

BILL

No. 64 of 1930.

An Act to Consolidate and amend the Law Relating
to Schools.

(Assented to _____, 1930.)

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Alberta,
enacts as follows:

1. This Act may be cited as "*The School Act, 1930.*"
2. In this Act, unless the context otherwise requires—
 - (a) "Board" shall mean the board of trustees of any school district;
 - (b) "Department" shall mean the Department of Education;
 - (c) "District" shall mean any school district established pursuant to the provisions of this Act;
 - (d) "Elector" shall mean—
 - (i) in any proposed rural, village or town district, any person of the full age of twenty-one years who is and has been a resident thereof for a period of at least two months immediately prior to the date of the first school meeting;
 - (ii) in any established district, any person of the full age of twenty-one years who is and has been a resident thereof for a period of at least two months immediately prior to the date of any school meeting;
 - (e) "Inspector" shall mean any school inspector appointed under this or any other Act;
 - (f) "Judge" shall mean a judge of the District Court of the Judicial District in which the school district is wholly or mainly situated;
 - (g) "Minister" shall mean the Minister of Education;
 - (h) "Rural district" shall mean any district, no part of which is within the limits of a city, town or village:
Provided that the incorporation of a village shall not affect the status of any rural district until the end of the current year;
 - (i) "School" shall mean any school established pursuant to this Act, or any class-room thereof;
 - (j) "Secretary" or "treasurer" shall include secretary-treasurer;

- (k) "Teacher" shall mean any person holding a legal certificate of qualification as a teacher;
- (l) "Town district" shall mean any district situated wholly or in part within the limits of any city or town;
- (m) "Ungraded school" shall mean the school of a district employing only one teacher;
- (n) "Unorganized territory" shall mean any part of the Province which has not been included in any school district;
- (o) "Village district" shall mean any district situated wholly or in part within the limits of any village:
 Provided that the incorporation of any town wholly or in part within the limits of any village school district shall not affect the status of that district until the end of the then current year.

PART I.

ESTABLISHMENT OF SCHOOL DISTRICTS.

PUBLIC SCHOOL DISTRICTS.

3. Any portion of the Province of Alberta may be established as a public school district, provided that—

- (a) it does not exceed four miles in length or in breadth exclusive of road allowances;
- (b) it contains four persons actually resident therein who on the establishment of the district would be liable to assessment, and eight children not younger than five nor older than sixteen years of age;
- (c) the boundaries and name of the proposed district shall have been first approved by the Minister:

Provided, however, that in special cases the Minister may permit the boundaries of any district to exceed four miles in length or in breadth or in both.

4.—(1) Any three residents in any such portion of the Province may petition the Minister to establish that portion as a school district.

(2) The petition shall be in the form prescribed by the Minister.

5. The Minister may in his discretion approve the boundaries and name of a proposed school district, and upon so doing shall require the petitioners to call a first meeting of the electors of the proposed district pursuant to the provisions of this Act.

SEPARATE SCHOOL DISTRICTS.

6. The minority of electors in any district, whether Protestant or Roman Catholic, may establish a separate school therein; and in such case the electors establishing such Protestant or Roman Catholic separate school shall be liable only to assessments of such rates as they impose upon themselves in respect thereof and any person who is legally assessed or assessable for a public school in the said district shall not be liable to assessment for any separate school therein.

7. The petition for the establishment of a separate school shall be signed by three electors of the religious faith indicated in the name of the proposed district and shall be in the form prescribed by the Minister.

8. The persons qualified to vote for or against the establishment of a separate school district shall be the electors in the district of the same religious faith, Protestant or Roman Catholic, as the petitioners.

9. The notice calling a meeting of the electors for the purpose of taking their votes on the petition for the establishment of a separate school district shall be in the form prescribed by the Minister, and the proceedings subsequent to the posting of such notice shall be the same as prescribed in the formation of public school districts.

10. After the establishment of a separate school district under the provisions of this Act, such separate school district and the board thereof, shall possess and exercise all rights, powers and privileges and be subject to the same liabilities and method of government as is herein provided in respect of public school districts.

ESTABLISHMENT OF SCHOOL DISTRICT BY THE MINISTER.

11.—(1) The Minister may by an order in writing establish any portion of the Province as a school district.

(2) Notice of every such order shall be published in *The Alberta Gazette*; and upon such publication, such school district shall be deemed to be duly established.

(3) The Minister may appoint a person to call a first school meeting of the electors of such school district to elect trustees.

FORMATION OF CONSOLIDATED SCHOOL DISTRICTS AND
RURAL HIGH SCHOOL DISTRICTS.

12. Two or more school districts of any kind, not less than thirty nor more than eighty square miles in area, may be consolidated by the formation of a new district in the manner hereinafter provided; and every such new district shall be known as "a consolidated school district."

13. Two or more adjoining school districts of any kind may consolidate in the manner hereinafter provided to form a new district for the purpose of establishing and maintaining therein a school or schools for the education of pupils who have completed the work of Grade VII or Grade VIII of the public school course as classified by the regulations of the Department, and a district so formed shall be known as "a rural high school district."

14. Any person or persons desiring the formation of a consolidated school district or a rural high school district, may submit to the Minister an application therefor, together with a detailed statement with reference thereto; and thereupon the Minister may cause such enquiries to be made with reference thereto as he may deem proper, and for that purpose may cause one or more public meetings of electors to be held in the proposed district, at such time or times, place or places, and after such notice as he may require, for the purpose of discussing the formation of the proposed new district; and may appoint one or more persons as a committee, whose duty it shall be to furnish him with such information with reference to the proposed district as he may require; and he may proceed to approve the boundaries of the proposed district and to authorize the circulation of a petition for signature by the electors in the proposed district, requesting the taking of a poll of such electors for and against the formation of the proposed district, or the Minister may in his discretion refuse the application.

15.—(1) If there is no district containing a town or village within the proposed district, and if the boundaries of the proposed district have been approved by the Minister, then upon the receipt by him of an application in that behalf, in such form as may be by him prescribed, signed by at least twenty-five per cent of the electors in each district within the proposed district, the Minister may cause the holding of a meeting of the said electors at such place and time as may be determined by the Minister.

(2) Notice of such meeting shall be given in such form as may be provided by the Minister, and shall be posted up at least fourteen days before the date of the meeting, in five conspicuous places in each district included in the proposed district; and an additional notice shall be posted up in a post office within the proposed district; and if there be no such post office, then in the post office nearest thereto, or the Minister may in his discretion refuse the application.

16.—(1) If there is a district containing a town or village within the proposed district, the Minister may provide for the holding of a public meeting of the electors in those districts which do not include a town or village, included in the proposed district, upon the receipt by him—

- (a) of an application signed by twenty-five per cent of the electors of each of the districts which do not include a town or village and are included in the proposed district;
- (b) of a request for the formation of the proposed district by each district which includes a town or village and is included in the proposed district.

(2) The Minister may direct the Board of every district containing a town or village included in the proposed district to pass a resolution approving or disapproving the proposed district, and such resolution shall be passed at the next regular meeting of such Board held after the receipt of the direction of the Minister.

(3) It shall be the duty of the Board to give public notice as soon as may be after the passing of any such resolution in such form as may be prescribed by the Minister, setting forth the resolution passed by the Board, and that a poll of the electors may be held within eight days of the posting of the notice upon delivery to the Secretary, or, in his absence, upon delivery to the Chairman of the Board of a demand for a poll signed by twenty-five per cent of the electors of the district.

(4) If within eight days of the posting of the notice last mentioned, a demand in writing for a poll, signed by at least twenty-five per cent of the electors of the district, is delivered to the secretary, or in his absence to the chairman of the Board, then the Board shall, as soon as conveniently may be, cause a meeting of the electors in such district to be held to vote for or against the formation of the proposed new district.

17.—(1) All the provisions of this Act relating to the calling and conduct of a first school meeting and the taking of a poll thereat, except such as relate to the election of trustees, shall apply to any meeting held pursuant to the provisions of this part of this Act.

(2) Forthwith after every such meeting, the Chairman thereof shall certify to the result of the poll in the form prescribed by the Minister, and shall place in an envelope the certificate, the poll list, ballots, declarations and all other records of the poll, and shall securely seal the same and shall send the same by registered mail to the Minister.

18. Upon being satisfied that any poll has been held substantially in accordance with the provisions of this Act, and that—

- (a) in the case of a proposed district which includes no district containing a town or village, a majority of the votes cast in the total area of the proposed district have been cast in favour of the proposed district; or

- (b) in the case of a proposed district which includes a district containing a town or village, that—
- (i) the Board of such district containing a town or village, has passed a resolution in favour of the proposed district, and that no poll has been demanded; or
 - (ii) the said Board having passed a resolution for or against the proposed district, and a poll having been demanded thereon, the majority of the votes cast at such poll have been cast in favour of the proposed district; and
 - (iii) a majority of the votes cast in the area of the proposed district, exclusive of any district therein containing a town or village, have been so cast in favour of the proposed district—

the Minister may by order form such district included in the proposed district into a consolidated school district; a notice of every such order shall be published in *The Alberta Gazette*, and the Minister shall proceed to direct the calling of a first school meeting of the electors of each district included in the consolidated school district for the purpose of electing a trustee or trustees, and shall require the board of trustees of each district included in a rural high school district to appoint one of its members to be a trustee of the rural high school district.

19.—(1) Whenever any persons desire that one or more school districts adjacent thereto should be added to a consolidated school district, or a rural high school district, they may submit to the Minister an application therefor, whereupon the Minister may authorize a special meeting of the electors in each of such districts and a vote to be taken as nearly as may be in accordance with the provisions of section 17 of this Act, for the purpose of ascertaining if the majority of the electors thereof are in favor of the union of such district with the consolidated district.

(2) If a majority of all the votes cast have been cast in favor of the proposed union or consolidation, and if the same has been approved by resolution of the board of the consolidated district, the Minister may by order, notice of which shall be published in *The Alberta Gazette*, unite such district with the consolidated district.

(3) Before issuing such order the Minister may make such alterations in the boundaries of existing districts or establish such districts as he may deem advisable.

20. The Minister may by order declare that any portion of the Province which does not exceed 640 acres in area, and which contains approximately twenty-five separate buildings, each occupied as a dwelling house, and which is not as to any part thereof, within the limits of any city, town or village, to be a village for the purposes of the next

preceding four sections, and thereupon the same shall be conclusively deemed to be a village for the purposes aforesaid.

21. Upon the formation of a consolidated school district the trustees of the districts forming the consolidated district shall cease to hold office and the Minister shall appoint an official trustee for each of the said districts and for the consolidated district, who shall hold office from the time of the consolidation until a board of trustees for the consolidated district has been elected or appointed.

22. Notwithstanding any other provision of this Act, the Minister may, if he deems it necessary so to do, having regard to the special educational difficulties in any portion of the Province, by order, notice of which shall be published in *The Alberta Gazette*, form out of any portion of the Province a consolidated school district without any further or other proceedings prior to such order:

Provided that the Minister shall not form in any one year more than two consolidated school districts, by virtue of the power conferred upon him by this section.

23. Upon making any order for the formation of any consolidated school district, or any rural high school district, the Minister shall make all necessary alterations in the boundaries of any districts affected by such formation, and shall establish such districts as he may deem advisable prior to making the order of formation.

24. Every consolidated school district formed pursuant to the provisions of this Act shall be given such name and number as the Minister may specify in the order of formation, and shall have a title in the form following, namely: "The.....Consolidated School District No....., of the Province of Alberta."

25. Every rural high school district formed pursuant to the provisions of this Act shall be given such name and number as the Minister may specify in the order of formation, and shall have a title in the form following, namely: "The.....Rural High School District No....., of the Province of Alberta."

26. After the formation of any consolidated school district or rural high school district the Minister may from time to time in his discretion—

- (a) alter the boundaries thereof by adding to or taking from the area of any district which forms a part of a consolidated school district or a rural high school district;
- (b) change the name of any consolidated school district or rural high school district in the manner provided by this Act for the change of name of a school district.

UNION OF PUBLIC AND SEPARATE SCHOOL DISTRICTS.

27. If in any area there exist a public school district and a separate school district and it is resolved by the electors of each of such school districts at a public meeting of such electors respectively called for the purpose of considering the question that it is expedient that such districts should be dissolved for the purpose of the union of the same and the establishment of such area as a public school district, the Minister may, by order, notice of which shall be published in *The Alberta Gazette*, dissolve such existing districts and establish such area as a public school district with such name as he may decide upon; and thereafter the Minister may make such orders, provisions and appointments as to him shall appear proper for the carrying into effect of such dissolution and the establishment of the public school district, and as to all matters incident thereto and necessary for the operation of the same as a public school district, and for the carrying out therein of all the provisions of this Act, and for the adjustment, arrangement and winding-up of all the affairs of such dissolved districts, and for the settlement of their liabilities and disposition of their assets:

Provided that unless the liabilities of such dissolved districts are not otherwise liquidated, the same shall be assumed by and imposed upon such newly established district, and any debentures issued by the dissolved districts or either of them shall have the same force in and effect upon the newly established district and the property and taxes thereof as they had in and upon the district by which they were respectively issued and its property and taxes; and the trustees of such newly established district may authorize and direct the levy and collection of such rate or rates as may from time to time be necessary for the discharging of any liability or debenture indebtedness of a dissolved district assumed by or imposed upon such new district.

 PART II.

RELATING TO MEETINGS OF ELECTORS.

PLACE FOR MEETINGS.

28. In a consolidated school district and a rural high school district, meetings of electors held pursuant to any of the provisions of this Act shall be held at a central place within such district.

FIRST SCHOOL MEETINGS.

29.—(1) A first school meeting of the electors of any proposed district or of any district established by the Minister or of each district in a consolidated school district shall

be called by the person or persons required by this Act so to do, immediately upon the receipt by such person or persons of a direction so to do from the Minister.

(2) Such meeting shall be called by posting up a notice, in such form as may from time to time be prescribed by the Minister, in at least five widely separated places within such limits, one of which places shall be the post office therein if there be such post office.

(3) If there be no such post office therein, an additional notice shall be posted in the nearest post office thereto.

(4) Every such notice shall be posted up at least two weeks prior to the date thereby fixed for the said meeting.

30. The persons whose duty it is to post the notices of any first school meeting shall furnish the Minister with proof to his satisfaction of the due posting up of the said notices, and such proof shall be in such form as may from time to time be prescribed by the Minister.

31. The persons entitled to vote at a first school meeting shall be the electors present thereat.

32. At one o'clock in the afternoon, standard time, on the day for which the meeting is called, the electors present shall choose one of their number as Chairman of the meeting, and shall appoint a Secretary, who shall record the minutes of the meeting and perform such other duties as may be required of him by this Act.

33. The Chairman shall upon his appointment sign the declaration in Form A in the schedule to this Act.

34.—(1) After the appointment of a Chairman any elector wishing to take any part in the meeting and vote thereat shall sign in the presence of the Chairman and Secretary the declaration in Form A in the schedule to this Act.

(2) No one who has not signed such declaration shall be entitled to take any part in the meeting or vote thereat.

35. The Chairman shall not vote upon any question at the meeting, whether decided by show of hands or a poll, except in the case of a tie, when he shall give a casting vote.

36.—(1) At a first school meeting of a proposed district the Chairman shall, immediately after the signing of the declaration in Form A, proceed to take a poll of the votes of the electors for and against the establishment of such district.

(2) In the case of the first school meeting of an established district the meeting shall proceed at once with the election of trustees for the district.

37. The Chairman shall preside over the taking of the poll, and the Secretary shall record the votes in the form prescribed by the Minister as they are given.

38. The poll shall remain open for one hour and at the end of that time the Chairman shall declare the same to be closed and shall proceed to sum up the votes and to declare the result of the poll.

39. If the result of the poll is favorable to the establishment of the district, the meeting shall proceed to the nomination and election of trustees, and, subject to the provisions of this Part, all the provisions of this Act relating to the nomination and election of trustees at an annual meeting of a district other than a town district shall apply to such nomination and elections held under the provisions of this Part.

40.—(1) No person shall be nominated for or capable of election as a trustee unless he is—

- (a) a British subject;
- (b) an elector of the district; and
- (c) able to read and write.

(2) Each candidate for the office of trustee shall be nominated by two electors of his district.

41. Nominations shall be received by the Chairman for thirty minutes after he first calls for the same.

42. In case the number of nominations does not exceed three, the Chairman shall declare the persons nominated to be elected and they shall hold office as set out in section 72.

43.—(1) If more than three candidates are nominated, the Chairman shall, at the close of the time for receiving nominations, declare a poll open for the election of trustees.

(2) Such election shall be by ballot, and shall be conducted as is hereinafter provided with regard to the annual election of trustees.

44.—(1) The Chairman shall within ten days of the meeting send to the Minister—

- (a) a true copy of the notice calling the meeting;
- (b) due proof, in such forms as the Minister may require, of posting the notices aforesaid;
- (c) a true copy of the minutes of the meeting;
- (d) a statement of the vote taken as to the establishment of the district;
- (e) the result of the elections of trustees;
- (f) the declarations of the Chairman and the electors.

(2) The Minister may upon receipt of all the last mentioned documents and upon being satisfied that all the requirements of this Act as to the establishment of the district have been substantially complied with, order the establishment of the district as a school district and assign to it a name and number.

(3) Notice of the establishment of the district shall be published in *The Alberta Gazette*, and such notice shall be conclusive evidence of the due establishment of the district.

PART III.

ANNUAL MEETINGS.

IN TOWN DISTRICTS.

45. An annual meeting of the electors and ratepayers of every town district shall be held at the same time and place as may be appointed for the nomination of councillors or aldermen or at such other time within six days before the said date as may be fixed by resolution of the Board. Due notice of such meeting shall be given by advertisement, at least once a week for two weeks previous to the date of the meeting, in some newspaper published in the district, or if there be no newspaper published in the district, then in the manner herein provided with respect to meetings in rural and village districts.

IN ALL OTHER DISTRICTS.

46.—(1) In every district other than a town district there shall be held in the school house, or some other suitable place within the district, a meeting of the electors and ratepayers of the district not later than the twentieth day of January in each year, commencing at any fixed hour between the hours of two and seven inclusive, in the afternoon.

(2) The Board of every such district shall call such meeting and shall cause notices of the meeting to be posted not later than the eighth day before the day fixed for the meeting, in five conspicuous places within the district, one of which shall be the post office. If there is no such post office then a notice shall be posted up in the nearest post office thereto. Such notices shall set forth the day, place and hour of the meeting.

47.—(1) At the time specified in the notice for the commencement of the meeting, the Chairman of the Board shall take the chair and call the meeting to order, and the Secretary of the Board, or someone appointed by the Chairman, shall record the minutes of the meeting and perform such other duties as may be required of him by this Act.

(2) In the absence of the Chairman, or upon his refusal or failure to act, the electors and ratepayers present shall forthwith elect an elector, present at the meeting, to preside.

48. The Chairman shall not vote on any question, whether it is to be decided by a show of hands or a poll, except in case of a tie, when he shall give a casting vote.

49. Ratepayers and electors shall be entitled to take part in the annual school meeting, but only electors shall be entitled to vote for the election of a trustee.

50. The business of the annual meeting may be conducted in the following order, that is to say:

- (a) Receiving and considering the statements prepared by the teacher, trustees, treasurer, collector and auditor;
- (b) Receiving and considering the inspector's report;
- (c) Miscellaneous business;
- (d) Election of trustees.

51. The meeting having been duly opened, the Chairman shall proceed to call upon the Secretary to read the statements and reports specified below, which shall be considered and disposed of by the meeting, that is to say:

- (a) A statement of the teacher, signed by him, giving the following particulars:
 - (i) The number of days on which school was kept open during each term succeeding the last annual meeting;
 - (ii) The total number of children attending school during that period;
 - (iii) The number of children of school age residing in the district who did not attend school during the year;
 - (iv) The average daily attendance for each term and for the year;
 - (v) The classification of pupils and the number of pupils in each grade;
- (b) A statement prepared by the trustees, showing—
 - (i) The names of the trustees;
 - (ii) The officers of the district appointed by the trustees, and their salaries;
 - (iii) The vacancies created in the Board during the year, giving the causes thereof, with an account of the elections held to fill such vacancies and the results thereof;
 - (iv) The engagements binding upon the Board, with special reference to those entered into during the previous year;

- (v) The number of regular and special meetings of the Board held during the year, together with a statement showing the number of meetings attended by each member;
- (c) The Treasurer's statement for the fiscal year ending on the thirty-first day of December preceding the annual meeting, in which shall be set forth—
 - (i) the amounts of money received by the district from each source of revenue, including Government grants, whether paid directly to the teacher or not;
 - (ii) the amounts of money paid out by the district, with particulars of payment;
 - (iii) the amounts of money due to the district, from all sources, with particulars;
 - (iv) the amounts of money due by the district, and the terms and times of payment;
- (d) A statement prepared by the collector of taxes and signed by him, giving the following particulars:
 - (i) The number of acres of land assessed, and the total assessed value of all property as shown by the last revised assessment roll;
 - (ii) The rate of the school tax;
 - (iii) The total amount of taxes levied or amounts requisitioned during the year;
 - (iv) The current taxes collected during the year;
 - (v) The arrears of taxes collected during the year;
 - (vi) The total arrears of taxes which are due, together with a statement of the amount owing by each ratepayer;
- (e) The auditor's report;
- (f) The inspector's reports received since the next preceding annual meeting was held;
- (g) Such further statements in relation to the affairs of the district as may be deemed advisable;
- (2) A copy of the minutes of every annual meeting, signed by the chairman and the secretary of such meeting, shall be forthwith transmitted to the Department.

52.—(1) Except in the case of a consolidated school district, as soon as the other business of the district has been transacted or one hour after the opening of the meeting, if the other business be not then concluded, the chairman shall call for nominations for the office of trustee.

(2) In the case of a consolidated school district, the meeting of that district shall then adjourn and the electors of each district included in the consolidated district, the term of office of whose trustees has expired or for which there is a vacancy to be filled, shall meet separately and

appoint a chairman and secretary and proceed to the election of a trustee in accordance with the provisions of this Act for the election of trustees.

53. Each candidate shall be nominated by two electors of the district.

54. Nominations shall be received by the chairman for thirty minutes after he has first called for the same.

55.—(1) In case there are no more nominations than there are trustees to be elected the chairman shall declare the candidates nominated to be elected.

(2) Where two or more trustees are being elected for different terms, then—

- (i) if elected after a poll the trustee receiving the highest number of votes shall be elected trustee for the longest term; the trustee receiving the next highest number of votes shall be elected trustee for the next longest term, and so on; and as between two or more trustees receiving the same number of votes a trustee whose nomination is prior in time shall be deemed to have more votes than a trustee whose nomination is subsequent;
- (ii) if no poll is held then the trustee first nominated shall be elected a trustee for the longest term; the second nominated for the next longest term; and so on.

56. If there are more nominations than trustees to be elected, the Chairman shall, at the close of the time for receiving nominations, proceed to take a poll of the electors for the election of trustees, in the manner provided by this Act.

PART IV.

RELATING TO BOARDS OF TRUSTEES.

CONSTITUTION OF BOARDS.

57. In and for every district there shall be a board of trustees, which shall be a corporation under the name of "The Board of Trustees of..... (*full name of school district*)."

58. In every district other than a consolidated school district, a rural high school district or a town district, the board of trustees shall consist of three trustees, each of whom, unless elected at the first school meeting, shall hold office for three years.

59. In every town district, the board of trustees shall consist of five trustees, each of whom shall, unless elected at the first school meeting, hold office for two years.

60. In every consolidated school district, which does not include a town, the board of trustees shall consist of one trustee for each district included therein; and in every such district which contains a town the board of trustees shall consist of two trustees for such town district and one trustee for each other district included therein:

Provided that if the board so constituted should consist of an even number of trustees, then the Board shall consist of the number of trustees aforesaid and one additional trustee, who shall be elected by the electors of the consolidated district at large and shall hold office until the next annual meeting; the other trustees shall, unless elected at the first election in such district hold office for two years.

61. In every school district within a consolidated school district the school trustee or trustees elected or appointed as hereinbefore provided shall, with respect to all property, assets and liabilities of such district, possess all the powers and be subject to all the responsibilities of the board of trustees for such district, but the secretary-treasurer of the consolidated district shall be the secretary-treasurer of each of the districts within such consolidated district:

Provided that the Board of the consolidated school district may, with the consent of the Minister, take over the assets and assume the liabilities of the districts or any one or more of them included in such consolidation, upon such terms and conditions as may be agreed upon by the said Board and the trustee or trustees representing the district or districts, the assets and liabilities of which are taken over and assumed; but such agreement shall not prejudicially affect the rights or security of the holder of any debentures issued by the district or districts, the assets and liabilities of which are taken over and assumed.

62. In every rural high school district not containing a town the Board of Trustees shall consist of one trustee for each district within the rural high school district, and in every rural high school district containing a town, the Board of Trustees shall consist of two trustees for the town district and one trustee for each other district included in the rural high school district, and each such trustee shall hold office until the expiration of the term being served by him as a trustee for the district which he represents on the board of the rural high school district.

63. Every trustee shall continue to hold office until his successor has been duly elected or appointed, as the case may be.

64. No person shall be nominated for, or be capable of being elected to, the office of trustee unless he is—

- (a) a British subject;
- (b) an elector of the district; and
- (c) able to read and write.

RESIGNATION OF TRUSTEE.

65.—(1) Any trustee wishing to resign may do so by sending notice in writing to the remaining member or members of the Board, who shall immediately take the necessary steps to fill the vacancy, and such resignation shall take effect only upon the election of a new trustee.

(2) A trustee who resigns his office may be re-elected with his own consent.

DISQUALIFICATION OF TRUSTEE.

66.—(1) Any trustee who is convicted of a criminal offence, or of any offence against the provisions of this Act, or *The School Attendance Act*, for which a penalty is provided, or becomes insane, or absents himself from the meetings of the Board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be an actual resident within the district for which he is a trustee, shall *ipso facto* vacate his seat, and the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election to fill any vacancy thus created.

(2) A trustee who is convicted of a criminal offence shall be disqualified from being nominated for, or elected to, the office of trustee for a period of one year from the date of conviction.

TRANSACTIONS PROHIBITED FOR TRUSTEES.

67.—(1) No trustee shall enter into any contract in which he has any pecuniary interest with the Board of which he is a member, in his own name or in the name of another, alone or jointly with another. Every such contract shall be null and void.

(2) No trustee shall receive payment for any work done or for materials supplied to any person in connection with any contract awarded or purchases made by the Board while such trustee was a member of the Board.

(3) A trustee violating the provisions of this section shall *ipso facto* vacate his seat, and it shall be the duty of the remaining trustees to declare his seat vacant and forthwith call a meeting of the ratepayers to elect a trustee in his place.

(4) A trustee violating the provisions of this section shall also be liable to a fine, not exceeding twenty-five dollars, on complaint laid before a justice of the peace by any two ratepayers of the district.

(5) Nothing in this section shall prevent a trustee receiving—

- (a) remuneration from the Board as secretary, treasurer, janitor, local attendance officer, assessor, collector; or
- (b) the purchase price of a school site; or
- (c) a sum not exceeding ten dollars in any one year for labour.

ousting of trustee from office.

68.—(1) Any two or more electors of the district may at any time upon their several affidavits disclosing facts from which it appears that a trustee or trustees—

- (a) is or are guilty of a violation of the preceding section or of gross neglect of duty; or
- (b) negligently or wilfully fails or fail to carry out the provisions of the school law; or
- (c) is or are for any other reason whatever, which reason need not be of a nature similar to those herein specified, unfit to act as trustee or trustees—

and upon payment into Court of the sum of fifteen dollars as security for costs, to abide the event of the application, apply to a judge for a direction calling upon such trustee or trustees to show cause why he or they should not be ousted from the office.

(2) Where upon the return of the summons it appears to the judge by affidavit or oral evidence that such trustee or trustees or any of them is or are for any of the above reasons, or for any other reason whatever as aforesaid, unfit to act as trustee or trustees, such trustee or trustees shall thereupon become and be ousted from such office.

(3) If the judge is not so satisfied, he may discharge the summons, and in either case with or without costs.

(4) The costs of the proceedings shall be paid by such person or persons as the judge may in his discretion direct.

(5) Any trustee so ousted from office shall not within three years thereafter be eligible for election as trustee in any school district.

(6) The proceedings above provided to be taken by any two or more electors may be taken by an inspector, in which case it shall not be necessary to deposit any sum as security for costs.

TENURE OF OFFICE BY TRUSTEES.

IN CONSOLIDATED SCHOOL DISTRICTS.

69. The terms of office for trustees elected to the first Board of a consolidated district, shall be determined in the manner following:

- (a) In the case of trustees representing districts other than town districts—
 - (i) the names shall be placed upon a list in the numerical order of the districts which they represent;
 - (ii) if the number of such trustees is even, the list shall be divided into two equal parts. If the number of trustees is odd the list shall be divided so that the number of names in the upper part shall be greater by one than the number of names in the lower part of the list. The trustees whose names are in the upper part of the list in each case, shall hold office until the second annual meeting, and the remaining trustees shall in each case hold office until the first annual meeting;
- (b) In the case of trustees representing a town district, the trustee receiving the larger number of votes shall hold office until the second annual meeting and the other trustee shall hold office until the first annual meeting; provided that where there has been no poll, and in the case of an equality of votes, the trustee first nominated shall hold office for the longer period.

IN RURAL HIGH SCHOOL DISTRICTS.

70. Each trustee elected to the first Board of a rural high school district shall hold office for the term which he was (when so elected) serving in the district which he represents.

IN OTHER DISTRICTS.

71. The trustees elected to the first Board of any other district shall hold office as follows: If elected after a poll, the trustee receiving the highest number of votes shall hold office until the third annual meeting of the district is held; the trustee receiving the second highest number of votes, until the second annual meeting is held; and the trustee receiving the lowest number of votes, until the first annual meeting is held; and as between two or more trustees receiving the same number of votes, the trustee whose nomination is first shall be deemed to have more votes than a trustee whose nomination was subsequent.

72. If no poll is held, then the trustee first nominated shall hold office until the third annual meeting is held, the second nominated until the second annual meeting is held, and the third nominated until the first annual meeting is held.

PART V.

RELATING TO THE ELECTION OF TRUSTEES.

PERSONS ENTITLED TO VOTE AT AN ELECTION OF TRUSTEES.

73. The persons entitled to vote at an election of a trustee shall be the electors of the district.

ELECTION OF THE FIRST BOARD OF TRUSTEES OF A DISTRICT.

74. The election of trustees to the Board of a district, other than a rural high school district, shall be held at the first school meeting held pursuant to the provisions of this Act, and all the provisions of the Act relating to the annual election of trustees in any district other than a town district shall apply thereto.

ANNUAL ELECTION OF TRUSTEES IN TOWN DISTRICTS.

75. The trustees of every town district shall, at least twenty days prior to the date fixed for the municipal nominations in each year, give notice to the secretary-treasurer of the municipality, of the number of vacancies required to be filled to make the Board complete.

76. The nomination and election of trustees shall be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as municipal nominations and elections of councillors, except as to qualification to vote, which shall be as provided for in this Act; and the provisions of *The Town Act* respecting the time for receiving nominations and for opening and closing the poll, the mode of voting, corrupt or improper practice, vacancies and declarations of office shall, *mutatis mutandis*, apply to the election of school trustees.

77. The secretary-treasurer of the municipality shall deliver to the returning officer, before the opening of the poll for the election of trustees, a list of all the qualified voters in the district, and in the event of there being a separate school district he shall place opposite the names of any persons on the said list who have been returned to him as supporters of separate schools, the letters "SSS," and the returning officer shall not deliver to any such person a ballot paper for public school trustees.

78. A separate set of ballot papers shall be prepared by the returning officer, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors, except in the substitution of the words "school trustee" for "councillor" or "alderman" on the said ballot papers.

79. In case any objection is made to the right of any person to vote at an election of trustees in any town district, the returning officer may require the person whose right of voting is objected to to make the following oath or affirmation:

"I, *A.B.*, do solemnly swear (*or affirm*) that I am a *bona fide* elector of (*name of district in full*), and I am of the full age of twenty-one years; that I have not before voted at this election; and that I have not received any reward, either directly or indirectly, nor have I any hope of receiving any reward, for voting at this time and place. So help me God."

[NOTE: In the case of an affirmation the words "So help me God" shall be omitted.]

Any person making such declaration shall be permitted to vote for the election of trustees.

80. At the annual meeting held in any town district, the statements and reports required to be read at a meeting in a rural district shall be read, unless the reading of any or all of them is dispensed with by resolution passed to that effect by the electors and ratepayers present, but any elector or ratepayer of the district shall have access to such reports and statements either during or after the meeting; and if the Board deems it advisable or is authorized so to do by resolution of the ratepayers at the annual meeting it may have any or all of such reports or statements, or any parts of them, except the inspector's reports, printed in a newspaper published in the district.

81. Within ten days after the annual election of trustees in any town district is held, the Secretary of the district shall forward to the Department a certified copy of the returning officer's declaration as to the result of the poll.

APPOINTMENT OF TRUSTEES IN A NEW RURAL HIGH SCHOOL DISTRICT.

82.—(1) Upon the formation of a rural high school district and within fifteen days after the receipt of a requisition from the Minister so to do, the Board of each rural and village district therein shall appoint one of their number, and the Board of each town district therein shall appoint two of their number, to represent such rural, village or town district on the Board of the rural high school district.

(2) The trustees so appointed shall constitute the Board of the rural high school district.

(3) Upon the union of any district with a rural high school district as hereinbefore provided, the Board of Trustees of such district uniting with the rural high school district shall forthwith appoint one of its number to represent such district on the Board of Trustees of the rural high school district.

83. In the event of a rural high school district being formed by the union of only two districts, neither of which contains a town, the two trustees appointed by the Board of such districts, as trustees of the rural high school district, shall, after taking the declaration of office, forthwith under their hands appoint an additional trustee, who shall hold office until the next annual meeting, and thereafter upon the completion of all other business at the annual meeting, the two trustees shall in like manner appoint an additional trustee, and in the event of the two trustees appointed by the Boards of their own districts being unable to agree as to the appointment of an additional trustee as aforesaid, such trustee shall be appointed by the Minister.

84. Whenever a vacancy occurs in the Board of any rural high school district, a new trustee shall be appointed in the same manner as the trustee was appointed in respect of whom the vacancy occurs.

THE UNION OF ANY DISTRICT WITH AN ESTABLISHED CONSOLIDATED DISTRICT.

85.—(1) Upon the union of any district with a consolidated district the trustees of such district so uniting with a consolidated district, if there be a board of trustees, shall cease to hold office, and the Minister shall authorize such district to hold a meeting forthwith for the election of a trustee, which election shall be conducted as nearly as possible in the manner hereinbefore provided for the first election of trustees for a consolidated district.

(2) The Minister shall fix the duration of the term of office of such trustee.

(3) The Minister may appoint an official trustee for such district to hold office during the interval between the union of such district with the consolidated district and the election of a trustee for such district as aforesaid.

IN ALL OTHER DISTRICTS.

86. The poll for the election of a trustee shall be by ballot.

87. The chairman shall preside at the taking of the poll and shall—

- (a) set apart a portion of the room where a voter may mark his ballot paper without being seen;
- (b) cause to be prepared a supply of ballot papers sufficient for the purposes of the election;
- (c) provide a suitable box in which the ballot papers can be deposited.

88. Each ballot paper shall consist of a sheet of paper as nearly as may be four inches wide and six inches long, and may be either written or printed or partly written and partly printed, and shall contain the names of the candidates duly nominated, arranged in the alphabetical order of their surnames, and shall be in the following form:

SCHOOL TRUSTEES.
Dickson, John
Jones, Thomas
Ross, Alexander
Smith, Samuel
Walker, William

89. The chairman shall initial each ballot paper before delivering it to the voter.

90.—(1) The chairman, if requested by any elector or ratepayer, or of his own accord, may require any person wishing to vote at the election of a trustee to subscribe the declaration in Form B(1) or B(2) in the schedule hereto, and any person subscribing such declaration shall be permitted to vote.

(2) Every such declaration shall be subscribed in the presence of the chairman and secretary, who shall subscribe their names as witnesses thereto.

(3) Any person making any false statement in such declaration shall be guilty of an offence and liable on summary conviction to a fine of not more than ten dollars and costs.

(4) All declarations subscribed pursuant to this section shall be retained by the chairman.

91. The voter shall place a cross (thus X) on the right hand side of the ballot paper opposite the name of the candidate for whom he votes, or at any other place within the division which contains the name of such candidate, and fold his ballot paper so as not to disclose any markings thereon, but so as to show the chairman's initials on the back, and then hand the same to the chairman to be deposited in the ballot box, and forthwith quit the polling place.

92. If any voter is unable to read or write, the chairman shall mark his ballot as directed by such voter in the presence of all persons in the polling place.

93. The chairman shall cause a poll book to be kept in Form D in the schedule hereto, in which the secretary shall enter the name and residence of each voter, numbering the same in consecutive order.

94. Any candidate for the office of trustee, or an agent appointed by him in writing, shall have the right to remain in the polling place.

95. The poll shall remain open for two hours, at the end of which time it shall be declared closed, and the chairman shall forthwith, in the presence of all persons present in the room at the time, count the ballots and declare the result of the poll.

96. If it appears upon the counting of the ballots that two or more candidates for any office have an equal number of votes, the chairman shall, at the time he declares the result of the poll, give a casting vote so as to decide the election, but except in such case the chairman shall not vote at any election.

97. The chairman shall, unless the Minister otherwise directs, or unless a judge otherwise orders, retain the ballot papers and all other papers used in connection with the election for two months after the date thereof, and shall then, unless otherwise directed or ordered as aforesaid, forthwith burn such ballot papers and other papers.

98. The Minister may, from time to time, make such regulations as he may deem proper, not inconsistent with the provisions of this Act, in regard to the conduct of elections of trustees for rural, village and consolidated school districts.

99. A copy of the minutes of every annual meeting, signed by the chairman and the secretary of such meeting, shall be forthwith transmitted to the Department.

PART VI.

ELECTIONS TO FILL VACANCIES IN BOARDS OF TRUSTEES.

VACANCIES IN TOWN DISTRICTS.

100. In town districts the election of a trustee to fill any vacancy shall be held in the same manner as is provided in this Act for the annual election of trustees in town districts.

VACANCIES IN RURAL HIGH SCHOOL DISTRICTS.

101. In rural high school districts a trustee shall be appointed to fill any vacancy by the board of trustees of the district contained therein which appointed the trustee whose seat is vacant.

IN DISTRICTS OTHER THAN RURAL HIGH SCHOOL DISTRICTS.

102. Where in any district, other than a town district or rural high school district, a vacancy occurs in the office of trustee in the interval between the last day of November and the next annual meeting of the district thereafter, then provided the number of remaining trustees constitutes a quorum an election to fill such vacancy shall be held at the time and in the manner provided for the election of trustees in such district at the annual meeting thereof, if such vacancy would continue after such meeting, and if not, no election shall be held to fill such vacancy.

VACANCIES IN ALL OTHER DISTRICTS.

103.—(1) Upon a vacancy occurring in the Board of any district other than a town or rural high school district, it shall be the duty of the remaining trustees in office forthwith to call a special meeting, to be called in the manner prescribed by this Act, of the electors of the district in respect of which the vacancy exists, and such election shall be held in the same manner as is prescribed by this Act for the conduct of the annual election of trustees.

(2) In the case of a consolidated school district the meeting shall be held in the district comprised therein in respect of which the vacancy to be filled has occurred.

104. If a vacancy is not filled in the manner by this Act provided within one month, the Minister may appoint some person to fill the vacancy, and the person so appointed shall hold office in every respect as if he had been elected.

 PART VII.

DECLARATION OF OFFICE.

105.—(1) Every trustee shall, before undertaking any of the duties of a trustee and taking his seat as a member of the Board, make a declaration before the chairman of the meeting at which he was elected, or a justice of the peace, or a commissioner for oaths, in the form following:

"I, A.B., declare that I am a British subject, that I am an elector of (*name of school district in full*), that I can read and write, and that I hereby accept the office of trustee to which I have been elected (*or appointed*) in (*name of school*

district in full), and that I will, to the best of my ability, honestly and faithfully discharge the duties devolving on me as such trustee.

"Dated at....., Alberta, this.....day of
....., 19....

"(Signed) A.B.,
"Trustee."

(2) The chairman, justice of the peace, or commissioner for oaths before whom such declaration is taken shall deliver to the declarant a certificate signed by him in the form following:

"I, C.D., of....., Alberta, (*occupation*), do hereby certify that A.B., of....., Alberta, (*occupation*), having been elected (*or* appointed) a trustee for (*name of school district in full*), has this day made before me the declaration of office required by *The School Act*.

"Dated at....., Alberta, this.....day of....., 19....

"(Signed) C.D.,
"Chairman of the meeting at which the
said A.B. was elected such trustee.
"A Justice of the Peace.
"A Commissioner for Oaths."

(3) Such certificate shall be delivered by the trustee to the Secretary of the Board at the first meeting of the Board attended by him, and the Secretary shall enter the fact of such delivery on the minutes of that meeting.

PART VIII.

MEETINGS OF THE BOARD.

ORGANIZATION MEETINGS.

106. Upon the establishment of a new district, the trustee elected for the longest term, upon being notified by the Minister of the establishment of the district, shall, within ten days after the receipt of such notice, call a meeting of the Board for the purpose of choosing one of its members as chairman and appointing a secretary, treasurer, or secretary-treasurer, and transacting any other business as may be necessary.

107. In town districts the Board shall meet within ten days of the date of the annual municipal election, and in all other districts within ten days of the annual meeting; and such meeting shall be called by the secretary, and if there be none, then by the member of the Board earliest elected.

108. The business to be transacted at such meeting shall be—

- (a) the appointment of the chairman of the Board, a secretary and a treasurer, or a secretary-treasurer, who shall each hold office during the pleasure of the Board;
- (b) the fixing of the remuneration of the secretary and of the treasurer, or of the secretary-treasurer.

109. The chairman of the Board shall not be the secretary, treasurer, or secretary-treasurer of the Board.

110. A teacher employed by the district may be the secretary, but shall not be the treasurer, or secretary-treasurer of the district.

OTHER MEETINGS OF THE BOARD.

111. The chairman or any trustee may call a meeting of the Board, subject to the provision following, viz.:

Every meeting of the Board shall be called by giving two clear days' notice thereof in writing, which notice may be given by the delivery of such notice to each trustee, or in the absence from his residence of any trustee, to any adult person thereat.

112. The Board may at any meeting at which all the members of the Board are present decide by resolution to hold regular meetings of the Board, and such resolution shall state the day, hour and place of every such meeting, and no further or other notice of any such meeting shall be necessary.

113.—(1) A meeting of the Board may be held at any time without any previous notice if all the members of the Board are present at the meeting and each of them consents to waive notice and signs a consent.

(2) The consent shall be recorded upon the minutes of the meeting in the form following:

"We, the undersigned, trustees of the (*name of school district*), do hereby waive notice of this meeting."

114.—(1) No act or proceeding of any Board shall be deemed valid or binding on any party which is not adopted at a meeting at which a quorum of the Board is present.

(2) A majority of the Board shall form a quorum.

(3) Any contract or agreement made by the Board for the sale, transfer or hypothecation of any debentures, or any interest therein, made before the board of trustees has been authorized to borrow the money, represented by such debentures as hereinafter provided, shall be null and void.

(4) The purchase of furniture, equipment and supplies required for the initial operation of the first school in any new school district shall be subject to the approval of the Minister, and any contract for the purchase of the same entered into without such approval shall be null and void.

115. If the number of trustees be reduced to less than a quorum of the Board, the remaining trustees or trustee shall immediately take the necessary steps to fill the vacancies in the Board, but shall not transact any other business of the district.

116. All questions shall be submitted to the Board on the motion of the chairman or any other trustee, and no seconder shall be required.

117.—(1) At all meetings of the Board all questions shall be decided by the majority of the votes and the chairman shall have the right to vote, but in case of an equality of votes the question shall be decided in the negative.

(2) In case of absence of the chairman from any meeting of the Board the trustees present shall elect one of their number to act as chairman of the meeting.

118.—(1) Every meeting of the Board shall be open and no one shall be excluded therefrom except on account of improper conduct, or the lack of accommodation for the public.

(2) The chairman of every such meeting shall have the right to order the exclusion or expulsion of any person whose conduct is or has been such as to interfere with the proceedings of the meeting.

PART IX.

RELATING TO BOARDS OF TRUSTEES AND THE OFFICERS THEREOF.

THE POWERS AND DUTIES OF BOARDS OF TRUSTEES.

119.—(1) It shall be the duty of the Board of every district, and it shall have power—

- (a) to appoint a chairman, a secretary and a treasurer, or a secretary-treasurer, and such other officers and servants as may be required by this Act;
- (b) to procure a corporate seal for the district;
- (c) to see that all the reports and statements required by this Act or by the Minister are transmitted to the Department without delay;
- (d) to provide the officers of the Board with the books necessary for keeping proper records of the district;

- (e) to take possession and have the custody and safe keeping of all the property of the district;
 - (f) to provide adequate school accommodation for the purposes of the district, which shall include accommodation for pupils of six years of age;
 - (g) to purchase or rent school sites or premises and to build, repair, furnish and keep in order the school house or houses, furniture, fences and all other school property; to keep the well, closets and premises generally in a proper and sanitary condition; and to make due provisions for properly lighting, heating, ventilating and cleaning the school room or rooms under its control;
 - (h) to provide wholesome drinking water for the use of the children during school hours;
 - (i) to provide suitable toilet and sanitary accommodation in the school building, or in the alternative separate buildings for privies for boys and girls, which buildings shall be erected in the rear of the school house at least ten feet apart, with their entrances facing in opposite directions or otherwise effectually screened from each other;
 - (j) to insure and keep insured all school buildings and equipment;
 - (k) to select and provide from the list authorized by the Minister all such reference books for the use of the pupils and teachers, and all such globes, maps, charts and other apparatus approved by the inspector as being required for the proper instruction of pupils;
 - (l) to require that no text-books or apparatus be used in the school under its control other than those authorized by the Department;
 - (m) to allow students enrolled in the normal schools to attend any class-room of any public or separate school in the district at any time while it is in session, for the purpose of observation and practice teaching;
 - (n) to cause to be erected and maintained on the school grounds a flag-pole, with all requisite attachments for raising and lowering a flag, and to furnish a flag, which shall be the British Union Jack, to be not less than four feet long and not less than two feet wide, and to cause the said flag to be displayed from such flag-pole upon all such days as may be prescribed by regulation, and when not so displayed to be hung upon the wall inside the school room;
 - (o) to perform such other duties as may be required by this or any other Act or the regulations of the Department.
- (2) Further, in every district other than a district comprised in a division, it shall be the duty of the Board and it shall have power—

- (a) to engage a teacher or teachers, duly qualified under the regulations of the Department, to teach in the school or schools in its charge, on such terms as it may deem expedient, under a contract in writing in the form prescribed by this Act, a certified copy of which shall forthwith be transmitted to the Department;
- (b) to provide for the payment of teachers' salaries at least once each month;
- (c) to make regulations for the management of the school, subject to the provisions of this Act, and to communicate them in writing to the teacher;
- (d) to see that the school is conducted according to the provisions of this Act and the regulations made pursuant thereto;
- (e) to provide, when deemed expedient, at what times pupils may be admitted to Grade I, and in the case of a district operating more than one school, to decide what school any of the children of such district shall attend; provided that in the case of ungraded schools the approval of the Inspector shall be first obtained;
- (f) to see that the law with reference to compulsory education and truancy is observed;
- (g) to suspend or expel from the school any pupil who, upon investigation by the Board, is found to be guilty of truancy, open opposition to authority, habitual neglect of duty, the use of profane or improper language, or other conduct injurious to the moral tone or well-being of the school.

120.—(1) In addition to all powers, duties and liabilities conferred or imposed by this Act, the board of trustees of every consolidated school district shall supply and operate vans or other conveyances for conveying to and from school all pupils residing on any quarter section therein whose nearest boundary is more than one and one-half miles distant in a direct line from the school site of the consolidated district, unless the Minister upon investigation otherwise directs, and, subject to the approval of the Minister, shall determine the routes to be followed, the kind of conveyances to be supplied, and the contracts relating thereto.

(2) In the interval between the consolidation and the time when school facilities have been provided at the consolidation centre, it shall not be obligatory on the Board to provide conveyance for pupils residing within the limits of a school district in the consolidated district in which a school is being operated, but provision shall be made by the Board for the conveyance of pupils residing in a district within the consolidated district in which there is no school in operation.

(3) The Board shall not be required to provide conveyance for the children of isolated families, but shall, subject to the approval of the Minister, make arrangements with the parents or guardians for the conveyance of such children to and from school, or to and from the nearest conveyance route, if the nearest boundary of the quarter section on which they reside is more than two miles distant by the nearest travelled road from the school site, and more than one mile in a direct line from a regular conveyance route, and shall therefor pay a sum not exceeding twenty-five cents a mile per family per day for every mile between the nearest boundary of the quarter section on which the family resides and the school or the conveyance route, and not exceeding one dollar per day to the parents or guardians of any one family.

(4) Unless the Minister otherwise directs, it shall not be obligatory on the Board to provide conveyance for any of the pupils of a consolidated school district if none of the pupils thereof reside more than two and one-half miles from the school site, measured by the nearest highway from the nearest boundary of the quarter section or lesser parcel of land upon which a pupil resides; but, subject to the approval of the Minister, the Board of a consolidated district may make provision for the conveyance to and from school of all pupils within the consolidated district.

(5) Daily records shall be kept by the principal of a consolidated school showing the days on which each driver of a conveyance was absent or late, and the number of pupils conveyed, and such other information as may be required, in such form as may be prescribed by the Minister.

121.—(1) The Board of every district not being a district comprised in a division shall at its discretion have power—

- (a) to provide, equip and maintain such room or rooms as may be required for giving instruction in manual training, domestic science, physical training, music and art, and to employ suitable teachers therefor;
- (b) to employ such physicians, dentists and nurses (or clinic) as may be deemed requisite to care for the health of the pupils, and advise parents and the Board with respect thereto, and the Board may make such expenditures as it may deem necessary to safeguard the health of such pupils;
- (c) to employ, subject to the regulations of the Department, a superintendent of schools when more than twenty teachers are employed.
- (d) to suspend or dismiss summarily any teacher for gross misconduct, neglect of duty, or for refusal or neglect to obey any lawful order of the Board, and thereupon shall forthwith transmit a written statement of the facts to the Minister.

(2) The Board of every district shall at its discretion have power—

- (a) to furnish the pupils with luncheon at the noon hour, either free of charge or at a price to be fixed by the Board;
- (b) to furnish the pupils with text-books, exercise books, pens, pencils, and other supplies, either free of charge or at a price to be fixed by the Board;
- (c) to exclude from attendance at school any pupil who, in the judgment of the inspector, is so mentally deficient as to be incapable of responding to class instruction by a skilful teacher, or whose presence is detrimental to the education and welfare of the other pupils in attendance at the school, subject, however, to the right of an appeal by the parent or guardian of such pupil to the chief inspector, whose decision shall be final;
- (d) to pay the expenses of any members of the Board, or of any officials or employees thereof, incurred in attending any convention of school trustees or any other educational convention or conference;
- (e) if deemed advisable, to purchase or rent sites or premises for a house for the teacher, and to build, repair and keep in order such house; and, subject to the approval of the Minister, to dispose of any property, real and personal, belonging to the district;
- (f) to erect and keep in order suitable stabling accommodation;
- (g) to provide a suitable library for the school and to make regulations for its management;
- (h) to exempt from the payment of school taxes wholly or in part any indigent persons resident within the district, and to provide for the children of such persons text-books or other supplies at the expense of the district.

(3) The Board of every town district shall, at its discretion, have power—

- (a) to establish, furnish and equip offices for the use of the Board and its officials in any school of the district, or to rent offices and furnish and equip the same;
- (b) to provide free medical, dental and surgical treatment for such pupils or classes of pupils as it may determine, and for children of pre-school age, at the request of the council of any town or city and at the expense of such town or city.

122. The Board of every district shall, at its discretion, have power, upon obtaining the consent in writing of the Board of Governors of the University of Alberta and the approval of the Minister of Education, to establish a college,

in affiliation with the University of Alberta, in which may be taught work of a university grade not to exceed that commonly accepted for credit for the first two years of an Arts course, and to maintain and administer the college, and be entitled to receive grants under *The School Grants Act* in respect of the same.

123. The Board of every town district situated in whole or in part within the limits of any incorporated city shall employ at least one physician, who shall be a member of the College of Physicians and Surgeons of the Province of Alberta, to inspect or supervise the inspection of pupils of each school in the district at least once during each school term, under such regulations as may be made by the Department.

124. The Boards of any two or more districts, each having not less than seventy-five pupils in grades above Grade V as classified by the regulations of the Department, may, subject to the approval of the Minister, enter into an agreement to make provision for instruction for such pupils in household science, manual training or commercial work, upon such terms as may be mutually agreed upon, and the Boards entering into any such agreement shall have full power and authority to make the necessary levy and assessment for the purpose of carrying out the terms of any such agreement.

DUTIES OF THE CHAIRMAN OF THE BOARD.

125. It shall be the duty of the chairman of the Board—

- (a) to certify all accounts against the district passed by the Board before such accounts are paid by the treasurer;
- (b) to exercise a general supervision over the affairs of the district.

DUTIES OF THE SECRETARY, SECRETARY-TREASURER AND TREASURER OF THE BOARD.

126. It shall be the duty of the secretary or secretary-treasurer of the Board—

- (a) to keep a full and correct record of the proceedings of every meeting of the Board in the minute book provided for that purpose, and to see that the minutes when confirmed are signed by the chairman;
- (b) to conduct the correspondence of the Board as he may be directed by the Board;
- (c) to have charge of and keep on record all the books, papers, accounts, assessment rolls, plans and maps committed to his charge by the Board during his term of office, and to deliver the same to the chairman on ceasing to hold office;

- (d) to faithfully prepare and duly transmit to the Department such reports and statements and such other information in regard to the district as may from time to time be required by the Minister, in such form as may be prescribed by the Minister;
- (e) at the request in writing of the chairman or any trustee, or when required so to do by any provision of this Act, to call a meeting of the Board;
- (f) to produce the minute book and other books, assessment rolls and all papers and other records of the Board for inspection when required by an inspector so to do;
- (g) to prepare the statement of the trustees to be submitted at the annual meeting of the electors and ratepayers;
- (h) to give the notice required by this Act of each annual meeting of the electors and ratepayers and to call special meetings of the electors and ratepayers as provided by this Act.

127.—(1) The treasurer or secretary-treasurer of the Board of a town district shall give security to the Board, before entering upon his duties, by bond of a guarantee company authorized to do business in the Province, which bond shall be in the form approved by and registered with the Minister.

(2) The bond shall be for such an amount as the Board shall deem sufficient to cover any loss through default of the treasurer, and the members of any Board failing to take such bond or security from its treasurer shall be jointly and severally liable for his default to the extent of the sum for which such bond should have been taken:

Provided that when the majority of the Board refuse or neglect to take such security after demand by a trustee, the trustee so demanding the security to be taken shall be relieved from all personal liability for such default if his demand is duly recorded in the minutes of the Board.

128. It shall be the duty of the treasurer or secretary-treasurer of the Board of every school district—

- (a) to receive all school moneys payable by way of taxes or otherwise to the district of which he is treasurer and to disburse such moneys in the manner directed by the Board;
- (b) to pay all accounts payable by the district only when they are certified by the chairman of the Board;
- (c) to keep in a cash-book provided for the purpose a complete and detailed record of all moneys received and disbursed for school purposes, including government grants which may have been paid directly to the teacher;

- (d) to give and take receipts for all moneys received and paid out, and keep on file all vouchers of expenditure;
- (e) to close and balance the books of the district at the end of the school year, which shall be on the thirty-first day of December in each and every year;
- (f) to produce when called for by the trustees, auditor, school inspector or other competent authority all books, vouchers, papers, and money belonging to the district, and to hand over the same to the trustees or any person named by them upon his ceasing to hold office;
- (g) to prepare at the end of each year, and in the manner provided by this Act, a statement of the finances of the district, to be submitted to the annual meeting of the electors and ratepayers;
- (h) to faithfully prepare and duly transmit to the Department such reports and statements with reference to the finances of the district, as may from time to time be required by the Minister and in such form as may be prescribed by the Minister.

129.—(1) The treasurer of every village or rural school district shall, upon his appointment, and before entering upon the duties of his office, furnish a bond or covenant of some guarantee company, to be named by the Minister, to secure the due accounting by him for all school moneys and property that come to his hands as such treasurer, which bond shall be in such form and for such amount as may be approved of by the Minister.

(2) The Minister shall pay the premiums for such guarantee bond or insurance and deduct the amount thereof annually from the legislative grant to each school district.

(3) In every case in which such guarantee company declines for any cause to give such bond or covenant in respect of any treasurer of a school district, it shall be the duty of the trustees forthwith to appoint another treasurer who can furnish such bond; and the retiring treasurer shall in such case have no right to receive any salary as such beyond the proportionate part of his salary up to the time of such retirement.

(4) Every such bond shall be deposited and kept in the Department for the benefit of the school district.

HALF-YEARLY AND YEARLY RETURNS.

130.—(1) The Board of every district shall cause to be prepared by the proper officers of the district and transmitted to the Department in such form as the Minister may prescribe, the half-yearly and yearly returns respecting attendance and classification of pupils and the finances of the district.

(2) In case the Board of any district neglects or refuses to have prepared and transmitted to the Department such half-yearly and yearly returns within thirty days after the close of the half-year or year, as the case may be, such district shall forfeit the sum of ten dollars out of any government grant which may have been earned and to which the district is entitled, for each week that the returns are delayed, and the trustees through whose neglect or refusal such sums have been forfeited shall be jointly and severally responsible for the amount thus lost to the district, which amount may be recovered by action in the District Court of the judicial district in which the school district or any portion thereof is situated, by any person authorized by the Minister to bring such action:

Provided, however, that in case it can be shown to the satisfaction of the Minister that any delay in making such returns has been caused by the failure of the auditor of the municipality to audit the books and accounts of any town district as herein provided, the Minister may order that the amount so forfeited or any part thereof shall be paid by the municipality to the district, and the same shall be payable forthwith.

(3) Every college, school or other educational institution not being a school as defined by this Act shall within thirty days from the thirtieth day of June of each year furnish to the Department in such form as the Minister may prescribe a yearly return giving information with respect to the pupils, teachers, curriculum and equipment of such college, school or educational institution.

PART X.

CONVEYANCE OF SCHOOL CHILDREN.

FROM ONE DISTRICT TO ANOTHER.

131.—(1) The Minister may empower the Board of any district not comprised in a division to enter into an agreement with any other Board or Boards for the education of the children of its district upon such terms as may be mutually agreed upon and approved by him, and the Board entering into any such agreement shall have full power and authority to make the necessary levy and assessment under the provisions of *The School Assessment Act* for the purpose of carrying out the terms of the agreement and for providing for the conveyance of children to and from school.

(2) Any such agreement may be terminated by any Board or party thereto by giving notice on or before the first day of October in any year, and upon such notice being given the agreement shall cease and determine on the last day of the month of December following, unless otherwise ordered by the Minister.

(3) The Board of Trustees of any district entering into such an agreement shall, unless the Minister otherwise directs, provide conveyance to and from school for those pupils of the district who reside on any quarter section the nearest boundary of which is more than two and one-half miles from the school which such pupils have the right to attend:

Provided, however, that the Board of such district shall not be required to provide conveyance for the children of isolated families, but shall, subject to the approval of the Minister, make arrangements with the parents or guardians for the conveyance of such children upon the same terms as hereinbefore provided in the case of consolidated districts if the nearest boundary of the quarter section on which such children reside is more than two and one-half miles from the school which they have the right to attend and more than one mile in a direct line from the nearest conveyance route.

(4) Subject to the approval of the Minister, the Board of Trustees may, in lieu of providing conveyance as herein mentioned, make provision for the attendance at the school of the children of the district or any of them, in any other suitable manner, and in making such provision may agree to pay to the parents or guardian a sum of money not exceeding one dollar per day per family.

WITHIN THE SCHOOL DISTRICT.

132.—(1) The Board of any district may make due provision, subject to the regulations of the Department in that behalf, for the proper conveyance of the school children resident within the district to and from school, and may provide for the cost of such conveyance in the same manner as is provided for the other expenditures of the district.

(2) The secretary of every district in which provision is made as aforesaid shall forthwith notify the Minister.

133. The Minister may, subject to the approval of the Lieutenant Governor in Council, make such regulations as are deemed necessary and expedient for the proper conveyance of the children as hereinbefore provided and for the keeping of records as to number of children conveyed, the distance travelled, the cost of conveyance and such other information as may be desired.

PART XI.

SCHOOL SITES.

IN TOWN DISTRICTS.

134.—(1) In every town district the Board may from time to time select and acquire such sites for schools as it may deem desirable.

(2) If the purchase price of any site is to be provided by debenture, the Board shall not proceed to acquire such site until the issue of such debenture has been ratified by the electors.

IN OTHER DISTRICTS.

135. In every district other than a town district the Board shall acquire a site for a school and may acquire a site for a teacher's residence at such point in each case as may be approved or selected by the Minister, and may from time to time acquire by way of addition to either of such sites such other or additional sites as may be approved by the Minister.

POWERS OF COMPULSORY ACQUISITION.

136.—(1) Upon the Minister being satisfied that the title to any site approved or selected by him cannot be obtained by the Board of the district on account of the refusal or failure of the owner to sell such site or to accept a fair price for it, or for the reason that the whereabouts of the owner of the site cannot after reasonable enquiry be ascertained, or on account of the refusal or failure of any person having any interest in the property to execute any transfer, discharge, release or other assurance necessary to vest such site in the Board in fee simple free from all encumbrances, except only taxes, the Minister may execute a transfer of such site in favour of the Board.

(2) Upon application *ex parte* to a judge of the Supreme Court and upon presentation to him of such transfer he may make an order, directed to the Registrar of the proper Land Titles Office, vesting the title to the land described in the said transfer in the Board free from all encumbrances other than taxes.

(3) The Board shall pay to the owner of the land so transferred, and to all other persons interested therein, compensation, based on the fair actual value of the said land.

(4) All questions as to the amount of compensation, the manner of payment, the persons to whom it shall be paid and the distribution thereof amongst the persons if more than one entitled thereto shall be submitted to the arbitration of two arbitrators, one of whom shall be appointed by the Minister and the other by the owner or other persons having an interest in the said land.

(5) All the provisions of *The Arbitration Act* shall apply to any such arbitration.

137.—(1) The Minister may at any time after a site has been selected or approved by him as a school site or a site for a teacher's residence, as the case may be, make an order authorizing the Board to enter upon and take possession of such land; and thereupon the Board shall be entitled

to the possession of the said land for school purposes, as against all persons whatsoever except the Crown; and every such order shall have the same force and effect and be enforced by the same persons and in the same way as a writ of possession issued out of the Supreme Court of Alberta.

(2) The Board shall pay to any person dispossessed of land pursuant to this section compensation, and the questions as to the amount thereof, the persons entitled thereto, and if there be more than one such person, the distribution thereof shall be submitted to the arbitration of two arbitrators, one of whom shall be appointed by the Minister and the other by the person or persons dispossessed, and all the provisions of *The Arbitration Act* shall apply to such arbitration.

138. Before any Board takes possession of any land to which it has not acquired title, the secretary shall file in the Land Titles Office for the land registration district in which the land is situated a caveat in accordance with the provisions of *The Land Titles Act*.

139.—(1) Every contract or agreement for the acquisition of any land by the Board of any town district, shall, in case the purchase price thereof is to be raised by debenture be void and of no effect, if the debenture issue is not ratified by the electors of the district; and any monies paid thereunder shall thereupon be forthwith repaid to the Board.

(2) Every contract or agreement for the acquisition of any land for the site of a school or a teacher's residence by any district other than a town district, shall be void and of no effect, unless such site has been approved by the Minister; and any monies paid thereunder shall be forthwith repaid to the Board.

(3) If any Board acquires a site for a school or a teacher's residence in contravention of the provisions of this section, any member who has not voted against the resolution of the Board for such acquisition shall be guilty of an offence and shall be liable on summary conviction or on information laid by the Minister or by any elector of the district to a penalty of not more than one hundred dollars and costs.

CONTRACTS FOR SCHOOL BUILDINGS IN RURAL AND VILLAGE DISTRICTS.

140.—(1) In rural and village school districts the trustees shall obtain tenders for the erection of all school buildings required to be erected, and the same shall be built under contract and not by day labour, and no such contract shall be entered into or signed by the trustees or any other person until submitted to and approved by the Minister, and no action shall be maintained or enforced for the price

of any school building or materials supplied to construct the same unless the contract therefor is approved and no claim in respect thereof shall be allowed by way of set-off or counterclaim, nor shall such contract have any legal validity whatever unless so approved as aforesaid.

(2) All specialties, bills, notes or accounts stated, given, or made, in whole or in part, for or to secure any such price or materials shall be void, unless the contract under which the same are given or made is approved as aforesaid.

141. Where in the opinion of the Minister it is advisable that a temporary school should be provided in any district, he may authorize the Board to lease premises for such purpose, and to make such repairs or alterations as may be necessary to fit the same for school purposes, or to purchase a tent to be used as a school building, and for the purposes of this Act such tent shall be deemed to be a frame school building.

PART XII.

RELATING TO THE CONDUCT OF SCHOOLS.

SCHOOL TERMS.

142. The school year shall begin on the first day of January and end on the thirty-first day of December and shall be divided into two terms, ending the thirtieth day of June and the thirty-first day of December respectively, the former to be known as the June term, and the latter as the December term.

HOURS.

143.—(1) School shall be held from nine o'clock to twelve o'clock in the forenoon and from half-past one o'clock to four o'clock in the afternoon, standard time, of every day, not including Saturdays, Sundays and holidays, but the Board may alter or shorten the said school hours upon receiving the permission of the Minister.

(2) A recess of fifteen minutes both in the forenoon and in the afternoon shall be allowed the children attending school.

VACATION AND HOLIDAYS.

144.—(1) In every school there shall be not less than seven nor more than ten weeks' vacation in rural districts and not less than eight nor more than twelve weeks' vacation in village and town districts.

(2) The summer vacation shall fall between the first day of July and the first day of September and the winter vacation shall extend from the twenty-third day of December to the third day of January:

Provided that the Minister may, on proper representation made to him, allow the Board to keep the school open during

the period above mentioned as the time for summer vacation or any part thereof, and allow vacation in lieu thereof at some other time:

Provided further that the Minister may, on proper representation being made to him, allow the board of a rural school district to extend the winter vacation not more than four weeks, and correspondingly shorten the summer vacation.

(3) All schools that open not later than the day following Labor Day and which, prior to Good Friday in the following year, have not been closed except for the prescribed winter vacation or for any other lawful purpose for which authority to close the school is granted under this Act, shall have as an additional vacation period the four days immediately following Easter Monday:

Provided that in all school districts the Board of Trustees and the teacher may by mutual agreement arrange for the operation of the school during the teaching days of Easter Week, in which case such days shall be regarded as legally authorized teaching days.

145.—(1) New Year's Day, Good Friday, Easter Monday, the twenty-fourth day of May, or when such day falls upon a Sunday, the twenty-fifth day of May (to be known as Victoria Day), Dominion Day, Christmas Day, Thanksgiving Day, and any other day proclaimed as a holiday by the Governor General, the Lieutenant Governor of the Province or the mayor of a city or town, shall be holidays.

(2) The Board of any district may declare Ash Wednesday, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign, Labor Day and any other day appointed by proclamation a public holiday for the planting of forest or any other trees, commonly known as Arbor Day, or any of them, to be holidays or a holiday, and no such day shall be a holiday within the meaning of this Act unless the Board has made a declaration to that effect.

(3) It shall be at the discretion of the Board to permit other holidays, but not to exceed one such day in any month, and not exceeding one day at a time.

LANGUAGE TO BE USED.

146.—(1) All schools shall be taught in the English language, but it shall be permissible for the Board of any district to cause a primary course to be taught in the French language.

(2) The Board of any district may, subject to the regulations of the Department, employ one or more competent persons to give instruction in any language other than English in the school of the district to all pupils whose parents or guardians have signified a willingness that they should receive the same, but such course of instruction shall

not supersede or in any way interfere with the instruction by the teacher in charge of the school as required by the regulations of the Department and by this Act.

(3) The Board shall have power to raise such sums of money as may be necessary to pay the salaries of such instructors, and all costs, charges and expenses of such course of instruction shall be collected by the Board by a special rate to be imposed upon the parents or guardians of such pupils as take advantage of the same.

RELIGIOUS INSTRUCTION.

147.—(1) Except as hereinafter provided, no religious instruction shall be permitted in the school of any district from the opening of such school until one half-hour previous to its closing in the afternoon, after which time any such instruction permitted or desired by the Board may be given.

(2) It shall, however, be permissible for the Board of any district to direct that the school be opened by the recitation of the Lord's Prayer.

148. Any child shall have the privilege of leaving the school room at the time at which religious instruction is commenced as provided for in the next preceding section or of remaining without taking part in any religious instruction that may be given if the parents or guardians so desire.

149. No teacher, school trustee or inspector shall in any way attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school, and any such attempt on the part of any teacher, school trustee or inspector shall be held to be a disqualification for and voidance of the office held by him.

KINDERGARTEN CLASSES.

150. Kindergarten classes may be established in any school for the teaching and training of children between the ages of four and six years according to kindergarten methods and in such school a fee may be charged, not exceeding one dollar per month for each pupil, to cover the cost of maintaining such classes.

NIGHT CLASSES.

151.—(1) The Board of any district may engage a teacher of approved qualifications, and make the necessary arrangements at the expense of the district, for the maintenance of a night school.

(2) If an inspector of schools has recommended the establishment of a night school in any district and the board thereof has failed to establish the same, the Minister may

direct the Board of such district to open and maintain a night school therein for such period as the Minister may determine.

(3) If the night school is kept open for at least one month, a fee not exceeding two dollars per month may be charged for each month or portion of a month that a pupil is in attendance:

Provided that any district maintaining a technical school or special classes in technical, commercial, art, or other higher training may charge such fees for night classes as may be approved by the Minister.

COMPULSORY EDUCATION.

152. No board of trustees shall have authority to close the school for any cause, other than as herein provided, without the approval of the Minister.

153. If for any cause other than that of statutory vacations or holidays the Board of trustees of any rural or village district closes its school for a period exceeding three days, it shall be the duty of such Board through its secretary to report such closing to the Department within five days, giving a full statement of the reasons therefor; and it shall also be the duty of the Board through its secretary to report to the Department within five days after the re-opening of the school at the commencement of each term, and also after the re-opening of the school if it has for any cause been closed for more than three days.

PART XIII.

RELATING TO THE TEACHER.

QUALIFICATION.

154.—(1) No person shall be engaged, appointed, employed or retained as teacher in any school unless he holds a valid certificate of qualification issued under the regulations of the Department.

(2) No person who is not so qualified shall be entitled to recover in any court of law any remuneration for his services as teacher.

(3) Any person other than the holder of such certificate of qualification, who undertakes to conduct a school as teacher, shall be guilty of an offence and on summary conviction liable to a penalty not exceeding fifty dollars, and in default to imprisonment for a term not exceeding one month.

(4) Any board which knowingly engages, appoints, employs, or retains as teacher in its school any person other than the holder of such certificate shall be liable on summary conviction to a penalty not exceeding fifty dollars:

Provided, however, that no prosecution shall be instituted under this section except on the order of the Minister.

ENGAGEMENT AND CONTRACT.

155. A teacher shall not be engaged except under the authority of a resolution of the Board passed at a regular or special meeting of the Board.

156.—(1) The contract of employment shall contain such agreements, terms, conditions and restrictions as may be approved by the Minister, who may prescribe a standard form of contract.

(2) In the event of any alteration or amendment of the standard form being made without the approval of the Minister, the standard form shall have effect as if such alteration or amendment had not been made.

(3) Unless the employment be stated in the contract to be for a definite period, the contract shall, subject to the following provisions, continue in force from year to year, unless and until the certificate of the teacher shall have been revoked.

157. Unless otherwise provided for in the contract, either party thereto may terminate the agreement for teaching between the teacher and the Board of Trustees by giving thirty days' notice in writing to the other party of his or its intention so to do.

158. The contract shall be signed by the teacher and by the chairman, or in the absence of the chairman, by another trustee on behalf of the Board.

SUSPENSION AND DISMISSAL.

159.—(1) Any teacher may be suspended or dismissed summarily for gross misconduct, neglect of duty, or for refusal or neglect to obey any lawful order of the Board, which shall thereupon transmit a written statement of the facts to the Minister.

(2) Any teacher who has been suspended or dismissed summarily by the Board, in pursuance of the preceding subsection, may within fifteen days, appeal to the Minister, who may take evidence and confirm or reverse the decision of the Board and in the case of a reversal he may order the reinstatement of such teacher:

Provided that if the teacher does not appeal from the decision of the Board, or is not reinstated, the teacher shall not be entitled to salary from and after the date of his suspension or dismissal.

BOARD OF REFERENCE.

160.—(1) There shall be constituted a Board to be known as the Board of Reference, to serve as a board of conciliation or as a board of arbitration, as the case may be; and the said Board shall consist of three members to be appointed by the Lieutenant Governor in Council, one member to represent the school trustees of the Province, one to represent the school teachers of the Province, and a third member who shall be neither trustee nor teacher, and who shall act as chairman of the Board.

(2) When any dispute or disagreement arises between a school board and its teacher or teachers, either party to the dispute or disagreement may make application to the Minister to refer such dispute to the Board of Reference.

(3) All such applications to the Minister shall be accompanied by a full and complete statement of the nature of the complaint or dispute, verified by a statutory declaration on the part of the party or parties making the said application.

(4) Upon receipt of such application the Minister shall refer the dispute or disagreement in question to the Board of Reference, which shall institute such investigations as may seem to be warranted and necessary, and shall deliver a report of its findings to the Minister, who shall transmit a copy of the same to the several parties to the dispute or disagreement.

(5) The Board of Reference shall have power also to act as a board of arbitration, upon the request of both parties to any dispute between any board of trustees and its teacher or teachers, and the award of the Board in such cases shall be binding upon both parties, and have the same force and effect as an award made under *The Arbitration Act*.

(6) The Board of Reference shall have power also to deal with such other matters as may be referred to it, from time to time, by the Lieutenant Governor in Council.

(7) The members of the Board of Reference shall receive such remuneration as the Lieutenant Governor in Council may, from time to time, determine.

(8) The Board of Reference may, for the purpose of procuring the attendance of any person as a witness before such Board, serve such person with a notice requiring him to attend thereon, which notice shall be served in the same way and have the same effect as a notice requiring the attendance of a witness, and the production by him of documents at the hearing or trial of an action, but no such person shall be compelled under any such notice to produce any document which he could not be compelled to produce on the trial of an action.

PAYMENT OF TEACHERS.

161.—(1) The salary of a teacher shall be expressed in the agreement as an annual sum; or as being at a monthly rate, and in the latter case the annual salary shall be deemed to be a sum equal to twelve times the monthly rate.

(2) Notwithstanding any agreement to the contrary, every teacher in an ungraded school, where no salary schedule is in operation, shall be paid a minimum salary of seventy dollars per month or eight hundred and forty dollars per year:

Provided that upon an inspector of schools certifying, after investigation, that in his opinion it would be a hardship on the district to pay such salary, the Minister may authorize engagement at a smaller salary.

(3) Every teacher shall be paid his annual salary in ten or twelve equal monthly instalments, and it shall be the duty of the Board liable for the payment of salary to make due provision for such payment.

162.—(1) Every teacher teaching upon all the days in a school year or two consecutive terms upon which his school should be in operation under the provisions of this Act shall receive his full annual salary or at his option a salary computed in accordance with the provisions of subsection (2).

(2) In the event of any teacher being engaged, or being in the employ of a Board for a less period than a school year, or two consecutive terms, or not teaching upon all the days in a year upon which his school should be in operation, he shall receive one two-hundredth part of his annual salary for each day comprised in the following enumeration:

- (a) Days during which the school is lawfully in operation under his charge or would be in such operation save for an order of the Board to the contrary;
- (b) Days upon which he is necessarily absent from his school in order to attend any teachers' convention or institute approved by the Minister;
- (c) Days during which his school is closed by order of a duly qualified medical practitioner, or by the Board on account of the existence within the district of an actual or threatened epidemic of disease, but not exceeding in all thirty days in the school year;
- (d) Holidays permitted by the Board in pursuance of section 145, subsection (3), of this Act;
- (e) Days upon which the school is closed by law for the purpose of holding any election;
- (f) Days for which the teacher is entitled to salary in accordance with the provisions of section 163 of this Act.

163. Every teacher in case of disability, sickness or accident which the Board may require to be certified to by a qualified medical practitioner shall be entitled, at the termination of his engagement, or if engaged under a continuous agreement, at the end of each year's service, to his salary during such disability for a period not exceeding twenty teaching days for the entire year, and in case of an engagement for a shorter term than one year, for a period bearing the same proportion to twenty that the term of engagement bears to a year; but the Board may at its discretion allow a salary in case of disability from sickness or accident for a greater number of days than that provided herein.

164. A teacher whose agreement with a Board has expired or has been terminated, or who has been dismissed summarily by the Board shall be entitled to receive forthwith all moneys due him for his services as teacher while employed by the said Board; and if such payment be not made by the Board or tendered to the teacher, he shall be entitled to recover the full amount of his salary due and unpaid with interest at the rate of 8% per annum in any court of competent jurisdiction.

DUTIES OF TEACHERS.

165. It shall be the duty of every teacher—

- (a) to teach diligently and faithfully all the subjects required to be taught by the regulations of the Department;
- (b) to maintain proper order and discipline and to conduct and manage the school according to the regulations of the Department;
- (c) to keep in a conspicuous place in the school room a time-table which shall show the classification of pupils, the subjects taught each day in the week, the length of each recitation period and the seat work given; and to submit such time-table to the inspector for his approval and signature on the occasion of his visit to the school;
- (d) to keep in the prescribed form the school registers and to give access to them to trustees, officers of the Board, inspectors and any other person authorized by the Minister;
- (e) to make at the end of each term or at any other time such promotions from one grade to another as he may deem expedient, subject to the ratification of the inspector at his next visit;
- (f) to admit to his class room for the purpose of observation and practice teaching pupils enrolled in the normal schools, and to render such assistance to the students and instructors of such schools as the instructors may consider necessary for the proper training of the students;

- (g) to send monthly to the parents or guardians of each pupil, if required by the Board, a report on the pupil's attendance, conduct and progress;
- (h) to encourage the observance of Arbour Day by holding suitable exercises, to take an interest in the cleanliness and tidiness of the school grounds and to secure the co-operation of trustees and parents in planting trees and shrubs about the school;
- (i) to give strict attention to the proper heating, ventilation and cleanliness of the school-house and to the condition of the out-houses in connection with the same, and to report to the Board any defect with respect thereto;
- (j) to report to the secretary of the Board any necessary repairs to the school buildings or furniture and any required supply of fuel, drinking water, furniture or equipment;
- (k) to exercise vigilance over the school property, the buildings, fences, furniture and apparatus so that they may not receive unnecessary injury and to give prompt notice in writing to the Board of any such injury;
- (l) to notify the chairman of the Board whenever he has reason to believe that any pupil attending school is affected with or has been exposed to smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, trachoma or other infectious or contagious disease, and to prevent the attendance of any pupil so affected or exposed or suspected of being affected or exposed until furnished with the written statement of a physician or the chairman of the Board that such contagious or infectious disease does not exist or that the pupil has not been exposed or that all danger from exposure to any of them has passed away;
- (m) to assist the Board and its officers in making the prescribed returns to the Department;
- (n) to furnish to the Minister, the inspector of schools, the Board, or any person authorized by the Minister, any information which it may be in his power to give respecting anything connected with the operation of the school or in any wise affecting its interests or character;
- (o) to deliver up the school registers, school-house key or any other property of the district in his possession when required to do so by a written order of the Board;
- (p) to attend all meetings of the teachers called by the principal where more than one teacher is employed.

166. Every teacher shall have power to suspend from school any pupil guilty of truancy, open opposition to au-

thority, habitual neglect of duty, the use of profane or improper language, or other conduct injurious to the moral tone or well-being of the school and the teacher shall forthwith report in writing, with a complete statement of the circumstances, the fact of such suspension to the Board of the division, in the case of a district included in a division, and in all other cases to the Board of the district; and thereupon the Board shall take such action as it may deem necessary with regard thereto.

DUTIES OF PRINCIPAL.

167. In every school in which more teachers than one are employed, the head teacher shall be called "the principal" and the other teachers "assistants."

168. Subject to the approval of the Board of the Division, in the case of schools of districts comprised in a division, and of the Board in all other cases, the principal shall prescribe the duties of the assistants and shall be responsible for the organization and general discipline of the whole school.

TEACHERS' ASSOCIATIONS.

169. Any number of teachers may organize themselves into an association, and, subject to the regulations of the Department, may hold conventions and institutes for the purposes of receiving instruction in and discussing educational matters.

PART XIV.

BORROWING POWERS OF THE DISTRICT.

TEMPORARY.

170.—(1) The Board of—

- (a) any village district; or
- (b) any district declared to be a village district for assessment and taxation purposes by order of the Minister; or
- (c) any consolidated district; or
- (d) any rural district outside of a collecting municipal district; or
- (e) any district separated from a municipal district by order of the Minister of Municipal Affairs—

may, by resolution or by-law, authorize its chairman and treasurer to borrow from any person, bank or corporation such sums as the Board deems necessary to meet the expenditure of the district until such time as the taxes for the current year are available, and the amount so borrowed

shall be a charge upon the taxes due to the district, and may be secured by the promissory note or notes of the chairman and treasurer, given on behalf of the Board.

(2) The Board of any rural district, a portion of which is outside a collecting municipal district, may borrow as herein provided on the security of the taxes on such portion.

171.—(1) The Board of a town district, rural high school district or rural district situate wholly or in part within a collecting municipal district may, by resolution or by-law, on receiving the written consent of the Minister, borrow from any person, bank or corporation such sums as the Board may deem necessary, and the Minister may approve.

(2) The amount so borrowed may be made a charge on the moneys due to such school district, and such sum may be secured by the promissory note or notes of the chairman and treasurer, given on behalf of the Board, or by such form of assignment or covenant as may be fixed by such resolution or by-law.

172. The Board of a town district may, by resolution or by-law, borrow from any source such sums as the Board deems necessary and may hypothecate as security for the said sums any debenture or debentures which have been duly registered and countersigned as required by this Act.

BY DEBENTURE.

173.—(1) Should it appear desirable to the Board of any district that a sum of money should be borrowed upon the security of the district for securing, purchasing, adding to, extending or improving a school site or sites or a site for a teacher's house or for securing a water supply or for purchasing, repairing, moving, erecting, furnishing or adding to any school building or teacher's house and in the case of a consolidated school district for the additional purpose of purchasing conveyances, or for all or any of the said purposes, it shall pass a by-law to that effect, which may be in form prescribed by the Minister or to the like effect, and which shall be under the corporate seal of the district.

(2) A copy of every such by-law shall be inscribed in the minute book containing a record of the Board's proceedings.

(3) No expenditure for any of the purposes set out in this section, to meet which it is proposed to borrow money by way of debenture, shall be made until such borrowing has been authorized by the Board of Public Utility Commissioners.

(4) Any contract or agreement made by the Board for the sale, transfer or hypothecation of any debentures or any interest therein, made before the Board of Trustees has been authorized to borrow the money, represented by such debentures as hereinafter provided, shall be null and void.

174.—(1) Within five days after the passing of the by-law the Board shall give notice of its intention to apply to the Board of Public Utility Commissioners for authority to borrow the amount specified in the by-law and on the conditions therein set forth.

(2) Every such notice shall be in the form prescribed by the Board of Public Utility Commissioners and shall be given by notices posted up in at least five widely separated and conspicuous places in the district, one of which shall be a post office situated therein, but should there be no post office in the district the notice shall be posted in the post office nearest thereto.

(3) In the case of a town school district, or in the case of a rural high school district containing a town, a copy of the notice provided for in the preceding subsection shall be printed in at least three issues of a newspaper or newspapers published within the limits of the school district, and if there be no newspaper published within the school district, then in the newspaper whose place of publication is nearest thereto.

175.—(1) A poll of the proprietary electors for and against the by-law may be demanded within fifteen days after the date of the posting of the notices in the next preceding section mentioned, by a demand in writing signed by twenty proprietary electors of the district in a town district, consolidated district or rural high school district, ten in a village district, or four in a rural district, and such poll shall be held as hereinafter provided:

Provided that no poll shall be demanded if the amount to be borrowed is for the purpose of providing a first school-house for the district and does not exceed two thousand dollars; or is for the purpose of erecting a first school-house for a consolidated district and does not exceed five thousand dollars.

(2) Every demand for a poll shall be delivered to the secretary, or, in his absence, to the chairman of the Board, and a certified copy of the demand shall be forthwith transmitted to the Board of Public Utility Commissioners.

176.—(1) In the event of a poll not being required or not being demanded as hereinbefore provided, the secretary of the Board shall transmit to the Board of Public Utility Commissioners—

- (a) a certified copy of the by-law;
- (b) a certified copy of the notice of intention to apply for authority to borrow, and a statutory declaration proving the posting of copies thereof;
- (c) such other information as the Board of Public Utility Commissioners may require.

(2) Upon receipt thereof and upon being satisfied that the several conditions required by this Act have been sub-

stantially complied with, the Board of Public Utility Commissioners may in writing authorize the Board of Trustees to borrow the sum or sums of money mentioned in the by-law or a less sum.

177.—(1) In the event of a poll being demanded in a district other than a town school district, the Board shall by resolution fix the time and place for holding the same and shall give notice in the form prescribed by the Board of Public Utility Commissioners, or to the like effect, of such time and place of polling by notices posted up in at least five widely separated and conspicuous places throughout the district at least fourteen clear days before the polling, one of which notices shall be posted in the post office situated within the district, but should there be no such post office the notice shall be posted in the post office nearest thereto.

(2) In the event of a poll being demanded in a town school district situated wholly or partly within the limits of a town or city, the council of the town or city shall on receipt of a notice from the secretary-treasurer of the school district that a poll has been demanded, as herein provided, forthwith submit the proposed by-law to the proprietary electors of the school district, and all the provisions of *The Town Act* or special Act, as the case may be, governing the taking of votes on money by-laws, including the procedure for questioning the validity of such by-laws, shall *mutatis mutandis* apply to the said by-law.

(3) After the period provided in *The Town Act* or special Act has elapsed, then if the by-law has not been quashed the town or city clerk shall notify the School Board that such by-law is in force and effect, and the secretary or secretary-treasurer of the School Board shall thereupon forward to the Board of Public Utility Commissioners a copy of such by-law as passed.

(4) Notwithstanding any provisions in *The Town Act* or special Act, it shall be sufficient if such proposed by-law receives a majority vote of the proprietary electors voting on such by-law.

(5) For the purpose of the submission of such by-law the said council shall have the same authority and jurisdiction for taking the votes of the proprietary electors of the school district in that portion of the school district lying outside the limits of the city or town, as the case may be, as it has for taking the vote of the proprietary electors within those limits.

178. A certified copy of the by-law and of the notice of polling shall be forwarded forthwith to the Board of Public Utility Commissioners by the secretary of the Board.

179. The chairman of the Board or some person appointed by it shall be returning officer for the poll to be taken and the secretary of the Board or some person appointed by the returning officer shall be poll clerk.

180. At the time and place appointed in the notice the returning officer shall declare the poll open and the poll clerk shall record the votes as they are given, in a poll book, which may be in Form E in the schedule to this Act.

181. A copy of the notice of polling shall be kept in a conspicuous place where the vote is taken.

182. Every proprietary elector, except the returning officer, shall be entitled to vote on the by-law.

183. The returning officer shall admit any two proprietary electors, one of whom has voted for and the other against the by-law, into the polling place to act as scrutineers, and on demand shall allow either or both of them to see any vote recorded in the poll book.

184.—(1) The returning officer shall if requested by any proprietary elector, or may of his own accord, require any person tendering a vote to subscribe to the declaration in Form F in the schedule to this Act and any person subscribing to such declaration shall be permitted to vote.

(2) Every such declaration shall be subscribed in the presence of the returning officer and poll clerk, who shall subscribe their names as witnesses thereof.

(3) All declarations made under the provisions of the next preceding subsection shall be retained by the returning officer.

185. If a person who desires to vote refuses or fails to sign the declaration when required so to do, the poll clerk shall write in the column headed "Remarks," in the poll book, the words "Refused declaration," and the person so refusing shall at once leave the polling place and shall not be allowed to enter again or to vote.

186. Any person subscribing a declaration in Form F of the schedule hereto, containing any false statement, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding ten dollars.

187.—(1) At the time appointed in the notice of voting the returning officer shall close the poll, sum up the votes and declare the results.

(2) In the case of a tie, the returning officer shall give a casting vote.

188. Should any proprietary elector of the district make a complaint in writing to the returning officer within three days next after the taking of the poll with regard to the manner in which the poll was conducted, the right of any person to vote, or the result of the voting, the returning officer shall forthwith notify such proprietary elector in writing of the time and place, within seven days of the day

of voting, when he shall appear before a justice of the peace for a final recount of votes, and when all complaints which may have been made shall be heard.

189. In case no such complaint is duly lodged with the returning officer, he shall at the expiration of three days after the taking of the poll forthwith forward to the Board of Public Utility Commissioners a certified copy of the poll book showing the total number of votes cast for and against the by-law, and he shall make an affidavit, which shall be inscribed thereon, that the poll was conducted throughout in the manner provided by this Act or with such exception as he shall mention, that the returns therein contained are correct, and that no complaints as provided for by the next preceding section were received by him.

190.—(1) In the event of any complaint being made as aforesaid the returning officer shall appear before a justice of the peace at the time and place appointed, and he shall deliver to the justice of the peace the poll book used by him at the poll and shall make an affidavit before the justice of the peace, which shall be written in or upon such book, that the election has been conducted throughout in the manner provided by this Act or with such exception as he shall mention, and that the returns therein contained are correct.

(2) The justice of the peace shall then receive and record in writing any complaint that may be made under oath by any person relative to the conduct of the voting and shall examine into and decide such complaints by taking evidence under oath.

191. Before proceeding to the hearing of any complaint the justice of the peace shall require the complainant to deposit with him such sum, not being less than twenty-five dollars nor more than one hundred dollars, as may seem necessary to him to cover the costs of the hearing of the complaint, which costs shall be paid according to the decision of such justice of the peace.

192.—(1) If it be found that the proceedings in taking the vote have been irregular in any essential particular and that injustice has thereby been done, the poll shall be declared null and void and of no effect, and the justice shall forthwith forward to the Department a full report to that effect.

(2) If it be found that any vote has been cast by any person not duly qualified to vote, or as a result of bribery or intimidation, it shall be struck off the poll book.

193. In case the poll has not been declared null and void, when all complaints have been heard and decided upon and the necessary alterations duly made in the poll book, the justice of the peace shall finally sum up the votes cast and shall forward to the Board of Public Utility Commissioners

a return in Form G in the schedule hereto or to the like effect, showing the total number of votes taken and the number remaining on each side after the recount.

194.—(1) Upon receipt of the documents required to be forwarded to it, and upon being satisfied that the by-law has been approved by the voters and that the several conditions required by this Act have been complied with, the Board of Public Utility Commissioners may in writing authorize the Board of Trustees to borrow the sum or sums of money mentioned in the by-law or a less sum, and shall as soon as may be thereafter cause notice of the authorization of such loan to be published in one issue of *The Alberta Gazette*.

(2) Notwithstanding that a majority of the proprietary electors voting upon any referred by-law may have voted against the same, the Board of Public Utility Commissioners may, upon the certificate of the chief inspector of schools certifying that further school accommodation or equipment is urgently required for the purpose of maintaining an efficient school or schools in the district, in writing, authorize the Board of Trustees to borrow the sum or sums of money mentioned in the by-law or a less sum.

(3) The Board may thereupon issue a debenture or debentures to secure the amount of the principal and interest of the loan so authorized or of any less sum, upon the terms specified in the by-law, and the debenture or debentures and the coupons thereto shall, when they are signed by the chairman and treasurer of the district and when the said debenture or debentures are countersigned by the Minister, be effective to bind the district and create a charge upon all school property and all property assessable for school purposes in the district.

(4) The signatures on the coupons may be engraved or lithographed, in which case the coupons shall be deemed to be signed within the meaning of this section.

(5) Debentures shall not run for a longer term than twenty years if the school buildings are built of brick, brick and terra cotta hollow tile, concrete or stone, nor for a longer period than fifteen years if built of frame or brick veneer, or ten years if built of logs:

Provided that in the event of the first instalment of principal and interest of any debenture being made payable at any time after one year from the date of the debenture such debenture may run for twenty, fifteen or ten years as the case may be, from the date of the payment of the first instalment of principal and interest:

Provided further that in the case of town or consolidated or rural high school districts the debentures thereof may be made to run for a term not exceeding thirty years if the school buildings are of solid brick, concrete or stone, and for a term not exceeding twenty-five years if built of brick and terra cotta hollow tile:

Provided further that in the case of a town or consolidated or rural high school district, debentures issued for

the purpose of purchasing a school site or sites may be made to run for a period not exceeding forty years:

Provided further that in the case of a school district within which an incorporated city is in whole or in part situated, debentures for school buildings or school sites may be made to run for a term not exceeding fifty years if the school buildings are of solid brick, concrete or stone.

195. Debentures shall not carry interest at a greater rate than eight per cent per annum.

196. Debentures may be made payable in lawful money of Canada, or, if deemed advisable, in gold or its equivalent in lawful money of Canada or of Great Britain at any bank or banks, place or places, to be named in Canada or Great Britain or the United States of America, and may provide for the payment of interest either yearly or half-yearly, and may be dated at any time within twelve months from the date on which notice of the authorization of the loan appears in *The Alberta Gazette* and the first instalment of principal and interest may be made payable at any time within eighteen months of the date of the debenture.

197.—(1) Save as herein otherwise provided, debentures shall be in one of the forms of this section or to the like effect:

\$..... Debenture No.....
 School District No.....of the Province of Alberta.
 The Board of Trustees (or Official Trustee, as the case may be) of.....School District No.....
 of the Province of Alberta promises to pay the bearer at
 the.....at.....the sum of
dollars of lawful money of Canada in
equal consecutive annual instalments with
 interest at the rate of...per cent per annum on the terms
 and in the amounts specified in the coupons attached hereto.
 Dated this.....day of.....A.D. 19...
 Countersigned, A.B.,
Chairman,
 Minister of Education. C.D.,
 Treasurer (or, Official Trustee).

COUPONS.

Coupon No.....

Debenture No.....

The Board of Trustees of.....School District
 No.....of the Province of Alberta (or Official Trustee,
 as the case may be) will pay to the bearer at the.....
 at.....on the.....day of.....
 19..., the sum of.....dollars, being the
 amount of the.....instalment of principal and the

total interest at the rate of per cent per annum due
on that day on School Debenture No.....

A.B.,

Chairman,

C.D.,

Treasurer (or, Official Trustee).

(2) In the case of an issue of debentures amounting to at least two thousand dollars, the Board may in its discretion issue serial debentures the coupons of which provide for the payment of interest only, and there shall be sufficient consecutively numbered coupons to cover the instalments of interest payable on each debenture in each of the years during which the respective serial debentures run, and the amount of the principal sum payable in any year shall be the same as the amount of such principal sum payable in any other year during the debenture period; and such debenture shall be in the following form or to the like effect:

PROVINCE OF ALBERTA.

\$..... Debenture No.....
Canadian Currency.

The..... School District No.....
of the Province of Alberta.

The Board of Trustees (or Official Trustee, as the case may be) of the..... School District No.....
of the Province of Alberta, promises to pay to the bearer at the.....at.....the sum of
.....dollars of lawful money of Canada
on the.....day of....., 19...,
with interest at the rate of.....per cent. per annum on
the terms and in the amounts specified in the coupons attached hereto.

Dated this.....day of....., 19...

.....
Chairman.

.....
Treasurer.

Countersigned....., 19...

.....
Minister of Education.

COUPONS.

Coupon No..... Debenture No.....

The Board of Trustees (or Official Trustee, as the case may be) of the..... School District
No.....of the Province of Alberta, will pay to the
bearer at the.....at.....on the
.....day of.....19..., the sum of
\$....., being the half-yearly (or yearly, as the
case may be) interest at the rate of.....per cent. per
annum due on that day on School Debenture No.....

.....
Chairman.

.....
Treasurer.

(3) The Board of a school district, within the limits of which an incorporated city is in whole or in part situated, on complying with the provisions of this Act, when the amount to be borrowed exceeds the sum of twenty thousand dollars, may in its discretion issue debentures repayable in yearly sums which shall be of such amount that the total amount payable for principal and interest in any year shall be equal as nearly as possible to the amount payable for principal and interest in each of the other years during which the debentures are to run, and the by-law authorizing the issue of said debentures shall state the specific sum to be paid each year for principal and interest, and separate debentures without coupons, each of which shall be numbered consecutively, shall be issued, each for the total amount payable each year for principal and interest. The said debentures may be in the following form or to the like effect:

DOMINION OF CANADA.

PROVINCE OF ALBERTA.

\$..... Debenture No.....

The.....School District No.....
of the Province of Alberta.

The Board of Trustees of the.....School District
No.....of the Province of Alberta promises to pay
the bearer at the.....at.....on the
.....day of.....the sum of
.....dollars (\$.....) of lawful
money of Canada.

Dated this.....day of.....A.D. 19...

Countersigned,
.....	<i>Chairman</i>
<i>Minister of Education.</i>
	<i>Treasurer.</i>

(4) The Board of a school district, within the limits of which an incorporated city is in whole or in part situated, when the amount to be borrowed is at least one hundred thousand dollars, may in its discretion by by-law provide that the sum borrowed shall be made payable in such manner that the principal shall be made repayable at the end of the period of years for which the debentures are to run, and that the interest thereon shall be paid annually or semi-annually as by the said by-law provided, in which event, however, there shall be raised annually during the said period, in addition to the interest payable thereon, an amount the same each year by way of a sinking fund sufficient with accumulated interest thereon to retire the debentures at maturity; and the debentures shall be in the following form or to the like effect:

DOMINION OF CANADA.
PROVINCE OF ALBERTA.

\$..... Debenture No.....
The.....School District No.....
of the Province of Alberta.
The Board of Trustees of the.....School District
No.....of the Province of Alberta, promises to pay
the bearer at.....in the.....or at
.....in the....., the sum of
.....dollars of lawful money of Canada
on the.....day of....., 19...,
and to pay to the bearer the amount of each of the several
interest coupons hereto attached as the same shall respec-
tively become due.
Dated this.....day of....., A.D. 19...
.....
Chairman
.....
Treasurer.
Countersigned.....19...
.....
Minister of Education.

COUPONS.

Coupon No.....
Debenture No.....
The Board of Trustees of the.....School District
No.....of the Province of Alberta will pay to the
bearer at.....or at.....on the
.....day of.....19..., the sum
of \$.....being the half-yearly (or yearly, as the
case may be) interest at the rate of.....per cent. per
annum due on that day on School Debenture No.....
.....
Chairman.
.....
Treasurer.

And the Board may from time to time invest the moneys
in the said sinking fund for such period or periods, not
exceeding in the whole the term of the debentures, and in
such manner as it may deem expedient, in securities author-
ized by *The Trustee Act* or approved by the Minister, pro-
vided that such investments are in other respects reason-
able and proper.

(5) Any form of debenture other than that prescribed by
this section may be used if approved by the Minister.

198. A debenture for the whole amount or for a less
amount than that mentioned in the by-law, or a series of
debentures aggregating such full amount or aggregating
a less amount than is so mentioned, may be issued, but
whenever a series of debentures is so issued each of the

same denomination and all at the same time, each debenture of the series shall be distinguished by a mark or symbol different from the mark or symbol appearing on the other debentures of the same issue, and the said marks or symbols respectively shall appear on the coupons attached to the debentures respectively bearing the like mark or symbol.

199. Every debenture before being issued shall be sent for registration to the Minister, who shall cause a proper record to be kept of the same.

200. The Minister or Deputy Minister shall thereupon, if the authority to make the loan has not been withdrawn, register and countersign the debenture and such countersigning by the Minister or Deputy Minister shall be conclusive evidence that the district has been legally established and that all the formalities in respect to such loan and the issue of such debenture have been complied with and the legality of the issue of such debenture shall be thereby conclusively established and its validity shall not be questionable by any Court in the Province of Alberta, but the same shall be a good and indefeasible security in the hands of any *bona fide* holder thereof.

PART XV.

EDUCATION OF CHILDREN OF NON-RESIDENTS.

201. Tuition fees shall be payable in the following cases only:

- (1) By the parent or guardian of the pupil—
 - (a) when such parent or guardian is resident in a district not comprised in a division, which district furnishes instruction in the grade to which the pupil belongs, and the pupil without the written authorization of the inspector attends the school in any other district not comprised in a division; and the fees shall be payable to the Board of the latter district;
 - (b) when such parent or guardian is resident in a district not comprised in a division, which district furnishes instruction in the grade to which the pupil belongs, and the pupil without the written authorization of the inspector attends the school in any district comprised in a division; and the fees shall be payable to the Divisional Board;
 - (c) when such parent or guardian is resident in a district comprised in a division, and the pupil without the written authorization of the Superintendent attends the school in a district not comprised in a division; and the fees shall be payable to the Board of the latter district;

- (d) when such parent or guardian is resident in a district comprised in a division, and the pupil without the written authorization of the Superintendent attends the school in a district comprised in another division; and the fees shall be payable to the Divisional Board of the last mentioned division;
 - (e) when such parent or guardian is resident outside the bounds of any school district and pupils attend at the high or public school classes being conducted in any school district; and the fees shall be payable to the Board of the district, if the district be not comprised in a division, and otherwise to the Board of the division in which the district is comprised;
 - (f) when pupils attend the Grade XII classes at the school in any district of which the parent or guardian is not a resident; and the fees shall be payable to the Board of the district when not comprised in a division or to the Board of the division in which the district is comprised, as the case may be.
- (2) By the Board of a district not comprised in a division—
- (a) when a pupil whose parent or guardian is resident in that district attends the school in another district not comprised in a division by reason of the fact that his attendance has been authorized in writing by the Inspector or for the reason that the school in the district in which his parent or guardian resides is not furnishing instruction in the grade to which the pupil belongs; and the fees shall be payable to the Board of the district in which the pupil attends school;
 - (b) when a pupil whose parent or guardian is resident in that district attends the school in a district comprised in a division by reason of the fact that his attendance has been authorized in writing by the Inspector or for the reason that the school in the district in which his parent or guardian resides is not furnishing the instruction in the grade to which the pupil belongs; and the fees shall be payable to the Divisional Board.
- (3) By the Divisional Board—
- (a) when a pupil whose parent or guardian is resident in a district comprised in a division attends the school in a district not comprised in a division, by reason of the fact that his attendance has been authorized in writing by the Superintendent; and the fees shall be payable to the Board of the district in which the pupil attends school;
 - (b) when a pupil whose parent or guardian is resident in a district comprised in a division attends, with the written authorization of the Superintendent, at the school of a district comprised in another divi-

sion; and the fees shall be payable by the Board of the former division to the Board of the latter division.

202. The amount of the fees shall be—

(a) When payable by a parent or guardian—

- (i) for each pupil in any grade below Grade IX, thirty cents per day, but in respect of his family shall not exceed in any year the sum of twenty-four dollars, less the amount of school taxes (if any) paid or payable by him for the previous or then current year in respect of property located in the division, or in the district not comprised in a division, as the case may be, in which the pupil attends school;
- (ii) for each pupil in Grades IX, X or XI, thirty cents per day, but shall not exceed in any year the sum of thirty dollars per pupil less the amount of school taxes (if any) paid or payable by him for the previous or then current year in respect of property located in the division, or in the district not comprised in a division, as the case may be, in which the pupil attends school;
- (iii) for each pupil in Grade XII the sum of four dollars per month or fractional part thereof:

Provided that in the case of any student pursuing a partial course in Grade XII, together with additional subjects in the work of Grades IX, X or XI, the fees for such student shall be estimated at the rate of five dollars per year for each Grade XII subject and three dollars per year for each of the subjects taken in Grades IX, X and XI, and the fees shall be payable as set out in the foregoing sections. In the event of any dispute as to the persons liable for the payment of, or the Board entitled to receive the fees in connection with instruction furnished to any such student, the same shall be referred to the Chief Inspector of Schools, whose decision shall be final.

(b) When payable by the Divisional Board or the Board of a district not comprised in a division—

- (i) for each pupil in any grade below Grade IX, thirty cents per day;
- (ii) for each pupil in Grades IX, X or XI, when in attendance at the school in a district maintaining one or more rooms devoted exclusively to instruction in the work of such grades, a fee of fifty dollars per year per pupil;
- (iii) for each pupil in Grades IX, X or XI, when in attendance at the school in a district which does not maintain a room or rooms exclusively for instruction in the work of such grades, a fee of thirty dollars per year per pupil.

203. Fees payable by a parent or guardian shall be due and payable on the first day of each month.

204. Fees payable by any Board shall be due and payable at the end of each calendar year.

205. The parent or lawful guardian of any child may apply to the Board of any district of which he is a non-resident, for the admission of such child to its school, and it shall be the duty of the Board to admit such child, but the Board may demand that the application be accompanied by a statement from the Inspector of the district or the Superintendent for the division, to the effect that the accommodation of the school is sufficient for the admission of such child.

206. Fees payable under this Part may be recovered with costs in any court of competent jurisdiction in the Province, as a debt due to the Board of Trustees or Divisional Board as the case may be, from any person or Board by whom the same are made payable under this Act.

207. The certificate of an Inspector of Schools or the Superintendent of Schools for a division, as to the grades taught in the school of any district and the educational standing of any child, shall be final and conclusive as to the facts stated therein, for all the purposes of this Part.

208. In the event of any dispute as to the amount due for fees by a district or by any parent or guardian under any of the sections of this Part, the same shall be referred to the Chief Inspector of Schools, whose decision shall be final.

209. Any district providing for special classes in technical, commercial, art, or other higher training, not being classes for giving the courses of instruction authorized by the regulations of the Department, may charge such fees from time to time for either day or night classes as shall be approved by the Minister.

210. The imposition of fees by a Board under the provisions of this Part shall not disentitle the Board to receive a grant under any of the provisions of *The School Grants Act*.

PART XVI.

SCHOOL DIVISIONS.

211. Whenever the Minister is satisfied that any group of rural public school districts should be formed into a school division, he may cause a poll of the electors of such districts to be taken as to the establishment of the division.

212. The Minister may give all necessary or proper directions as to the conduct of the poll, and in the event of no such directions being given the provisions of this Act as to the taking of a poll with reference to debentures shall govern; save that the result of the poll shall be certified to the Minister.

213. In the event of the poll being in favor of the establishment of the division, the Minister may by order establish the same.

214.—(1) Every school division shall be divided by the order into five subdivisions consisting of such rural school districts included in the school division as may be designated by the Minister:

Provided that the Minister may from time to time increase or lessen the number of subdivisions in a school division.

(2) The Minister may by any subsequent order from time to time include in an established school division any one or more rural public school districts, and may exclude therefrom any school district previously included therein, and may transfer any school district included in a division to any other division, and may transfer any school district in a division from one subdivision to another.

(3) Every order establishing a school division shall nominate some person as the secretary for the time being of the school division, and shall fix a time and place for the holding of the first meeting of delegates of the school division.

(4) Every order made pursuant to this section shall set forth the date upon which it is to become effective.

(5) Notice of every such order shall be given by advertisement in *The Alberta Gazette* in an issue published at least sixty days before the date named in the order for its taking effect.

(6) Such advertisement shall be conclusive evidence of compliance with all conditions precedent to the establishment of the district and the validity of such establishment shall not be in any way questioned.

215. It shall be the duty of the secretary for the time being of the school division to send by registered mail to the secretary of every district named therein a copy of the order.

216. The Board of any school division may agree with the Board of a town, village, or consolidated district that such last mentioned district shall be included in the school division upon such terms (including the rate of taxation to be imposed on the ratepayers of the district or any part thereof) as may be set out in the agreement.

217. The Board of each district which has entered into any such agreement shall forward a copy thereof to the Minister.

218. In the event of the Minister approving the agreement, the Board shall then prepare, in the form prescribed, notices to the effect that in the event of not receiving a demand in writing from twenty-five per cent of the electors of the district, within eight days from the date of the notice, the Minister may, without any further notice or action, include the district in the school division.

219. In the event of a written demand, bearing the proper number of signatures, being delivered to the secretary within eight days from the date of the notice, the Board shall, as soon as conveniently may be, cause a meeting of the electors in the district to be held to vote for or against inclusion in the school division.

220.—(1) All the provisions of this Act relating to the conduct of a first school meeting and the taking of a poll thereat, except such as relate to the election of trustees, shall apply to any meeting held pursuant to the provisions of this Part of this Act.

(2) Forthwith after every such meeting, the chairman thereof shall certify to the result of the poll in the form prescribed by the Minister, and shall place in an envelope the certificate, the poll list, ballots, declarations and all other records of the poll, and shall securely seal the same and shall send the same by registered mail to the Minister.

221. Upon being satisfied that the poll has been held substantially in accordance with the provisions of this Act and that a majority of the votes cast have been cast in favor of inclusion in the school division, the Minister may by order include the district in the school division.

222. A notice of such order shall be published in *The Alberta Gazette* and upon such publication all the conditions precedent to the taking of the poll shall be deemed to have been fully complied with and the legality of such inclusion shall not be questioned in any way, and the terms of the said agreement shall be given full effect.

223. In the year in which a division is established the secretary of every school district named in the order shall, not later than the tenth day prior to the day fixed by the order for the first meeting of the delegates of the school division, call a meeting of its trustees for the purpose of electing a delegate, who shall be an elector of the district; and the secretary shall forthwith after the meeting furnish to the delegate-elect a certificate of his election and advise the secretary of the division of his name and post office

address; and in the month of September in every subsequent year the secretary-treasurer of each school district comprised in a division shall call a meeting of the trustees for the same purpose.

224. A meeting of the delegates of a school division shall be held upon its establishment at the time and place mentioned in the order, and in every year thereafter on the first Tuesday in the month of December, and at such hour and place as shall be determined by the directors of the school division.

225. At every meeting of delegates, they shall appoint a chairman, who upon taking his place shall call for the reading of the reports of the Superintendent, the secretary-treasurer, the auditor, and such further statements in relation to the affairs of the Division as may be deemed advisable. When these are considered and disposed of the meeting shall proceed to discuss such other matters relating to the educational needs and requirements of the Division, and educational matters generally as the delegates may deem proper. At the expiration of one hour after the time the meeting commenced, the meeting shall be adjourned and the delegates from each subdivision shall meet separately and shall appoint a chairman who shall proceed to call for nominations for the office of director. Any elector of a district within the subdivision shall be eligible for this office.

226.—(1) Every nomination shall be written and be in Form H of the schedule hereto, and shall be signed by two electors.

(2) No such nomination shall be received unless it be accompanied by a written statement, signed by the person nominated, to the effect that he is qualified for election and that he will accept the office, if elected.

(3) The said statement shall be in Form I of the schedule hereto.

227.—(1) If there is only one nomination, the chairman shall declare the person nominated to be elected, and shall deliver the certificate of such election to the secretary of the division.

(2) If more than one nomination is made the chairman shall certify in writing to the secretary of the division the names and addresses of the persons nominated.

228. The secretary of the division shall proceed to cause a poll to be taken in every subdivision in which more than one person has been nominated as a director, in the manner following:

(a) He shall cause a sufficient number of ballot-papers to be printed and delivered to the secretary of each district in the subdivision on or before the 24th day of December following the delegates' meeting.

- (b) The secretary of the district shall deliver the ballot-papers to the chairman at the annual meeting of the district.
- (c) If a poll is taken for the election of trustees, the chairman shall at the same time take a poll for the election of a director, and if no poll for the election of trustees is taken, the chairman shall take a poll for the election of a director at the time when a poll for the election of trustees would have been taken, if such a poll had been necessary.

229.—(1) The persons entitled to vote at an election of a director shall be the same as are entitled to vote at an election of trustees.

(2) Every voter shall have one vote only, which may be transferable in the manner provided in section 82 of *The Alberta Elections Act*, but in general the provisions for the taking of the poll shall be the same as for the election of trustees.

(3) The voter on receiving his ballot paper—

- (a) shall place the figure 1 on the ballot paper within the white space containing the name of the candidate who is his first choice and every vote given by placing the said figure 1 in such white space shall be a “first preference vote”;
- (b) may in addition to the figure 1 authorized by this section place on his ballot paper the figure 2 within the white space containing the name of his second choice, the figure 3 within the white space containing the name of his third choice and so on in the order of the candidates he would prefer if the candidate of his prior choice cannot be elected. He may thus express as many choices as there are candidates.

230. Upon the closing of the poll the chairman and secretary of the annual meeting shall count the first preference votes given for each candidate and make out and sign a statement thereof in duplicate, and shall forward one statement to the secretary by mail in a separate envelope and shall make up into a parcel and seal the ballots cast, together with the other statement and deliver the same to the secretary of the division or forward the same to him by registered mail.

231. As soon as the secretary of the division has received the ballots and statements from all the districts in the subdivision he shall count all the ballots as directed by sections 89 and 91 of *The Alberta Election Act*, *mutatis mutandis*, and shall declare elected the person who has been found to have a majority of votes, and shall forthwith certify in writing to the secretary of each school district in the subdivision, and to the Minister, the name of the person elected a director.

232. The five directors elected in the manner hereinbefore provided, one for each subdivision, shall constitute the Board of the school division and the Board shall be a body corporate and politic with such name or style as shall be prescribed by the Minister.

233. The Board of the division shall hold its first organization meeting at such time and place as the Minister may direct, and thereafter, following each annual election of directors, an organization meeting shall be held on the first Tuesday in February. At the meeting thus held, the Board shall appoint a chairman and a secretary-treasurer to hold office during the pleasure of the Board.

234. A meeting of the Board may be called by the chairman or three directors.

235.—(1) Every regular or special meeting of the Board shall be called by sending by registered mail to each director, in a cover addressed to his last known post office address from a post office within the division, at least six days before the date fixed for the meeting, notice setting forth the time and place of the meeting:

Provided that the Board of any division may at any meeting at which all the members of the Board are present decide by resolution to hold regular meetings of the Board, and such resolution shall state the day, hour and place of every such meeting and no further or other notice of any such meeting shall be necessary.

(2) The Board may by unanimous consent waive notice of meeting and hold a meeting at any time, which consent shall be subscribed to by each member of the Board and shall be recorded in the minutes of the meeting in the following form:

"We, the undersigned Directors of.....
Division, hereby waive notice of this meeting.

".....
"Directors."

236. Subject to the provisions next hereinafter contained, a director shall hold office for two years.

237. In the case of the first directors elected after the constitution of a division, at the organization meeting of the Board, the chairman shall place the names of all the directors, each written on a separate piece of paper, each piece similar to the other in shape, kind, and colour, in a receptacle and shall then draw therefrom at random, one by one, three of the names therein, and shall cause the names so drawn to be recorded on the minutes, and the three directors whose names are drawn shall hold office for two years, and the remaining directors shall hold office for one year, and in either case until their successors are appointed.

238. It shall be the duty of every Divisional Board, and it shall have power—

- (a) to exercise a general supervision and control over the schools of the division;
- (b) to provide offices and office equipment suitable to the needs of the division and to engage a secretary-treasurer and other necessary clerks and servants, with power to discharge them, and to prescribe their duties and fix their remuneration, and to provide for the expenses incidental to the discharge of any of the duties of the Board;
- (c) to pay to each director the sum of five dollars per day for each meeting, together with an allowance of ten cents per mile for every mile necessarily travelled in coming to and returning from meetings of the Divisional Board;
- (d) to provide and appoint, for schools of districts comprised in the division, duly qualified teachers under a contract in writing in the form prescribed by this Act, and to forward to the Department a true copy thereof:

Provided that if the Board of Trustees of a district has passed a resolution in favor of giving religious instruction pursuant to this Act, and has forwarded a copy thereof to the Divisional Board, it shall be the duty of the Divisional Board to provide for the school of such district a teacher satisfactory to the Board of Trustees in that respect:

Provided further, that if the Board of Trustees of a district has passed a resolution in favor of the giving of instruction in a primary course in French in accordance with this Act, the Divisional Board shall select and assign to the school of such district a teacher competent to give such instruction, if such teacher be available;

- (e) to confer with and consult the Superintendent concerning the educational problems and needs of the Division and to consider any recommendations which the Superintendent may make with regard thereto;
- (f) to provide, with the approval of the Superintendent, when deemed expedient, at what times pupils may be admitted to Grade I;
- (g) to suspend, with the approval of the Minister, the operation of a class-room for grades above Grade VIII where the enrolment of pupils is less than ten, and for grades below Grade IX where the enrolment of pupils is less than seven, and to provide for the teaching of such pupils in any other manner than by the operation of a class-room;
- (h) to make, where necessary, provision for the attendance of pupils in grades below Grade IX at schools

outside of the district in which their parents or guardians reside, and for the payment to a parent or guardian of a reasonable sum on account or in lieu of the cost of a pupil's conveyance;

- (i) to make such provision for secondary education as will meet the requirements of the division—
 - (i) by providing such buildings as may be needed;
 - (ii) by providing equipment and furnishings;
 - (iii) by providing for the tuition of pupils residing within a division at schools outside the division, and by the payment to a parent or guardian of a reasonable sum on account of the pupils' conveyance or maintenance;
 - (iv) by making, subject to the approval of the Minister, any other arrangements or adjustments necessary to meet the need for secondary education in the division, including the provision of dormitory accommodation for students in connection with any secondary school;
- (j) to provide for the enforcement of *The School Attendance Act* and to appoint such attendance officers as the Board may consider necessary or the Minister may require;
- (k) to suspend or expel from the school any pupil who upon investigation by the board is found to be guilty of truancy, open opposition to authority, habitual neglect of duty, the use of profane or improper language, or other conduct injurious to the moral tone or well-being of the school;
- (l) to prepare and adopt a salary schedule applicable to all classes of teachers employed in the schools of the division;
- (m) to pay every month the salaries of all teachers in its employ.

239. A Divisional Board shall at its discretion have power—

- (a) to determine what school any of the children of the division shall attend;
- (b) to employ such physicians, dentists, and nurses or clinic as may be deemed requisite to care for the health of pupils and advise parents and the said Board with respect thereto; and the Board may take such steps and make such expenditures as it may deem necessary to safeguard the health of pupils;
- (c) to exclude from attendance at a school any pupil who, in the judgment of the Superintendent, is so mentally deficient as to be incapable of responding to class instruction by a skilful teacher, or whose presence is detrimental to the education and welfare of other pupils in attendance at the school, subject,

however, to the right of an appeal by the parent or guardian of such pupil to the chief inspector, whose decision shall be final;

- (d) to pay the expenses of any members of the Divisional Board, or of any officials thereof, incurred in attending any convention of school trustees or any other educational convention or conference;
- (e) to suspend or dismiss summarily any teacher for gross misconduct, neglect of duty or for refusal or neglect to obey any lawful order of the Board, and to report every such suspension or dismissal to the Department in writing, with a full statement of the circumstances;
- (f) to employ specially qualified teachers to encourage and direct instruction in manual training, domestic science, physical training, music, art, or other branches of the public or high school course of study throughout the schools of the division.

240. On or before the fifteenth day of July in each year, the secretary-treasurer of any municipal district within which any school district included in a division is wholly or partially situate, shall certify in writing, under his hand, to the secretary of the Divisional Board—

- (a) the total assessed value of all lands, minerals and timber;
- (b) the total assessed value of all buildings and improvements (on lands in hamlets)—

within the municipal district which are in any school district included in a division and are liable to assessment and taxation for the purposes of such school district.

241. The Minister of Municipal Affairs shall on or before the fifteenth day of July in each year certify, under his hand, to the secretary of the Divisional Board—

- (a) the total assessed value of all lands, minerals and timber;
- (b) the total assessed value of all buildings and improvements (on lands in hamlets)—

within any improvement district, which are in any school district included in a division and are liable to assessment and taxation for the purposes of such school district.

242. On or before the fifteenth day of July in each year the Divisional Board shall prepare and adopt an estimate of the sum necessary to enable it to perform its duties for the year.

243. As soon as the Divisional Board has received the certificates as to assessed values from the secretary-treasurer and the Minister, required by this Part to be furnished by them, it shall proceed to ascertain by comparison of the

assessed values the part of its estimated expenditure which should be borne by each municipal district and improvement district and shall thereupon requisition from each district its proper proportionate share.

244. The municipal district and the Minister of Municipal Affairs respectively shall pay to the Divisional Board the amount of the sum requisitioned by equal quarterly payments on the first day of each of the months of October, January, April and July.

245. The Divisional Board may from time to time with the consent of the Minister borrow from any bank or banks any sum or sums required for the purpose of meeting its current requirements, and may charge any sums of money which are for the time being due to it and outstanding with the repayment of any sum or sums so borrowed. Such borrowings shall not exceed the total amounts of the moneys owing to the division on account of requisitions so due and outstanding.

246. A Divisional Board may from time to time borrow upon the security of the division any sum or sums required for the purpose of providing secondary school accommodation in the division, by acquiring sites for and building or purchasing and furnishing high schools, or by adding one or more rooms to an existing school, and for the provision and furnishing of dormitories in connection with any such school.

247. All the provisions of this Act relating to the issuing of debentures by a school district shall apply *mutatis mutandis* to the issue of a debenture by a school division, subject to the provisions following, namely:

- (a) It shall not be necessary to submit the by-law authorizing the debenture to the electors, provided that the total amount of the debenture borrowings of the division in the year does not exceed twenty thousand dollars.
- (b) A poll of the electors of the division for and against the by-law shall not be held unless the demand is signed by twenty electors of the division.
- (c) The secretary of the division shall be the returning officer for the purpose of taking a poll, and the secretary of each school district comprised in the division shall be the deputy returning officer for each such district.
- (d) The poll shall be held on such date as may be specified by the returning officer in the notice of the poll.
- (e) It shall be the duty of each deputy returning officer to conduct the poll in his own district.
- (f) The proceedings from and after the close of the poll shall be the same as are provided in this Act in the case of an election of a director to a Divisional Board.

248.—(1) Upon the constitution of a division, the Minister shall appoint a Superintendent for the division.

(2) It shall be the duty of every such Superintendent to confer with the Board of the division as to the educational requirements of the division, and to advise the Board thereon; to attend all meetings of the Board; to exercise general supervision over all schools and teachers under the jurisdiction of the Board; and to assist the Board in the discharge of its duties.

249. The Minister shall appoint in every division one or more supervisors who shall assist the Superintendent in the discharge of his duties.

250. The grants payable under *The School Grants Act*, in respect of any school comprised in a division, shall be payable in the following manner:

(a) The grants payable—

- (i) to each district upon its establishment;
- (ii) to each district whose school attains a minimum grading in respect of grounds, buildings, equipment, government and progress, or in the alternative, the supply of books for school library purposes to a value equal to the amount of the grant payable—

shall continue to be paid to the school district.

(b) The grants payable to the district on all other accounts shall enure to the benefit of the division in which the district is comprised; the aggregate of all such grants shall be reduced by the amount of the salaries and expenses of the supervisors for all the divisions and the balance shall be paid to the Divisional Board.

251.—(1) The Minister may from time to time by order make regulations governing procedure to be followed in respect of any proceeding or thing authorized by this Part in any case where the express provisions of this Act are in the opinion of the Minister insufficient or inapplicable.

(2) Every order made pursuant to this section shall be published in *The Alberta Gazette* and upon such publication shall have the same force and effect as if the same had been enacted by this Act.

252. In the event of there being a conflict between the provisions of this Part and any other provisions contained in this Act or in any other Act, then the provisions of this Part shall prevail.

PART XVII.

PENALTIES AND MISCELLANEOUS REGULATIONS.

253. Everyone who makes or signs any declaration at any first or other school meeting as to his qualifications to take part in such meeting or to vote thereat without being qualified so to do shall be guilty of an offence and shall be liable on summary conviction to a penalty of not more than ten dollars and costs.

254. Any member of a Board who wilfully neglects or refuses to assist in the exercise of all the corporate powers vested in such Board by this Act for the fulfilment of any contract or agreement made by it, shall be personally liable for damages for the non-fulfilment of such contract or agreement.

255. Should the Board of any district wilfully contract liabilities in the name of the district greater or other than as provided or allowed by this Act, or appropriate any of the moneys of the district for purposes other than are provided or allowed by this Act, the treasurer of the Board or some other person authorized by the Minister may recover as a debt in a court of competent jurisdiction from such members of the Board as have participated in the unauthorized act individually, the sum or sums for which the district has been rendered liable through the action of such trustees over and above the amount so provided by this Act, as well as the total amount of any moneys that have been misappropriated by such trustees.

256. Any trustee who knowingly signs a false report, or any teacher who keeps a false school register or knowingly makes a false return, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty dollars.

257.—(1) Any trustee, officer or employee of a district who after ceasing to hold office detains any money, book, paper or thing belonging to the district shall thereby incur a penalty not exceeding twenty dollars for each day during which he wrongfully retains possession of such money, book, paper or thing after having received notice in writing from the chairman of the Board or from the Minister requiring him to deposit the same in the hands of some person mentioned in such notice.

(2) Any trustee, officer or employee of a district who refuses, neglects or fails to perform any duty imposed on him by this Act shall be liable to a penalty not exceeding fifty dollars.

(3) Any person required by this Act or by the regulations made thereunder to furnish any information or make any return or statement in writing to the Department, or to perform any act or duty, who refuses or neglects to furnish

such information, or make such return or statement or perform such act or duty, shall be liable to a penalty not exceeding fifty dollars.

258. Any returning officer of any district or proposed district acting under the provisions of this Act who shall knowingly and wilfully prejudice the result of any voting by preventing votes from being taken or by taking unlawful votes or by altering returns or books in any way, or by any other means, shall be liable to a penalty of not less than ten dollars and not more than one hundred dollars.

259. Any person who wilfully disturbs, interrupts or disquiets the proceedings of any school meeting authorized to be held by this Act, or anyone who wilfully interrupts or disquiets any school established and conducted under its authority, by rude or indecent behaviour or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the exercises of the school, shall be guilty of an offence, for which he shall forfeit for the use of the district within which the offence was committed a sum not exceeding twenty dollars.

260. Any person who subscribes to any statement, declaration, return or other document prescribed by this Act or by the Minister under the provisions hereof, and therein wilfully and knowingly makes any false statement, shall be guilty of an offence, and liable on summary conviction to a penalty not exceeding twenty-five dollars.

261. No school trustee shall be eligible for appointment as teacher within the district of which he is a trustee; nor shall the teacher of any school hold the office of school trustee.

262. All fines, penalties and forfeitures mentioned in this Act may be recovered or enforced with costs on summary conviction before a justice of the peace.

263. All moneys accruing from forfeitures, fines or penalties under this Act shall, unless otherwise provided, belong to the general revenue fund of the Province of Alberta.

264. A notice setting forth the contents of every order of the Minister—

- (a) establishing any district; or
- (b) altering the boundaries of any district in any manner—

shall, upon publication thereof in *The Alberta Gazette*, be final and conclusive evidence that such district has been duly established, or that the boundaries of such district have been duly altered, as the case may be.

265. The publication in *The Alberta Gazette* of the notice of the order forming a consolidated school district or districts with an existing consolidated district or districts, or altering the boundaries of a consolidated district by adding to or taking from the area of any district which forms a part of the consolidated district shall be final and conclusive evidence that all matters required preliminary to such order have been complied with.

266. The publication in *The Alberta Gazette* of the notice of the order forming a rural high school district or uniting any district or districts with an existing rural high school district or altering the boundaries of a rural high school district by adding to or taking from the area of any district which forms a part of the rural high school district shall be final and conclusive evidence that all matters required preliminary to such order have been complied with.

ALTERATION IN LIMITS OF SCHOOL DISTRICTS.

267. The Minister may by order, notice of which shall be published in *The Alberta Gazette*, alter the boundaries of any district by adding thereto or taking therefrom or dividing one or more existing districts into two or more districts or uniting portions of any existing district with another district, or with any new district, in case it has been satisfactorily shown that the proposed changes are for the general advantage of those concerned, and that the rights of ratepayers under section 14 of *The North-West Territories Act* will not be prejudiced.

268. In the case of any district having debenture indebtedness outstanding no alteration shall be made in the boundaries thereof which will prejudicially affect the rights or security of the holders of such debentures without due provision being made for the protection of such holders.

269.—(1) Upon the alteration of the boundaries of any district, the Minister shall, by his order altering the boundaries or by a subsequent separate order, give such directions for the settlement and adjustment of the liabilities and assets of the said district as he may in his absolute discretion think fit and proper, and may prescribe and declare the basis and terms of such settlement and adjustment, and the manner in which the same shall be carried into effect; and in cases in which by the terms of such settlement and adjustment any rates or taxes are required to be levied or collected upon property within or without such district, he may prescribe by whom, at what times and in what manner such rates and taxes shall be raised, levied, and collected, and to whom the same or any part thereof shall be paid, and by what district or districts, in what proportions, and to whom any money payable in respect of any such settlement and adjustment shall be paid.

(2) Any and every provision, declaration, prescription and direction at any time heretofore or hereafter made by the Minister, upon the alteration of the boundaries of any district as to the settlement and adjustment of the assets and liabilities, and the method of settling and adjusting the same, shall be deemed to be good and valid for all purposes, any decision of any court notwithstanding.

(3) When any area is added to or taken from any district the Minister may by order make all provisions necessary to meet the exigencies of the case respecting the assessment of property in such area and the levying, collection and application of taxes on such property, or one or more of the said matters for the then current year, and the matters dealt with in such order shall be done according to the terms thereof and not otherwise.

(4) The Minister may by order vest any land registered in the name of the Board of a district in the name of the Board of another district in which the land becomes situate upon an alteration of boundaries, and a copy of such order duly certified by the Minister shall be sufficient evidence to the Registrar of the Land Registration District in which such land is situate, of such change of ownership, and the said Registrar shall, without the charge of any assurance fund fees, upon request in writing of the Board of such other district and upon production of a certified copy of the order as aforesaid and the duplicate certificate of title covering the same, register it as owner of such land.

270. The Lieutenant Governor in Council may by order, notice of which shall be published in *The Alberta Gazette*, declare that on and after a day therein to be named any district shall be dissolved and thereupon the same and the Board thereof shall cease to have or enjoy any of the rights, powers and privileges vested in it by this Act; and upon any such dissolution of a district the Minister may appoint one or more persons to adjust and settle the assets and liabilities of such district; and such person or persons so appointed shall have full power and authority to sell and dispose of all the assets and property of such district and apply the same so far as it will extend: firstly in payment of the liabilities of the said district; and secondly, in payment of his or their remuneration as hereinafter mentioned and shall divide the surplus, if any, *pro rata* among the ratepayers of the said district entitled to share therein, or the school districts to which the lands of the said dissolved district have been added; and in case the amount so realized is insufficient to pay and satisfy the liabilities of the said district and his or their remuneration then such person or persons shall have full power and authority to assess, levy, collect and enforce payment, in the same manner as boards, assessors, collectors and treasurers are authorized to do by *The School Assessment Act*, of such sum or sums of money as may be required to pay and satisfy such indebtedness or any balance

thereof remaining unpaid and all expenses connected therewith, including his or their remuneration, which shall be fixed by the Minister.

ORDERS.

271. No order purporting to be made under this Act and being within the powers hereby conferred shall be deemed invalid on account of any non-compliance with any of the matters hereby required as preliminary to such order; and no misnomer, inaccurate description or omission in any such order shall in anywise suspend or impair the operation of this Act with respect to the matter so misnamed, misdescribed or omitted.

272. Any misdescription or other error in any order made by the Minister or in any order made or proclamation issued by the Lieutenant Governor in Council, under the provisions of this Act or any Ordinance respecting schools at any time in force in the Province of Alberta, may be corrected and confirmed as corrected as of the date on which it was made or issued by any subsequent order of the Minister.

273. In any order under this Act the Minister may provide that the same shall not take effect until some future date named therein, but not later than one year from the date of the order.

MISCELLANEOUS.

274. The Lieutenant Governor in Council may by order, notice of which shall be published in *The Alberta Gazette*, declare that for the purposes of this Act any town district shall be deemed to be a village district and thereafter all the provisions of this Act relating to village districts shall apply thereto.

275. Notwithstanding anything herein contained, women shall be upon an absolute equality with and have the same rights and privileges, and be subject to the same penalties and disabilities, as men under this Act.

276. Wherever in any city charter there are any provisions governing referendum, recalls or the taking of plebiscites, such provisions shall apply *mutatis mutandis* to the elected representatives and business of any school board elected for any school district which is included either wholly or partially within the limits of any city:

Provided that if any plebiscite is held or any referendum taken or any recall demanded at any time other than the date of the general municipal election, the expenses of such plebiscite, recall or referendum shall be borne by the school board affected thereby.

277. The validity of the election of any school trustee or delegate in any town or village district or division may be contested before a judge upon the relation of any ratepayer of the district, and the proceedings therein shall be the same as in the case of contested elections of councillors under *The Controverted Municipal Elections Act*.

278.—(1) Whenever complaint is made that the election of a trustee for any district within a consolidated district has not, or that the proceedings or any part thereof of any first or other meeting of the ratepayers of any consolidated district or of any district within a consolidated district have not, been in conformity with the provisions of this Act, the Minister may, upon receiving the complaint of any ratepayer of the consolidated district verified by statutory declaration of the complainant, investigate the matter, and render such decision in and about the same as to him appears proper.

(2) No such complaint shall be entertained by the Minister unless made to him in writing within twenty days after the holding of the election or meeting in question.

279.—(1) Whenever complaint is made by any elector, verified by his statutory declaration, that the conduct or any part thereof of any first or other school meeting in any rural district or the election of trustees has not been in conformity with this Act, the Minister may investigate the matter and render such decision in and about the same as to him shall appear proper.

(2) No such complaint shall be entertained by the Minister unless made to him in writing within twenty days after the holding of the meeting or election.

280. *The School Act*, being chapter 51 of the Revised Statutes of Alberta, 1922, is hereby repealed.

SCHEDULE.

FORM A.

Proposed.....School District of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is of the full age of twenty-one years, and that he or she is and has been a resident of the above named proposed school district for a period of at least two months prior to this date.

Names	Property owned or occupied, or residence

Witness to above signatures:
.....Chairman.
.....Secretary.

Dated the.....day of.....A.D. 19...

or

Proposed.....Consolidated School District of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is of the full age of twenty-one years, and that he or she is and has been a resident of the above named proposed consolidated school district for a period of at least two months prior to this date.

Names	Property owned or occupied, or residence

Witness to above signatures:
.....Chairman.
.....Secretary.

Dated the.....day of.....A.D. 19...

FORM B.

(1)

(This form should be used for an elector in any established district.)

The.....School District No.....
of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is of the full age of twenty-one years, and that he or she is and has been a resident of the above named district for a period of at least two months prior to this date.

Names	Property owned or occupied, or residence

Witness to above signatures:
.....Chairman.
.....Secretary.
Dated the.....day of.....A.D. 19...

FORM B.

(2)

(This form should be used for an elector in a district within a consolidated district.)

The.....School District No.....
of the.....Consolidated School District
No.....of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is of the full age of twenty-one years, and that he or she is and has been a resident of the above named district of the said consolidated school district for a period of at least two months prior to this date.

Names	Property owned or occupied, or residence

Witness to above signatures:
.....Chairman.
.....Secretary.
Dated the.....day of.....A.D. 19...

FORM D.

POLL BOOK.

Election of Trustees for the.....S.D. No.....
of the Province of Alberta.
Date of poll.....; Poll opened.....; Poll closed.....

Name of Voter	No.	Residence	Remarks

.....
Chairman.

FORM E.

POLL BOOK.

Vote on debenture by-law submitted to the electors of
.....S.D. No.....of the Province of Al-
berta, on the.....day of.....19...
Poll opened at.....a.m. Poll closed at.....p.m.

Name of Voter	Record of Votes		Remarks
	For by-law	Against by-law	

.....
Returning Officer.

FORM F.

(This form should be used for a proprietary elector in
any district.)
The.....School District No.....
(or the.....Consolidated School District
No....., or the.....Rural High School District
No.....), of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is an elector of and liable to assessment and taxation for school purposes in respect of property situate in the.....School District No..... (*Where necessary add, being a district in the.....Consolidated School District No....., or in the.....Rural High School District No....., as the case may be*), and that he or she has not voted before at the taking of this Poll.

Names	Property liable to assessment and taxation

Witness to above signatures:

.....Chairman.

.....Secretary.

Dated the.....day of....., A. D. 19...

FORM G.

I, the undersigned justice of the peace in and for the Province of Alberta, having received the poll book used to record the votes taken at the meeting held in the (*give name of school district in full*) on the.....day of....., 19..., on the question of the issue of debentures on the security of the said district and having heard all complaints relative to the conduct of the voting, beg leave to submit the following return of the votes:

Total number of votes taken		Number of votes on each side after the recount	
For	Against	For	Against

.....
J.P.

Dated at.....this.....day
of....., A.D. 19...

FORM H.

NOMINATION PAPER.

We, the undersigned delegates of Subdivision No.....
hereby nominate (*here insert the name, residence, and occu-
pation of the person nominated*) for the office of Director.

Dated the.....day of....., 19.....

.....
.....
.....
(*Signatures of two delegates.*)

FORM I.

CANDIDATE'S ACCEPTANCE.

I,, of,
hereby state—

1. That I can read and write; and
2. That I am a British subject; and
3. That I am of the full age of twenty-one years; and
4. That I am not disqualified under this or any other Act;
and
5. That I am an elector at this date of the.....
School District No.....; and
6. That I will accept the office of Director if elected.

Signed this.....day of }
....., A.D. 19...., }
in the presence of }
..... } (*Signature of Candidate*)
(*Signature of Witness*) }

No. 64.

FOURTH SESSION
SIXTH LEGISLATURE
20 GEORGE V
1930

BILL

An Act to Consolidate and amend
The School Act.

Received and read the

First time

Second time.....

Third time.....

HON. MR. BAKER

EDMONTON:
W. D. MCLEAN, KING'S PRINTER
A.D. 1930