63, s. 10, part.

120.—(1) Subject to the regulations it shall be the duty of every public school inspector, to:

(a) bring about improvement in the work done in the classrooms by inspiring the teachers and pupils and by sympathetically assisting the teachers to improve their practice;

(b) assist and co-operate with school boards to the end that the public schools may best serve the needs of the children in each community;

(c) visit in every year each school room in his inspectorate, having a separate register, as often and for such length of time on each occasion as the Minister may direct;

(d) prepare a report of every such visit in the form prescribed by the regulations;

(e) forward within ten days after such visit a copy of every such report to the board within whose jurisdiction the school is situate;

(f) make a general annual report as to the performance of his duties and the condition of the schools in his inspectorate to the Minister, and also to the board of the city in the case of a city inspectorate;

(g) report to the medical officer of health of the municipality any case in which the school buildings or premises are found to be in an unsanitary condition;

(h) furnish the Minister with information respecting any public school in his inspectorate whenever required to do so;

(i) withhold his order for the amount apportioned from the legislative grant and to order the withholding of the municipal grant,—

(i) where any school has been kept open for less than six months in the year, except where the school has been closed by order of the medical officer of health or local or provincial health authorities on account of the prevalence of any communicable disease;

(ii) where the board fails to transmit promptly the annual or other school returns properly filled up;
(iii) where the board fails to comply with this Act or with the regulations;

(iv) where the teacher uses or permits to be used as a text-book, any book not authorized by the regulations;

and in every case to report to the board and to the Minister his reasons for so doing;

(j) to discharge such other duties as may be required by the Minister or regulations;

(k) on retiring from office to deliver to his successor his official correspondence and all school papers in his custody on the order of the Minister.

(2) Every inspector shall be directly responsible to the Minister for the due performance of his duties, and, subject to the regulations, shall obey the direction of the board in the case of a city inspectorate.

(3) Where an inspector requires the testimony of a witness as to any fact alleged in any complaint or appeal made to him or to the Minister he may administer an oath to the witness and he shall have the like power to take evidence and to enforce the attendance of witnesses and the production of documents as a court has in civil cases. 1930, c 63, s. 10, part.

121.—(1) The salaries and travelling and other expenses of all inspectors, except city inspectors, shall be fixed by the Minister, and shall be paid by the Treasurer of Ontario out of the moneys appropriated for that purpose, at such times and in such manner as the Minister may direct.

(2) The salary and the travelling and other expenses of a city inspector shall be fixed by the board of education or the board of public school trustees, as the case may be, and shall be payable by the treasurer of the board.

(3) Out of such moneys as may be appropriated for that purpose the Treasurer of Ontario shall annually in the month of December pay to the board of a city inspectorate the sum of $6 for every teacher occupying a separate room with a separate register, and the amount so paid shall be applied towards the payment of the salary of the inspector. 1930, c. 63, s. 10, part.

ALLOWANCE TO ARBITRATORS AND INSPECTORS

122. Arbitrators in making their award shall, among other things, determine the liabilities of the parties concerned for the
costs of the arbitration, and such determination shall be final and conclusive. R.S.O. 1927, c. 323, s. 119.

123. Every person other than an inspector engaged as arbitrator on any matter arising under this Act shall be paid $4 a day and travelling expenses. R.S.O. 1927, c. 323, s. 120.

APPEALS FROM DIVISION COURT DECISIONS

124.—(1) In an action between a teacher and a board under this Act the judge of the division court in which the action is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal.

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the judge to the Court of Appeal, by serving notice in writing of such appeal upon the clerk of the division court appealed from, which appeal may be entitled “The Minister of Education for Ontario, Appellant, in the matter between (naming the parties).”

(3) The judge shall thereupon transmit to the central office of the Supreme Court at Toronto, certified under his hand, the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto, and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections.

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined.

(5) The Court of Appeal shall give such order or direction to the court below touching the judgment to be given as the circumstances require, and upon receipt of such order or direction the judge shall proceed in accordance therewith.

(6) The Court of Appeal may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken which shall be certified to and form part of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister and charged as contingent expenses of his office.

(7) Notwithstanding anything herein contained, any party to an action in which the plaintiff claims more than $100 shall have the same right of appeal as in an action in the division court. R.S.O. 1927, c. 323, s. 121.
SUPERANNUATION

(Note.—As to the rights of teachers and inspectors who have elected to take the benefit of The Teachers' and Inspectors' Superannuation Act, see section 15 of that Act.)

125. Every teacher and inspector who is not subject to The Teachers' and Inspectors' Superannuation Act, and whose name was, on the 30th day of March, 1886, entered as having contributed to the fund for superannuated teachers, may continue to contribute to such fund in such manner as may be prescribed by the regulations the sum of at least $4 annually, but no payment of arrears which accrued before the first day of January, 1885, shall be allowed. R.S.O. 1927, c. 323, s. 122.

126. On the death of such teacher or inspector, the wife, husband or legal representative of such teacher or inspector shall be entitled to receive the amount paid into such fund by such teacher or inspector with interest at the rate of seven per centum per annum. R.S.O. 1927, c. 323, s. 123.

127.—(1) Every such teacher and inspector who, while engaged in his profession, has contributed to the fund as provided by this Act, shall, on reaching the age of sixty years, if he retires from the profession, receive an annual allowance at the rate of $6 per annum, or such larger rate as may be approved by the Lieutenant-Governor in Council, for every year of service in Ontario, upon furnishing evidence of good moral character, age and length of service.

(2) A teacher or inspector who has reached the age of sixty years shall not be disqualified for superannuation under this Act by reason of his having retired from active service before reaching that age if he has served for a period of thirty years.

(3) Every teacher and inspector under sixty years of age who has so contributed and who is disabled from practising his profession shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character, and disability.

(4) Every superannuated teacher and inspector who holds a first or second-class provincial certificate, or a first-class county board certificate, and every principal of a high school or collegiate institute shall be entitled to receive a further allowance at the rate of $1 per annum for every year of service while he held such certificate or while he acted as principal of a high school or collegiate institute.
(5) The retiring allowance shall cease at the close of the year in which the death of the recipient takes place.

(6) If a superannuated teacher or inspector, with the consent of the Minister, resumes the profession of a teacher or inspector, his allowance shall be suspended during the time he is so engaged, and if he is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act and the regulations.

(7) A teacher or inspector who, having resumed his profession, wilfully draws or continues to draw upon the superannuation fund shall forfeit all claim to the fund and his name shall be struck off the superannuation list.

(8) A teacher or inspector who retires from the profession, or who desires to remove his name from the list of contributors to the superannuation fund shall be entitled to receive back one-half of any sum contributed by him to the fund.

(9) Where a teacher or inspector does not avail himself of the provisions of section 123 or of subsection 8 of this section, the provisions of section 126 and subsections 1 to 7 of this section shall apply so far as relates to all sums already paid by him into the superannuation fund.

(10) The foregoing provisions of this section shall not apply to a teacher or inspector who has elected, as provided by The Teachers’ and Inspectors’ Superannuation Act, to become a contributor to the fund established under the said Act. R.S.O. 1927, c. 323, s. 124.

(128) A teacher or inspector who, at the time of the coming into force of The Teachers’ and Inspectors’ Superannuation Act was a contributor to the fund dealt with in sections 125 to 127, and who elected to become subject to the provisions of the said Act, may, upon making application for superannuation under the said Act, give notice in writing to the Commission administering the Teachers’ and Inspectors’ Superannuation Fund abandoning any claim to the additional allowance provided for in clause f of section 6 of said Act, and in that case he shall be entitled to be paid out of any funds provided for the payment of allowances under sections 125 to 127 the full amount of his contributions under the said sections, or under any provisions for which the same were substituted, and the said clause f shall cease to be applicable to him. R.S.O. 1927, c. 323, s. 125.
Retiring allowance to teachers, officers and inspectors.

129. Where a teacher, inspector, officer or other employee of a board whose time is entirely devoted to the work of the board retires, having reached the age of sixty years, or after having been for twenty years in the service of the board, the board, in the case of a teacher, city inspector, officer or other employee, may grant him an annual allowance not exceeding the salary which he was receiving at the time of retirement, or may make a grant to him by way of gratuity of a sum not exceeding the present value of such annual allowance computed on the basis of interest at the rate of four per centum per annum. R.S.O. 1927, c. 323, s. 126; 1930, c. 63, s. 11; 1936, c. 55, s. 38.

Pension fund for officers and employees of board.

130.—(1) The board may establish a pension fund for officers and employees, other than teachers and inspectors, or any class or classes thereof, entitled to annual pensions or superannuation allowances upon their retirement from office or employment with the board.

(2) Every pension fund so established shall provide for contributions thereto by officers and employees of the board and by the board itself upon such basis as may be requisite to ensure the actuarial soundness of the pension fund, and every resolution for the establishment of a pension fund shall be subject to the approval of the Superintendent of Insurance and shall make provision for the management of the fund and of investments forming any part thereof, and as to the contributions to and payments from the fund and otherwise as may be necessary, and for vesting such management in a board, hereinafter referred to as the “management board,” constituted as set forth in the resolution.

(3) The rights, privileges, liabilities and responsibilities of every contributor to a pension fund so established shall be as set forth in the resolution establishing the same and the rules and regulations prescribed by the management board.

Management board—powers of.

(4) The management board of a pension fund shall have such powers as are set forth in the resolution establishing the fund, and may make such rules and regulations for the management of the fund and investments forming any part thereof, and respecting the rights, privileges, liabilities and responsibilities of the contributors to the fund as to the management board may from time to time appear necessary or expedient, but not so as to conflict with the resolution establishing the pension fund.

Contributions by board.

(5) The board shall have the power to, and it shall yearly provide such sum or sums in contribution to the pension fund as may be provided for in the resolution establishing the same.
(6) Subject to the approval of the Superintendent of Insurance being first obtained, any resolution establishing a pension fund may from time to time be amended by the board.

(7) The board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by The Trustee Act. 1936, c. 55, s. 39.

INSTRUCTION IN AGRICULTURE, MANUAL TRAINING AND HOUSEHOLD SCIENCE

131.—(1) The council of a township may engage the services of a person holding the degree of Bachelor of the Science of Agriculture, or other certificate of qualification, from the Ontario Agricultural College and approved of by the certificate of the Minister, or of an instructor qualified as required by the regulations to give instruction in agriculture, manual training and household science in the public schools of the municipality, and the council may levy and collect from the ratepayers of such municipality who are public school supporters such sums as may be necessary to pay the salaries of such instructors and all other expenses connected therewith.

(2) The courses of instruction shall be those prescribed by the regulations.

(3) The board of a rural school section or of a union school section, or a number of such boards, may severally or jointly engage the services of any person qualified as provided in subsection 1 for the purpose of giving similar instruction to the pupils of their respective schools.

(4) The courses of instruction in agriculture, manual training and household science shall, as far as practicable, be open to all residents of the school section or municipality. R.S.O. 1927, c. 323, s. 127.

132.—(1) The high school board, the public school board and the separate school board, or the board of education and the separate school board, or any of such boards in a city, town or village, may enter into agreements with one another for the formation and carrying on of classes for instruction in agriculture, manual training and household science in connection with the work of the schools under the management of such boards, and for providing suitable buildings, apparatus and appliances for carrying on such classes and the appointment of teachers therefor, and the proportion in which the cost thereof is to be borne by each board.
(2) The boards may delegate the management and control of such classes and the buildings, apparatus and appliances used in connection therewith to such committee or committees as they may see fit, composed of members of such boards or of one or more of them, and such committees may, if the cost thereof has been included in the estimate mentioned in subsection 4, procure from time to time such buildings, apparatus, appliances and material as may be deemed necessary for carrying on such classes, and may engage teachers therefor.

(3) The members of any such committee shall hold office during the pleasure of the board by which they are appointed.

(4) The committees shall annually, on or before the 1st day of February, furnish to each board an estimate of the amount required for carrying on such classes during the then current year, and the boards shall include in the estimates to be furnished to the council of the city or town the proportion of the amount so required which is to be provided by the board, and the same shall be included in the school rates of the municipality and levied and collected therewith. R.S.O. 1927, c. 323, s. 128.

OFFENCES AND PENALTIES

133. If a teacher negligently or wilfully permits an unauthorized book to be used as a text-book by the pupils of his school, the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book, or any less sum at its discretion. R.S.O. 1927, c. 323, s. 129.

134. Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees shall incur a penalty of not less than $5 and not more than $10. R.S.O. 1927, c. 323, s. 130.

135. A trustee who refuses to serve after being duly elected with his own consent shall incur a penalty of $5, and a person elected as a trustee who as such attends any meeting of the board after becoming disqualified shall incur a penalty of $20 for every meeting so attended. R.S.O. 1927, c. 323, s. 131.

136. Every person elected as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding $20. R.S.O. 1927, c. 323, s. 132.
137. A trustee shall not be eligible for appointment as a public school inspector or teacher, nor shall the teacher of a high, public or separate school hold the office of public school trustee, nor shall an inspector be a teacher or trustee of a high, public or separate school while he holds the office of inspector. R.S.O. 1927, c. 323, s. 133.

138. If a trustee is convicted of any indictable offence or becomes mentally ill, or, without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the municipality, or in the case of a city within one mile of the city or within the school section for which he is a trustee, he shall ipso facto vacate his seat, and subject to the provisions of subsection 2 of section 79, the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election. R.S.O. 1927, c. 323, s. 134.

139.—(1) A trustee shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall ipso facto vacate his seat.

(2) On the complaint of two ratepayers of the municipality or section or of the remaining trustee or trustees, the judge of the county or district court shall, on proof of the facts, declare the seat vacant, and, subject to the provisions of subsection 2 of section 79, the remaining trustee or trustees shall forthwith order a new election.

(3) Nothing in this section shall prevent a trustee receiving payment as provided by section 47, or prevent the board of a rural section from allowing the secretary or treasurer such compensation for his services as may be approved at the annual meeting or at a special meeting of the ratepayers and duly entered in the minutes. R.S.O. 1927, c. 323, s. 135.

(4) Where a complaint is made in writing to the inspector by any two ratepayers of a rural school section or by the other trustee or trustees thereof, that any trustee of such school section was not, at the time of his election, qualified to be elected, or is not competent to act, or is disqualified from acting,
the inspector may file such complaint with the judge of the county or district court and on proof that the complaint is based on fact, the judge shall declare the seat vacant, and a new election shall forthwith be held. 1936, c. 55, s. 40.

140.—(1) No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board, or in which an advertisement is inserted in the regular course of business, if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1927, c. 323, s. 136.

(2) A trustee who is a shareholder, officer, director or other employee of a company shall not vote on any question affecting the company in respect to any dealings or contract between such company and the board of which he is a member. 1936, c. 55, s. 41.

141. Any person who wilfully interrupts or disquiets the proceedings of a school meeting, or a public school, by acting in a disorderly manner or by making a noise either within the place where such meeting is held or such school is kept or so near thereto as to interfere with the proceedings of the meeting or order of exercises of the school, shall for each offence incur a penalty not exceeding $20. R.S.O. 1927, c. 323, s. 137.

142. A chairman who neglects to transmit to the inspector a minute of the proceedings of any annual or other rural school meeting over which he has presided within ten days after the holding of such meeting shall incur a penalty not exceeding $5. R.S.O. 1927, c. 323, s. 138.

143. If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school moneys and any school moneys are forfeited or lost to the municipality, section or board in consequence of such refusal or neglect, every member of the board shall be personally liable for such moneys, and the same may be recovered by the board or any ratepayer interested therein suing on behalf of himself and all ratepayers of the municipality or section interested in any court of competent jurisdiction; but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. R.S.O. 1927, c. 323, s. 139.
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144. A secretary or a treasurer and a person having been such secretary or treasurer, and a trustee or other person who has in his possession any book, paper, chattel, or money which came into his possession as such secretary, treasurer, trustee or otherwise, shall not wrongfully withhold or neglect or refuse to deliver up or account for and pay over the same or any part thereof to the person and in the manner directed by the board or by other competent authority. R.S.O. 1927, c. 323, s. 140.

145.-(1) Upon application to a judge of the county or district court by the board or by two ratepayers supported by affidavit showing such wrongful withholding or refusal, the judge may summon such secretary, treasurer, trustees or person to appear before him at a time and place appointed by him.

(2) Any bailiff of a division court, upon being requested so to do, shall serve the summons or a true copy thereof on the person complained against personally, or by leaving the same with a grown-up person at his residence.

(3) At the time and place so appointed, the judge, being satisfied that service has been made, shall in a summary manner and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded, the judge shall order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

(4) In the event of non-compliance with the order, the judge may order the person complained against to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

(5) Upon proof of his having so done, the judge shall make an order for his discharge and he shall be discharged accordingly.

(6) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed, the judge may order his discharge on such terms or conditions as he may deem just.

(7) Such proceedings shall not impair or affect any other remedy which the board or any other person may have against not affected.
the person complained against or against any other person. R.S.O. 1927, c. 323, s. 141.

146.—(1) Sections 144 and 145 shall apply to the case of any person who has in his possession any book, paper, chattel or money which came into his possession as secretary, or treasurer, or trustee, or otherwise, of a board of trustees of a school section or urban municipality which has been dissolved by reason of the annexation of such school section or urban municipality to a city, and every such person shall deliver up, account for and pay over every such book, paper, chattel and all such money to the person and in the manner directed by the board of education, the board of public school trustees or other competent authority in the city to which such school section or urban municipality has been annexed, and in default of his so doing, proceedings may be taken against him by the urban board or by two ratepayers of the city in the same manner as in the case provided for by section 145, and that section shall mutatis mutandis apply.

(2) Subsection 1 shall apply to every person who has received from such secretary, treasurer, trustee, or other person any book, paper, chattel or money, which by subsection 1, it is declared to be the duty of such secretary, treasurer, trustee or other person to deliver up, and the like proceedings may be taken against such first mentioned person. R.S.O. 1927, c. 323, s. 142 (1, 2).

147. It shall be the duty of the board and of the secretary and the treasurer to furnish the auditors with any papers or information in their or his power which may be required of them or him relating to the school accounts, and any member of the board or a secretary or treasurer who neglects or refuses so to do shall incur a penalty not exceeding $20. R.S.O. 1927, c. 323, s. 143.

148. If the board of a rural school section neglects to transmit to the inspector, in accordance with the regulations, a correct and verified statement of the attendance of pupils in each of the schools under its charge during the twelve months then immediately preceding, the section shall not be entitled to its share of the legislative grant for such twelve months, and every member of the board so neglecting shall be personally responsible for the amount of the loss of such share. R.S.O. 1927, c. 323, s. 144.

149. If the board of any school section neglects to prepare and forward such annual statement to their county inspector by the 15th day of January in every year, each of them shall,
for every week thereafter until such statement has been prepared and presented, incur a penalty not exceeding $5. R.S.O. 1927, c. 323, s. 145.

**150.** If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, he shall, for every offence, incur a penalty not exceeding $20. R.S.O. 1927, c. 323, s. 146.

**151.** If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglects for one month to make any return required by this Act, he shall incur a penalty not exceeding $10. R.S.O. 1927, c. 323, s. 147.

**152.** If an annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice shall incur a penalty of $5. R.S.O. 1927, c. 323, s. 148.

*(Note.—For liability of a trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and anyone employing or paying him, see The Department of Education Act, Rev. Stat., c. 356.)*

**153.** Where a board makes default in maintaining a public school during the whole school year, or such part thereof as this Act requires, every member of the board shall incur a penalty of $5 for every week during which such default continues, unless he proves that he did everything in his power to prevent such default. R.S.O. 1927, c. 323, s. 149.

**154.** The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*, and shall be applied to such school purposes as the Minister may direct. R.S.O. 1927, c. 323, s. 150.