

THE UNIVERSITY OF MANITOBA

THE HISTORY OF ELEMENTARY AND SECONDARY EDUCATION  
IN SASKATCHEWAN

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DEGREE OF MASTER OF EDUCATION

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## CHAPTER 1.

LAYING FOUNDATIONS FOR A PROVINCIAL  
SYSTEM OF PUBLIC INSTRUCTION

## Introduction

There are many reasons why Saskatchewan's educational history should be an interesting one. As one of the last provinces to become a part of the Dominion of Canada, its existence as such dates back to little more than a quarter of a century ago and most of its legislation is of comparatively recent origin. Since the roots of educational development are found in its legislation, ordinances and statutes furnish the truest expression of the educational thought and activity of the period. It is therefore the writer's purpose to make a careful study and interpretation of educational growth, with special emphasis on educational legislation.

Prior to Saskatchewan's existence as a province it was known as the North West Territories and still earlier as Rupert's Land.

The Transfer of Rupert's Land to Canada.- Rupert's Land became a part of the Dominion in 1869. Prior to that date it had been under the control of the Hudson Bay Company by virtue of a charter granted to it for fur trading in 1670 by Charles II, King of England. During those earlier years, traders, trappers and explorers mingled with the majestic Indians of the plains, exploiting them for their furs and reaping a rich harvest from the profits of the skins of buffalo, beaver and other wild animals. At that early date there were no settlements in the West except those which were clustered around early trading posts, missionary outposts and police forts. Gradually settlements of a more permanent nature took form at Qu'Appelle, Prince Albert,

St. Laurent, Battleford and Edmonton. Some smaller settlements were found around the North West Mounted Police posts at MacLeod, Calgary and Fort Saskatchewan.

Early educational opportunities were provided through the agencies of the various religious denominations. As early as 1850 the Methodist Church had established mission schools in the West. In 1866 Adam MacBeth had gone north-westward and founded a Presbyterian mission school on the present site of Prince Albert. By 1873 Anglicans and Roman Catholics had established mission schools at Fort Simpson, Providence and Isle a la Crosse.

In 1868 the Canadian Government successfully negotiated with the Hudson Bay Company for this land. Canada paid the Hudson Bay Company £300,000 as compensation for the surrender of its rights. The Company retained as its private property one-twentieth of the land of the Fertile Belt.

It was not until June 1869 that the Parliament of Canada accepted the agreement and the country was to be handed over to Canada on the first day of December. Meanwhile, preparations were being made for the reception of this newly acquired territory. Accordingly an Act was assented to on June 22, 1869 providing for the temporary government of Rupert's Land and the North-Western Territory when they were united with Canada.....

Whereas it is probable that Her Majesty the Queen may, pursuant to "The British North America Act, 1867", be pleased to admit Rupert's Land the North-Western Territory into the Union or Dominion of Canada, before the next Session of the Canadian Parliament: And whereas it is expedient to prepare for the transfer of the said Territories from the Local Authorities to the Government of Canada, at the time appointed by the Queen for such admission, and to make some temporary provision for the Civil Government of such Territories until more permanent arrangements can be made by the Government and Legislature of Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said Territories when admitted as aforesaid, shall be styled and known as "The North-West Territories".

2. It shall be lawful for the Governor, by any Order or Orders, to be by him from time to time made, with the advice of the Privy Council, (subject to such conditions and restriction as to him shall seem meet) to authorize and empower such Officer as he may from time to time appoint as Lieutenant-Governor of the North-West Territories, to make provision for the administration of Justice therein, and generally to make, ordain, and establish all such Laws, Institutions and Ordinances as may be necessary for the Peace, Order and good Government of Her Majesty's subjects and others therein; provided that all such Orders in Council, and all Laws and Ordinances, so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively.

3. The Lieutenant-Governor shall administer the Government under instructions from time to time given him by Order in Council.

4. The Governor may, with the advice of the Privy Council, constitute and appoint, by Warrant under his Sign Manual, a Council of not exceeding fifteen nor less than seven persons, to aid the Lieutenant-Governor in the administration of affairs, with such powers as may be from time to time conferred upon them by Order in Council.

5. All the Laws in force in Rupert's Land and the North-Western Territory, at the time of their admission into the Union, shall so far as they are consistent with "The British North America Act, 1867",--with the terms and conditions of such admission approved of by the Queen under the 146th section thereof,--and with this Act,--remain in force until altered by the Parliament of Canada, or by the Lieutenant-Governor under the authority of this Act.

6. All Public Officers and Functionaries holding office in Rupert's Land and the North-Western Territory, at the time of their admission into the Union, excepting the Public Officer or Functionary at the head of the administration of affairs, shall continue to be Public Officers and Functionaries of the North-West Territories with the same duties and powers as before, until otherwise ordered by the Lieutenant-Governor, under the authority of this Act.

7. This Act shall continue in force until the end of the next Session of Parliament<sup>1</sup>.....

The Formation of Manitoba.-- Out of these lands the province of Manitoba was established in 1870 by The Manitoba Act.....

Whereas it is probable that Her Majesty the Queen may, pursuant to the British North America Act, 1867, be pleased to admit Rupert's Land and the North-Western Territory into the Union or Dominion of Canada, before the next Session of the

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<sup>1</sup>Oliver, E.H. The Canadian North West. Government Printing Bureau, Ottawa, 1915, Vol.2, p.972.

Parliament of Canada:

And Whereas it is expedient to prepare for the transfer of the said Territories to the Government of Canada at the time appointed by the Queen for such admission:

And Whereas it is expedient also to provide for the organization of part of the said Territories as a Province, and for the establishment of a Government therefor, and to make provision for the Civil Government of the remaining part of the said Territories, not included within the limits of the Province:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. On, from and after the day upon which the Queen, by and with the advice and consent of Her Majesty's Most Honourable Privy Council, under the authority of the 146th Section of the British North America Act, 1867, shall, by Order in Council in that behalf, admit Rupert's Land and the North-Western Territory into the Union or Dominion of Canada, there shall be formed out of the same a Province, which shall be one of the Provinces of the Dominion of Canada, and which shall be called the Province of Manitoba....

6. For the said Province there shall be an Officer styled the Lieutenant-Governor, appointed by the Governor General in Council, by instrument under the Great Seal of Canada.

7. The Executive Council of the Province shall be composed of such persons, and under such designations, as the Lieutenant-Governor shall, from time to time, think fit; and, in the first instance, of not more than five persons.

8. Unless and until the Executive Government of the Province otherwise directs, the seat of Government of the same shall be at Fort Garry, or within one mile thereof.

9. There shall be a Legislature for the Province, consisting of the Lieutenant-Governor, and of two Houses styled respectively, the Legislative Council of Manitoba, and the Legislative Assembly of Manitoba.

10. The Legislative Council shall, in the first instance, be composed of seven Members, and after the expiration of four years from the time of the first appointment of such seven Members, may be increased to not more than twelve Members. Every Member of the Legislative Council shall be appointed by the Lieutenant-Governor in the Queen's name, by Instrument under the Great Seal of Manitoba, and shall hold office for the term of his life, unless and until the Legislature of Manitoba otherwise provides under the British North America Act, 1867.

14. The Legislative Assembly shall be composed of twenty-four Members, to be elected to represent the Electoral Divisions into which the said Province may be divided by the Lieutenant-Governor, as hereinafter mentioned.

15. The presence of a majority of the Members of the Legislative Assembly shall be necessary to constitute a meeting of the House for the exercise of its powers; and for that purpose the Speaker shall be reckoned as a Member.....

Provisions were also made for the government of the North West

Territories.....

And with respect to such portion of Rupert's Land and the North-Western Territory, as is not included in the Province of Manitoba, it is hereby enacted, that the Lieutenant-Governor of the said Province shall be appointed, by Commission under the Great Seal of Canada, to be the Lieutenant-Governor of the same, under the name of the North-West Territories, and subject to the provisions of the Act in the next section mentioned.

Except as hereinbefore is enacted and provided, the Act of Parliament of Canada, passed in the now last Session thereof, and entitled, "An Act for the Temporary Government of Rupert's Land, and the North-Western Territory when united with Canada", is hereby re-enacted, extended and continued in force until the first day of January, 1871, and until the end of the session of Parliament then next succeeding<sup>1</sup>.....

The North West Territories Act 1871.- These provisions continued in force until the following year when the Dominion Parliament passed the North West Territories Act. By the terms of this Act the remainder of the North West Territories, not included in the Province of Manitoba was to be governed by a Council of twelve men presided over by the Lieutenant Governor of Manitoba. The first meeting of this council took place at Fort Garry in 1873. This Council made many valuable recommendations to the Federal Government. They manifested considerable interest in the education of Indians and recommended that schools should be established to teach them agriculture. They also advocated the purchase of cattle and implements to equip these schools.....

That it is, in the opinion of the Council, necessary that the Treaty should provide for the establishment of Schools for the education of the Indians, for the purchase of agricultural implements, cattle and also for teaching the Indians the proper mode of cultivating the soil<sup>2</sup>.....

As a result of the recommendations of this Council, these requests were granted.

An Act Regulating Relations Between Religious Institutions and

<sup>1</sup>ibid.- p. 971.

<sup>2</sup>ibid.- p.1001.

Children Committed to Their Care.- In 1874 this Council passed an Act to regulate the relations existing between religious institutions and the children entrusted to their care and education.....

1. It shall be lawful for the authorities of any School or Orphanage in the North West Territories, maintained as such by the Church of England and Ireland, the Roman Catholic Church, the Canada Presbyterian Church, the Methodist Church of Canada, or any other Protestant Church, to receive from the parents, or in the event of the decease of the parents, from the relations in charge thereof, any child under the age of fourteen years, for the purpose of supporting and educating such child.

2. Whenever such child shall be so received, the Institution receiving the same shall be bound to give proper nutriment, medical care, clothing and education to such child--and shall be bound to do so until such child shall reach the age of sixteen years--Provided always that during the while term of such teaching and training the rights, powers of authority of the parents or guardians over such child shall cease, and shall be vested in and exercised by the Manager of the Institution having charge of the child.

3. Whenever such child shall be so received, it shall be duly explained to the parents or relatives placing such child in any such Institution that the Institution is bound to and will maintain and educate such child until arriving at the age of sixteen years, and that if such parents or relative voluntarily place such child in the said Institution, the parents or relatives shall be bound to leave such child under the care and guardianship of such Institution until the age of sixteen years unless such child shall be ordered to be given up to the parents or relatives thereof in manner hereinafter provided.

4. In case any such institution refuses to give up such child at the demand of the said parent, or parents, such parent or parents may make application to a Stipendiary Magistrate after due notice of such application being given to the Institution, appear before such Magistrate to support the said application and if proved that the parent or parents are fit and proper person or persons to take charge of the child, then the said Magistrate may upon good and sufficient reason being shown, order the child to be restored to the custody and control of such parent, or parents.

5. It shall be the duty of any such Institution to keep a Register of all the children so received, the date and particulars of their reception, name, age, and particulars of their condition, their death or removal from such Institution, the nationality or tribe to which they belong, and transmit to the North West Council yearly in the month of January an abstract of such Register.

6. This Act shall be known as "An Act to regulate the relations existing between Religious Institutions and children entrusted to their care"<sup>1</sup>.....

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<sup>1</sup> ibid.- p.1034.

The North West Orphan Act.- A Second Act was also passed during the same session to regulate the conditions of Indian orphans or destitute children attending schools in the North West Territories. This Act was known as the North West Orphans' Act and provided.....

1. Any person in the North West Territories may bring before two Justices of the Peace or a Stipendiary Magistrate, any child apparently under the age of fourteen years that comes within any of the following descriptions, viz:

2. That is found wandering and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence.

3. That is found destitute, either being an Orphan or having a surviving parent who is under going imprisonment, or who has deserted the said child.

4. The Justices or Stipendiary Magistrates before whom a child is brought, coming within one of the descriptions mentioned in the preceding clauses, if satisfied, on enquiry, of the fact, and that it is expedient to deal with such child under this Act, may order him (or her) to be sent to any such Institution as may be willing to receive such child in conformity with the provisions of this Act.

5. On determining on the School to which the child shall be sent, the Justices or Magistrate shall endeavour to ascertain the religious persuasion to which the child belongs, and shall select a School conducted in accordance with such persuasion to which the child or its parents, or parent, belong or belongs, and the order shall specify such religious persuasion.

6. If the child shall be utterly ignorant and shall have no knowledge of any religious persuasion, or belief, he (or she) shall be sent to such one of the above named Institutions as shall be situated nearest to the place whereat the said Order is made.

7. The Order shall specify the time for which the child is to be detained in the School, being such time as to the Justices or Stipendiary Magistrate seems proper for the teaching and training of the child, but not in any case extending beyond the time when he (or she) attains the age of sixteen years.

8. During the whole time of such teaching and training, the rights, power and authority of the parents or guardians over such child shall cease, and shall be vested in and exercised by the Manager of the Institution having charge of the child. Provided always, that if at any time, it shall be proved by indubitable evidence before the two Justices and Stipendiary Magistrate, that the parent of the child is a fit and proper person to take charge of it and is able to do so, then the said Justices or Magistrate as aforesaid may, upon good and sufficient cause being shown restore the child to the custody and control of such parent, or parents.

9. Whenever any such child shall be so received, the Institution receiving the same shall be bound to give proper nutriment, medical care, clothing and education to such child

and shall be bound so to do until such child shall reach the age of sixteen years.

10. It shall be the duty of any such Institution to keep a Register of all the children so received, the date and particulars of their reception, name, age and particulars of their condition, their death or removal from such Institution, the nationality or Tribe to which they belong, and transmit to the North West Council yearly, in the month of January, an Abstract of such Register.

11. This Act shall be known as "The North West Orphans' Act"<sup>1</sup>.....

These Acts applied to ecclesiastical schools maintained by voluntary contributions.

The North West Territories Act, 1875.- In 1875 the Territories were given a system of government independent of the Province of Manitoba. Provisions were made for a Lieutenant Governor and a Council of not more than five members appointed by the Governor General.....

1. The Territories formerly known as "Rupert's Land" and the North-Western Territory, (with the exception of such portion thereof as forms the Province of Manitoba), shall continue to be styled and known as the North-West Territories; and the word "Territories", in this Act, means the said Territories.

2. For the North-West Territories there shall be an officer styled the Lieutenant-Governor, appointed by the Governor General in Council, by instrument under the great seal of Canada, who shall hold office during the pleasure of the Governor General; and the Lieutenant-Governor shall administer the government under instructions from time to time given him by Order in Council, or by the Secretary of State of Canada:

3. The Governor-General, with the advice of the Queen's Privy Council for Canada, by warrant under his privy seal, may constitute and appoint such and so many persons from time to time, not exceeding in the whole five persons,--of which number the Stipendiary Magistrates hereinafter mentioned shall be members ex officio,--to be a Council to aid the Lieutenant-Governor in the administration of the North-West Territories, with such powers, not inconsistent with this Act, as may be, from time to time, conferred upon them by the Governor General in Council, and a majority shall form a quorum.

4. The seat of government of the North-West Territories shall be fixed, and may, from time to time, be changed by the Governor General in Council.

6. All laws and ordinances now in force in the North-West Territories, and not repealed by or inconsistent with this Act, shall remain in force until it is otherwise ordered by the Parliament of Canada, by the Governor in Council, or by the Lieut-

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<sup>1</sup> ibid.- p. 1035.

enant-Governor and Council under the authority of this Act<sup>1</sup>.....

When any district not exceeding one thousand square miles in area contained a population of one thousand adults, exclusive of aliens and unenfranchised Indians, the Lieutenant Governor, by proclamation was to declare it an electoral district, entitled to elect a representative to the North West Territories Council. If the population increased to two thousand then the district was entitled to send two representatives. Whenever the number of elected members equalled twenty one, the appointed members were to cease to function as a council and the elected members were to become known as the Legislative Assembly. Thus provision was made for representative Government in the North-West Territories...

When and so soon as the Lieutenant-Governor is satisfied by such proof as he may require, that any district or portion of the North-West Territories, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, the Lieutenant-Governor shall, by proclamation, erect such district or portion into an electoral district, by a name and with boundaries to be respectively declared in the proclamation, and such electoral district shall thenceforth be entitled to elect a member of the Council or of the Legislative Assembly, as the case may be.

When and so soon as the Lieutenant-Governor is satisfied as aforesaid, that any electoral district contains a population of two thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, he shall issue his writ for the election of a second member for the electoral district.

When the number of elected members amounts to twenty-one, the Council hereinbefore appointed shall cease and be determined, and the members so elected shall be constituted and designated as the Legislative Assembly of the North-West Territories, and all the powers by this Act vested in the Council shall be thenceforth vested in and exercisable by the said Legislative Assembly.

The number of members so to be elected, as hereinbefore mentioned, shall not exceed twenty-one, at which number the representation shall remain; the members so elected shall hold their seats for a period not exceeding two years<sup>2</sup>.....

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<sup>1</sup>ibid.- p. 1075.

<sup>2</sup>ibid.- p. 1079.

The first Lieutenant-Governor, Hon. David Laird was appointed in October 1876. Three gentlemen, Matthew Ryan, Hugh Richardson and Lieutenant-Colonel J.F. MacLeod C.M.G. were also appointed members of his Council. Their first session was held at Swan River, awaiting the completion of the Government Buildings at Battleford where sessions were held in 1878, 1879, and 1881.

Notwithstanding Lord Selkirk's prophecy that "If these regions were occupied by an industrious population, they might afford ample means of subsistence to more than thirty millions of British Subjects"<sup>1</sup>, the North-West Territories became settled very slowly and remained the home of scattered bands of wandering Indians. After the Red River Rebellion the government had granted 240 acres of land in Manitoba to every half-breed. Most of them sold these grants and sought new homesteads further west on the banks of the Saskatchewan River. They were not progressive farmers and added nothing to the material development of the country since they depended largely on hunting for a living.

In 1877 the Council of the North West Territories received its first appeal for financial aid for educational purposes. This request came from Moise Quелlette and Pierre Landry who required funds for the erection of a school house and the salary of a teacher for the settlement of St. Laurent. Since the Federal Government did not include in its grant to the Council an appropriation for educational purposes, the Council found itself powerless to act. It adopted the following resolution after devoting the entire day's session to the question.....

Whereas the petition of Moise Quелlette and Pierre Landry

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<sup>1</sup>Grant, W.L. History of Canada, Renouf Publishing Company, Montreal, 1923, p.257-8.

praying for assistance towards the establishment of a school at St. Laurent and salary of a teacher has by the Lieutenant-Governor been laid before the Council for consideration:

Resolved, therefore that the Council request His Honor to reply to the Petitioners and inform them that there are no funds in the hands of the Council applicable to educational purposes, and that the Council do not think it expedient, at present, to consider the question of establishing a system of taxation; and also that His Honor be good enough to express to the Petitioners the regret of the Council that it is unable to grant assistance for so laudable an object as the advancement of education in the North West.

The Council do likewise desire to suggest that His Honor do forward the above petition to the Honorable the Minister of Interior, in order that the Dominion Government be made acquainted with the desire of the people of St. Laurent, which is believed to extend to other settlements in the Territories<sup>1</sup>....

This resolution was sent to the Hon. David Mills, Minister of Interior at Ottawa along with a special despatch from the Lieutenant Governor urging upon the Federal Government the necessity of a federal grant since the Council of the North West Territories had not the power to levy direct taxation for educational purposes. He further stated that unless some provision were made, many children would be compelled to grow up in a state of ignorance.....

As it does not appear that the Council has now the power to impose direct taxation, except in Electoral Districts, I fear that, without some allowance from the Federal Government for general purposes such as is granted to the Provinces, the children in small settlements in isolated sections of the Territories must grow up in ignorance. This is a result to be deplored, as a large portion of the rising generation will thus remain in a great measure unfitted not only to exercise the franchise intelligently when they obtain the privilege, but also the active duties of life<sup>2</sup>.....

The Minister of Interior confirmed the principle that the North West Council had no authority to impose direct taxation, because no electoral district had yet been formed in the Territories on account of the lack of the requisite number of eligible

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<sup>1</sup>Journals of the Council of the North West Territories, 1877, p. 10, 24.

<sup>2</sup>ibid.- 1878, p. 39.

settlers. He therefore recommended the establishment of local school corporations with the right of self taxation. He suggested that the Federal Government supplement local contributions and that the Lieutenant Governor should include the amount required in the year's estimates.....

While agreeing with you that the Council of the North West Territories has not power to impose direct taxation for school or other purposes, it appears to me that the Council might obtain the end in view, namely, the raising of a fund for School Corporations and giving them the right to impose a school rate. The constitutional objections of want of representation which would apply in the case of taxation by the Council would not be applicable to School Corporations who would merely tax themselves.

In the event of School Corporations being established as above suggested and it is found necessary to supplement the amount raised by them, the amount so required should be placed in your estimates for the Government of the Territories, taking care to indicate the special object for which such amount is required<sup>1</sup>.....

This latter suggestion was acted upon and the Council included in the estimates for the fiscal year 1879 to 1880 the sum of two thousand dollars for school support. The recommendation of the Minister of Interior, required an amendment by the Federal Government to the North West Territories Act before the Council could pass an ordinance permitting people of a settlement with a sufficient number of children of school age to incorporate themselves into a district for school purposes, but for more than a year no action by the Federal Government in this matter was taken. Meanwhile the Lieutenant Governor in reply to an inquiry from the Deputy Minister of Education telegraphed that it was his intention to assist all schools by paying half the teacher's salary, where there were at least fifteen pupils in attendance.....

Battleford, August 16, 1879. Propose aid schools supported by missions or voluntary subscriptions of settlers to extent of paying half teachers' salaries where minimum average of 15 scholars taught<sup>2</sup>.....

<sup>1</sup>ibid.- 1878, p.40.

<sup>2</sup>Black, Norman Fergus. History of Saskatchewan and the Old North West, North West Historical Co., 1913, p.198.

The recommendations were accepted and in December 1880, the first definite action was taken as regards grants when the Lieutenant-Governor issued a circular promising pecuniary aid to schools having the stated attendance.

During the session of 1881 an interesting constitutional issue arose. When the Council met that year an amendment had only recently been passed by the Federal Government by which the authority of the Lieutenant Governor was made subject to the Order-in-Council of the Governor General. The Governor General's instructions had not as yet been received by the Council. Although the opinion was expressed that the Council could not constitutionally pass ordinances without the official instructions, it did nevertheless cause to be passed several ordinances. The legality of these acts was finally affirmed by the Federal Government after considerable correspondence.....

The North West Territories Act of 1875 and 1877 had been recently amended, and under section 95 of the North West Territories Act of 1880 the legislative authority of the Lieutenant-Governor in Council was made subject to Order-in-Council of the Governor-General. As the Governor-General's instructions had not yet arrived at the meeting of the North West Council, Mr. Richardson, in his capacity as official legal advisor of the Lieutenant-Governor, expressed in writing the view that the existing Council had no power to pass an ordinance; and thereupon the protesting magistrate withdrew from the sessions of the Council. However the Council seems to have taken the will for the deed, as far as the authorisation of the Governor-General is concerned, and calmly proceeded to make such laws as it thought fit<sup>1</sup>.....

The government method, inaugurated in 1880, of paying half of the teachers' salary where an average of fifteen children were in attendance continued down to 1884. Twelve schools were taking advantage of this assistance. The Council had not as yet passed an ordinance empowering the people of a district to incorporate

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<sup>1</sup>Black, Norman Fergus. History of Saskatchewan and the Old North West, North West Historical Co., 1913, p.202.

themselves into a district for school purposes.

## CHAPTER 11.

A SYSTEM OF STATE SCHOOLS ESTABLISHED PREVIOUS  
TO DEFINITE ORGANIZATION AS A PROVINCE

## Introduction

During this time events outside the Territories were taking place which were to determine the destiny of the West. In 1871 British Columbia had entered Confederation on condition that a trans-Canada railway should be built connecting her with the railway system of eastern Canada. The construction of this railway was only undertaken after much delay. As the Canadian Pacific Railway spanned the prairie the population increased rapidly along its lines. These people were mostly drawn from Ontario by the lure of a quick fortune and a better living. They brought with them eastern ideas of government and schools. An indication of the increase in population may be gathered from the larger number of elected members who were yearly making their appearance in the Council.....

To show the rapidity with which settlement followed the construction of the railroad, it may be stated that, while in 1881, only one elected member sat at the Council meetings, namely the member for Lorne (Prince Albert), in 1883 at the first session held at Regina, six districts were represented, viz:- Lorne, Edmonton, Broadview, Qu'Appelle, Regina and Moose Jaw. In 1883, the North West Council was composed of six appointed and six elected members, and in 1884 of seven appointed and eight elected members. From that year the number of elected members gradually increased until 1888, when the Council was replaced by the Legislative Assembly of the Territories, which is composed of 21 elected and only 3 appointed members<sup>1</sup>.....

Thus Canadians laid the foundations of the West and initiated the basic structure of educational and social life which served so well when the second great wave of immigration swept over the country after 1885.

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<sup>1</sup>Brown, James. Education in the North West Territories, The Archives, Legislative Building, Regina, 1891, p.3.

## IMPORTANT LEGISLATIVE ENACTMENTS 1884.

During the period that the West was showing promise of becoming settled a feeling grew in the Council that some definite system of state control over education was desirable. Therefore in accordance with the amendment to the North West Territories Act, permission was sought from the Governor-General-in-Council to make provisions on that behalf. Permission was granted and in 1883 the Council was informed to this effect by the Lieutenant Governor.

On September 13, 1883, Mr. Frank Oliver, the member for Edmonton, introduced legislation into the Council providing for the organization of school districts in the North West Territories. The bill was referred to a committee for consideration. At the next session of the Council in the following year the bill was again introduced for the second reading. The Oliver Bill however never reached the third reading. On the day following its second reading, another bill was introduced by Mr. Rouleau which found greater favor, and was therefore submitted to the Committee of the Whole.

Meanwhile from 1880 to 1884 the system of government grants for education had been continued on the old basis of an average attendance of fifteen pupils. There was a strong opinion among the members of the Council that these regulations as regards school aid were too severe. Therefore during the session of 1884 the following resolution was adopted.....

That the matter of lessening the average attendance, from fifteen as at present required to secure government aid, to ten, be referred to the Executive Council in order that the desired change be brought more directly to the notice of the Government. That the Council is of the opinion that the requirements of the Government should be made as liberal as possible owing to the comparatively sparsely settled conditions of the country in small

districts, it is in most instances, impossible to comply with present regulations<sup>1</sup>.....

In order to eliminate this and certain other objectionable features the Rouleau Bill was amended by the Committee of the Whole with a view to bringing it more into harmony with the opinion of the members of the Council. In its amended form as "An Ordinance Providing for the Organization of Schools in the North West Territories" it was finally passed on August 6, 1884, upon the resolutions of Messrs. Rouleau and MacLeod.

#### THE BOARD OF EDUCATION

By this Ordinance, the Lieutenant Governor in Council was empowered to appoint and constitute a Board of Education for the North West Territories.....

The Lieutenant-Governor-in-Council, sitting as an Executive Council, may appoint, to form and constitute the Board of Education for the North West Territories, a certain number of persons, not exceeding twelve, six of whom shall be Protestants and six Roman Catholic<sup>2</sup>.....

In accordance with the provisions of the Act, a Board of Education was appointed, composed of five members, two of whom were Roman Catholics and two Protestants, and the Lieutenant Governor, who was to act as chairman.....

The control and management of the Educational interests of the Territories are vested in a Board of Education, appointed by the Lieutenant-Governor in Council, and composed of five members, two of whom shall be Roman Catholics and two Protestants, and the Lieutenant-Governor, who shall be chairman<sup>3</sup>.....

This Board was required to meet at least twice a year in Regina and was assigned definite powers for the organization and management of the schools, and the carrying out of the provisions

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<sup>1</sup>Journals of the North West Territories, 1885, p.4.

<sup>2</sup>Ordinances of the North West Territories, 1884, p.95.

<sup>3</sup>Reports of the Board of Education, North West Territories, 1886-1891, p.5.

of the School Ordinance. The duties of the Board of Education were defined as follows:.....

- (1) To meet twice a year, at least, at Regina;
- (2) To appoint Inspectors, who shall hold office during the pleasure of the Board, and to remunerate them for their services;
- (3) To appoint a Board or Boards of Examiners for the examination of Teachers, whose qualifications shall from time to time be prescribed by the Board of Education;
- (4) To provide for the Expenses of the Board of Examiners;
- (5) To arrange for the proper examination, grading, and licensing of teachers, and the granting of certificates; such certificates to be of four classes, viz., a first, second, and third-class certificate and a provisional certificate;
  - (a) Every such certificate of qualification shall have the signature of a Member of the Board, but no certificate shall be given to any teacher who does not furnish satisfactory proof of good moral conduct;
- (6) To appoint a Secretary to the Board, and to provide for his salary;
- (7) To make from time to time such regulations as they may think fit for the general organization of schools;
- (8) To make regulations for the registering and reporting of daily attendance at all schools;
- (9) To cause to be kept a proper record of the proceedings of the Board;
- (10) To determine all Appeals from the decisions of Inspectors of Schools, and to make such orders thereon as may be required;
- (11) To prescribe the form of school register for all schools;
- (12) To make regulations for the calling of their meetings from time to time, and prescribe the notices thereof to be given to members<sup>1</sup>.....

The Organization of the School District.- Provision was made for the formation of both Protestant and Catholic school districts, together with a definition of the school year and regulations governing the election of trustees.....

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<sup>1</sup>ibid.- 1886-1891, p.6.

A Protestant or Catholic, public or separate school district shall, at its erection, comprise an area of not more than thirty-six square miles, its extreme limits being not more than nine miles apart and shall contain not less than four resident heads of families with a population of children of school age, that is to say, between the ages of five and sixteen, of not less than ten.

Three resident electors within an area, as described above, can form themselves into a committee to procure its erection into a School District, and may petition the Lieutenant-Governor for such erection; giving at least 21 days' notice, they call a meeting of electors resident in proposed limits to decide if the majority is in favor of the erection of the District.

So soon as the majority of the electors at this first school meeting have decided in favor of the erection of the School District, the electors present, by a majority of votes, elect from the resident electors in the School District, three trustees.

On receiving the report of a first school meeting, the Lieutenant-Governor, if the majority of the votes at the School District Meeting has been in favor of the erection of the School District, proclaims the district a School District in accordance with the terms of the petition addressed to him in that behalf and with such number as he may see fit.

Trustees are elected annually, except in the case of the trustees elected at a first School District meeting, who continue in office until the thirty-first day of October next ensuing the one following their election.

The school year is divided into two terms; a winter term and a summer term:

(1) The winter term begins on the first day of November and ends on the 31st day of March in each year;

(2) The summer term begins on the first day of April and ends on the 31st day of October in each year.

In any school district where there are at least fifteen children of school age, within a radius of one mile and a half from the school-house, the public school for such district must be open during both the summer and the winter terms.

In cases where the school is only open for the summer term such term constitutes the school year for the purposes of the attendance of the children and the report of the Inspector.

The fiscal school year commences on the first day of November in each year, and all accounts opened during the preceding fiscal year shall, if possible, be closed at that date.

The annual meeting for the election of Trustees takes place on the second Monday of October in each year.

The annual meeting of the ratepayers of a School District takes place on the first Tuesday in November of each year. At this meeting the annual statements of the Secretary, Treasurer, and Teacher, and the annual report of the Trustees are to be submitted in writing<sup>1</sup>.....

On March 26, 1885 a rebellion broke out in the West under Louis Riel. Three detachments of Canadian forces were dispatched from the East and quickly suppressed the insurrection. The uprising had the effect of bringing the West again to the attention of the East. The Federal Government adopted an energetic campaign of immigration in the British Isles, Europe and the United States. In a single year, one hundred and thirty-nine thousand immigrants poured in from the British Isles and Continental Europe. "In about fifteen years three million immigrants arrived in Canada"<sup>2</sup>. The West was settled with unparalleled rapidity. These settlements were singularly heterogeneous. There were many districts which were settled entirely by Norwegians, Swedes, Finns, Germans, Hungarians, Russians, Austrians, Poles, French, Galicians, Icelanders, Bohemians, Mennonites, Doukhobors, and others. This rapid increase of a foreign and relatively illiterate population was a challenge to the educational policy of the West. The early pioneers of the West who had come from the East recognized that the school was one of the best agencies for Canadianizing the immigrant and instilling into him Canadian traditions, institutions and language. They therefore endeavoured to secure schools for the children which would leave nothing to be desired.

#### THE APPOINTMENT OF INSPECTORS

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<sup>1</sup>ibid.- 1886-1891, p.1.

<sup>2</sup>Wrong, G.M. History of Canada, Ryerson Press, Toronto, 1921, p.342.

The appointment of school inspectors was an important step in bringing schools under state control. On March 11, 1886, in accordance with the provisions of the educational act sponsored by Mr. Rouleau, the Territorial Board of Education held its first meeting at Regina. The Board consisted of His Honor Lieutenant-Governor Dewdney (Chairman), John Secord and Charles Marshallsay of the Protestant Section, together with C.B. Rouleau and Rev. Father Lacombe of the Catholic Section. Mr. James Brown acted as Secretary of the Board.

The Territories were divided into the following Inspectoral Districts: Protestant - Eastern Assiniboia, Western Assiniboia, Calgary and MacLeod, Edmonton, Battleford and Prince Albert. Catholic - Assiniboia, Calgary and MacLeod, Edmonton, Battleford and Prince Albert. Over each of these districts an inspector was placed. These gentlemen received a salary varying from twenty-five dollars to five hundred dollars, twenty dollars a school being made the basis of the amount paid. On October 11, 1886, it was resolved that the amount for expenses of each inspector should be five dollars per day.

Inspectors of Public Schools were subject to the following regulations.....

(1) The Inspector shall inspect each school in his district at least once a year. This visit is to be made upon a date not earlier than the first day of August and not later than the thirtieth day of September in each year; fourteen days notice of the Inspector's annual inspection of the school shall be given to the teacher. No notice is necessary for an Inspector's occasional visit to a school. "Examine the pupils, etc." not necessarily individually, but class by class in some of the subjects in which the class has been instructed during the year, as shown by the "Time Table".

(2) It is not desirable to examine the teacher at this time by a written examination, but by an oral one, and the inspector

shall have the teacher examine a class before him.

(3) Any serious irregularity in the conduct of a school is to be immediately reported to the Board.

(4) Inspectors shall notice that the books are selected from the authorized list, and that the pupils' books are in good condition.

(5) Examinations of Teachers for Certificates shall be conducted by the inspector at one or more centres in his district, the place of examination being so fixed as to suit the greatest number of the candidates. Special instructions will be issued for the conduct of examinations.

(6) To report only upon the schedule issued by the Board for that purpose. A copy of the endorsement referred to in 82-17, to be appended to this schedule.

(7) The Diary is to be ruled and kept according to the precedent supplied by the Board and an abstract of the same forwarded to the Board at the close of the inspection tour.

(8) The form of Certificate supplied by the Board, is to be used and no other.

(9) A careful inspection of the manner in which the School Register is kept is necessary. If the register is not well kept it should be specially remarked in the Visitors' Book, upon the scheduled report and by a suggestion to the School Trustees.

(10) Compare school building and school furniture and other essential particulars with the circular to trustees issued by the Board, and, if any serious remedy is necessary, suggest the same to the Trustees, and append the suggestions to the scheduled report to the Board.

(11) The Board attaches great importance to the School "Time Table". Reading, Writing, and Arithmetic are to be taught once at least every day to every child of the age of seven years and over. There is no objection to drawing being alternated with writing, once during the week.

(12) The report recorded in the Visitors' Book shall agree in all essential particulars with the scheduled report sent to the Board.

(13) The Board recommends that the endorsement upon a teacher's certificate be made on the back thereof in the following manner:-

"1886-Aug.16th. Inspected School. Excellent Results."  
"John Jones, Inspector of Schools."

Any of the terms "very good", "good", "very fair", "fair", or "moderate", may be used, instead of the term "Excel-

lent" at the discretion of the Inspector, but the Board requests that no other terms be substituted<sup>1</sup>.....

CONFLICT BETWEEN THE LIEUTENANT-GOVERNOR  
AND THE LEGISLATURE

By The North West Territories Act, 1875, provision was made whereby electoral districts could be erected by a proclamation of the Lieutenant-Governor as soon as any district of the Territories, not exceeding in area one thousand square miles, should contain a population of one thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, and should the population of the district increase to two thousand such inhabitants, it would be entitled to elect a second representative to the North West Council. When the number of elected members reached twenty-one, the appointed members ceased to function as a Council and the elected members became known as the Legislative Assembly of the North West Territories.....

When the number of elected members amounts to twenty-one, the Council hereinbefore appointed shall cease and be determined, and the members so elected shall be constituted and designated as the Legislative Assembly of the North-West Territories, and all the powers by this Act vested in the Council shall be thenceforth vested in and exercisable by the said Legislative Assembly<sup>2</sup>.....

In 1888 this condition existed and the North West Territories Act was amended abolishing the Council and creating a Legislative Assembly of twenty-five members, twenty-two of whom were to be elected and three appointed from the judiciary of the Territories as legal experts. Provision was also made for a committee of four members who, with the Lieutenant Governor, would constitute an Advisory Council in all matters of finance.

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<sup>1</sup>Reports of the Board of Education, North West Territories, 1886-1891, p.10.

<sup>2</sup>Oliver, E.H. The Canadian North West, Government Printing Bureau, Ottawa, 1915, p.1080.

Conflicting Opinion.- The Legislative Assembly was now an elective body and the members wishing to make it responsible as well, claimed the right of control over the money voted by the Dominion Government for the expenditures of the North West Government. The North West Territories Act did not clearly provide for such a system. The clause in the Act reads as follows.....

The Lieutenant Governor shall select from among the elected members of the Legislative Assembly, four persons to act as an Advisory Council on matters of finance, who shall severally hold office during pleasure; and the Lieutenant Governor shall preside at all sittings of such Advisory Council and have a right to vote as a member thereof, and shall also have a casting vote in case of a tie<sup>1</sup>.....

Lieutenant Governor Royal held that the law required him to expend the Dominion subsidies under the direction of the Dominion Government and not under the advice of the Legislative Assembly. As this money voted by the Dominion Government was apportioned in part for the support of education, this constitutional struggle had an important influence on the development of educational affairs in the Territories.

The four members of the Lieutenant Governor's Advisory Council consisting of Messrs. F.W.G.Haultain, W.Sutherland, D.F.Jelly and Hillyard Mitchell disagreed with the position which Lieutenant-Governor Royal took and resigned. They maintained that they did not constitute an Advisory Council in the true meaning when their powers were only granted to them by the Lieutenant-Governor in the form of concessions. They further held the view that they were being made responsible by the

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<sup>1</sup> ibid.- p.1123.

Assembly for the expenditures of Dominion Grants over which the Lieutenant Governor refused to grant them control. They expressed these views in the following letter.....

Regina, N.W.T., 29th October, 1889.

Sir,- We have the honor to tender our resignations as Members of your Advisory Council. We have come to this decision reluctantly and only after serious consideration.

While recognizing that your Honor has on the whole carried out the position which was accepted last year, there have been some departures from that position, which we cannot accept responsibility for. These matters do not involve any serious departures from the general principles adopted by us, but they do in our opinion involve the Council and lay us open to censure for at least grave faults of administration.

We fully appreciate the practical difficulties in the way of carrying out an anomalous system like the present and have always been ready to make the best of an imperfect machinery.

The attitude of the Assembly has not helped to lighten the burden imposed upon us. Ever ready to criticize, and always prone to judge us by the standard of the ideal system, which they wished for, they have not given us that liberal support which in the nature of things we might reasonably have hoped for.

Knowing this feeling of the Assembly and being with the rest of our fellow Members jealous of the rights, which were granted to us, we are naturally more sensitive to criticism than under a more completely responsible system there would be any necessity for.

The constant discussions at Council meetings on the general theory of our constitution showed us plainly that your Honor only conceded what we claimed as a right.

While differing from your Honor on this matter, we are ready to acknowledge the general spirit in which your Honor yielded control in matters which you believed were entirely within your own personal province.

But in so important a matter as the construction of the Act under which we have our existence as a Council such a grave difference of opinion can only lead to friction, which must inevitably destroy our usefulness.

We therefore tender our resignations, because we cannot continue to work under a system in which our most important powers are only granted to us in the form of concessions, and because we are unwilling to accept responsibility without a corresponding right of control.

We believe that our withdrawal from the Council will tend to bring about a more definite understanding with regard to the various powers and authorities of the Territories, and we can assure your Honor that our successors, if true to the general policy outlined by yourself last year, will always receive from us a loyal and generous support.

In conclusion, let us assure your Honor of our most grateful appreciation of your Honor's personal kindness to all of us, and of the continuance of loyalty and attachment on our part.

We are,

Your Honor's obedient Servants,

F.W.G. HAULTAIN.  
W. SUTHERLAND.  
D.F. JELLY.  
HILLYARD MITCHELL<sup>1</sup>.....

The Lieutenant-Governor refused to concede the constitutional right of a responsible ministry and accordingly selected Messrs. Robert George Brett, John Felton Betts, David Finlay Jelly, Benjamin Parkyn Richardson to replace those who had resigned. Upon assuming office, Mr. Brett, as leader of the Advisory Council, on November 5, 1889, issued the following statement to the Assembly.....

The Council of His Honor's Advisers, formed under the Law, will exercise the functions of an Executive in matters affecting the Territorial Finances only, as well as in the discharge of the duties assigned by the Ordinances to the Lieutenant-Governor in Council.

On the other hand, and in order that the requirements of the Country, as made known by the Members of this Legislature, may be met as fully as possible, I am authorized to state that it is the intention of His Honor to continue in consulting and seeking the advice of the Council upon all matters of the administration of public affairs, and to comply, as in the past, with the recommendations of the House in a liberal and constitutional spirit<sup>2</sup>.....

The Assembly refused to accept the appointment of the new Advisory Council, which announced its intention of "functioning as an Executive in matters affecting the Territorial Finances only" and passed the following resolution.....

That the position assumed by the Advisory Council, as set out in the statement of their leader, when announcing the same,

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<sup>1</sup>ibid.- p. 1101.

<sup>2</sup>ibid.- p. 1104.

was contrary to the wishes of this Assembly, and the Advisory Council do not possess the confidence of the Assembly<sup>1</sup>.....

Upon receiving this resolution of lack of confidence, the Advisory Council submitted its resignation through its leader on November 11, 1889. The Lieutenant-Governor refused to accept the resignation pointing out that the question was one of Law; that territorial matters only were intended by statute to be placed under the control of the Assembly and that it was only in the event of the Council administering such affairs in opposition to the majority of the House that the Council's resignation could be sought.....

Government House,  
Regina, November 12th, 1889.  
10 o'clock a.m.

Dr. R.G.Brett, M.L.A., Regina:

My Dear Sir,- I am in receipt of your letter received yesterday forenoon, tendering your resignation and that of your colleagues, as Members of the Advisory Council, in consequence of the Legislative Assembly having adopted at its last meeting a resolution expressing its want of confidence in you and your colleagues for having assumed the position contrary to the wishes of the majority of the Assembly.

The question is one of Law, and having after due consideration requested you to assist me in carrying on the affairs of the Country according to the statute, I must decline to accept your resignation in the absence of any act showing that you have proved yourselves unworthy of the trust reposed in you.

If the regime, as established by Law, seems capable of amelioration, constitutional means may effectually be resorted to.

Territorial matters alone are intended by the statute to be placed under the control of the Assembly, and it is only in the event of you administering such affairs in opposition to the wishes of a majority of the House that your resignation as Members of the Executive, can be entertained.

I have selected you in the terms of the Law, and this prerogative would be very seriously impaired if you were to be denounced without waiting to see your acts.

At the last session of this Assembly, I invited the representatives of the people to work cordially with the Council,

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<sup>1</sup>ibid.- p.1104.

in order to make the best possible form of government, with the temporary and necessarily imperfect elements placed by Parliament at our disposal.

It is my sincere belief that the unmistakable signs of confidence and satisfaction expressed by the Country, have gone far to prove that our efforts were crowned with success. Nevertheless the very liberal concessions made seemed of late to have failed in satisfying the Assembly, and impossibilities, with the present machinery, appear to have been imperatively insisted upon both by the House and the first Advisory Council, finally leading the latter to resign before their action had been constitutionally dealt with by the Assembly.

Under these circumstances no other course was left open to me but to enter within the safe lines of the law, and with the assistance of another Council, formed by another method, to administer the public affairs in full accord with the requirements of the Country and in strict agreement with the Law, as I find it on the Statute Book.

Having fully weighed all these facts and considerations and keeping the public interest steadily in view, I regret not being able to relieve you from the grave duty which you, as loyal citizens, owe to the Law and to your Country.

I have the honor to remain, my dear sir,

Your very obedient servant,

J. ROYAL,

Lieutenant-Governor North-West Territories<sup>1</sup>.....

As a result of the attempt of the Lieutenant-Governor to retain an Advisory Council which did not possess the confidence of the majority of the Assembly, the Assembly refused to consider the Estimates for the year 1889-90 which had been prepared by the Advisory Council and submitted to them on November 14, 1889. The Council therefore urged upon the Lieutenant-Governor the necessity of the immediate acceptance of their resignation.....

Legislative Assembly,  
Regina, 15th November, 1889.

To His Honor the Lieutenant-Governor of the North-West Territories.

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<sup>1</sup>ibid.- p.1105.

Sir,- In consequence of a majority of the Assembly refusing to consider the Estimates for the year 1889-90 as prepared by your Honor's Advisory Council and submitted to the House on the 14th instant, I must press upon your Honor, the acceptance of the resignation of myself and colleagues.

Upon general questions we fully adhere to the views expressed by me when accepting office, and are still of opinion that, while in Territorial matters the Advisory Council should possess the confidence of the House, the Council cannot according to the true construction of the Law be held in any way responsible for the expenditure of the Dominion Funds. Upon this point a difference of opinion prevails amongst the members of the Assembly and an adverse vote has consequently been given upon our first executive Act.

In taking this step, we hope it may tend to further the work of the Session and if possible remove the obstruction placed by the Assembly by refusing to vote the Territorial funds necessary for the carrying on of the affairs of the Country.

In thus expressing ourselves, we also desire to convey to your Honor our thanks for the consideration you have always given to our suggestions and to assure your Honor that our highest aim shall be to assist in every way possible towards carrying on the Territorial Government to the fullest possible extent under the powers granted us.

I have the honor to be, Sir,  
Your obedient servant,  
R.G.BRETT<sup>1</sup>.....

Lieutenant-Governor Royal accepted the resignation of this Council and appealed to Messrs. Tweed, Clinkskill, Cayley and Neff to form an Advisory Council in accord with the majority of the Assembly. These gentlemen presented to the Lieutenant-Governor certain propositions upon which they alone might count upon the support of a majority. They asked that.....

1. Full accounts of 1888-89 according to vote, as shown by Ordinance No.8 of 1888.
2. The Estimates to be communicated to the Assembly contain the full amount of the Dominion Vote for Territorial purposes for 1889-90.
3. All moneys both Federal and Territorial are to be voted by the Assembly and expended by the Advisory Council<sup>2</sup>.....

To these requests the Lieutenant-Governor replied.....

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<sup>1</sup>ibid.- p.1106.

<sup>2</sup>ibid.- p.1108.

1. While it is correct to assert that certain items already voted by the Dominion Parliament for expenses of the North West Government were embodied by the Assembly in its Appropriation Ordinance of 1888, the insertion of these items could not, in my view, imply anything more than an expression of the opinion of the Assembly respecting the apportionment of these moneys, by reason of the fact that the Assembly had not in my view any right to control their expenditure, or to alter, or divert any portion from the purposes, for which they were originally voted.

2. On the 13th instant I sent a message to the Assembly with the Territorial Estimates for 1889-90, but I did not include any of the Dominion items of expenditure for the same period, because, as I have before stated, the Assembly is not in my view of the Law entitled to have included in the Territorial Estimates a statement of any of the sums already voted by the Dominion Parliament.

3. I have upon every occasion shown that I admitted the proposition, and I am still of opinion, that under the present Law all the Territorial moneys should be voted by the Assembly and expended under the authority and responsibility of the Advisory Council.

As far as Federal moneys are concerned, I must hold that the Law requires me to expend them under the direction of the Dominion Government and not under the direction of the Assembly.

I must therefore express my regret that under the Law, as I read it in the Statute Book, I cannot accede to this portion of your last proposition<sup>1</sup>.....

The Assembly assuming that it possessed control of the grant in aid of schools, provided that a certain proportion of aid from that grant should be extended to school districts. On the strength of this inducement, many new school districts were organized and schools built, whose usefulness depended upon the aid promised by the Assembly.

During the session of 1889 the Lieutenant Governor gave no intimation that the grant would not be paid. In the same year, however, after the annual taxation rate had been struck in the school districts on the basis of the grant promised by the Assembly, a circular was issued to several school districts by the Lieutenant Governor warning them of a proposed reduction to

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<sup>1</sup>ibid.- p.1108.

be made in the amount of their grant.

This attitude by the Lieutenant-Governor, in direct violation to the stand taken by the Legislative Assembly, brought a storm of protest from that body. The following resolution was immediately drafted voicing their disapproval.....

This House is compelled to inform your Honor that if it is to understand that the control of the school funds rests with your Honor and not with the Assembly, as would appear from the circular referred to, it will be necessary for us to amend the present Ordinance by striking out the provisions relating to aid to schools and thereby make known that upon your Honor rests the responsibility of the distribution of the said fund and the support of the school system of the North West Territories<sup>1</sup>.....

The Assembly again reiterated its position in the following extract from the address in reply to Lieutenant-Governor Royal on November 9, 1890.....

This Assembly must protest against its being placed in the position of being responsible to the people of the North West Territories for proper legislation regarding schools, and yet be deprived of the control of the funds whereby alone that legislation can be given effect, whereby alone the school system at present existing in the North West Territories can be maintained<sup>2</sup>.....

Meanwhile a resolution was drafted and sent to the President of the Privy Council of Canada reviewing the political situation of the Territories and pointing out that in consequence of the position taken by the Lieutenant Governor, no new Advisory Council possessing the confidence of the Assembly could be formed, no estimates could be laid before the Assembly, and that the business of the Government was seriously impeded. This was followed by a memorandum to the Minister of the Interior on November 21, 1889, advising him of the condi-

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<sup>1</sup>Journals of the Legislative Assembly, North West Territories, 1890.

<sup>2</sup>ibid.- p.40.

tion of the Government.....

The radical difference of opinion between the Lieutenant-Governor and the Assembly arose with regard to the question of the extent of the powers and responsibility of the Advisory Council.

The Lieutenant-Governor holds that the Assembly is not entitled to have a statement of Public Accounts laid before them, showing what disposition has been made of moneys voted last Session by the Assembly, on the ground that the moneys unaccounted for were part of the Dominion vote to the Territories for 1888-89.

The Assembly considers that these moneys, having been voted on Estimates sent down by message of the Lieutenant-Governor, and by an Ordinance of the Assembly assented to by the Lieutenant-Governor, should be duly accounted for to the Assembly.

It is held by the Lieutenant-Governor that the Advisory Council has control and is responsible to the Assembly with respect to the Territorial Revenue only, and that the words "matters of finance" in Section 13 of the North-West Territories Act of 1888 are restricted in their application to Territorial Revenue exclusively.

A majority of the Assembly, on the contrary, holds that the Section means all matters of finance, including in consequence the Dominion grant.

The Lieutenant-Governor refusing to modify his view on this matter, the majority in the Assembly protested by refusing to vote the Territorial Estimates, and by withdrawing the powers previously granted to the Advisory Council under the Ordinances.

This Assembly therefore, after a trial reaching well into its second year, is forced to the conviction that the present system of government in the Territories is defective, and desires to repeat its recommendation of last year, and the recommendation of the North-West Council of previous year, in favor of full control of the finances of the Territories, that is, that the money voted yearly by the Dominion Government for governmental purposes in the North-West be given to the representatives of the people of the Territories.

The Assembly does not ask for the abolition of the Advisory Council, although if the number of Councillors were reduced to three, it thinks that would be sufficient, but it asks that the Advisory Council should be paid, that the Lieutenant-Governor should not be a Member of it, and that it should be definitely declared that the Dominion grant is to be expended only on a vote of the Assembly<sup>1</sup>.....

The Lieutenant-Governor, in spite of these protestations from the majority of the Assembly, continued to refuse to accede

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<sup>1</sup>Oliver, E.H. The Canadian North West. Government Printing Bureau, Ottawa, 1915, p.1115.

to its claim to control of the expenditure of moneys voted by the Parliament of Canada. He further more retained an Advisory Council which did not possess the confidence of the majority of the Assembly. He again re-affirmed his position in his speech from the Throne on November 29, 1890.....

Mr. Speaker and Gentlemen of the Legislative Assembly:

At the close of the present Session, which terminates the Sessions of the First Legislative Assembly of the North-West Territories, I have pleasure in relieving you from further attendance to your Legislative duties, and I congratulate you upon the practical character of the legislation, to which I have just given assent in the name of Her Majesty.

I cannot but regret the unfortunate difference of opinion, which has arisen respecting the interpretation to be placed upon the portion of our constitution, which relates to the powers of the Advisory Council, and I desire to again convey to you the assurance that while I cannot, for reasons already communicated to you, accede to your claim to control the expenditures of the moneys voted by the Parliament of Canada for the Government of the North-West Territories, I have always been thoroughly in accord with you in your contention that you are entitled to control, through an Advisory Council possessing your confidence, the expenditure of the Territorial Revenues.

I also regret that, owing to a majority of you withholding your confidence from any Council which does not claim for you the control of the Dominion Funds, I have had to retain the services of a Council, whose views upon this question are not those of the majority. It is only just that I should here pay to the Members of the Advisory Council a tribute of acknowledgment for the constant and patriotic attention given by them to the various details of the Territorial Administration under their control.....

He was upheld in this position by the Minister of Justice of the Dominion Government in his report to his Excellency, the Governor General of Canada on September 29, 1892.....

By Section 4, Sub-section 2, of Chapter 50 of the Revised Statutes of Canada, "The North-West Territories Act", it is provided that "The Lieutenant-Governor shall administer "The Government under instructions from time to time given" by the Governor-in-Council or by the Secretary of State of "Canada".

This principle has been modified by two Statutes.

By Chapter 19 of 1888, Section 13, it is provided as follows:

"The Lieutenant-Governor shall select from among the elected Members of the Legislative Assembly four persons to act as an Advisory Council on matters of finance, who shall severally hold office during pleasure: and the Lieutenant-Governor shall preside at all sittings of such Advisory Council and have a right to vote as a member thereof, and shall have also a casting vote in case of a tie".

By Chapter 22 of 1891, Section 6, Sub-section 12, the Legislative Assembly is authorized to make Ordinances relating to (among other things):

"The expenditure of Territorial funds and such portion of any moneys appropriated by Parliament for the Territories as the Lieutenant-Governor is authorized to expend by and with the advice of the Legislative Assembly or of any Committee thereof.

There is reason for believing that it was intended, in passing this latter enactment, (Chapter 22 of 1891) to repeal Section 13 of Chapter 19 of 1888, and to leave matters of expenditure to be regulated by the Assembly, or by a committee thereof, under the Section just quoted.

It was suggested to the Lieutenant-Governor that it would not be difficult to make the two sections above cited harmonize and that the Legislature would, of course, keep in view both provisions in framing any Ordinance under the Act of 1891, and that, if a Committee of the Assembly should be chosen by that body to deal with matters of expenditure, His Honor might constitute that Committee his Advisory Council, under the Act of 1888, if the numbers corresponded, as they might well do.

At all events, the Parliament of Canada has vested the Executive Government of the Territories in the Lieutenant-Governor, acting under instructions from Your Excellency in-Council, or from the Secretary of State, with an Advisory Council on matters of finance, (under Section 13 of Chapter 19, 1888), or a committee under Chapter 22 of 1891, composed of members of the Legislative Assembly.

Possibly the enactment of 1891 may be regarded as authorizing the Assembly to make an Ordinance to establish a Committee having powers to deal with matters of expenditure, instead of the Advisory Council.

In any case, the functions of the Advisory Council under the Act of 1888, or the committee under the Act of 1891, are limited to matters of finance and expenditure.

The Ordinance under review, however, contains the much more extensive provisions that "There shall be a Committee to aid and advise in the Government of the Territories so far as the same is vested in the Lieutenant-Governor and the Legislative Assembly".

This Committee, according to the Ordinance, is to consist of four persons, at least, chosen by the Lieutenant-Governor from the members of the Legislative Assembly.

They are to advise him on all matters connected with his duties of office, and not merely on matters of finance and expenditure.

In the opinion of the undersigned, this Ordinance is ultra vires of the Legislature of the Territories excepting in so far as it may be considered and construed to be an Ordinance in rela-

tion to "The expenditure of Territorial funds and such portion of any moneys appropriated by Parliament for the Territories as the Lieutenant-Governor is authorized to expend by and with the advice of the Legislative Assembly or of any committee thereof."

If given any wider effect, it would conflict with the provisions of "The North-West Territories Act" and the amendments above cited, as it would imply that the Lieutenant-Governor is to administer the Government as to all matters, according to the advice of the Executive Committee according to the Ordinance.....

Recognition of Legislative Control.- A prolonged and controversial struggle was carried on between the Dominion Government and the Lieutenant-Governor on the one side and the Legislative Assembly on the other. A measure of success was finally attained, and the right of the Assembly to the control of the finances of the Territories was admitted. The Lieutenant-Governor was instructed to account to the Assembly for the expenditure of the Dominion subsidy in a manner similar to that for the other revenues of the Territories.

The recognition of legislative control is aptly stated in the farewell speech of Lieutenant Governor Royal to his last Assembly on September 16, 1893.....

Gentlemen of the Legislative Assembly:

As this is the last public occasion upon which I may expect to meet you, allow me to say that, in resigning the administration of the Government of the Territories into the hands of my successor, I shall do so with mingled feelings of regret and satisfaction.

I shall regret to leave you because I have never failed, even under trying circumstances, to receive at your hands the loyal treatment due to the representative of Her Majesty, notwithstanding the fact that at times our duty appeared to lie in opposite directions.

It was mine to carry into effect what I considered to be the Law, as laid down by the Parliament of Canada, for regulating your share of responsibility in the administration of public affairs, and, whilst you claimed to exercise a more complete control over the expenditure, that Law placed me in a somewhat invidious position of appearing to oppose the popular

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<sup>1</sup>ibid.- p.1150.

requests. Notwithstanding this controversy, no unpleasantness ever arose between me and the Assembly.

When on the 4th July, 1888, I was sworn in as Lieutenant-Governor of the North-West Territories, the functions of that office were as totally different from those of the Lieutenant-Governors of the Provinces, as they will be from those to be performed by my successor. I was responsible to the Privy Council of Canada alone for all executive acts done in the Territories. The Assembly had hardly a voice in the Government of the Country and the Lieutenant-Governor was practically a Political commissioner under whose direct supervision and authority the affairs of the Territories were conducted and administered.

Now all this has been materially changed and hence my satisfaction.

The Legislature to-day practically enjoys the rights and privileges of self government. Let me congratulate you sincerely upon the wisdom and discretion you have displayed in undertaking your new and important duties.

My satisfaction is further derived from the fact that these Territories are at the present time enjoying a measure of peace and prosperity unsurpassed, if not unequalled, by any other portion of the Dominion of Canada. In this happy condition of affairs, for which we have to thank the Divine Providence, I now take leave of this Assembly<sup>1</sup>.....

#### THE COUNCIL OF PUBLIC INSTRUCTION

From 1888 to 1891 there was considerable strife over the spheres of influence of the two sections of the Board of Education. The Board of Education consisted of a Protestant and Catholic section, each with power to administer the schools of their own faith. This was the cause of much difficulty particularly where the population was of different religious beliefs. Therefore in 1892, the Board was abolished and the educational administration of the Territories was placed in the hands of the Lieutenant-Governor's Executive Council. In this capacity it was known as the Council of Public Instruction and with it sat two Protestants and two Roman Catholics, appointees who, however, had no votes. Section 5 of this Ordinance read as follows:.....

The members of the Executive Committee of the Territories and

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<sup>1</sup> Ibid.- p.1153.

four persons, two of whom shall be Protestants, and two Roman Catholics, appointed by the Lieutenant-Governor-in-Council shall constitute a Council of Public Instruction, and one of the said Executive Committee, to be nominated by the Lieutenant Governor in Council, shall be Chairman of the said Council of Public Instruction. The appointed members shall have no vote. The Executive Committee or any sub-committee thereof appointed for that purpose shall constitute a quorum of the Council of Public Instruction, but no general regulations respecting:

- (a) the management and discipline of schools,
- (b) the examination, grading and licensing of teachers,
- (c) the selection of books,
- (d) the inspection of schools,
- (e) the normal training of teachers,

shall be adopted or amended except at a general meeting of the Council of Public Instruction duly convened for that purpose<sup>1</sup>.....

Thus the Council was in complete control of all the schools of the Territories. There was no longer any division of authority. The Council of Public Instruction administered the educational policy of the Territories until 1901 when it was replaced by the Department of Education.

Conclusion.- Long before provincial autonomy became a reality the West had laid the foundation of her present educational system. Modelled on the Ontario system, supreme authority in educational matters was vested in a group of men known first as The Board of Education and later as The Council of Public Instruction. They were appointed by the Government of the Territories and to it alone they were responsible for their actions. This body was responsible for the general educational policy and the regulations governing the organization and administration of schools.

The systems of local self administered school districts, local taxation for school purposes and school inspection were also copied from Ontario. It was felt that the small unit of admin-

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<sup>1</sup>Report of Council of Public Instruction, 1896, p.8.



istration and taxation would foster local interest in educational problems while a system of inspection would create uniformity and efficiency in the educational program. During the pioneering days of the West this type of school system served the needs of the community admirably well.

## CHAPTER 111.

THE SEPARATE SCHOOL QUESTION  
AND ITS SOLUTION

## Introduction

By the terms of the British North America Act of 1867, the provincial legislature was given the right to make laws and regulations relating to education. These laws and regulations were subject to certain restrictions guaranteeing to a religious minority the rights and privileges of separate schools as they existed at the time of union or at the time of admission as a province.

Recognition of Minority Rights.- In accordance with the spirit of Section 93 of the British North America Act, Clause 11, of the North West Territories Act of 1875, made possible the establishment of separate schools in the Territories. It read as follows.....

When, and so soon as any system of taxation shall be adopted in any district or portion of the North West Territories, the Lieutenant-Governor by and with the consent of the Council or Assembly, as the case may be, shall pass all necessary ordinances in respect to education; but it shall therein be always provided, that a majority of the ratepayers of any district or portion of the North West Territories, or any lesser portion or sub-division thereof, by whatever name the same may be known, may establish such schools therein as they may think fit, and make the necessary assessment and collection of taxes therefor; and further that the minority of the ratepayers therein whether Protestant or Roman Catholic, may establish separate schools therein, and that, in such latter case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to the assessments of such rates as they may impose upon themselves in respect thereof<sup>1</sup>.....

Although provisions were made for the existence of separate schools in Saskatchewan in 1875, the first school was not actually sanctioned until 1877.

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<sup>1</sup>Statutes of Canada, 1875, 38 Vict. c.49.

In 1884 the Council of the North West Territories recommended that the Lieutenant Governor telegraph Ottawa requesting that Section 93 of the British North America Act be put into force in the Territories. This provided.....

In and for each Province the Legislature may exclusively make laws in relation to Education, subject and according to the following provisions:

(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by law in the Province at the Union;

(2) An appeal shall lie to the Governor General in Council from any Act or decision of the Legislature of the Province, or of any Provincial Authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to Education;

(3) Where in any province a system of separate or dissentient schools exists by law at the Union, or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor General in Council from any Act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic Minority of the Queen's subjects in relation to education<sup>1</sup>.....

By the Ordinance of 1884 providing for the organization of schools in the North West Territories, the Lieutenant-Governor in Council was empowered to appoint a Board of Education not exceeding twelve, of whom six were to be Catholic and six Protestant.....

The Lieutenant-Governor-in-Council, sitting as Executive Council, may appoint, to form and constitute the Board of Education for the North West Territories, a certain number of persons, not exceeding twelve, six of whom shall be Protestants and six Roman Catholic<sup>2</sup>.....

A Board of Education therefore was appointed, composed of five members, two of whom were Roman Catholics and two Protestants, and the Lieutenant-Governor, who was to act as Chairman.....

The control and management of the Educational interests of the Territories are vested in a Board of Education, appointed

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<sup>1</sup>Kennedy, W.P.M. Documents of the Canadian Constitution, Oxford University Press, Toronto, 1918, p.677.

<sup>2</sup>Ordinances of the North West Territories, 1884, p.95.

by the Lieutenant-Governor in Council, and composed of five members, two of whom shall be Roman Catholics and two Protestants, and the Lieutenant-Governor, who shall be chairman<sup>1</sup>.....

Provision was further made whereby this Board of Education resolved itself into two sections, Catholic and Protestant, to deal with those problems peculiar to the needs of each section....

The Board of Education shall resolve itself into two sections, the one consisting of the Protestant, and the other of the Roman Catholic members thereof, and it shall be the duty of each section:

(1) To have under its control and management the schools of its section, and to make from time to time such regulations as may be deemed fit for their general government and discipline, and the carrying out of the provisions of this Ordinance;

(2) To cancel the certificate of a Teacher upon sufficient cause;

(3) To select, adopt and prescribe a uniform series of text books, to be used in the schools of the section<sup>2</sup>.....

In 1892 the Board of Education was abolished and in its place was created the Council of Public Instruction consisting of the Lieutenant-Governor, the Executive Council, two Protestant and two Roman Catholic Appointees.....

The members of the Executive Committee and four persons, two of whom shall be Protestants and two Roman Catholics, appointed by the Lieutenant-Governor-in-Council, shall constitute a Council of Public Instruction, and one of the said Executive Committee, to be nominated by the Lieutenant-Governor-in-Council, shall be chairman of the said Council of Public Instruction. The appointed members shall have no vote, and shall receive such remuneration as the Lieutenant-Governor-in-Council shall provide<sup>3</sup>.....

By the Ordinance of 1901, the Educational Council was created consisting of five persons of whom at least two were to be Roman Catholics.....

There shall be an Educational Council consisting of five persons at least two of whom shall be Roman Catholics to be

<sup>1</sup>Reports of the Board of Education, North West Territories, 1886-1891, p.5.

<sup>2</sup>ibid.- p.7.

<sup>3</sup>Ordinances of the North West Territories, 1892, No. 22, S.5.

appointed by the Lieutenant Governor in Council; who shall receive remuneration as the Lieutenant Governor in Council shall determine.

(2) On the first constitution of the Council three of the members shall be appointed for three years, and two for two years; and thereafter each member appointed shall hold office for two years.

All general regulations respecting the inspection of schools, the examination, training, licensing and grading of teachers, course of study, teachers' institutes and text and reference books shall, before being adopted or amended, be referred to the Council for its discussion and report.

The Council shall consider such matters as may be referred to it as hereinbefore provided or by the commissioner and may also consider any questions concerning the educational system of the Territories as to it may seem fit and shall report thereon to the Lieutenant-Governor-in-Council<sup>1</sup>.....

Autonomy and Separate Schools.- The question of religious control over schools was revived again in 1904 when provincial status was being urged. The struggle for provincial autonomy, we may say for our purposes, commenced with the year 1900. The Assembly, under the leadership of Mr. Haultain passed a resolution urging the formation of the Province. A Bill was actually prepared and presented to the Ottawa Government embodying the Territorial demands and requirements. No action was taken as it was thought that many of the people in the Territories did not desire it. Therefore Mr. Haultain, on May 19, 1904, reopened the question with Sir Wilfred Laurier, urging him to take immediate action on provincial autonomy. He pointed out also that the members of the North West Legislature were unanimous in their views and that their opinions were not in accord with those of Sir Wilfred Laurier. These views represented the wishes of the people of the West and were secured at party conventions throughout the Territories. This would indicate, Mr. Haultain continued, that advice, contrary to the feelings of the

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<sup>1</sup>Ordinances of the North West Territories, 1901, C.29, S.8,10, II.

people of the West was being given to the Prime Minister by his supporters....

I deem it necessary in this connection to impress this fact upon you, namely, that the Members of the Legislative Assembly are closely in touch with the people of this country, and they, one and all, have repeatedly expressed opinions entirely contrary to those which have apparently determined your action on this question. Further--and I make this statement advisedly--of the 35 members of the Assembly one-half are well known to be in active sympathy with yourself and your Government, and these gentlemen are in full accord with the other members of the House upon this subject. I might also refer to the fact that some, at least, of the political conventions at present being held in the Territories for the selection of candidates representing your party, and which are being largely guided by members of our Legislature, are adopting resolutions calling upon your Government to take up the question of our Provincial establishment and carry it to a satisfactory conclusion. I think it becoming to mention these matters at this time, as it seems to me that they are in themselves evidence that the advice tendered to you by some of your supporters in Parliament from the Territories has not been in accord with the desires of the people as they are giving expression to them<sup>1</sup>.....

To this and other communications apparently no answer was made. Meanwhile the political situation created a very lively discussion throughout the Territories and there was evidence of deep indignation over the policy which the Federal Government had adopted. There were even rumors of a rebellion similar to the insurrection of 1885.

Eastern Canada believed that the delay in granting autonomy to the province was because of the religious issue and on May 4, 1905 in The Toronto News the reason was very plainly referred to: "The Principle reason for the slowness to give autonomy to the West", said the News, "is that the Ottawa Government dare not give it. The Hierarchy of the Roman Catholic Church has served notice that when the bill to make a new Province or Provinces is drafted, it must contain a provision establishing Separate Schools"<sup>2</sup>.....

<sup>1</sup>Oliver, E.H. The Canadian North West, Government Printing Bureau, Ottawa, 1915, Vol.2, p.1234.

<sup>2</sup>Black, Norman Fergus. A History of Saskatchewan and the Old North West, North West Historical Co., Regina, 1913, p.459.

Now by the terms of the British North America Act, 1867, the rights of the minority were protected by legislation. Separate schools which had been established prior to or after the formation of the province could not be abolished by provincial legislation without incurring the possibility of remedial legislation from the Federal Parliament at Ottawa.

Mr. R.B. Bennett, while admitting the existence of separate schools in the Territories argued that they were of an entirely different type than those which existed in the East. The Separate Schools in the Territories were required to maintain the same standard as public schools by hiring teachers of similar qualifications and training, using the same text-books and courses of study and submitting to regular school inspection by government appointed officials.

It was obvious that the demand for separate schools came not from the masses of Roman Catholic but from such high dignitaries of their Western church as the Bishops of St. Albert and Mackenzie and from Father Lacombe.....

During the twenty years from 1884, when the existing school system was established in the Territories, 1360 school districts had been erected, of which only sixteen were for separate schools, and two of these were Protestant. Only four separate schools had been organized since 1892, when Roman Catholic control and management of their separate school districts was abolished, though according to the 1901 census, twenty per cent. of the population of the new Territories was of the Roman Catholic faith<sup>1</sup>.....

#### LAURIER'S PROPOSED LEGISLATION FOR SEPARATE SCHOOLS

On February 21, 1905, Sir Wilfred Laurier introduced the Autonomy Bill. Our chief interest is restricted to the educational phase. In his discussion of this legislation the Premier

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<sup>1</sup>Black, Norman Fergus. The History of Saskatchewan, North West Historical Co., Regina, 1913, Vol.11, p.681.

personally advocated the establishment of Separate Schools in the new province which was to be formed. This was provided for in the following clauses of the Autonomy Bill as first drafted....

The provision of section 93 of the British North America Act 1867, shall apply to the said Province as if, at the date upon which this act comes into force, the territory comprised therein were already a Province, the expression "the Union" in the said section being taken to mean the said date.

Subject to the provisions of the said section and in continuance of the principle heretofore sanctioned under the North West Territories Act, it is enacted that the Legislature of the said Provinces shall pass all necessary laws in respect of education; and that it shall therein always be provided;

(a) That a majority of the ratepayers of any District or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor, and;

(b) That the minority of the ratepayers therein, whether Protestant or Catholic, may establish Separate Schools therein and make the necessary assessments and collection of rates therefor, and;

(c) That in such case the ratepayers establishing such Protestant or Roman Catholic Separate Schools shall be liable only to assessment of such rates as they impose upon themselves in respect thereof.

In the appropriation of public moneys by the Legislature in aid of education, and in the distribution of any moneys paid to the Government of the Province arising from the school fund established by the Dominion Lands Act, there shall be no discrimination between the Public Schools and the Separate Schools, and such moneys shall be applied to the support of the Public and Separate Schools in equitable shares and proportions<sup>1</sup>.....

Mr. Haultain fiercely attacked the stand which Sir Wilfred Laurier had taken. He maintained that the Autonomy Bill was framed in direct contradiction to law. It was an attempt to create a Province retroactively since "it declared Territorial Schools and laws to be Provincial schools and laws". He further declared that the people of the West had had no choice in the matter since they had not been given the opportunity of declaring whether they wished to maintain or abolish Separate Schools....

On the twelfth (March 1905) Mr. Haultain, at the sacrifice of the certain prospect of being called to the Premiership of whichever of the new Provinces he would choose, came out

<sup>1</sup>libid.- p.464.

uncompromisingly against the latter in a remarkable open letter addressed to Premier Sir Wilfred Laurier.....It declared Territorial Schools and laws to be Provincial Schools and laws; whereas as a matter of fact the people of the Territories had never yet had an opportunity of expressing their wishes with regard to the maintenance or abolition of a Separate School System, as Territorial Laws passed hitherto in this connection had manifestly been shaped in accordance with Federal Legislation which the Territories had been powerless to repeal<sup>1</sup>.....

Mr. Borden, the opposition leader of the Federal House, proposed an amendment to the educational clause in the Autonomy Bill which would read as follows.....

That all the words after "that" be left out, and the following substituted therefor:

Upon the establishment of a Province in the North West Territories of Canada, as proposed by Bill Number 69, the Legislature of such Province, subject to, and in accordance with the provisions of the British North America Act, 1867 to 1886, is entitled to and should enjoy full powers of Provincial Government, including powers to exclusively make laws in relation to education<sup>2</sup>.....

The purpose of the amendment was to shift the responsibility of maintaining or abolishing Separate Schools to the people of the West where he felt it rightly belonged. The amendment was defeated.

The Compromise.- In order to bring about a satisfactory reconciliation between the two opposing factions, Sir Wilfred Laurier on March 20, 1905 introduced an amendment to the educational clauses of the Autonomy Bill. These amendments stated....

Section 93 of the British North America Act 1867, shall apply to the said Province with the substitution for sub-section one of said section of the following sub-sections:

1. Nothing in any law shall prejudicially affect any law or privilege with respect to Separate Schools which any class of persons have at the date of passing this Act, under the terms of the Ordinances of the North West Territories passed in the year 1901.

2. In the appropriation of the Legislature or distribution by the Government of the province of any moneys for the support of schools organized and carried on in accordance with said

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<sup>1</sup>ibid.- pp.687-688.

<sup>2</sup>ibid.- p.470.

Chapter 29, or any act passed in amendment thereof, or in substitution thereof, there shall be no discrimination against schools of any class described in the said Chapter 29.

3. Where the expression "by-law" is employed in Sub-Section 3 of the said Section 93, it shall be held to mean the law as set out in said Chapters 29 and 30 and where the expression "at the union" is employed in Sub-section 3, it shall be held to mean the date at which this Act comes into force<sup>1</sup>.....

On March 22, 1905 the Autonomy Bill as amended was introduced into the Legislature for its second reading and subsequently was passed. This Bill made it quite evident that separate schools with all rights and religious privileges enjoyed under the ordinances of the North West Territories were to be perpetuated in Saskatchewan.

When the Province of Saskatchewan came into existence in 1905 the School Ordinances which had been in effect prior to that time continued in force. The Deputy Commissioner in his report for 1906 made the following statements.....

These Ordinances have satisfactorily stood the test of several years and it cannot be gainsaid that they have met well the requirements of a new country. This being so, there seemed no pressing necessity of interfering with a school system which was intended not only to keep up the standing of schools and the professional qualifications of teachers but also to grant every assistance to districts struggling with the difficulties incident to a new country<sup>2</sup>.....

Thus we see that throughout the period of administration in the North West and Saskatchewan, rights and privileges of the religious minority have been respected and legally recognized.

#### A SYSTEM OF SEPARATE SCHOOLS

The first definite action for the organization of separate schools was taken in 1884. At that time schools were organized at Regina, Moose Jaw, Qu'Appelle and Prince Albert. Through the years others have been organized and some discontinued. Provis-

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<sup>1</sup>ibid.- p.471.

<sup>2</sup>Report of Department of Education, 1906, King's Printer, Regina, p.7.

ion was made in the Ordinance of the North West Territories 1892, for the establishment of Public and Separate Schools for pupils between the ages of five and twenty years.....

There may be established, subject to the provisions of this Ordinance and to the Regulations of the Council of Public Instruction, the following classes of Schools, namely:-

(a) PUBLIC SCHOOLS, for pupils between five and twenty years of age, in which instruction shall be given in the elements of an English and commercial education.

(b) SEPARATE SCHOOLS, for pupils between five and twenty years of age in which instruction shall be given in the elements of an English and commercial education<sup>1</sup>.....

Today in Saskatchewan, out of 4826 school districts, there are 31 separate school districts, Catholic and Protestant.

Regulation of Separate Schools.- In the early territorial days the separate schools were allowed to regulate themselves. In later years the separate schools were brought under the same regulations as the public schools as to course of study, teachers, certificates, professional training of teachers, etc. and are inspected by the same government inspectors, so that they are as directly under the control of the Department of Education as are the public schools. The same standard of educational attainment is demanded from both the pupils and teachers of the separate schools as from those of the public schools. The Grade Eight pupils of both classes of schools are required to pass the same standard tests for admission to the high schools; while all students in secondary grades are subject to the same examinations for teachers' certificates or for entrance to the university.....

After the establishment of a separate school district under the provisions of this Ordinance such separate school district and the board thereof shall possess and exercise all rights, powers, privileges and be subject to the same liabilities and method of government as is herein provided in respect of public school districts<sup>2</sup>.....

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<sup>1</sup>Ordinances of the North West Territories, 1892, No. 22, S. 4.

<sup>2</sup>ibid.- 1905, C. 29, S. 45.

Administration of Separate Schools.- Persons qualified to vote for trustees of a separate school are the minority ratepayers in the district of the same religious faith, Protestant or Roman Catholic. The Board of trustees of a separate school possess and exercise the same rights, powers, and privileges and are subject to the same liabilities and methods of government as are provided in respect to public school district.....

The persons nominated for the position of trustee shall be resident ratepayers of the proposed district and shall be able to read and write.

After the establishment of a separate school district under the provisions of this Ordinance such separate school district and the board thereof shall possess and exercise all rights, powers, privileges and be subject to the same liabilities and method of government as is herein provided in respect of public school districts<sup>1</sup>.....

A minority of ratepayers of the same religious faith who establish separate schools are liable only to assessments of such rates as they impose upon themselves for the conduct of the separate school.....

The Minority of the ratepayers in any district whether Protestant or Roman Catholic may establish a separate school therein; and in such case the ratepayers 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<sup>2</sup>.....

This clause became a cause of bitter strife in 1913.

#### FUTURE DIFFICULTIES

The Option of Individual Support.- In 1913 a bitter controversy began respecting school support. The question involved the validity of the ratepayer's option of supporting either the public or separate school according to the dictates of his own conscience.

In January 1913 an amendment had been made to The School Act

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<sup>1</sup>ibid.- 1905, C.29, S.24,45.

<sup>2</sup>ibid.- 1905, C.29, S.41.

which made it obligatory for all minority ratepayers to support a separate school of their religious faith where such a school existed. This amendment (repealed February 1916) was passed by the Assembly without serious objection from the opposition. The legislation was contrary to a judgment of Judge McLorg handed down in 1911. In giving his decision the Judge stated.....

I can conceive numberless reasons why the ratepayer should be entitled to choose the support of his school quite independently of any religious connection, distance, teaching and so on<sup>1</sup>.....

The passing of the amendment by the Scott government raised a storm of public protest. The legislation was declared to be contrary to spirit of the law. On January 18, 1916 in answer to an inquiry from the Rev. A.A.Graham of Moose Jaw, for an interpretation of that section of the Act, the Minister of Education of Alberta replied.....

I may say that the Department of the Attorney-General of this Province has looked into this matter very carefully, and is of the opinion that reading together various sections of the Act, the intention is that there shall be perfect freedom of choice with respect to which school district the ratepayer shall become a supporter of<sup>2</sup>.....

The opinion of the Attorney-General of Alberta was in accord with the interpretation given to the school law in Ontario.

The question again came before public interest in the legal case of McCarthy vs. the City of Regina when the Local Government Board handed down the decision that.....

All resident ratepayers of a separate school district of the religious faith of the minority establishing the district should be assessed as separate school supporters whether they voted for such establishment or not<sup>3</sup>.....

This decision was given in the case of Mr. A. Bartz, a Roman

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<sup>1</sup>Weir, George M. The Separate School Question in Canada, Ryerson Press, Toronto, 1934, p.77.

<sup>2</sup>ibid.- p.74.

<sup>3</sup>ibid.- p.78.

Catholic who in 1915 had supported the separate school but who in 1916 at his own request was assessed for public school purposes. Mr. McCarthy on behalf of the Graton Separate School district took issue with this change of support and appealed to the Local Government Board. After the decision of the Local Government Board, the Regina Public School Board carried an appeal to the Supreme Court of Saskatchewan where the judges were unanimous in confirming the decision of the Local Government Board. The case was then carried to the Judicial Committee of the Privy Council of England, the highest court in the British Empire, where the decisions of the Local Government Board and the Supreme Court of Canada were approved.

Thus the legal interpretation of the clause specified that the minority ratepayer must support the separate school of his faith where such a school exists whether he originally voted for its establishment or not.

The Distribution of Corporation Taxes for School Purposes.-

A controversial question also arose in 1913 over the distribution of taxes for school purposes of incorporated companies. Provisions were made in the Act whereby a company "may by notice in that behalf" specify that a part of its real property be assessed for school purposes. The amount of assessable property for separate school purposes was to bear the same ratio to the total assessable property of the company as the amount of paid or partly paid up stock held by religious adherents of the separate school bore to the total value of the paid or partly paid up stock of the company.

Such a provision worked out to the detriment of the separate school and distinctly favored the public school. It placed

incorporated companies into three classes, first; companies comprised entirely of Protestants whose taxes (assuming the separate school to be Catholic) would contribute to public school support; second; companies, in which the shareholders were entirely Catholic, whose taxes, if proper notice were given would contribute to the support of the separate school, but if no notice were given, all their taxes would be contributed for public school purposes; third; companies whose shareholders were both Catholic and Protestant and which might, if proper notice were given, contribute a portion of their taxes to separate school support.

Since it was improbable that companies of the third class, who had no children to educate or severe religious convictions would be particular as to the manner of distribution of their school taxes, it naturally followed that the great bulk of these taxes went for public school purposes.

To correct this abuse an amendment was passed on January 11, 1913 which provided that.....

In the event of any company failing to give notice as provided in Section 93 hereof, the board of trustees of the separate school district may give the company a notice in writing in the following form<sup>1</sup>.....

Subsection 2 (passed at a later date) also provided that until such time as any company to which a notice had been sent, gave notice as required by Section 93 the taxes of the company would be divided between the two classes of schools in a ratio proportionate to the amount of taxes collected from Roman Catholics and Protestants in the district. Thus the taxes of companies who failed to give notice no longer went only to the support of the

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<sup>1</sup>ibid.- p.84.

public schools but the separate school also received its share.

In the case of large companies, such as the C.P.R. where it would be practically impossible to obtain a census of the religious adherence of all its shareholders, a special provision was made whereby such a company after making proper notification to that effect might direct in what manner its taxes should be distributed for school purposes.

The validity of the first amendment was contested by the Regina School Board. The Graton Separate School had been established within the Regina Public School District. When one hundred and fifty-nine companies did not give notice as specified under Section 93, the Separate School Board served each company with a notice as set out in Section 93 (a). The Regina Public School Board maintained that they had the right to all the taxes while the Separate School Board claimed that they were entitled to their share.

The case was brought before the Supreme Court of Saskatchewan where the validity of Section 93(a) was upheld and a share of the taxes awarded to the separate school. When the case was tried before the Supreme Court of Canada the decision was reversed.

After the decision of the Supreme Court of Canada a number of changes were made in the original amendments. The expression "may notify" (Section 93(b)) became "shall notify". In Section 3, Cap.35, 1913 the word "hereafter" was inserted in the phrase "shall hereafter be assessable". Similarly Section 93(a) which stated "failing to give a notice" was changed to read "in the event of any company not giving the notice". This change is of importance for it was on account of the interpretation of the words "failing to give" that the Supreme Court of Canada reversed

the decision of the Supreme Court of Saskatchewan. By changing the wording to "in the event of any company not giving the notice" the validity of the legislation was placed beyond all doubt. Thus by what appears to have been a piece of political "manipulation" an important change was brought about in the law without resorting to the regular procedure of legislative amendment.

The Prohibition of Religious Emblems and Garb.- During 1929 the Conservative party swept into power in Saskatchewan after twenty five years of Liberal rule. The election was bitterly contested on religious, racial and party lines. Dr. Anderson as leader of the Conservatives pledged his party to correct certain abuses which were claimed to have crept into the educational system. One of his first steps was to introduce legislation prohibiting the display of all religious emblems and the wearing of the garb of any religious faith, society or order during school hours in the public schools of Saskatchewan.....

(1) No emblem of any religious faith, denomination, order, sect, society or association, shall be displayed in or on any public school premises during school hours, nor shall any person teach or be permitted to teach in any public school while wearing the garb of any such religious faith, denomination, order, sect, society or association.

(2) Any teacher violating the provisions of subsection (1) shall be guilty of an offence and his certificate may be suspended or cancelled by the minister, and he shall also be liable on summary conviction to a penalty not exceeding \$50.

(3) Any trustee violating the provisions of subsection (1), or permitting a violation thereof, shall be guilty of an offence and liable on summary conviction to a penalty of not less than \$25 and not more than \$100; and, if convicted, shall be disqualified from holding the office of trustee for such period as the minister may by order determine.

(4) The minister shall, if satisfied that the board of trustees of any public school district has permitted a violation of subsection (1), order that the district shall not receive any grant out of money appropriated by the legislature, in respect of the period of violation, in which case no such grant shall be made.

(5) Any sum of money expended by a Board of trustees, or by any officer thereof, in payment of the salary of a teacher who has committed a violation of subsection (1), and any sum of money lost by a district through nonpayment of grants under

subsection (4) may be recovered for the district in the manner provided by section 239<sup>1</sup>.....

It was felt that the purpose of the public school was to promote a mutual understanding among all creeds and all races of people and therefore no sectarianism to the special advantage of any creed should be allowed to interfere with this work.

Conclusion.- The separate school question in Saskatchewan has caused much controversy and endless strife. The rights of the religious minority were guaranteed by the B.N.A. Act of 1867 and re-affirmed in the North West in 1875 and 1905. As a result four distinct types of schools are now found in the Province, the Protestant Public School, the Catholic Public School, the Protestant Separate School and the Catholic Separate School. Provisions are made whereby separate schools may be established within the boundaries of any district by a Protestant or Catholic minority. Such schools however receive no special privileges other than the segregation of the pupils of the same faith. An excellent example of this was found in the village of Vonda a few years ago when a separate school in a sparsely settled community worked out to the detriment of all concerned.....

The two schools in the Village of Vonda, a few hundred feet apart, illustrate the price paid by the community that insists upon dividing on the religious question regardless of the half-hour provision. Here are two buildings, able teachers, and enough pupils for one good building, with nothing but the narrow old-time studies when this village, without any additional cost, without increasing its staff, but simply by agreeing to forget religious differences long enough to support a single community school, could have a school far superior to the usual village school, with manual training, home economics, school gardening, and some continuation school work that would make it a centre for all the countryside<sup>2</sup>.....

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<sup>1</sup>Statutes of Saskatchewan, 1930, C.45, S.1.

<sup>2</sup>Foght, Harold W. Saskatchewan Education Survey. King's Printer, Regina, 1918, p.143.

## CHAPTER IV.

THE ORGANIZATION AND ADMINISTRATION OF  
ELEMENTARY EDUCATION AFTER 1901

## Introduction

In Chapter II the writer discussed the organization and administration of elementary education from 1884 to 1901. It is now his purpose to discuss the development from 1901 down to the present time. The year 1901 was an outstanding year in the administration of elementary schools in the Province. The Council of Public Instruction was replaced by a Department of Education and a new system of administrative machinery was created.....

The year 1901 marks a new epoch in the administration of the public school system of the Territories. When the first School Ordinance was passed in 1884 the management of our school affairs was vested in a Board of Education appointed by the Lieutenant-Governor in Council. This board continued to hold office until December 31, 1892, when it was replaced by the Council of Public Instruction consisting of the members of the Executive Committee and four persons appointed by the Lieutenant Governor in Council. On September first last, by virtue of the legislation passed at the last session of the Assembly, the Council of Public Instruction ceased to exist and the control of all matters pertaining to schools and school districts was handed over to the Department of Education.

In its organization the Department of Education resembles the other departments of the Territorial government. It has been constituted a distinct and separate branch of the public service and is presided over by one of the members of the Executive Council<sup>1</sup>.....

When the Province of Saskatchewan was created in 1905 out of the North West Territories, provisions were made in The Saskatchewan Act for the retention of all laws, orders, regulations, courts, commissions, powers and authorities in existence immediately prior to the passing of this Act.....

All laws and all orders and regulations made thereunder, so far as they are not inconsistent with anything contained in this

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<sup>1</sup>Annual Report of the Department of Education, King's Printer, Regina, 1901, p.21.

Act, or as to which this Act contains no provision as a substitute therefor, and all courts of civil and criminal jurisdiction, and all commissions, powers, authorities and functions and all officers and functionaries, judicial, administrative and ministerial, existing immediately before the coming into force of this Act in the territory hereby established as the province of Saskatchewan, shall continue in the said province as if this Act and The Alberta Act had not been passed; subject, nevertheless, except with respect to such as are enacted by or existing under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, to be repealed, abolished or altered by the Parliament of Canada, or by the Legislature of the said province, according to the authority of the Parliament or of the said Legislature: Provided that all powers, authorities and functions which under any law, order or regulations were, before the coming into force of this Act, vested in or exercisable by any public officer or functionary of the North-West Territories shall be vested in and exercisable in and for the said province by like public officers and functionaries of the said province when appointed by competent authority<sup>1</sup>.....

Consequently the Department of Education which had been created in 1901 and was functioning at that time became a part of the educational system of Saskatchewan. Similarly all ordinances in education which were in force immediately prior to the Act were incorporated into The School Act of the Province of Saskatchewan without being altered to any amendable extent. During the subsequent years several amendments have been made. These have been indicated throughout this chapter.

The Department of Education.- The Department of Education came into existence in 1901 and has continued to administer the educational policy of the Province up to the present time. The Ordinance provided.....

There shall be a department of the public service of Saskatchewan called the department of education over which the member of the Executive Council appointed by the Lieutenant Governor in Council under the seal of the province to discharge the functions of the minister of education for the time being shall preside. The Lieutenant Governor in Council may appoint such officers,

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The Saskatchewan Act, Chapter 42, S.16; 3,4 Edward 7.

clerks and servants as are required for the proper conduct of the business of the department and for the purposes of this Act, all of whom shall hold office during pleasure.

The department shall have the control and management of all kindergarten schools, public and separate schools, normal schools, teachers' institutes and the education of deaf, deaf mute and blind persons.

The minister shall have the administration, control and management of the department and shall oversee and direct the officers, clerks and servants thereof<sup>1</sup>.....

In 1912 and 1913 these statutes were completely revised whereby more extensive powers were given to the minister of education. These revised statutes also made provision for the appointment of a superintendent of education, a deputy minister and a registrar.....

3. There shall be a department of the Government of Saskatchewan which shall be called the Department of Education, over which the Minister of Education shall preside.

4. The Lieutenant Governor in Council may appoint a superintendent, deputy minister, registrar and such inspectors, officers, clerks and servants as are required for the proper conduct of the business of the department, and for the purposes of this Act, all of whom shall hold office during pleasure.

5. (1) The minister shall have the administration, control and management of the department and shall oversee and direct the officers, clerks and servants thereof.

(2) Subject to the direction of the minister and to the provisions of any Act or regulation, the Superintendent of Education shall have the general supervision and direction of high schools and collegiate institutes, model schools, public and separate schools, training schools for teachers, the granting of teachers' certificates, technical schools, departmental examinations, teachers' institutes, teachers' reading courses, school libraries and the inspectors of any such schools; and shall make such recommendations to the minister as he deems advisable with respect to any matter arising out of such supervision and direction.

(3) The department shall have the control and management of all kindergarten schools, public and separate schools, normal schools, model schools, teachers' institutes and the education of deaf, deaf mute and blind persons<sup>2</sup>.....

During 1920, Statute 4 of Chapter 23 was revised so that the word "superintendent" was omitted. Similarly subsection 2 of section 5 was repealed. This modification dispensed with the office of superintendent. In 1930 the office of Commissioner of Educa-

<sup>1</sup>R.S.S. 1909, C.100, S.3,4,5.

<sup>2</sup>Statutes of Saskatchewan, 1915, C.23, S.3,4,5.

tion was created.....

There may be appointed a commissioner, deputy minister, registrar and such directors, inspectors, officers, clerks and servants as are required for the proper conduct of the business of the department and for the purposes of this Act, all of whom shall hold office during pleasure<sup>1</sup>.....

The office of Commissioner of Education was discontinued the following year. No further changes have been made among the offices of the Department of Education since that time.

The Minister of Education, subject to the approval of the Lieutenant Governor in Council had power to make regulations governing the organization of schools and courses of study, construction of school buildings, the examination of teachers, teachers' conventions, school books, libraries and Normal Schools...

The Minister with the approval of the Lieutenant Governor in Council shall have power:

1. To make regulations of the department:

(a) For the classification, organization, government, examination and inspection of all schools hereinbefore mentioned;

(b) For the construction, furnishing and care of school buildings and the arrangement of school premises;

(c) For the examination, licensing and grading of teachers and for the examination of persons who may desire to enter professions or who may wish certificates of having completed courses of study in any school;

(d) For a teachers' reading course and teachers' institutes and conventions;

2. To authorise text and reference books for the use of the pupils and teachers in all schools hereinbefore mentioned as well as such maps, globes, charts and other apparatus or equipment as may be required for giving proper instruction in such schools;

3. To prepare a list of books suitable for school libraries and to make regulations for the management of such libraries;

4. To make due provision for the training of teachers<sup>2</sup>.....

These statutes have remained in force since 1901. In 1910-11 on account of the introduction of vocational and physical training in public schools, and in 1912-1913 on account of the organ-

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<sup>1</sup>R.S.S. 1920, C.110, S.4; 1930, C.46, S.3.

<sup>2</sup>Ordinances of Saskatchewan, 1901, C.29, S.6.

ization of consolidated school districts, power was granted to the Department to make regulations governing these activities under subsection 1.....

(e) for giving instruction in agriculture, school gardening, manual training, industrial training, domestic science and physical training;

(f) for the proper conveyance of children as hereinafter provided, and for keeping proper records of the number of children so conveyed, the distance travelled, the cost of conveyance and any other information deemed necessary<sup>1</sup>.....

During 1928 a seventh clause was added to subsection 1 giving the Department power to make regulations governing the appointment, qualifications and duties of officers appointed to provide medical and dental inspection of pupils in a school district.....

(g) governing the appointment, qualifications and duties of the officers referred to in section 117<sup>2</sup>.....

Provision was made in 1910 for a course of study outlining the subjects of instruction, optional and compulsory.....

4. To issue courses of study determining the subjects of instruction and whether compulsory or optional in all schools established under this Act<sup>3</sup>.....

Centralized control has proved entirely satisfactory for the general school administration of Saskatchewan. Centralized control however in matters of detail and local policy may have the effect of robbing the individual district of local initiative. Moreover, it is not reasonable to expect that a course of study suitable to urban needs could also be adaptable to the needs of the rural school.....

It is doubtful whether this centralised control in matters of detail and local professional policy is in every respect wise. There is danger that too little flexibility of study courses and too little opportunity for local initiative will result where a central authority prescribes the details of work for teacher and

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<sup>1</sup> Statutes of Saskatchewan, 1915, C.23, S.6.

<sup>2</sup> ibid.- 1928, C.48, S.2.

<sup>3</sup> ibid.- 1910, C.26, S.2.

pupils whom it is impossible to know in an intimate way. This phase of departmental control may, therefore, be considered as subject to modification to accommodate itself to local needs<sup>1</sup>....

As early as 1901 provision was made giving the Minister of Education power to appoint persons to inquire into and submit a report on any appeal, complaint or dispute which might arise within a school district over school matters or finance. Their report would be binding to the persons concerned. He may appoint an official trustee to conduct the affairs of any district in which he believes such an appointment is necessary. He may appoint some person to inquire into conditions in parts of Saskatchewan without schools. These statutes have come down to us with very few modifications.....

It shall be the duty of the Minister and he shall have power:

(1) To appoint one or more persons to inquire into and report upon any appeal, complaint or dispute arising from the decision of any board or inspector or other school official or upon the condition of one or more schools or upon the financial condition of any district or upon any other school matter; and such person or persons shall have power to take evidence under oath or by affirmation; and the minister upon receipt of such report shall make such order thereon as to him shall seem proper;

(2) To appoint an official trustee to conduct the affairs of any district; and any such official trustee shall have all the powers and authorities conferred by this Act upon a board and its officers; and shall be remunerated out of the funds of the district or otherwise as the Lieutenant Governor in Council may decide; and upon the appointment of any such official trustee the Board, if any, of any district for which he is appointed shall cease to hold office as such;

(3) To appoint some person to inquire into and report upon the conditions existing in any portion of Saskatchewan that may not have been erected into a school district and subject to the provisions of this Act in that behalf to take such action thereon as to him may seem expedient; and such person shall receive such remuneration as the Lieutenant Governor in Council may determine<sup>2</sup>....

In 1913 Subsection 11 of Section 7 was altered to read.....

"and the minister upon receipt of such report shall make such order thereon as to him seems proper; and such action shall be

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<sup>1</sup>Foght H.W. A Survey of Education, King's Printer, Regina, 1918, p.22.

<sup>2</sup>Ordinances of Saskatchewan, 1901, C.29, S.7.

taken in accordance with the terms of such order and not otherwise<sup>1</sup>.....

Subsection 2 of the same section was amended in 1920 to contain the following proviso.....

Provided that a municipal council may be appointed an official trustee<sup>2</sup>.....

In addition the Minister has power to cancel or suspend any certificate granted by the Department; to prepare recommendations and advice on the management of schools; to prepare suitable forms and instruction for making reports, and to prepare plans for one or two room schools. He may also appoint some person to call a school meeting where the authorised person has failed or refuses to do so. He must prepare annual reports on all schools and institutions under his supervision.....

It shall be the duty of the minister and he shall have power:

4. To suspend or cancel for cause any certificate granted under the regulations of the department;

5. To cause to be prepared and printed recommendations and advice on the management of schools and districts for trustee and teachers;

6. To prepare suitable forms and give such instructions as may be necessary for making all reports and carrying out the provisions of this Act;

7. To appoint some person to call any school meeting required to be held under this Act when there is no person authorised to call such meeting or when the person so authorised neglects or refuses to act;

8. To cause to be prepared plans of buildings suitable for schools of one or two rooms;

9. To report annually to the Lieutenant Governor in Council upon all schools and institutes herein mentioned with such statements and suggestions for promoting education generally as he may deem expedient;

10. To make any provision not inconsistent with this Act that may be necessary to meet exigencies under its operation<sup>3</sup>.....

The increasing demand for trained teachers during 1912-1913 made it necessary to provide adequate accommodation for Normal School

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<sup>1</sup>Statutes of Saskatchewan, 1913, C.49, S.8.

<sup>2</sup>R.S.S. 1920, C.110, S.8, ss.2.

<sup>3</sup>Ordinances of Saskatchewan, 1901, C.29, S.7; 1909, C.28, S.1.

purposes. Accordingly suitable legislation was introduced giving the Minister of Education power to establish model schools under the control of the Department. Arrangements were also made for the collection of suitable fees.....

6. Subject to the approval of the Lieutenant Governor in Council, to make provision for the establishment of model school under the control of the department, and to enter into such agreement as deemed advisable with any board of trustees respecting the administration, expenses, equipment and teaching of such schools<sup>1</sup>...

5. To provide for the collection of fees in accordance with a schedule to be approved from time to time by the Lieutenant Governor in Council for normal school training, attendance at model schools, teachers' certificates and departmental examinations, certificates of standing and other certificates issued by the department<sup>2</sup>.....

The same criticism may be offered here with regard to centralized control. While it is proper that the Department of Education should direct the general policies of teacher training, the internal policies of the school should be worked out within the institution in order that it may adapt itself to the needs of the community which it serves.....

It is eminently correct that the certification of the teaching staff be entirely in charge of the Department which is responsible to the people for school conduct. The general policies of the normal schools should be directed by the Department; but it is doubtful whether it should direct the internal school policies of the normal schools<sup>3</sup>.....

Because of the numerous complaints which the Department of Education had received concerning the high cost of school books, the Government decided to enter the retail book business for the purpose of supplying the public with cheaper books. Legislation was introduced in 1930 giving the Minister of Education power to establish a branch of the Department for the purchase and sale of

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<sup>1</sup> Statutes of Saskatchewan, 1915, C.23, S.8, ss.6.

<sup>2</sup> Ibid.- 1913, C.49, S.8.

<sup>3</sup> Foght H.W. A Survey of Education, King's Printer, Regina, 1918, p.22.

text books, library and reference books, supplementary reading books and other school supplies and equipment.....

9. (1) The minister may establish a branch of the department for the purchase and sale of text books, library and reference books, supplementary reading books and other school supplies and equipment.

(2) The Provincial Treasurer may from time to time advance to the minister such sums of money as the minister may require, to enable him to pay for such books, school supplies and equipment. The net amount of such advances shall not exceed the amount authorised from time to time by the Lieutenant Governor in Council<sup>1</sup>...

The Educational Council.- When the Department of Education was organized in 1901 the Government also created a body of men to advise the Minister of Education on educational policies. This body of men was known as the Educational Council. This council was to consist of five members, at least two of whom must be of the Roman Catholic faith.....

(8) There shall be an educational council consisting of five persons at least two of whom shall be Roman Catholics to be appointed by the Lieutenant Governor in Council; who shall receive such remuneration as the Lieutenant Governor in Council shall determine.

(2) On the first constitution of the council, three of the members shall be appointed for three years and two for two years; and thereafter each member appointed shall hold office for two years<sup>2</sup>.....

In 1903 the Act was amended. Meetings of the Council were to be called by the Minister of Education at such times and places as he determined. There was to be at least one meeting every year.....

Meetings of the council shall be held at such times and places as may be determined by the minister but at least one meeting shall be held in each calendar year<sup>3</sup>.....

All matters and questions concerning the educational system of Saskatchewan including regulations respecting school inspection,

<sup>1</sup>Statutes of Saskatchewan, 1930, C.46, S.4.

<sup>2</sup>Ordinances of Saskatchewan, 1901, C.29, S.8.

<sup>3</sup>ibid.- 1903, C.27, S.2.

examination, normal school training, teachers' institutes and text and reference books are submitted to the Council for discussion and report before being amended or adopted by the Legislature.....

All general regulations respecting the inspection of schools, the examination, training, licensing and grading of teachers' courses of study, teachers' institutes and text and reference books shall before being adopted or amended be referred to the council for its discussion and report<sup>1</sup>.....

The Council is at liberty to discuss any matter pertaining to the general good of Saskatchewan's educational system which is not mentioned in the Act.....

The Council shall consider such matters as may be referred to it as hereinbefore provided or by the minister and may also consider any question concerning the educational system of Saskatchewan as to it may seem fit and shall report thereon to the Lieutenant Governor in Council<sup>2</sup>.....

These statutes came into force in 1901 and with the exception of one amendment which was made in 1903, they have come down to us in their original form.

The Organization of the Public School District.- The conditions for the establishment of public school districts have been changed from time to time as regards the area, the number of residents in the proposed area and the number of children residing in the proposed district. The Statutes of 1901 stipulated that the school area must not exceed five miles in length and breadth, contain four resident ratepayers and twelve children of school age.....

(12) Any portion of Saskatchewan may be erected into a public school district provided that:

(a) It does not exceed five miles in length or breadth exclusive of road allowances;

(b) It contains four persons actually resident therein who on the erection of the district would be liable to assessment and twelve children between the ages of five and sixteen inclusive.

<sup>1</sup>ibid.- 1901, C.29, S.10.

<sup>2</sup>ibid.- 1901, C.29, S.11.

Provided however that in special cases the minister may permit the boundaries of any district to exceed five miles in length or breadth or either<sup>1</sup>.....

In 1910 these statutes were amended and it is in that form that we know them at the present time. Any part of the province may organize a public school district provided that it does not exceed twenty square miles in area. It must not exceed five miles in length or breadth. Moreover, the proposed area must contain at least four resident ratepayers and ten children of school age.....

13. (1) Any portion of the province may be organized into a public school district provided that:

(a) it does not exceed an area of twenty square miles and its length or breadth does not exceed five miles;

(b) there are at least four persons actually residing within the proposed district, each of whom on its organization would be liable to be assessed for school purposes;

(c) there are at least ten children between the ages of five and sixteen years inclusive actually residing within the proposed district<sup>2</sup>.....

As a result Saskatchewan has become organized into small local districts numbering over five thousand. Although the small local school district has promoted educational interest in the community in its larger aspect it has been detrimental to educational progress. As a tax area it has caused injustice and inequality. As an administrative unit it has promoted local jealousy, false economy and often individual indifference.....

This study, coupled with the testimony of the inspectors who are in intimate touch with the trustees and the schools, and the convictions expressed by many trustees as well, leads to the conclusion that the small district unit does not meet modern community needs in Saskatchewan any more than it does in the United States<sup>3</sup>.....

In the session of the Legislature in 1912-1913 a radical amend-

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<sup>1</sup>ibid.- 1901, C.29, S.12.

<sup>2</sup>Statutes of Saskatchewan, 1910-11, C.26, S.3.

<sup>3</sup>Foght H.W. A Survey of Education, King's Printer, Regina, 1918, p.27.

ment to the School Act was passed providing for the organization of large school districts and for the consolidation of existing districts. The amendment provided that large districts of not less than thirty-six square miles or no more than fifty square miles might be formed.....

(3) In case it is deemed advisable to organize a school district of not less than 36 square miles or more than 50 square miles for the purpose of having children of resident ratepayers conveyed to a central school, permission may be granted by the minister for the organization of such district upon receiving satisfactory evidence that its creation is in the public interest.

Provided that in case the minister is of opinion that special circumstances warrant the action, he may grant permission for the organization of a larger area for the purpose<sup>1</sup>.....

This legislation was passed to permit two or more school districts which were sparsely settled and financially unable to maintain their own schools, to unite. In this case consolidation of two or more small schools to form a graded school would be the practical solution. Consolidation in Saskatchewan, however, has made little impression. Legislation has been passed to meet local emergencies rather than to promote a government policy with the result that most of the consolidated school districts of Saskatchewan have been organized through local initiative.....

As stated above consolidation has made little progress in Saskatchewan because no provincial policy has yet been adopted extending government grants and guidance to proposed consolidation districts. A belief that Saskatchewan is not yet ready for consolidation may have caused government officials to hesitate to push the matter<sup>2</sup>.....

To provide for the education of children in sparsely settled areas where there were more than four but less than ten children,

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<sup>1</sup>Statutes of Saskatchewan, 1912-13, C.35, S.1.

<sup>2</sup>Foght H.W. A Survey of Education, King's Printer, Regina, 1918, p.68.

of school age in the school district, arrangements could be made to convey the children to an adjoining school by conveyance or parents. This amendment was made effective in 1917.....

In case it is deemed advisable to permit the organisation of a school district within which there are actually residing more than four and less than ten children between the ages of five and sixteen years, for the purpose of conveying such children to a neighboring school, permission may be granted by the authority whose duty it is to approve the boundaries of proposed districts<sup>1</sup>.....

Formerly any three persons who were resident in a proposed district might form themselves into a committee and on the proper form petition the Minister of Education for the erection of a school district.....

13. Any three residents in any area fulfilling the requirements of the next preceding section may be formed or may form themselves into a committee to procure its erection into a district and may petition the minister for such erection.

(2) The petition shall be in form prescribed by the minister<sup>2</sup>.....

Later the clause was amended to read "Any three persons of the full age of twenty one years, who are actually residing within the limits of a proposed district". Moreover, a petition was to be accompanied by a plan of the proposed area containing the number of children between the ages of five and sixteen years residing in each quarter section, the names and location of all resident ratepayers in the proposed district and the location of bodies of water and travelled roads.....

14. (2) The petition for organization of a district shall be in form A and shall be accompanied by a plan of the proposed district showing:

(a) the number of children between the ages of five and sixteen years inclusive residing on each quarter section.

(b) the names of those actually residing in the proposed district who will be resident ratepayers if the district is organized, such names being written on the quarter sections which are occupied.

(c) the location of streams, lakes, swamps and other

<sup>1</sup>Statutes of Saskatchewan, 1917, C.18, S.3.

<sup>2</sup>Ordinances of Saskatchewan, 1901, C.29, S.13.

bodies of water and of travelled roads<sup>1</sup>.....

The Minister of Education in order to prevent the education of children in any part of the province from being neglected, providing the portion does not exceed five miles in length or breadth has power to order the erection of a school district if the proposed district contains twenty children between the ages of five and sixteen years inclusive, ten persons in the proposed district liable to assessment and six thousand acres of assessable land. Notice of the erection of such a district must appear in The Saskatchewan Gazette.....

39. In case any portion of Saskatchewan not exceeding five miles in length or breadth exclusive of road allowances has not been erected into a school district the minister may order the erection of such portion into a district provided that it contains.....

(a) Twenty children between the ages of five and sixteen inclusive;

(b) Ten persons actually residing therein who on the erection of the district would be liable to assessment;

(c) Six thousand acres of assessable land; and notice of the erection of any such district shall be published in The Saskatchewan Gazette which notice shall be conclusive evidence that the district has been duly erected and constituted in accordance with the provisions of this Act<sup>2</sup>.....

By 1912 the foregoing clause had been amended giving the Minister of Education power to erect a school district which had the required number of resident ratepayers, the stipulated number of assessable acres but lacked the required number of children of school age.....

In special cases where the requirements of clauses (b) and (c) are fulfilled but there is not within the required area the number of children required by clause (a), the minister may order the erection of such area into a district provided that it is in the public interest to do so<sup>3</sup>.....

The Board of Trustees.- The public schools of the Province are

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<sup>1</sup>Statutes of Saskatchewan, 1910-11, C.26, S.3.

<sup>2</sup>Ordinances of Saskatchewan, 1901, C.29, S.39.

<sup>3</sup>Statutes of Saskatchewan, 1912, C.32, S.3.

administered by boards of trustees elected by resident ratepayers of the district. The Statutes of 1901 stated that in rural and village districts there should be three trustees holding office for three years and in town districts five trustees holding office for two years.....

In rural and village districts there shall be three trustees each of whom after the first election shall hold office for three years and in town districts there shall be five trustees each of whom after the first election shall hold office for two years.

(2) Every trustee shall hold office until his successor is appointed<sup>1</sup>.....

In 1923 this section of the Act was amended making provision for the election of seven trustees where the population exceeded ten thousand.....

102. (1) In rural and village districts there shall be three trustees, each of whom shall, subject to the provisions of section 36, hold office for three years. In town districts with a population not exceeding ten thousand there shall be five trustees, each of whom, after the first election shall hold office for two years; and where the population exceeds ten thousand there shall be seven trustees, each of whom, after the first election, shall hold office for two years.

(2) Every trustee shall hold office until his successor is elected or appointed.

(3) In case of an election of a board of trustees to take the place of an official trustee the members shall hold office in the same manner as if elected at a first school meeting<sup>2</sup>.....

After the approval of the boundaries of the proposed district by the Council or by the Minister in case of a dispute, notice was given calling a meeting on an appointed day at one o'clock. At this meeting a chairman was elected and a secretary appointed....

At one o'clock in the afternoon standard time of the day appointed in the notice calling the first school meeting the resident ratepayers present shall elect one of their number as chairman to preside over their proceeding and shall also 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<sup>3</sup>....

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<sup>1</sup>Ordinances of Saskatchewan, 1901, C.29, S.84.

<sup>2</sup>R.S.S. 1920, C.110, S.98; 1923, C.39, S.7; 1927, C.35, S.5.

<sup>3</sup>Ordinances of Saskatchewan, 1901, C.29, S.16.

In 1910 this section of the Act was repealed and subsequent legislation made provision for the meeting at two o'clock in the afternoon. It also provided that the secretary of the committee which made the petition should continue to act as secretary of the first meeting.....

26. At two o'clock in the afternoon (standard time) of the day appointed in the notice calling the first school meeting, the resident ratepayers present shall elect one of their number chairman to preside over the proceedings.

(2) The chairman shall upon his appointment sign the declaration provided in form G in the schedule to this Act.

(3) The secretary of the committee shall be the secretary of the first school meeting and shall record the minutes and perform all other duties required of such secretary by this Act, but in case for any reason he is unable to act the meeting shall appoint a secretary<sup>1</sup>.....

These clauses have since remained upon the Statute books without modification.

When a chairman has been elected the registered ratepayers immediately vote for or against the formation of the proposed district.....

20. Upon his appointment and before any other business is transacted except as provided in section 18 of this Act the chairman shall immediately cause a poll to be taken of the votes of the resident ratepayers for and against the formation of the proposed district.

21. On the taking of the poll the chairman shall preside and the secretary shall record the votes as they are given in the form prescribed by the minister.

22. The poll shall remain open for one hour at the end of which time it shall be closed by the chairman who shall then sum up the votes<sup>2</sup>.....

If the ratepayers vote in favor of the proposed district the chairman immediately call for nominations for trustees.....

If the results of the poll is favourable to the formation of the district the chairman shall immediately call for nominations of persons to serve as trustees and the secretary shall record such nominations in the order in which they are made<sup>3</sup>.....

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<sup>1</sup>Statutes of Saskatchewan, 1910-11, C.26, S.3.

<sup>2</sup>Ordinances of Saskatchewan, 1901, C.29, S.20,21,22.

<sup>3</sup>ibid.- 1901, C.29, S.23.

In 1901 candidates for trustees were required to be resident ratepayers and to be able to read and write.....

The persons nominated for the position of trustees shall be resident ratepayers of the proposed district and shall be able to read and write<sup>1</sup>.....

During the parliamentary session of 1918-19 this section was repealed and candidates in addition to being resident ratepayers and able to read and write, were required to take the oath of allegiance.....

Each person nominated for the office of trustee shall be a resident ratepayer of the district who is able to read and write, and shall make and subscribe the declaration and take and subscribe to oath of allegiance set forth in forms X and Y respectively<sup>2</sup>.....

Trustees of schools in foreign districts continued to conduct their school meetings in their native tongue. Therefore in order to promote the use of English in all school meetings, the foregoing clause was amended in 1931 by inserting after the word "write", the following "and to conduct school meetings in the English language"<sup>3</sup>.....

Until 1931 candidates for trustees were nominated by resident ratepayers at the annual meeting.....

Each candidate for the position of trustee shall be nominated by a mover and seconder both of whom shall be resident ratepayers of the proposed district<sup>4</sup>.....

In 1931 this section was repealed and nominations were to be made in writing according to a prescribed form.....

Subsection (3) of the said section 32 is repealed and the following substituted therefor:

(3) Every nomination shall be in writing in the form following

<sup>1</sup>Ordinances of Saskatchewan, 1901, C.29, S.24.

<sup>2</sup>Statutes of Saskatchewan, 1919-20, C.37, S.18.

<sup>3</sup>ibid.- 1931, C.52, S.3.

<sup>4</sup>Ordinances of Saskatchewan, 1901, C.29, S.25.

and shall be signed by at least two resident ratepayers of the district.

Nomination Paper.

We the undersigned resident ratepayers, of the proposed school district located in township ( ) range ( ) west of the ( ) meridian, hereby nominate (name) as candidate at the election of a trustee now about to be held.

Witness our hands this ( ) day of ( ).

Moved by

Seconded by

Signatures of Resident Ratepayers<sup>1</sup>.....

A nomination paper is not valid unless it is accompanied by the candidates acceptance which must also be made on the prescribed form.....

(3a) No nomination shall be valid unless the nomination paper is accompanied by the candidate's acceptance which shall be in the following form:

Candidate's Acceptance.

I, the said ( ) named in the foregoing nomination, hereby state:

- 1. That I am of the full age of twenty one years;
- 2. That I am a resident ratepayer of the proposed school district located in township ( ) range ( ) west of the ( ) meridian;
- 3. That I am able to read and write in the English language and to conduct school meetings in the English language<sup>2</sup>.....

In the event that a candidate is nominated who has been a trustee prior to July 1, 1930, and who cannot conduct a school meeting in the English language, his candidature is subject to the approval of the school inspector and he must sign the following acceptance form.....

3. That I held the office of trustee prior to the first day of July, 1930, and have obtained a certificate from the school inspector of this district that I am capable of performing the duties pertaining to the office of trustee, which certificate is attached hereto;

4. That my declaration respecting naturalization (form X) and my oath of allegiance (form Y) are attached hereto;

5. That I will accept the office if elected.

Signed in the presence of

.....  
Signature of Witness

.....  
Signature of Candidate<sup>3</sup>...

<sup>1</sup> Statutes of Saskatchewan, 1931, C.52, S.3.

<sup>2</sup> Ibid.- 1931, C.52, S.3.

<sup>3</sup> Ibid.- 1931, C.52, S.3.

For the first ten minutes after the meeting has been called to order for nominations, nominations are received for the contested positions.....

Nominations shall be received by the chairman for ten minutes after he first calls for the same<sup>1</sup>.....

If only three nominations are made the chairman declares the persons nominated to be elected. If more than three candidates are nominated a poll is opened at which each resident ratepayer has three votes but he cannot vote for one candidate more than one time at the same election. The votes are then counted and the successful candidates announced. This practice is also followed at the election of trustees at the regular annual meeting....

27. In case the number of nominations does not exceed three the chairman shall declare the persons nominated to be elected.

28. If more than three candidates are nominated the chairman shall at the close of the time for nominations declare a poll open for the election of trustees.

29. On the taking of the poll the chairman shall preside and the secretary shall record the votes as they are given in the form prescribed by the minister.

30. Every resident ratepayer shall have three votes but shall in no case vote more than once for any one candidate at the same election.

31. The poll shall remain open for one hour when it shall be closed by the chairman who shall sum up the votes and declare the result<sup>2</sup>.....

In a rural or village district the regular term of office is three years. At the first election however, the trustee receiving the greatest number of votes remains in office until the third annual meeting. The trustee with the second largest number of votes holds office until the second annual meeting and the trustee receiving the lowest number of votes remains in office until the first annual meeting following his election. If only three are nominated and no vote takes place, the trustees hold

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<sup>1</sup>Ordinances of Saskatchewan, 1901, C.20, S.26; 1909, C.29, S.27.

<sup>2</sup>ibid.- 1901, C.29, S.27,28,29,30,31.

office in the order in which they were nominated until the third, second and first annual meetings are held. If any two trustees receive an equal number of votes they shall hold office in the order in which they were nominated.....

The trustees elected at the first school meeting in any district shall hold office as follows: the trustee receiving the greatest number of votes shall hold office until the third annual meeting of the district is held; the trustee receiving the next greatest number of votes until the second annual meeting is held; and the trustees receiving the lowest number of votes until the first annual meeting is held.

Provided that in case there is no vote taken the trustees elected shall respectively hold office in the order in which they are nominated until the third, second and first annual meeting of the district is held;

Provided further that if any two or more trustees elected receive an equal number of votes they shall respectively hold office in the manner provided in the next proceeding proviso;

Provided further that if the annual meeting of a district is not held in any year it shall for the purposes of this section be deemed to have been held at the regular time<sup>1</sup>.....

The board of trustees manage and maintain the school erected in the district for which they are elected. They are granted definite duties by The School Act. These activities have increased from 26 duties in 1909 to 43 duties in 1934.....

115. It shall be the duty of the board of every district and it shall have power:

1. To appoint a chairman, a secretary and treasurer or a secretary treasurer and such other officers and servants as are required by this Act;

2. To procure a corporate seal for the district;

3. To cause to be prepared by the proper officers of the district and submitted to the department half-yearly and yearly returns respecting attendance and classification of pupils and finances of the district, which returns shall be in form prescribed by the minister; and to see that all other reports and statements required by this Act or by the minister are transmitted to the department without delay;

4. To keep a record of the proceedings of each meeting of the board signed by the chairman and secretary, and to see that true accounts both of the school and district are kept and that the affairs of the district generally are conducted in the manner provided by this Act and with due regard to efficiency and economy;

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<sup>1</sup>libid.- 1901, C.29, S.36.

5. To provide the officers of the board with the books necessary for keeping proper records of the district;

6. To take possession and to have the custody and safe keeping of the property of the district.

7. To provide adequate school accommodation for the district.

8. To purchase or rent school sites or premises, and to build, repair, furnish and keep in order the school house, furniture, fences and all other school property; to keep the water supply, closets and premises generally in a proper sanitary condition; and to make due provision for properly lighting, heating, ventilating and cleaning the school rooms under its control and if deemed advisable to purchase or rent sites or premises for a house for the teacher, and to build, repair and keep such house in order; or, to enter into an agreement with any board for the purpose of erecting, furnishing and maintaining a teacher's residence on such terms as are mutually agreed upon;

9. Subject to the provisions of this Act and the regulations of the department, to provide instruction appropriate to their grades for all pupils who have the right to attend the school;

10. In cities to provide such fire escapes for any school building as may be satisfactory to the city council and in all other school districts to provide approved metal fire escapes for any school building of two or more storeys;

11. Subject to the approval of the minister, to dispose of any of the real property of the district when no longer required for school purposes;

12. By resolution to permit the school to be used outside of school hours on such terms as are deemed expedient by the board for any educational purpose or for any other lawful purpose, providing the proper conduct of the school is not interfered with;

13. When considered expedient, to purchase stock in a rural telephone company operating in the school district; to purchase material for installing and operating a telephone in the school in connection with a telephone system operating in the district; to provide for the maintenance and operation of such telephone;

14. To provide wholesome drinking water for the use of the children during school hours;

15. To provide separate privies for boys and girls in accordance with the regulations of the department;

16. If deemed advisable, to erect and keep in order suitable stabling accommodation;

17. To insure and keep insured the school buildings and equipment;

18. To provide a suitable library for the school and to make regulations for its management;

19. To select and provide from the list authorised by the minister all such reference books for the use of pupils and teachers and all such globes, maps, charts and other apparatus as are required for the proper instruction of pupils;

20. For the purpose of giving instruction in music, to provide such equipment as may be deemed advisable;

21. To require that no text books or apparatus be used in the school under its control other than those authorised by the department.

22. To exempt in its discretion from the payment of school taxes, wholly or in part, any indigent persons resident within the district, and, where deemed necessary, to provide for the children of such persons text books or other supplies at the expense of the district;

23. To engage teachers qualified under the regulations of the department on such terms as it deems expedient; the contract to be in a form prescribed by the minister to whom a certified copy shall be forthwith transmitted;

24. To suspend or dismiss any teacher for gross misconduct, neglect of duty or refusal or neglect to obey any lawful order of the board, and to forthwith transmit a written statement of the facts to the department;

25. To see that school is conducted according to the provisions of this Act and the regulations of the department;

26. To issue when required by the teacher, at the end of each calendar month, an order on the school district in favour of the teacher, for the amount of salary due, which amount shall, if the order is not paid when presented, draw interest at the rate of eight per cent. per annum until paid;

27. 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;

28. In town districts to determine the number, grade, territorial boundaries and description of schools to be opened and maintained;

29. To determine what times pupils may be admitted to Grade 1;

30. To provide when deemed expedient books, stationery and other material necessary in connection with the establishment and maintenance of a school savings bank;

31. When deemed expedient to provide for the maintenance of school gardens and to contribute to the support of local school fairs and school garden associations;

32. To settle all disputes arising in relation to the school between the parents or children and the teacher;

33. To suspend from 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 wellbeing of the school; or to expel any pupil upon confirmation of a resolution of the board to that effect by an inspector;

34. To see that the law with reference to compulsory education and truancy is observed;

35. To provide equipment and supplies for the noon lunch and such material and appliances for cadet corps and for school sports and games as may be deemed necessary;

36. To expend a sum not exceeding \$25 in any one year for miscellaneous school purposes not otherwise specified in this Act.

37. Making, if deemed advisable, annual or other grants to The Canadian Red Cross Fund, not exceeding \$50 in all in any one year.

38. In rural districts to obtain a favourable vote of the ratepayers at a meeting properly called before making a capital expenditure of more than \$500, and in all districts to call for

tenders in case of capital expenditure in excess of \$1,000;

39. Subject to the regulations of the department in that behalf, to expend annually on books for the school library the sum of \$10 for each room in operation;

40. To comply with the regulations of the department respecting the supplying of its school with flags and the use to which flags are to be put while the school is in operation;

41. To perform such other duties as are required by this Act or the regulations of the department;

42. To comply with the provisions of The Public Health Act with respect to contagious or infectious diseases;

43. Upon production of satisfactory credentials from the principal of a normal school, to admit any student enrolled in a normal school to any classroom in a school organized under this Act at any time while it is in session, for the purpose of observation and practice teaching<sup>1</sup>.....

In 1918-19-20 power was given to boards of trustees to provide medical and dental inspection in schools. They might also employ a school nurse and special instructors.....

A board of trustees or any group of boards on such terms as are mutually agreed upon, may provide for the medical and dental inspection of pupils and, subject to the regulations of the department, employ a school nurse or special instructor in household science, manual training, physical training or agriculture<sup>2</sup>...

During the legislative sessions of 1928 power was extended to boards of trustees to provide special classes for defective children.....

A board may establish special classes of instruction for children who are from any physical or mental cause unable to take proper advantage of the regular public school courses of study<sup>3</sup>.....

The creation of the small school district in charge of three local school trustees has raised the question of their efficiency. It is very doubtful if five thousand small school districts each under three local trustees can be administered as efficiently as larger units.....

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<sup>1</sup>R.S.S. 1920, C.110, S.110; 1920, C.46, S.6; 1921-22, C.47, S.3; 1923, C.39, S.8; 1928, C.48, S.5; 1928-29, C.45, S.2; 1930, C.46, S.10.

<sup>2</sup>Statutes of Saskatchewan, 1918-19, C.48, S.6; 1919-20, C.37, S.22.

<sup>3</sup>ibid.- 1928, C.48, S.8.

Saskatchewan has 4,020 school districts (December 31, 1917) each in charge of three local trustees. This makes a small army of between eleven and twelve thousand men. An average municipality has from thirty to fifty or more each. Such an organization is inexcusable. It is unreasonable to expect that half a hundred men can be found in a thinly settled municipality suited by temperament and training to fill all these positions; even if the men could be found there is neither business reason nor educational reason for bringing such a large force into the management of the schools. In many municipalities, particularly in non-English communities, it is entirely out of the question to find a sufficient number of persons suited to hold these important positions<sup>1</sup>.....

The Annual Meeting.- The annual meeting of the ratepayers is held in all rural and village districts.....

An annual meeting of the ratepayers of every rural and village district shall be held in the school house or some other suitable place within the district not later than the fifteenth day of January in each year commencing at the hour of two o'clock in the afternoon (standard time)<sup>2</sup>.....

In 1915 this section had been amended to read.....

not later than the thirty-first day of January in each year commencing at the hour of two o'clock in the afternoon (standard time)<sup>3</sup>.....

Later special authority was given to the village of North Regina to hold their annual meeting in the evening at 7 P.M.....

Provided that in the village of North Regina the annual meeting may be held at the hour of seven o'clock in the evening (standard time)<sup>4</sup>.....

The meeting is called by the board, notice being given at least eight days before the meeting is held. These notices must be posted in five conspicuous public places, one of which must be a post office. If there is no post office in the district then a sixth notice must be placed in the post office nearest to the district.....

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<sup>1</sup>Foght H.W. A Survey of Education, King's Printer, Regina, 1918, p.27.

<sup>2</sup>Ordinances of Saskatchewan, 1901, C.29, S.53; 1909, C.28, S.14.

<sup>3</sup>Statutes of Saskatchewan, 1915, C.23, S.64.

<sup>4</sup>ibid.- 1919-20, C.37, S.14.

The meeting shall be called by the board which shall at least eight days before the day for which the meeting is called post public notices giving the day, place and hour of meeting; and such notices shall be posted in five conspicuous places within the district one of which shall be in the post office and if there be no such post office a sixth notice shall be posted up in the post office nearest thereto<sup>1</sup>.....

By 1909 an amendment had been passed which stated that if notices were sent by mail to ratepayers at least fifteen days in advance only one public notice, placed in the post office was required.....

It shall be deemed sufficient notice of such meeting if the notice is sent to the ratepayers by mail and posted at least fifteen clear days prior to the date of the meeting:

Provided that at least one public notice shall be posted in the post office situated in the district or if there is no such post office then in the post office nearest thereto<sup>2</sup>.....

In town districts the meeting of the ratepayers is held at the same time and place as the nomination for councillors or aldermen. If the meeting is not held then it must be held within a period five days before or after that date at a place selected by the board. Notice of the meeting must be advertised once a week for at least two weeks prior to the meeting in a newspaper published in the district or if there is no newspaper in a manner similar to that used in rural and village districts.....

An annual meeting of the 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 two days before or after the said date as may be fixed by resolution of the board of which due notice shall be given by advertisement once a week for at least two weeks previous to the said date in some newspaper published in the district or if there is no newspaper published then in the manner provided in section 54 hereof with respect to meetings in rural and village districts<sup>3</sup>.....

In 1930 important legislation was passed which required that

<sup>1</sup>Ordinances of Saskatchewan, 1901, C.29, S.54.

<sup>2</sup>R.S.S. 1909, C.100, S.54.

<sup>3</sup>Ordinances of Saskatchewan, 1901, C.29, S.70; 1909, C.28, S.18.

all school meetings should be conducted in the English language...

All meetings shall be conducted in the English language but the chairman shall, if necessary, provide for the attendance of an interpreter for the benefit of those who cannot understand English<sup>1</sup>.....

In rural and village school districts the business is conducted in the following order.....

1. Receiving and considering the statements prepared by the teacher, trustees, treasurer, collector and auditor;
2. Receiving and considering the inspector's reports;
3. Miscellaneous business;
4. Election of trustees<sup>2</sup>.....

Later the election of an auditor was added to this list. In town districts the same order of business is followed.....

The statements and reports mentioned in section 74, with such variations as are deemed necessary by the board, shall be prepared by the proper officials for use at the annual meeting in town districts, and shall be read by the secretary except as hereinafter provided<sup>3</sup>.....

The boards of trustees of town districts are elected in a manner prescribed by The City Act.....

The boards of public school and separate school trustees in town districts shall be elected in the manner prescribed by The City Act and The Town Act respectively<sup>4</sup>.....

Trends.- Trends in Saskatchewan's educational policy show tendencies towards greater centralization of the units of school administration and a more efficient system of supervision to replace school inspection.

The small school district as a unit of school administration has survived its period of usefulness. A product of pioneer days when communication and transportation facilities were of questionable efficiency, these districts served to promote and foster

<sup>1</sup>Statutes of Saskatchewan, 1930, C.46, S.7.

<sup>2</sup>Ordinances of Saskatchewan, 1901, C.29, S.59; 1903, C.27, S.5.

<sup>3</sup>Statutes of Saskatchewan, 1909, C.100, S.72.

<sup>4</sup>ibid.- 1915, C.23, S.87.

educational interests in the isolated communities where families organized and administered their schools in the best manner they could. During the past years prominent educationalists in Saskatchewan have realized that such an organization is vicious in character and ought to be supplanted by a more efficient unit. Its one virtue, local interest, is greatly outweighed by numerous disadvantages which cannot be overlooked. Many suggestions have been made as regards the larger unit of administration. The proper size of the unit can only be determined by experimentation but it is generally agreed that such a unit should embrace not less than sixty and not more than one hundred schools. These would be controlled and administered by a board of education elected from the districts of the larger unit. It would not be necessary to disband the local school boards for a time and a suitable division of authority might be arranged between the local school board and the board of education of the larger unit.

The question of organizing a larger unit of administration has brought into prominence the problem of more efficient supervision, especially of rural schools. In 1930 the Government of Saskatchewan undertook to promote a supervisory area which met with the approval and support of the school districts which participated. In 1931 these activities were curtailed due to the economic depression and unfavorable crop conditions, but the problem is still being considered and discussed with much enthusiasm. It is recognized that the school inspector with 150 schools in his inspectorate is not a supervisor and that his visits twice a year to each school contributes very little to the teacher's knowledge of class room administration and procedure. The supervision of a supervisory area would be undertaken by a duly quali-

fied superintendent who would eventually replace the inspector. This would mean a trip of once a month to each school and would develop better work from both teacher and pupil.

Conclusion.- The large amount of educational legislation enacted shows that there has been no lack of educational interest in the province. There has been a marked tendency to build up a highly centralized system with the Minister of Education in charge. Accordingly acts and regulations have come into being which govern all branches of elementary educational activity. This centralized system, though open to severe criticism, has been very beneficial in building up a high standard of educational attainment throughout the province.

In almost every department of elementary education there has been growth. There has been an increase in the number of schools with a corresponding increase in the number of teachers and pupils. Similarly there has been an increase in the number of Grade Eight candidates who present themselves every year for the departmental examination. There has been an improvement in the qualifications of teachers, the percentage of passes and the percentage of attendance and length of the school year. The total receipts and expenditures for elementary school purposes have shown a gradual increase until they reached their highest point in 1929. This was followed by a drastic curtailment in 1932. Statistics showing the gradual increase and improvement in Saskatchewan's elementary educational system may be found in Appendix A.

## CHAPTER V.

THE ORGANIZATION AND ADMINISTRATION  
OF SECONDARY EDUCATION

## Introduction

After the organization of a public school system in the Province it was inevitable that it would be only a matter of time until there would be a similar demand for a system of secondary schools.

Demand for Secondary Schools.- As early as 1886 Thomas Grover, a school inspector reported to the Board of Education the need for secondary schools.....

1. There are many teachers now holding Provisional Certificates who intend to follow the profession of teaching and would like to attend Training and High School, to fit themselves for the position, provided they could do so without incurring the additional expense of leaving the Province.

2. There are a number of parents in different parts of my inspectorate at the present time sending their children out of this Province to be educated, who would gladly send them to a High-School in the Territories, thereby affecting a saving and keeping their children nearer home.

3. Our more advanced schools will be able, within a year, to send up from two to six pupils to pass the entrance examinations to a High-School; and if we have no such institution, parents will be obliged to send them elsewhere.

4. By having a High-School, teachers, have an object to work up to, as well as pupils, therefore a stimulating influence is constantly going on in every school.

Signed - Thomas Grover, Inspector<sup>1</sup>.....

The Board of Education was thoroughly in accord with the recommendations of Inspector Grover. They felt that some system of secondary education would be of special value to teachers who intended to continue in the work as a life profession. Since funds were not available the Board appealed to the Minister of the Interior for a grant of \$30,000.00 for the purpose of establishing one or more high schools and a training school for

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<sup>1</sup>Report of Board of Education, 1886, p.27.

teachers.....

The desirability of establishing some system of High Schools in the Territories has frequently been under the consideration of the Board, and especially with a view to obtain in connection therewith an institution wherein our teachers could be trained in the science and art of teaching. As directed, a copy of the following resolution of the Board was forwarded to the Minister of the Interior on this subject, viz: "That this Board desires to urge upon the Federal Government the desirability of a grant of \$30,000.00 being made to the North West Territories for the purpose of establishing one or more High Schools and a Central Training School. That the grant in aid of schools at present given is required for the common school, and in consequence no provision can be made to encourage or establish High Schools<sup>1</sup>....

The appeal to the Federal Government received favorable consideration and in the following year the Board recommended that clauses establishing branches for the teaching of high school subjects should be added to The School Ordinance.....

The Board believes that the time has now arrived when the establishment of Schools for Higher Education should be authorized, and accordingly recommends that the clauses suggested to be added to the Ordinance in regard to this matter be adopted. These clauses permit the establishment of branches for the teaching of High School subjects in those schools where such a course is warranted by the number and the state of advancement of the pupils<sup>2</sup>.....

Union Schools.- This recommendation was favorably received by the Government and in 1888 The School Ordinance was amended wherein provisions were made for the establishment of Union Schools in which high school subjects were to be taught.....

In 1888 in order to meet a general demand from all the important centres of population in the Territories, for a higher class of education, provisions were made for the establishment of "Union Schools" in which the higher branches may be taught<sup>3</sup>....

A special grant of \$350.00 was given to Union Schools in addition to the regular grants to which the school was entitled

<sup>1</sup>Report of the Board of Education, 1886-87, p.11.

<sup>2</sup>ibid.- 1888, p.10.

<sup>3</sup>Brown, James. Education in the North West Territories, 1891, p.7.

when the daily average attendance was not less than sixty pupils, when not less than three teachers were employed and when not less than fifteen pupils in regular attendance at any such school had passed the examination prescribed by the Board of Education for entrance to the high school branch of such schools. The certificates held by the high school teacher had to be approved by the Board of Education.....

To Schools in which the daily average attendance is not less than sixty pupils, when not less than three Teachers are employed and when not less than fifteen pupils, in regular attendance at any one such School, have passed the examination prescribed by the Board of Education for entrance to the High School Branch of such Schools, a grant of \$350 in addition to the grants to which the School is otherwise entitled, may be made annually to such School for a High School Teacher, provided the certificates held by such Teacher are approved by the Board of Education; provided always, that in any two adjacent School Districts jointly fulfilling the above requirements, a "Union School" may be established in either District, at the discretion and under the management of the Trustees of both Districts<sup>1</sup>.....

The Board of Education at its first meeting in March 1889 hurriedly drafted a tentative schedule of regulations governing the Entrance Examinations, and the Course of Study to be used in such Schools. Entrance examinations were held half yearly and were given on the subjects prescribed in Standard V of the Programme of Studies for Protestant Schools and on Subjects prescribed in the Superior Course in the Programme of Studies for Roman Catholic Schools. The examinations were set, conducted and examined jointly by the school inspector and the head teacher or principal of the Union School. The results were announced and the papers and marks forwarded to the Board of Education. The pass mark for each subject was twenty five percent. but the candidate had to receive forty percent. of the total marks. Pup-

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<sup>1</sup>Revised Ordinances, 1890, C.59, p.476.

ils who were too late for the examination but who were thought to be qualified for admission, were admitted provisionally into the high school until the next regular entrance examination.....

The regular Entrance Examination for pupils for the High School Branch shall be in writing and shall be held half-yearly before the close of each Term.

There shall be papers set on reading, spelling, composition, writing, arithmetic, grammar, geography, history and elementary English, literature, book-keeping (single entry), as prescribed in Standard V of the Programme of Studies for Protestant Schools, and in the "Superior Course" in the Programme of Studies for Roman Catholic Schools.

The papers shall be prepared and examined and the examination shall be conducted by the Inspector for the District and the Head Teacher or Principal of the School. When the examination is over and the results have been declared, the papers, together with the marks obtained, shall be sent to the Secretary of the Board of Education to be filed.

In order to pass the Examination a candidate must obtain twenty five per cent. of the marks attached to each of the subjects of the examination, and forty per cent. of the total number of marks.

Pupils, who come into the District after the regular examination has been held, and who are thought to be qualified for admission, may be placed by the Principal in the High School until the ensuing Entrance Examination when they shall be required to pass such examination<sup>1</sup>.....

The course of studies in the high school was very elastic and left very much to the discretion and good judgment of the inspector and principal. It was recommended that students whose literary attainments did not extend beyond the subjects of examinations required for third class teachers, should be encouraged to take much of the work of Standard VI in the Protestant Schools or the work in the Superior Course of the Catholic Schools. Professional subjects were to be taken and practical teaching in addition to subjects in the junior departments.....

The Board of Education, in putting forth the regulations relating to Union Schools, desire it to be understood that these regulations are tentative and provisional, the idea being to bring such schools into operation as soon as possible.

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<sup>1</sup>Report of the Board of Education, 1889, p.61.

When they exist and the Board has had an opportunity of forming an opinion about them it will revise all the regulations relating to the course of study in all its schools, as well as the regulations relating to the attainments of its teachers.

With regard to the Normal Sessions, the Board feels that it must, at this stage of things, rely very greatly upon the judgment and good sense of Inspectors and Principals to make such arrangements as will result in the carrying on of a complex system with the utmost advantage to all the pupils concerned.

Students, whose literary attainments do not extend beyond the subjects of examination for 3rd Class teachers, should be encouraged to take as much work required in Standard VI., prescribed for the Protestant Schools, or in the Superior Course prescribed for Roman Catholic Schools, as possible, having regard to the time required to be given to professional subjects, and to what may be required of them in order to gain a knowledge of practical teaching. Such students should, from time to time, take classes in the junior departments of the school, and then only under the direction of the Principal or the Teacher of the department.

Students, studying the subjects assigned either for first or second class teachers, may take classes in all departments of the schools, at the discretion of the Principal.....

Meanwhile in 1889 Union Schools were organized at Calgary and Regina while during the following year four more were established at Moose Jaw, Moosomin, Lacombe and Prince Albert. At the close of 1889, seventy-one candidates wrote the entrance examination while in the following June this number had increased to 128 candidates. Several changes were made in the regulations governing the operation of high schools. Entrance examinations were conducted once a year instead of twice a year as formerly. These entrance examination questions were prepared and corrected by the Board of Examiners instead of the school inspectors and principals of the Union Schools. These changes produced a more uniform and a higher standard of examinations.....

Since the date of last report, Union Schools have been established in the following school districts: Lacombe, Moosomin, Moose Jaw and Prince Albert, making with the two already in existence six in the Territories.

Towards the close of the last year Entrance Examinations were held

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<sup>1</sup>ibid.- 1889, p.3.

in the following Union Schools, namely, Moose Jaw, Lacombe, Regina, Calgary and Moosomin. In all 71 candidates were present at the examinations, of which number 57 passed and 14 failed. In order to have a uniform standard for these examinations, it was considered desirable to amend the regulations, and have the entrance examination questions prepared and examined by the Board of Examiners, in place of by the various Inspectors and Principals of Union Schools. The Entrance Examination held in June last, was conducted in accordance with this amendment, and the following table shows the results: Candidates 128, Passed 77, Failed 51.

It having been represented to the Board that two examinations in each year did not allow sufficient time for preparation, it has been decided to reduce the number to one, to be held before the close of the First Term<sup>1</sup>.....

The grading system of the school was also changed. Standard V, the highest standard of the public school was made the first standard of the high school branch. Changes were made in it and also in Standard VI with the possibility of adding another standard the following year. Students were required to pass the examinations of Standard V for Third Class certificates and the examinations of Standard VI, with the exception of French and Latin, for Second Class certificates.

Regulations were drafted in 1890 governing the qualifications of the principal of the high school branch of a Union School. The principal was required to be a graduate in Arts of some university in the British Empire or have attainments which, in the opinion of the Board of Education, were equivalent thereto and who was able to satisfy the Board as to his knowledge and ability to conduct such a school and to train teachers according to the most approved methods of teaching. The salary of the principal was not to exceed eighteen hundred dollars a year.....

The head teacher of every High School Branch of a Union School shall be styled the Principal of such School.

The Principal shall be a Graduate in Arts of some University in Her Majesty's Dominions, or have attainments which, in the

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<sup>1</sup>ibid.- 1890, p.2.

opinion of the Board, are equivalent thereto, and must also be able to satisfy the Board as to his knowledge and ability to conduct such a school, and to train teachers according to the most approved methods of teaching.

The maximum salary for the Principal of any Union School shall not exceed eighteen hundred dollars per annum<sup>1</sup>.....

Apparently some of the teachers in the Union Schools had been devoting too much time on the teaching of professional subjects for in 1890 the Board of Education passed the following resolution emphasizing the importance of teaching the high school subjects....

Resolved: That, whereas complaints have been made that too much time is being devoted in Union Schools to the training of teachers, the Secretary be directed to issue a circular letter to the Principals of the various Union Schools pointing out that the primary object of the High School Department is to afford instruction in the higher branches of Education; and that the training of teachers is not part of the work of any Union School, until a Normal Department is authorized<sup>2</sup>.....

During the next year the Board of Education experienced difficulties as regards the examination papers. It appeared that certain high school principals failed to forward to the Board the papers of pupils, who in their opinion had failed to pass the entrance examination. As the Board required the papers of all the candidates, it ordered the secretary to forward to all principals a circular making clear the Board's wishes on this matter.....

In connection with these examinations, it was found necessary to pass the following resolution:

"Whereas it has been reported to this Board that at the last entrance examination for High Schools certain Principals of Schools did not think it necessary to forward the papers of the pupils, who, in their opinion had failed to pass the examination; and

"Whereas such practice is contrary to the provisions of subsection 3 of clause 5 of the amendments to the School Regulations;

"Therefore be it resolved, That the Secretary be instructed to issue a circular, in time for the next entrance examination, making the meaning of the regulation on the subject clearly known to all the Principals of Union Schools<sup>3</sup>.....

<sup>1</sup>ibid.- 1890, p.14.

<sup>2</sup>Report of the Board of Education, 1890, p.7.

<sup>3</sup>ibid.- 1891, p.3.

The high school course of the Union Schools was organized primarily to meet the needs of teachers who desired further academic and professional training. As a pioneer project it contained many defects. In this experimental stage it had to rely very greatly upon the good sense and judgment of the inspectors and principals to make such arrangements as would result in the carrying on of a new and complex system with the utmost advantage to all the pupils concerned. The need for an improved system of secondary education was making itself felt. In 1903 the Department of Education in its annual Report gave voice to similar sentiments. It was obvious that in a very short time the entire secondary system would be reorganized with an increased appropriation for the operation of such schools.....

While the Government has not been unmindful of the necessity for providing high school facilities for the youth of the Territories it must be admitted that this feature of our educational system has been a matter of secondary consideration. Of the many important questions pertaining to secondary education which will require the attention of the department at an early date the following may be cited, namely: the establishment of high schools and collegiate institutes, the adoption of regulations governing their organisation, management and equipment, the qualifications of instructors, the introduction of commercial and other courses of study, and the appointment of special inspectors. It will also be necessary to consider the advisability of increasing the legislative appropriation in support of these schools. At the present the special grants paid to the senior departments of our two or three largest town schools falls far short of those given in support of similar institutions in Manitoba, Ontario and other provinces of Canada<sup>1</sup>.....

In 1905 Saskatchewan was created a province. There followed almost immediately a demand for better facilities for higher education. During 1907 the Commissioner and Deputy Commissioner of Education held meetings in the large centres to which were especially invited the members of school boards and town councils.

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<sup>1</sup>Report of the Department of Education, 1903, p.24.

These meetings were well attended and many helpful suggestions on secondary education were secured. Everywhere the greatest enthusiasm was displayed.....

Early in the year meetings were held by the Commissioner and Deputy Commissioner at a number of leading centres in the Province. At these meetings boards of trustees and members of town councils were present and every effort was made to find out the attitude of these bodies towards the establishment of high schools. Many important matters pertaining to the organisation and management of high schools and the character of the instruction to be given were brought forward and fully discussed. As a result many valuable hints and suggestions were received, and at every place visited the greatest interest was manifested in the question of higher education<sup>1</sup>.....

As a result an Act called The Secondary Education Act providing for the organization and maintenance of secondary educational institutions in the Province of Saskatchewan was introduced into Legislature and passed on March 22, 1907.....

Feb. 28, 1907.

Ordered, That Mr. Calder have leave to introduce a Bill respecting the organisation and maintenance of Secondary Educational Institutions.

He accordingly presented the said Bill and the same was received and read the first time, and

Ordered, To be read a second time on Tuesday next<sup>2</sup>.....

March 7, 1907.

The Order of the Day, being read for the second reading of the Bill (No.11) respecting the organisation and maintenance of Secondary Educational Institutions.

The said Bill was read the second time, and

Ordered, To be committed to a Committee of the Whole House at the next sitting of the House<sup>3</sup>.....

March 11, 1907.

Mr. Calder moved, seconded by Mr. Lamont,

That this House do immediately resolve itself into Committee to consider a resolution to provide for grants to Secondary Educational Institutions<sup>4</sup>.....

March 22, 1907.

The Order of the Day being read for the third reading of the

<sup>1</sup>ibid.- 1907, p.7.

<sup>2</sup>Journals of the Legislative Assembly, 1907, p.14.

<sup>3</sup>ibid.- 1907, p.24.

<sup>4</sup>ibid.- 1907, p.28.

Bill (No.11) respecting the organisation and maintenance of Secondary Educational Institutions,

Ordered, That the Bill (No.11) be now read a third time

The said Bill was accordingly read the third time

Resolved, That this Bill do now pass and be intituled "An Act respecting the organisation and maintenance of Secondary Educational Institutions<sup>1</sup>.....

One of the few complaints directed against Saskatchewan's secondary school system is that it was organized under a separate act, The Secondary Education Act. This has created a breach between our elementary and secondary systems. If our educational system were made continuous the general public would look upon graduation from high school rather than the completion of grade VIII as the minimum educational requirement for boys and girls.....

The secondary school is organised under a distinct law - The Secondary Education Act - which limits the establishment of high schools to towns and city municipalities. The breach between the elementary and secondary schools has been needlessly wide and difficult to span, and has made the high school rather exclusive and aristocratic in its tendencies, as is seen in the rather pretentious term Collegiate Institute<sup>2</sup>.....

The Department of Education.- According to the terms of The Secondary Education Act all secondary educational institutions are placed under the control, management, and supervision of the Department of Education. These institutions are subject to such regulations of the Department as are approved by the Lieutenant Governor in Council. No regulation may be adopted, amended or repealed until it has been referred to the Educational Council for discussion and report.....

The department shall have the control, management and supervision of all secondary educational institutions organised and maintained under and in accordance with the provisions of the Act.

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<sup>1</sup>ibid.- 1907, p.56.

<sup>2</sup>Foght H.W. A Survey of Education, King's Printer, 1918, p.23.

Every such institution shall be subject to such regulations of the department as shall be approved by the Lieutenant Governor in Council in that behalf;

Provided that no such regulation shall be adopted, amended or repealed until it has been referred to the educational council for its discussion and report<sup>1</sup>.....

The Minister of Education has power to appoint a person or persons to investigate and report upon appeals, disputes and complaints affecting any high school or upon the financial or any other condition affecting the good of a high school district. His decision, after receiving the report is final.....

The Minister shall have power:

(1) To appoint one or more persons to inquire into and report upon any appeal, complaint or dispute arising from the decision of any board, inspector or other official of any high school or upon the financial or other conditions of any high school district or upon any matter pertaining to the well being of any high school; and such person or persons shall have power to take evidence under oath; and the minister upon receipt of such report shall make such order thereon or render such decision as to him shall seem proper and such order or decision when given shall be final and binding on all parties concerned<sup>2</sup>.....

The Minister has authority to appoint a person to call any meeting or perform any other task under the Act, when others, whose duty it is to call such a meeting or perform such tasks, have neglected or refused to do so. The Minister also authorizes lists of text and reference books, equipment and apparatus. He may cancel or suspend the certificate of any high school teacher and make any provision not inconsistent with the Act to meet any emergency which may arise.

The Organization of the High School District.- In 1907 any town or city municipality could declare itself a high school district by passing a bylaw for the establishment of a high school.

<sup>1</sup>The Secondary Education Act, 1907, C.25, S.3,4.

<sup>2</sup>ibid.- 1907, C.25, S.5, ss.1.

A copy of this bylaw was then forwarded to the Lieutenant Governor in Council for approval. With this approval the high school district was considered to be established and notice was published in The Saskatchewan Gazette. The boundaries of such a high school district were to conform with the boundaries of the municipality in which it was established, automatically changing with any alterations made in the municipal boundaries.....

The council of any town or city municipality may at any time pass a bylaw for the establishment of a high school within the municipality and for declaring such municipality to be a high school district.

A certified copy of every such bylaw shall forthwith after its passing be transmitted to the minister for the approval of the Lieutenant Governor in Council and in case such approval is given the high school district shall be deemed to be established and notice thereof shall be published in The Saskatchewan Gazette.

The limits of every high school district shall conform to those of the town or city municipality in which such district is established and whenever the limits of any such municipality are added to, diminished or otherwise altered the limits of the high school district shall be deemed to be similarly added to, diminished or otherwise altered<sup>1</sup>.....

During the legislative sessions of 1910-11 certain restrictions were placed on the formation of high school districts. These amendments have remained in force down to the present time. Any town or city municipality may establish a high school district provided; that at the time of petitioning at least five teachers are employed in schools operating under The School Act in the municipality; that during the period two years prior to the receipt of the petition no high school district has been established within forty miles of the municipality, measured by the nearest road allowances; that it can be shown that there will be an average attendance in the high school above grade VIII of twenty-five pupils.....

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<sup>1</sup>ibid.- 1907, C.25, S.8.

Any town or city municipality may be established as a high school district provided that:

(a) at the time of the receipt of the petition for such establishment there are at least five teachers regularly employed in the schools situated within the municipality and organised under the provisions of The School Act;

(b) within a period of two years prior to the receipt of such petition no other high school district has been established within a distance of forty miles from the municipality as measured by the nearest road allowances;

(c) it is shown to the satisfaction of the minister that if the district is established there will be in attendance at the high school an average of at least twenty-five pupils above grade VIII<sup>1</sup>.....

If a town or city municipality is able to meet these stipulations, the council, after receiving a certificate from the Department of Education that the foregoing conditions exist, may pass a bylaw for the establishment of a high school district within the municipality upon receiving a petition signed by at least twenty resident ratepayers.....

Upon the receipt of a petition in that behalf signed by at least twenty resident ratepayers, the council of a town or city municipality may pass a bylaw for the establishment of a high school within the municipality and for declaring the municipality to be a high school district:

Provided that no such bylaw shall be finally passed until the council has received from the department a certificate to the effect that the conditions referred to in subsection (1) exist and that the passing of the bylaw may be proceeded with<sup>2</sup>.....

In 1917 a further amendment was passed making provision for the payment of grants, after the bylaw for the establishment of a high school district had been approved by the Lieutenant Governor in Council. These payments were to commence on either the first day of January or the first day of July following the date of the receipt of the bylaw by the Department of Education.....

A certified copy of every such bylaw shall forthwith after its passing be transmitted to the department for the consideration of the Lieutenant Governor in Council, and if satisfied that the

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<sup>1</sup>The Secondary Education Act, 1910-11, C.25, S.2.

<sup>2</sup>ibid.- 1910-11, C.25, S.2.

provisions of this Act have been substantially complied with the Lieutenant Governor in Council shall by order approve the bylaw, determine the date upon which the district shall be deemed to be established and fix the time on, from and after which the district shall be entitled to such grants as are provided by this or any other Act.

Provided that in all cases such time for the payment of grants shall be fixed as either the first day of January or the first day of July, as the case may be, next following the date of the receipt of the bylaw by the department<sup>1</sup>.....

The high requirements for the establishment of secondary schools under The Secondary Education Act have restricted their organization to towns and cities. This would appear to exclude the village and rural districts from the benefits of a high school education.....

A second provision of the Act, significant in its implication, if not in its effects, is that confining high schools to "towns and city municipalities". In thus appearing to exclude the rural districts from the benefits of high schools in their midst, the Act reflects conditions inherited from older communities, where the democratic view of education has been slow to take hold, and where current opinion still regards education as something to be parcelled out on the basis of ability to pay, rather than something set up by all the people to guarantee a perpetual democracy based on intelligence<sup>2</sup>.....

This condition has been remedied by the organization of secondary school classes in small towns, villages and rural districts in elementary schools operating under The School Act.

The High School Board of Trustees.- Every high school district is administered by a board of trustees consisting of five members elected by the resident ratepayers of the district. Any resident ratepayer may seek membership on this board.....

Every high school board shall consist of five members who shall hold office until their successors are elected.

Every resident ratepayer shall be qualified to serve as a member of the board<sup>3</sup>.....

<sup>1</sup>ibid.- 1917, C.31, S.5.

<sup>2</sup>Foght H.W. A Survey of Education, King's Printer, 1918, p.90.

<sup>3</sup>The Secondary Education Act, 1907, C.25, S.10,11.

The nomination and election of trustees are conducted in the same manner as the nomination and election of councillors or aldermen and are conducted under the same provisions of municipal law as the nomination and election of councillors or aldermen.....

Upon the establishment of a district the first election of trustees shall be held at such time and place as shall be determined by the council, and the nomination and election of trustees shall be conducted in the same manner as municipal nominations and elections of councillors or aldermen, as the case may be, and the provisions of the municipal law respecting the time for receiving nominations and for opening and closing the poll, the qualifications of voters, the mode of voting, corrupt or improper practices, vacancies, declarations of office and all other proceedings and things incident to the election shall mutatis mutandis apply to the election of such trustees<sup>1</sup>.....

The regular term of office for a high school trustee is two years. At the first election however the three members with the highest number of votes are declared elected until January 1st of the third year following the election, while the two with the lowest number of votes are declared elected until January 1st of the second year following the election. After the first election every trustee elected holds office for two years.....

At the first election of trustees the three who receive the highest number of votes shall be declared elected to hold office till January first of the third year next following their election and the two who receive the lowest number of votes till January first of the second year next following their election, and thereafter every trustee elected shall hold office for two years<sup>2</sup>.....

If, for any reason there is doubt as to the term of office of an elected trustee the matter is settled by having the person or persons first nominated sit for the longer term.....

If at any election by reason of equality of votes or for any other cause there is any doubt as to the term of office of any

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<sup>1</sup>ibid.- 1907, C.25, S.12.

<sup>2</sup>ibid.- 1907, C.25, S.13.

trustee elected the matter shall be decided by the order of nomination, the person or persons first nominated being entitled to sit for the longer term<sup>1</sup>.....

Whenever a vacancy or vacancies occur the board must give notice to the council on or before the fifteenth day of November in each year. It is then the duty of the council to take steps to provide for the nomination and election of trustees which are held at the same time and in the same manner as the municipal elections.....

The board of every district shall on or before the fifteenth day of November in each year give notice to the council of the number of vacancies to be filled to make the board complete for the succeeding year and upon receipt of such notice the council shall take such steps as are necessary to provide for the nomination and election of trustees which shall be held at the same time and place and by the same returning officer or officers as in the case of municipal elections and in all other respects the election of such trustees shall be conducted in the manner provided by section 12 thereof<sup>2</sup>.....

In 1934 legislation was introduced to amend this section by substituting the word "first" for the word fifteenth.....

Section 15 is amended by substituting the word "first" for the word "fifteenth"<sup>3</sup>.....

A trustee automatically ceases to hold office who is convicted of an indictable offence, becomes insane, absents himself from three consecutive board meetings without being authorized by a resolution of the board, or ceases to be a resident ratepayer. When such a vacancy occurs it is the duty of the council, upon notification, to make arrangements for the nomination and election of a successor who holds office for the unexpired term of his predecessor.....

Any trustee who is convicted of any indictable offence or becomes insane or absents himself from three consecutive meetings

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<sup>1</sup>ibid.- 1907, C.25, S.14.

<sup>2</sup>ibid.- 1907, C.25, S.15.

<sup>3</sup>ibid.- 1934-35, C.48, S.2.

of the board without being authorized by resolution of the board so to do or ceases to be a resident ratepayer of the district shall ipso facto vacate his seat and the remaining trustees shall declare his seat vacant and forthwith notify the municipal council.

The council upon receipt of any such notice as aforesaid shall forthwith take such steps as are necessary to fill the vacancy and the election for this purpose shall be held and conducted in the manner provided by section 12 thereof.

Every trustee elected under the provisions of the next preceding subsection shall hold office for the unexpired term of his predecessor<sup>1</sup>.....

The trustees of every high school district are incorporated under the name of the municipality in which the high school or collegiate institute is located prefixed to the term "High School Board" or "Collegiate Institute Board" as the case may be. They possess and exercise all the powers vested in corporations and are immuned from personal liability for debts incurred by the board on behalf of the school district.....

The trustees of every high school district shall be a corporation under the name of "The High School (or Collegiate Institute) Board", prefixing to the term "high school" or "collegiate institute" the name of the municipality within which such high school or collegiate institute is situated.

The corporation shall have a common seal and shall possess and exercise all the powers vested in corporations by The Interpretation Act so far as the same are necessary for carrying out the provisions of this Act<sup>2</sup>.....

The school board is required by law to establish and maintain an institution for secondary education, and to perform duties and tasks in connection with its establishment and maintenance. When The Secondary Education Act came into effect in 1907 trustees and their officers were given power.....

(a) To fix the times and places of its meetings and the mode of calling and conducting the same;

(b) To make due provision for the keeping of a full and accurate record of its proceedings, transactions and finances;

(c) To purchase, rent or otherwise acquire all such grounds, buildings, and other property as may be deemed necessary for the

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<sup>1</sup>ibid.- 1907, C.25, S.17; 1908, C.38, S.35.

<sup>2</sup>The Secondary Education Act, 1907, C.25, S.9.

uses of the high school;

(d) To build, add to, repair, alter or otherwise improve the school house or other buildings required for high school purposes and to see that the grounds and premises are duly protected and kept in a proper sanitary condition;

(e) To provide from time to time as required suitable furniture, equipment and apparatus;

(f) To fix the fees to be paid by the parents or guardians of pupils attending the high school as well as the times for the payment of such fees and when deemed advisable to sue for and recover any fees remaining unpaid;

(g) To give the necessary orders upon the treasurer for the payment of accounts against the board;

(h) To require the treasurer to furnish a guarantee bond from any guarantee company authorised to do business in Saskatchewan to the amount of any moneys for which the treasurer at any time may be responsible;

(i) To require that all the funds of the district shall be kept in a chartered bank to be paid out by cheques to be signed by the treasurer and chairman of the board or such other member of the board as may be designated by the chairman;

(j) To suspend or expel from school any pupil who upon investigation by the board is found to be guilty of conduct injurious to the welfare of the school; and to expel any pupil whose parents or guardians refuse or neglect to pay the tuition fees of such pupil after reasonable notice;

(k) To appoint and remove such teachers, officers and servants as they may deem expedient and to fix their salaries and prescribe their duties;

(l) To provide adequate accommodation for all pupils who present themselves for admission to the high school;

(m) To prepare and transmit to the department such annual, term and other reports and returns as may from time to time be required by the minister;

(n) To see that the high school is conducted according to the provisions of this Act and the regulations of the department;

and generally to do all such things not inconsistent herewith as shall promote the interests of the high school<sup>1</sup>.....

During the intervening time only six modifications have been made in this list of duties. In 1912 provision was made for the appointment of one or more auditors at the first meeting in each year or within the period of two months following the first meeting. The person or persons appointed must not, except as auditor, be employed or have had employment with the board either directly or indirectly during the preceding year or have been, during that

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<sup>1</sup>ibid.- 1907, C.25, S.27; 1908, C.38, S.35.

time or at present, a member of the board, the treasurer or secretary treasurer.....

to appoint at its first meeting in each year or within two months thereafter one or more auditors, but no one who then or during the preceding year is or was a member of the board or is or was treasurer or secretary treasurer, or has or had during the preceding year directly or indirectly alone or with any other person a share or interest in any contract or employment with or on behalf of the board (except as auditor) shall be appointed: Provided that an incorporated company or a partnership may be appointed as auditor<sup>1</sup>.....

During 1920 subsection (f) which gave trustees the right to fix the amount of fees to be paid and the privilege of suing for payment was repealed. This section stated.....

(f) to fix the fees to be paid by the parents or guardians of pupils attending the high school as well as the times for payment of such fees, and when deemed advisable to sue for and recover any fees remaining unpaid<sup>2</sup>.....

At the same time a part of subsection (j) was repealed. This had given school boards the right to expel pupils whose parents or guardians refused or neglected to pay the tuition fee. The part of subsection (j) which was repealed stated.....

and to expell any pupil whose parents or guardians refuse or neglect to pay the tuition fee of such pupil after reasonable notice<sup>3</sup>.....

Three important amendments to this section were introduced in 1934 and passed the following year. Clause (h) of the original statutes which later became clause (g) of the revised statutes was amended by striking out the words "to the amount of" and substituting the words "for such an amount as the board deems sufficient to cover".....

Clause (g) of section 27 is amended by striking out the words "to the amount of" in the third line and substituting the words "for such an amount as the board deems sufficient to cover"<sup>4</sup>....

<sup>1</sup>ibid.- 1912, C.33, S.1.

<sup>2</sup>ibid.- 1907, C.25, S.27, ss.f.

<sup>3</sup>ibid.- 1907, C.25, S.27, ss.j.

<sup>4</sup>ibid.- 1934-35, C.48, S.3, ss.l.

The clause as amended when revised will read,.....

to require the treasurer to furnish a guarantee bond from any guarantee company authorised to do business in Saskatchewan, for such an amount as the board deems sufficient to cover moneys for which the treasurer may at any time be responsible.

Clause (k) of the original statutes which became clause (j) of the revised statutes was amended so that school boards when advertising for a teacher or when listing a vacancy with a teachers' agency or bureau were required to state the rate of salary.....

Section 27 is further amended by inserting the following clause after clause (j):

"to state the rate of salary offered when advertising for a teacher or when listing a vacancy with any teachers' agency or bureau through which the services of a teacher may be obtained<sup>1</sup>..

Section 27 was further amended by the addition of another clause which requires school boards to report to municipal boards of health or the Minister of Public Health any knowledge or suspicion of a pupil or a pupil's home having a communicable disease. They must also comply generally with the provisions of The Public Health Act with respect to contagious and infectious diseases...

(n) to give notification to the municipal board of health or the Minister of Public Health, as the case may be, of knowledge or suspicion that a pupil has a communicable disease or that there exists in the home of a pupil any communicable disease, and to comply generally with the provisions of The Public Health Act with respect to contagious and infectious diseases<sup>2</sup>.....

Since both elementary and secondary schools are organized under separate school boards there is sometimes considerable friction where these two boards are found in the same municipality...

The elementary and secondary schools are organised under separate school boards, so that an ordinary town system will have distinct boards for its elementary public school, for its secondary school, and for its separate school, if such is maintained. The elementary and secondary school boards do not always work together harmoniously, much to the detriment of the schools<sup>3</sup>....

<sup>1</sup>ibid.- 1934-35, C.48, S.3, ss.2.

<sup>2</sup>ibid.- 1934-35, C.48, S.3, ss.3.

<sup>3</sup>Foght H.W. A Survey of Education, King's Printer, 1918, p.23.

This condition has been somewhat remedied in one city by electing the same members to both the elementary and high school boards. In another city both boards have the same secretary treasurer. Another city is attempting to bring about a union of its elementary and high school boards into a common board of education for its entire educational system.....

Here and there communities in Saskatchewan have taken cognisance of this defect in the Act and have tried to remedy it on their own initiative. In one city the citizens have seen to it that the high school board and the "public school" board are identical in membership. In another city the secretary treasurer of the public school board is also the secretary treasurer of the high school board. In other cities there are points of contact through individual members<sup>1</sup>.....

The Annual Meeting.- In 1909 provision was made for the annual meeting of the ratepayers of a district at the same time and place as the nomination of councillors or aldermen or fixed by resolution of the board at a time within two days before or after that date. Notice of such a meeting was to be advertised once a week at least two weeks in advance in some newspaper published in the school district.....

An annual meeting of the ratepayers of every 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 two days before or after the said date as may be fixed by resolution of the board of which due notice shall be given by advertisement once a week for at least two weeks previous to the said date in some newspaper published in the district<sup>2</sup>.....

In 1912 this clause was so amended that, providing the meeting was not held at the same time and place as the nomination of councillors or aldermen such a meeting must be held within five days before or after that date.

In 1921 a further amendment was made giving to school boards the right to name the place of the meeting by resolution of the

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<sup>1</sup>libid.- p.89.

<sup>2</sup>The Secondary Education Act, 1909, C.27, S.1.

board providing due notice is given in some newspaper published in the district. It is in that form that it is now known.

The chairman of the board becomes the chairman of the annual meeting while the secretary of the board or someone appointed by the chairman acts as secretary of the meeting and records the minutes.....

At the time fixed 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 some one appointed by the chairman shall record the minutes of the meeting<sup>1</sup>.....

After the meeting has been called to order the secretary is instructed by the chairman to read certain statements and reports. The secretary then reads the principal's report containing particulars as regards the attendance of pupils, their classification, examinations, the staff equipment, apparatus and other matters relating to the general standing and efficiency of the school. This report is followed by the treasurer's annual financial statement, the auditor's report, the inspector's report and the boards' report covering its activities during the year and any other matters relating to school administration. In 1907 the treasurer was required to give his annual financial statement in detail as regards the receipts and expenditures of the district for the fiscal year.....

(2) The treasurer's annual financial statement giving in detail the receipts and expenditures of the district for the past fiscal year<sup>2</sup>.....

In 1912 this subsection (2) was modified so that the treasurer's financial statement gives only an abstract of the receipts and expenditures of the district for the portion of the fiscal

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<sup>1</sup>The Secondary Education Act, 1907, C.25, S.30.

<sup>2</sup>ibid.- 1907, C.25, S.31, ss.2.

year ending on the thirty-first day of October preceding the annual meeting. This was the only change in the original clause down to 1935.....

After the meeting is organized, the chairman shall call upon the secretary to read the following statements and reports, which shall be considered and disposed of by the meeting:

1. The principal's report, giving particulars regarding the attendance of pupils, their classification, examinations, the staff, equipment, apparatus and other matters relating to the general standing and efficiency of the school;
2. The treasurer's financial statement giving an abstract of the receipts and expenditures of the district for that portion of the fiscal year ending on the thirty-first day of October preceding the annual meeting;
3. The auditor's report;
4. The inspector's report;
5. The boards' report setting forth its operations during the year and containing such further statements in relation to the affairs of the district as are deemed advisable<sup>1</sup>.....

Later, in 1934-35 subsection 2 was again amended requiring from the treasurer a financial statement for that portion of the fiscal year ending September 30 preceding the annual meeting instead of October 31 as formerly.....

Paragraph 2 of section 32 is amended by striking out the words "thirty-first day of October" in the third and fourth lines and substituting the words "thirtieth day of September"<sup>2</sup>.....

After these reports and statements have been read, discussed, and adopted the remainder of the meeting is devoted to a discussion of any matter or matters relating to the general good and welfare of the high school. As a result of this discussion such steps may be taken as may be thought necessary by the meeting....

After disposing of the several reports and statements referred to in the next preceding section it shall be in order for the meeting to discuss any matter relating to the affairs of the district or the well being of the high school and to take such action thereon as may be deemed necessary<sup>3</sup>.....

Conclusion.- As in the case of Saskatchewan's elementary

<sup>1</sup>R.S.S. 1912, C.33, S.3.

<sup>2</sup>The Secondary Education Act, 1934-35, C.48, S.4.

<sup>3</sup>ibid.- 1907, C.25, S.32.

school system there has been a decided tendency to build up a highly centralized system under the direction of the Minister of Education. Unquestionably, in our secondary school system this type of administration has proved to be highly satisfactory. Less criticism and complaints have been made against our secondary school system than against our elementary school system. This may be partly due to the fact that whereas there are only eighteen high schools or collegiate institutes in the Province there are over five thousand elementary schools. Nevertheless one is surprised at the small number of changes which have been made in the secondary school statutes since The Secondary Education Act was originally passed in 1907. The main body of the Act has been received and approved with the highest commendation down to the present time.

The notable progress which secondary education has made is a further tribute to the organization under which it has been administered. There has been a gradual increase in the number of institutions doing high school work and the number of high school teachers has greatly increased. Moreover, the qualifications of these teachers have improved until almost without exception all teachers who are doing high school work in cities and towns have university degrees. The number of students attending these high schools and collegiate institutes has increased with the result that each year more students are presenting themselves for the Departmental Grade XI and XII examinations. From the yearly results it would appear that the high school students are gradually assuming a larger share of self responsibility and seriousness with respect to their work. Statistics showing the improvement in the facilities and standards of Saskatchewan's secondary educational system may be found in Appendix B.

## CHAPTER VI.

## TEACHER TRAINING

## Introduction

In the educational system of Saskatchewan where the one-room school predominates, the teacher is the "dynamic force". This being true, it is essential that the professional training of the teachers be of the highest order. To this end, three well-equipped Normal Schools are now in operation, one each in Regina, Saskatoon and Moose Jaw.

Demand for Teacher Training.- The first demand for some form of teacher training came in 1886 from Inspector Thomas Grover in his report to the Board of Education.....

There are many teachers now holding Provisional Certificates, who intend to follow the profession of teaching, and who would like to attend a Training and High School to fit themselves for their profession, provided they could do so without incurring the additional expense of leaving the Territories<sup>1</sup>.....

The Board of Education was also of the same opinion and forwarded to the Minister of Interior at Ottawa a resolution requesting a Federal Grant for the establishment of a training school for teachers.....

The desirability of establishing some system of High Schools in the Territories, has frequently been under the consideration of the Board, and specially with a view to obtain in connection therewith an institute wherein our teachers could be trained in the science and art of teaching. As directed a copy of the following resolution of the Board was forwarded to the Minister of the Interior on this subject, viz: That this Board desires to urge upon the Federal Government the desirability of a grant of \$30,000.00 being made to the North West Schools and a Central Training School. That the grant in aid of schools at present given is required for the common schools, and in consequence no provision can be made to encourage or establish High Schools<sup>2</sup>....

Teacher Training in Union Schools.- In 1888 Union Schools

<sup>1</sup>Report of Board of Education, 1886, p.27.

<sup>2</sup>ibid.- 1886-1887, p.11.

were established in the Territories. The following year the Board of Education required every Union School, that is, every graded school having classes above the ordinary school grades, to establish and maintain a Normal Department when requested to do so by the Board.

Normal Departments.- Normal training in Union Schools under the supervision of the principals did not meet with success. The principals apparently were neglecting the academic subjects and it became necessary for the Board of Education to advise principals of the unregularity of this procedure.....

Resolved: That, whereas complaints have been made, that too much time is being devoted in Union Schools to the training of teachers, the Secretary be directed to issue a circular letter to the principals of the various Union Schools pointing out that the primary object of the High School Department is to afford instruction in the higher branches of education, and that the training of teachers is not part of the work of any Union School, until a Normal Department is authorized<sup>1</sup>.....

In September of that year the Board ordered the establishment of Normal Departments at Regina and Moosomin Union Schools. These Departments were to be conducted by the school inspectors of the district. Accordingly Normal School Sessions were conducted at Moosomin by Inspector Hewgill. In Regina no candidates presented themselves that year.

The Board of Education wished to extend Normal Departments into other inspectorates but conditions did not permit because of the small number of widely separated schools. They therefore sent the following resolution to the Lieutenant-Governor.....

That in the opinion of the Board it is necessary to make provision for the instruction and training of teachers for our public schools in the Science and Art of Teaching.

That the Board feels that the appointment of a Normal School

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<sup>1</sup>ibid.- 1889-1890, p.7.

Principal, whose duty it would be to hold Normal Sessions in different parts of the country, would have the best possible results in increasing the efficiency of teachers and in stimulating education.

Therefore Resolved

That His Honor the Lieutenant-Governor be requested to urge upon the Dominion Government the advisability of granting the sum of five thousand dollars for the next financial year for Normal School purposes<sup>1</sup>.....

Establishment of Normal Schools.- In 1890-91 the School Ordinances were amended and a Council of Public Instruction created with power to establish Normal Schools. A Normal School was therefore established at Regina. On April 1, 1892 Doctor D.J.Goggin, formerly Principal of the Manitoba Normal School was appointed Superintendent of Education and Director of Normal Schools for the Territories. The Council also passed the following regulation.....

A non-professional certificate shall not be valid as a license to teach<sup>2</sup>.....

This regulation made normal school training compulsory to all who wished to enter the teaching profession.

During the ten years following 1892 the Regina Normal School trained an average of about ninety students per year. Of this number more than twenty-five per cent. came from Ontario. For several years after 1900, the difficulty of supplying a sufficient number of trained teachers became increasingly burdensome. School districts formed so rapidly out of the increasing influx of settlers that the demand for teachers greatly exceeded the supply. During 1903 the Territories trained for teachers one hundred and fifty students of whom fifty-five per cent. came from the East. Two hundred and twelve other teachers were

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<sup>1</sup>ibid.- 1890-91, p.21.

<sup>2</sup>Report of the Council of Public Instruction, 1896, p.17.

"imported" from other places. Still this number failed to satisfy the demand for teachers and the Government found it necessary to increase to eighty-two the number of "permits" or provisional certificates granted.

#### THE NORMAL SCHOOLS AFTER 1905.

In 1906 the Normal School at Regina became a Provincial institution for the purpose of training Saskatchewan teachers. In 1907 a new regulation was passed by the Department of Education requiring all persons, regardless of academic qualifications to attend a Third Class Session of the Normal School and to have at least one year's experience in teaching before they were granted permission to attend the Provincial Normal School for training for a First or Second Class Certificate. Every effort was made to encourage as many as possible to take advantage of this course and classes were organized from year to year at various centres under the management of the inspectoral staff. Nevertheless, the number of untrained teachers in the schools had steadily increased. In his inspectoral report for 1905, A.H. Ball comments on the fact that more than twenty per cent. of the teachers in his inspectorate were teaching on permits.

In 1907 male teachers entering Normal School were required to be eighteen years of age while female teachers were required to be seventeen years of age.

Erection of the Regina Normal School.- In 1912 it became necessary to provide more adequate accommodation for Normal School Training. Therefore a Normal School Building was finally erected at Regina. During the Autumn session of 1912 a second Normal School opened at Saskatoon under the principalship of Dr. J.A. Snell.

During 1912-13 the Department of Education was compelled to grant permission to trustees in about fourteen hundred cases to hire teachers without proper professional qualifications. As a result, many teachers got into the profession with a limited academic education and an even more limited professional preparation. The situation was not greatly improved by 1916. In this year, there were issued 723 provisional certificates, a majority of these were teachers chosen directly from the secondary schools, who had no professional training whatever. Candidates received a normal school preparation of 10 weeks for third grade certificates, and 16 weeks for second and first grade certificates.

In the year 1921 in addition to the regular sessions of the Normal Schools at Regina and Saskatoon, local sessions were held at Regina, Moose Jaw, Saskatoon, Prince Albert, Yorkton, Moosemin, Weyburn and Estevan. To these sessions were admitted students who held at least second year high school standing. These, on the completion of the course, were granted limited third class certificates valid for one year. The total number of persons who attended all the sessions of the Normal School for 1921 was 898. During 1921 there was a decreasing number of teachers coming to Saskatchewan from outside the province.

Erection of Normal School At Saskatoon.- Owing to the ever increasing number of candidates for teachers' certificates the Normal School Sessions which for ten years had been held in different buildings throughout the city of Saskatoon found a permanent home during 1922 in a magnificent building. During the following five years, there was a great increase in the number of students seeking admission to the normal schools and a subsequent surplus of qualified teachers. This made it possible for

the Department to put into effect a number of changes that had been contemplated for many years. Third Class sessions of the Normal Schools were abolished and the Department refused to admit teachers from outside the Province without additional Normal School training. The normal sessions which had been lengthened to thirty-three weeks in 1919 were now extended to thirty-eight weeks for both First and Second Class in 1926. The standard for a pass at the departmental examinations was raised to 50 per cent. in each paper.

Erection of Normal School in Moose Jaw.- During the year 1927 the Department of Education established a third Normal School at Moose Jaw under the principalship of Dr. J. S. Huff. This new building was a very modern institution and fulfilled an urgent need in the community.

The College of Education.- In 1927 a College of Education was opened at the University of Saskatchewan. This College offers a professional course to those who wish to teach in high schools or collegiate institutes in the Province. To qualify for entrance, a candidate must hold a Bachelor's degree from a recognized university. The College offers a one year course and at the end of that time those who have completed the work with high standing are given the degree of Bachelor of Education. Other successful candidates receive the Certificate in Education. Post-graduate work is offered to honor students leading to the Master's degree.

Conclusion.- The year of 1929 was the banner year for Normal instruction in the Province. During the year 1930 the economic depression had made itself felt in the teaching profession. Salaries of teachers declined sharply; staffs were reduced to the minimum and Normal School fees were raised. Although 4,744

students qualified for entrance to Normal Schools professional certificates to teachers-in-training were only issued to 1,604, this being the lowest number since 1922. A notable feature was the improved academic qualifications of the teachers. Most of the teachers had Grade XII standing or better.

Owing to the reduction of approximately one-third of the students admitted to the Normal Schools, certain adjustments were made in the staffs. The positions of librarian and instructor in primary methods were discontinued. Instruction in art and home economics was limited to one instructor in each subject, who divided her time among the three schools. Instructors in music in each school were placed on a half-time basis. In 1933 the Regina Normal School reduced its number of rooms in operation to two. Statistics showing the increase in the number of teachers and the improvement in their qualifications may be found in Appendix C.

## CHAPTER VII.

## SCHOOL FINANCE

## Introduction

The first appeal for government assistance was received by the Council of the North West Territories in 1877 when Moise Quellette and Pierre Landry sought financial aid for the erection of a school house and for the payment of a teacher's salary in the settlement of St. Laurent. The Council found itself powerless to grant this request since no appropriation for that purpose was made in the Federal grant to the North West Territories. Moreover, the Council could not levy direct taxation for that purpose because at that time the people of the West did not have representative government. The Hon. David Mills, Minister of Interior at Ottawa suggested that the Federal Government would be willing to make some contribution for educational purposes provided the amount was included in the year's estimates. With this support the Lieutenant Governor of the North West Territories in 1879 suggested paying half the teachers' salaries in schools where there was at least an average attendance of fifteen pupils. This was approved by the Federal Government. It was the beginning of government grants to schools in the West although during the years which followed the basis of this grant was greatly modified.

The Hon. David Mills also suggested that although a direct tax could not be levied for educational purposes, any community might incorporate itself into a school district and strike a school rate for the promotion of education. However before the Council could pass an ordinance to that effect permission had to be secured from the Federal Government. This permission was

finally granted in 1883. The following year Mr. Rouleau introduced and passed an ordinance providing for the organization and maintenance of schools in the North West Territories. By the terms of this ordinance a community with the required number of children of school age could organize itself into a school district and levy a tax for the maintenance of a school. This gave rise to locally supported schools.

The levying of student fees is of more recent origin. The privilege of school boards to levy fees at their option came into effect in elementary schools in 1901 and into secondary schools in 1907. These three sources of school revenue for operating purposes have continued down through the years.

Taxation for Elementary School Purposes.- Local taxation for elementary school purposes is levied by the municipal council. Therefore as soon as possible but not later than the first day of July, the assessor appointed by the district must prepare an assessment roll. In 1901 the assessor was required to include in the assessment roll every lot or parcel of land in the district with the acreage and the name of the owner or occupant or both.....

As soon as may be in each year the assessor of the district shall assess every person the owner or occupant of the land in the district and shall prepare an assessment roll in which shall be set out as accurately as may be:

- (a) Each lot or parcel of land owned or occupied in the district and the number of acres it contains;
- (b) The name of either the owner or occupant or both<sup>1</sup>.....

During 1930 this clause was amended and the assessor is now required to prepare an assessment roll of either the owner or occupant of every lot or parcel of land in the district and his

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<sup>1</sup>Ordinances of the North West Territories, 1901, C.30, S.6.

post office address, if known, and every person who is engaged in mercantile, professional or other business in the district except that of farming, stock raising or any other agricultural pursuits. This assessment roll is also to include a brief description of every lot or parcel of land with the number of acres it contains and the assessed value.....

As soon as may be in each year but not later than the first day of July, the assessor of the district shall assess either the owner or the occupant of every parcel of land in the district and every person who is engaged in mercantile, professional or any other business in the district save that of a farmer, stock raiser or person otherwise engaged in agricultural pursuits, and shall prepare an assessment roll (form A) in which shall be set out as accurately as may be:

1. The name of the owner or occupant of each lot or parcel of land in the district and the post office address, if known, of every such owner or occupant;

2. A brief description of each lot or parcel of land, the number of acres which it contains and the assessed value thereof;

3. The name of every person who is engaged in mercantile, professional or any other business within the district save that of a farmer, stock raiser or person otherwise engaged in agricultural pursuits<sup>1</sup>.....

After the assessment roll has been completed the assessor delivers it to the secretary of the board who then mails to each person assessed, whose address is known, notice of his assessment. The secretary must also post a copy of the roll at the school house or if there is no school house in a conspicuous place, outside his residence. Correction in the assessment roll may be made by the secretary, by order of the board, at any time within two months after the posting of the roll. No assessment is invalidated by reason of errors or misdescription in the assessment notice or by nonreceipt of the assessment notice.....

Upon the completion of the assessment roll the assessor shall deliver the same to the secretary of the board.

The secretary shall mail to each person assessed whose address

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<sup>1</sup>Statutes of Saskatchewan, 1930, C.48, S.5.

is known to him a notice of his assessment; and the entry of the date of the mailing of each such notice together with the initials of the secretary on the assessment roll shall be prima facie evidence of the mailing of such notice on the date entered without proof of the appointment or signature of the secretary and the absence of such date and initials shall be prima facie evidence that the persons address is unknown.

After all the notices have been mailed the secretary shall post a copy of the roll at the school house or if there be no school house in the district in some conspicuous place outside his residence and shall keep the original roll at his residence open to inspection at any reasonable time.

The secretary may enter on the assessment roll the date on which the same is posted up and initial the same and the entry of such date and initials shall be prima facie evidence of the posting of the roll on the date so entered without proof of the appointment of or initialing by the secretary.

If at any time within two months after the posting of the roll it is discovered that any person liable to assessment is not assessed or that there is any error in any of the particulars contained in the roll the board may direct the secretary to enter the name of such person on the roll or correct the error.

In the event of any addition to or alteration or correction of the roll under the next preceding subsection without the knowledge and consent of the persons affected a notice as required by subsection (2) shall be sent to such person and for the purposes of this and the next following section the date of mailing such notice shall as respects him be deemed to be the date of posting the roll.....

In 1909 the following clause was added.....

No assessment shall be invalidated by reason of any error or misdescription in any assessment notice or by reason of the non-receipt of such notice by the person to whom it is addressed<sup>2</sup>.....

Fifteen days after the posting of the assessment roll if no notices of appeal had been given or if all appeals had been settled the board in 1901 made an estimate of the probable expenditure for the year and struck a rate not exceeding ten cents an acre on the total assessable acreage in the district. The secretary then prepared a tax roll with the rate per acre struck and the amount of taxes payable by each person. Where a person's tax was less than \$2.00 for the purposes of taxation it was to be considered the sum of \$2.00....

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<sup>1</sup>Ordinances of the North West Territories, 1901, C.30, S.10.

<sup>2</sup>Statutes of Saskatchewan, 1909, C.29, S.5.

After the expiration of fifteen days from the posting of the roll if no notices of appeal have been given or after all appeals have been decided the board shall make an estimate of the probable expenditure of the district for the current year and shall strike such a rate not exceeding ten cents per acre on the number of acres of land in the district shown on the assessment roll as shall be sufficient to meet such probable expenditure.

The secretary shall thereupon prepare a tax roll by entering on the assessment roll the rate per acre struck as in the next preceding section provided and the amount of taxes payable by each person assessed for the current year.

In the event of the total tax of any person being less than \$2 under this section the tax to be entered on the roll and payable by him shall be the said sum of \$2<sup>1</sup>.....

In 1915 the first clause was amended by omitting after the word "rate" the words "not exceeding ten cents per acre on the number of acres of land in the district shown on the assessment roll". In 1930 it was again amended by the addition after the word "expenditure", of the words, "or the portion of the total amount required to be levied under the provisions of clause (b) of section 31".

Similarly in 1915 the second clause was amended by omitting after the word "rate" the words "per acre" and substituting the words "on the dollar".

The tax roll is then delivered to the treasurer, if there is one, who mails to each person assessed, whose address is known, the amount of his taxes.

In the event any part or all of the taxes are not paid by the thirty-first day of December a penalty of eight per cent. of the arrears is added and a similar penalty upon the expiry of each succeeding year during which the whole or any part of the combined amount of taxes and penalties remain unpaid.

In 1915 special legislation was introduced providing for assessment and taxation for elementary school purposes in vil-

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<sup>1</sup>Ordinances of the North West Territories, 1901, C.30, S.11, 12, 13.

lage districts.....

In village districts the village within which the district is situated, in whole or in part, shall assess and levy in each year such rates as shall be sufficient to meet the sums required to be raised within the municipality for school purposes for the year; and all the provisions of The Village Act with reference to assessment and taxation shall so far as may be applicable, apply to such rates<sup>1</sup>.....

Where a village district is situated in two or more municipalities each municipality assesses and levies each year its share of the amount required by the district for elementary educational purposes.....

Where a village district is situated in different municipalities, each municipality shall assess and levy each year a share of the amount required for the purposes of the district for that year as determined by the adjustment board hereinafter mentioned for that year<sup>2</sup>.....

In 1915 the secretary treasurer of the village or rural municipality in which a part of the district lay was required to furnish on demand to the secretary of the school board a certified statement of the assessed value of the property taxable for school purposes within the village or portion of the municipality which helped to comprise the school district.....

The secretary of the village or of the rural municipality in which a portion of the district lies shall, forthwith on demand, furnish the secretary of the board with a certified statement of the assessed value of the property rateable for the purposes of the district within the village or that portion of the rural municipality which is comprised within the district, according to the last revised assessment roll for the preceeding year<sup>3</sup>....

During 1930 by an amendment to this subsection the secretary of a municipality was required to furnish the school board with a certified statement of the total assessment on or before the fifteenth day of July in each year.....

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<sup>1</sup>Statutes of Saskatchewan, 1915, C.25, S.26, ss.1.

<sup>2</sup>ibid.- 1915, C.25, S.26, ss.2.

<sup>3</sup>ibid.- 1915, C.25, S.26, ss.3.

On or before the fifteenth day of July in each year the secretary of the municipality in which a portion of any rural or village school district lies shall transmit to the board of trustees a certified statement of the total assessment for the current year of the portion of the district situated within the municipality<sup>1</sup>.....

On or before the first day of March or, in the case of districts organized after that date, as soon after as possible, the board of trustees submits to the secretary treasurers of all the municipalities in which the district is situated a statement of estimate expenditures for the current year with a statement of the proportionate amounts to be paid by each. The council of each municipality is then required to pay to the school district one quarter of its share on or before March 31, one quarter on or before June 30, one quarter on or before September 30 and the balance required on or before December 31.

School boards in 1919 were required to submit on or before the first day of August in each year to the treasurer of each municipality in which the district was situated a map or plan showing the area and boundaries of the district, a detailed statement showing the amount required to meet the expenditures for the year and a certified statement by resolution of the school board showing the amount required to be levied on all assessable lands in the district for the year.

In 1930 an amendment was made to this clause requiring school boards to give more detailed information.....

On or before the first day of August in each year the board of trustees of every village district shall transmit to the treasurer of each municipality in which the district is situated in whole or in part:

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<sup>1</sup>ibid.- 1930, C.48, S.16.

(a) a map or plan showing the area and boundaries of the said district;

(b) a detailed statement, in such form as the minister may prescribe, showing the estimated expenditures of the district for the year, after allowing for any adjustments required in consequence of the provisions of sections 32 and 33;

(c) a certified copy of the resolution of the board of trustees showing the amount required to be levied on the total assessment of the district and in addition, where the district is situated in more than one municipality or partly in one or more municipalities and partly in a territorial unit or units, the amount required to be levied in each municipality or territorial unit, after allowing for any adjustment required in consequence of the provisions of sections 32 and 35<sup>1</sup>.....

In 1915 special legislation was also introduced making provision for the assessment and taxation for elementary school purposes in town districts.....

In town districts the city or town municipality within which the district is situated in whole or in part, shall assess and levy in each year such rates as shall be sufficient to meet the sums required to be raised within the municipality for school purposes for the year; and all the provisions of The City Act or The Town Act, as the case may be, with reference to assessment and taxation shall, so far as may be applicable, apply to such rates<sup>2</sup>.....

In case a town district is situated in more than one municipality each municipality assesses and levies each year its share of the amount required for school purposes.....

Where a town district is situated in different municipalities each municipality shall assess and levy each year a share of the amount required for the purposes of the district for the year, as determined by the adjustment board hereinafter mentioned for that year<sup>3</sup>.....

The clerk of a city or town or the secretary treasurer in which a part of the district lies is required to furnish on demand to the secretary of the school board a certified statement of the assessed value of the property taxable for school purposes within the town or city or the portion of the municipality which

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<sup>1</sup>ibid.- 1930, C.48, S.18.

<sup>2</sup>ibid.- 1915, C.25, S.34, ss.1.

<sup>3</sup>ibid.- 1915, C.25, S.34, ss.2.

helps comprise the school district, according to the last assessment roll of the preceding year.....

The clerk of a city or town, or the secretary treasurer of any other municipality in which a portion of the district lies shall, forthwith on demand, furnish the secretary of the board with a certified statement of the assessed value of the property rateable for the purposes of the district within that portion of the municipality which is comprised within the district, according to the last revised assessment roll for the preceding year<sup>1</sup>.....

On or before the fifteenth day of March in each year the board of trustees of every town district furnishes to the city or town clerks or the secretary treasurer of all the municipalities in which the district is situated a statement showing in detail the sum required for school purposes for the current year with a statement of the total sum required and the assessed values of the taxable property of the district for school purposes according to the last revised assessment rolls of the preceding year.....

The board of trustees of every town district shall, on or before the fifteenth day of March in each year, furnish to the clerk of the city or town municipality within which the district lies, a statement showing in detail the sum required for school purposes for the current year.

Where the district lies within different municipalities, the board shall furnish the clerk or secretary treasurer of each with a statement of the total sum required for the purposes of the district for the current year, and the assessed values of the properties rateable for the purposes of the district in the several municipalities as shown by the revised assessment rolls of such municipalities for the preceding year<sup>2</sup>.....

Taxation for High School Purposes.- Local taxation for high school purposes is levied by the municipal council on the same property as the general taxes for municipal purposes are assessed. The high school board on or before the first day of August

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<sup>1</sup> Statutes of Saskatchewan, 1915, C.25, S.34, ss.3.

<sup>2</sup> *ibid.*- 1919-20, C.38, S.8.

or at such other time as is required by the council submits its estimates for the year to the council which for that purpose imposes a tax upon the assessable land of the district. These estimates may also include an additional sum, not exceeding five hundred dollars for permanent improvements. This tax known as the high school rate is levied and collected at the same time, by the same persons and in the same manner as the general taxes for municipal purposes. All laws in force relating to the assessment and collection of municipal taxes also apply to the high school rate. In the collection of these two taxes separate accounts must be kept of all taxes levied, collected and paid....

The board of every district shall on or before the first day of August or at such other time as may be required by the council for such sum of money as is estimated to be required for the maintenance of the high school for the twelve months next following the date of such application exclusive of all fees and other revenues estimated to be collected or due to the district; and for such additional sum as may be deemed expedient for permanent improvements for the same period of time not exceeding five hundred dollars.

Upon receipt of the amount of the estimate or estimates mentioned in the preceding section it shall be the duty of the council to make provision for the payment of the same by the imposition of a tax to be known as the high school rate and from time to time as such rate is collected to pay the same over to the treasurer of the district.

In every district the high school rate shall be assessed on the same property throughout the district as the general taxes for municipal purposes are assessed and such rate shall be levied and collected at the same time and by the same persons and in the same manner as in the case of levy and collection of general taxes for municipal purposes and as though such a rate formed a part thereof; and all provisions of the law from time to time in force in the municipality relating to assessment and collection of such taxes shall apply in every particular to the said high school rate:

Provided always that in the tax rolls and records of every municipality a separate and distinct account shall be kept of the taxes levied, collected and paid under the provisions of this Act<sup>1</sup>.....

The chief source of revenue is local taxation which is based

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<sup>1</sup>The Secondary Education Act, 1907, C.25, S.36,37,38.

on a fair valuation of all lands in the school district. It has long been recognized that there is great inequality in local school support. Such inequality is inevitable in a system where the schools depend for support upon units of unequal wealth and where the method of distributing grants does not recognize this inequality. Since it seems that at least for some time property taxation will continue to be the main source of revenue, drastic reform should be undertaken in this direction. One of two policies have been suggested, an equalization of local taxes for school purposes by the organization of a larger unit of taxation or the apportioning of school grants in the inverse ratio to the taxable property of the district.....

The municipality becomes the unit of taxation for educational purposes, thus guaranteeing equality of educational opportunity to all living within the community<sup>1</sup>.....

The solution to this all-important problem may be approached from either of two directions, namely, by attempting to level up local taxes on the one hand or by apportioning school grants in inverse ratio to the taxable property of the district on the other hand<sup>2</sup>.....

Student Fees in Elementary Schools.- Elementary education in Saskatchewan is free and no fee is charged the child or children of resident ratepayers for the first eight grades of education. A fee may be levied at the option of the school board against the children of nonresidents of the district. This fee is set by provincial legislation. In 1901 school boards could levy from parents or guardians who were nonresidents of the district and who paid a tax of less than \$8 for the current year, an amount equal to the difference between \$8 and the amount of the taxes paid or a proportionate amount for a portion of the school year.

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<sup>1</sup>Foght H.W. A Survey of Education, King's Printer, 1918, p.32.

<sup>2</sup>Report of the Committee on School Finance and School Grants, King's Printer, 1933, p.32.

Further provision was made for the levying of \$15 per pupil per year from resident taxpayers and \$23 per pupil per year from non-resident taxpayers whose children were in attendance in a grade maintained exclusively for high school purposes above grade VIII...

No fees shall be charged by the board of any district on account of the attendance at its school of any child whose parent or lawful guardian is a taxpayer of the district:

Provided however that in case such parent or lawful guardian is a nonresident of the district and the amount of the taxes paid or payable by him to the district for the then current year or in case the taxes for such year are not levied then, for the year past is less than \$8 the board may before admitting to its school the child or children, ward or wards of such parents or lawful guardian require the payment of a fee for the school year equal to the difference between the said sum of \$8 and the amount of such taxes or in case a portion of the school year shall have passed then a proportionate part of such fee for the remainder of the school year;

Provided that if the board of any district maintains one or more departments in its school exclusively for pupils above grade VIII as it may be defined from time to time by the regulations of the department it may charge the parent or lawful guardian of any pupil in attendance a fee not exceeding nine dollars for the first term and six dollars for the second term in any year if such parent or lawful guardian is a resident taxpayer of the district and in case such parent or lawful guardian is not a resident taxpayer of the district a fee not exceeding thirteen dollars for the first term and eight dollars for the second term and all such fees shall be payable at such times and in such amounts as may be determined by the board<sup>1</sup>.....

By 1915 this clause had been amended increasing the fee paid by non residents or by one whose name did not appear on the last revised assessment roll, to the differences between the sum of \$20 and the amount of taxes paid. Moreover a board which maintained one or more grades above grade VII could charge a fee of \$15 a year per pupil from a parent or guardian who was a resident taxpayer and \$30 a year per pupil from a parent or guardian who was not a resident taxpayer.....

Except where otherwise herein provided no fees shall be charged by the board of any district for the attendance of a

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<sup>1</sup>Statutes of Saskatchewan, 1909, C.28, S.32.

child whose parent or lawful guardian is a taxpayer of the district.

In case such parent or lawful guardian is a nonresident of the district or is an occupant whose name is not on the last revised assessment roll and the amount of taxes last levied in respect of the property owned or occupied is less than \$20, the board may demand a fee for the school year equal to the difference between the said sum of \$20 and the amount of such taxes, and for a portion of the school year a proportionate part of such fee.

If the board of a district maintains one or more departments in its school exclusively for pupils above grade VII, as defined from time to time by the regulations of the department, it may charge the parent or lawful guardian of any pupil in attendance at any such department a fee not exceeding \$9 for the first term and \$6 for the second term in any year, if such parent or lawful guardian is a resident taxpayer of the district; and, in case such parent or lawful guardian is not a resident taxpayer of the district, a fee not exceeding \$18 for the first term and \$12 for the second term; and all such fees shall be payable at such times and in such amounts as may be determined by the board:

Provided that a board of trustees may in its discretion exempt any parent or lawful guardian from the payment of such fees<sup>1</sup>.....

During 1925-26 further changes were made in the regulations governing the charging of student fees. The maximum amount which school boards might charge parents or guardians who were not residents of the district or taxpayers whose names were not on the last revised assessment roll for the district was increased to the difference between the sum of \$30 and the amount of school taxes paid or a proportionate amount for a portion of the school year. Boards of the district which maintained a high school or a school for which additional grants were payable under paragraph 3 of section 3 of The School Grants Act could charge for high school work a fee of \$25 a year per pupil from a parent or guardian who was a resident taxpayer or \$50 a year per pupil from a parent or guardian who was not a resident taxpayer providing that both these fees could not be collected during the same year. These provisions are now in force in the Province.....

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<sup>1</sup>ibid.- 1915, C.23, S.210.

Except where otherwise herein provided, no fee shall be charged by the board of any district for the attendance of a child whose parent or lawful guardian is a taxpayer of the district.

In case such parent or lawful guardian is not a resident of the district, or is a taxpayer whose name is not on the last revised assessment roll for the district, and the amount of school taxes last levied in respect of the property owned or occupied is less than \$30, the board may demand a fee for the school year equal to the difference between the amount of such school taxes and the sum of \$30, and for a portion of the school year a proportionate part of such fee.

If the board of a district maintains a high school or a school for which the additional grants if payable under paragraph 3 of section 3 of The School Grants Act, it may, in its discretion, charge the parent or lawful guardian of every pupil classified in a grade higher than grade eight:

(a) a fee not exceeding \$15 for the first term and \$10 for the second term in any year, if the parent or lawful guardian is a resident taxpayer of the district; or

(b) a fee not exceeding \$30 for the first term and \$20 for the second term, if the parent or lawful guardian is not a resident taxpayer of the district;

and all fees so charged shall be payable at such time and in such amounts as may be determined by the board;

Provided that the board may charge the fees mentioned in clause (a) without charging those mentioned in clause (b), or those mentioned in clause (b) without charging those mentioned in clause (a);

Provided further that if a rural municipality, village or town, under an agreement with the board by virtue of the power conferred by the respective municipal Acts, pays to the board, in respect of pupils resident within the municipality, fees charged under clause (b), or contributes a fixed sum in lieu thereof, the provisions of the said clause (b) shall not apply to the parents or lawful guardians of such pupils<sup>1</sup>.....

The object of this amendment was to extend secondary educational facilities to the village and rural districts and to provide for the pupils of these areas many of the educational opportunities enjoyed by town and city students.

Student Fees in High Schools.- When The Secondary Education Act was passed in 1907 high schools were required to admit any pupil whose parents or guardians resided in Saskatchewan and who had the necessary qualifications. Students whose parents lived

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<sup>1</sup>Statutes of Saskatchewan, 1925-26, C.30, S.10.

in Saskatchewan but outside the boundaries of a town or village school district were not required to pay tuition or other fees. Students whose parents or guardians lived in town or village districts might be charged a fee not exceeding one dollar per month per family but such a levy was entirely at the discretion of the board.....

(49) Every high school shall be open to the admission of every pupil whose parents or guardians are resident in Saskatchewan and who have the necessary qualifications for admission as prescribed by the regulations of the department.

(50) Every pupil whose parents or guardians reside within Saskatchewan but outside the limits of any town or village school district shall be admitted to a high school without being required to pay tuition or other fees.

(51) In the case of pupils whose parents or guardians are residents of any town or village school district the board may charge such fees as they may deem expedient:

Provided that such fees shall not exceed \$1 per month per family and shall be payable in advance<sup>1</sup>.....

The provisions of these clauses gave to rural students the opportunity of securing a secondary school education without the burden of fees.

In 1920 clauses 50 and 51 were repealed and secondary school education was made free to all students whose parents or guardians resided in Saskatchewan and who had the necessary qualification for admission.

During 1926 an amendment to The Secondary Education Act came into force which provided that school boards might again charge fees for high school education. The fee was not to exceed twenty five dollars per pupil per year for children of resident rate-payers and fifty dollars per pupil per year in the case of non-residents, provided that both these fees could not be levied

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<sup>1</sup>The Secondary Education Act, 1907, C.25, S.49,50,51.

during the same year. The fees were levied at the option of the board and might be paid by the rural municipality, village or town in which the pupils commonly resided.....

(1) The board may, in its discretion, charge every pupil or the parent or lawful guardian of every pupil:

(a) a fee not exceeding \$10 for the first term, \$7.50 for the second term and \$7.50 for the third term in any year if the parent or lawful guardian is a resident ratepayer of the district; or

(b) a fee not exceeding \$20 for the first term, \$15 for the second term and \$15 for the third term if the parent or lawful guardian is not a resident ratepayer of the district; and all fees so charged shall be payable at such time and in such amounts as may be determined by the board and may be varied in accordance with the grades of the pupils:

Provided that the board may charge the fees mentioned in clause (a) without charging those mentioned in clause (b), or those mentioned in clause (b), without charging those mentioned in clause (a).

(2) If a rural municipality, village or town, under an agreement with the board by virtue of the power conferred by the respective municipal Acts, pays to the board, in respect of the pupils resident within the municipality, fees charged under clause (b) of subsection (1), or contributes a fixed sum in lieu thereof, the provisions of the said clause (b) shall not apply to the parents or lawful guardians of such pupils<sup>1</sup>.....

These amendments were passed in order to place all schools doing secondary educational work on the same basis as regards fees, by making the fees exactly the same in all classes of schools whether they were operating under The School Act or The Secondary Education Act. It must be kept in mind however that these fees were optional and were levied at the discretion of the boards. This system of levying student fees has proved entirely satisfactory and has continued in force down to the present time.

Sources of Government Grants.- During normal times about 17 percent. of the total school revenue is derived from the school grant.....

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<sup>1</sup>ibid.- 1925-26, C.29, S.5.

In 1930 local taxes represented about 83% of all school revenue and grants about 17%<sup>1</sup>.....

It is interesting to learn from what sources this money is secured. The School Lands Trust Fund contributes a generous portion every year to the consolidated fund of the Province from which these grants are paid. This fund was created by The Dominion Lands Act, which after the Province took over its own natural resources became The Provincial Lands Act. This Act provides that certain lands, known as school lands shall be set aside for the purposes of educational support and that all money derived from time to time by the sale of them shall be invested in securities of the Province to form a fund. The fund itself must remain intact but the interest is used for the support of schools.....

In the first place there are the proceeds of the School Lands Trust Fund which in the fiscal year 1930-31 contributed \$1,196,600.83 to the consolidated fund of the Province out of which school grants are paid. The Dominion Lands Act provided and more recently The Provincial Lands Act provides that certain lands, designated school lands, shall be set apart as an endowment for purposes of education and that all moneys from time to time realized from the sale of such lands shall be invested in securities of the Province to form a school fund, the interest therefrom to be used for the support of schools. The fund itself must, of course, remain intact<sup>2</sup>.....

As yet the amount paid in school grants greatly exceeds the receipts from The School Lands Trust Fund. With the subsequent sale of school lands the time may come when the returns from the fund will be sufficient for all of the school grants.....

Of course, annual school grants as yet greatly exceed receipts from the Fund but it is quite possible that with a more exacting administration of the Fund the time will come when these returns will be sufficient for educational grants for all purposes<sup>3</sup>....

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<sup>1</sup>Report of the Committee on School Finance and School Grants, King's Printer, 1933, p.24.

<sup>2</sup>ibid.- 1933, p.25.

<sup>3</sup>ibid.- 1933, p.25.

Meanwhile since the annual school grants exceed the receipts of the Fund the balance must come from other sources of revenue which are paid into the consolidated fund. These sources of revenue may be placed under six main headings.....

1. Dominion subsidy and school lands,
2. Receipts from Public Domain
3. Taxation, including Gasoline Tax
4. Licenses, including Motor Licenses
5. Fees
6. Miscellaneous, including Liquor profits<sup>1</sup>.....

Government Grants.- These grants of money are paid annually to all schools in operation according to definite Regulations. These Regulations vary from year to year, in accordance with the amendments made to the Acts under which they are paid.

Ordinance of 1885.- The School Ordinance of 1885 made provisions for the first uniform grants. By this ordinance specific grants to aid schools were adopted on the following bases.....

(1) Grants on account of Teachers' certificates;

(a) An annual grant of \$250 to every school employing a teacher, male or female, holding provisional certificates from the Inspector of Schools for that district or a third class certificate from a Normal School or the Board of Education;

(b) An annual grant of \$300 to every school district employing a teacher, male or female, holding a second class certificate from a Normal School or from the Board of Education;

(c) An annual grant of \$350 to every school district employing a teacher, male or female, holding a first class certificate from a Normal School or from the Board of Education;

(2) Grants on account of attendance;

(a) An annual grant of \$2.00 per child, per annum, to every school whose average attendance is at least eight, for every child who has attended school one hundred school days, where the school is only open during one term;

(b) An annual grant of \$2.50 per child per annum, to every school whose average attendance is at least eight, for every child who has attended school one hundred and sixty school days, where the school is open during both the Winter and Summer terms;

(3) Grants on account of Inspector's report of school;

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<sup>1</sup> ibid.- p.25.

(a) An annual grant of an amount not exceeding the total amount of the capitation grant for the attendance of children to every school district of whose school the Inspector of schools shall report favorably.

(4) Grants on account of additional teachers;

(a) To every school district where the average daily attendance exceeds forty, a sum of one hundred and fifty dollars for an assistant teacher;

(b) To every school district where more than one assistant teacher is employed, a grant of one hundred dollars for every assistant teacher employed after the first, where the average daily attendance shall be at least twenty for each teacher, the principal teacher included;

(5) Grants to advanced classes;

(a) To every school district employing a teacher holding a first class certificate, a grant will be given to one group of pupils examined in the same subjects not being more than two subjects at the rate of \$1 per child per subject, the examination to be in writing and conducted in the inspector's presence; the examination papers to be provided by the Board of Education.

Section 86.- The Lieutenant-Governor shall pay the grant on account of teacher's certificate to the treasurer of the district, quarterly immediately after the Thirty-first March, Thirtieth June, Thirtieth September and Thirty-first December in each year; and the grants on account of attendance and inspector's reports shall be paid to the treasurer of the school district annually, as soon as practicable after the Thirty-First of October in each year.

Section 87.- When the school is only open for one term, the school district is entitled to a proportion of the grant for the teachers' certificates, calculated according to the months during which the school was open<sup>1</sup>.....

Ordinance of 1888.- During 1888 the Ordinance of 1885 was amended and grants were paid to school districts on the bases of a percentage of the teacher's salary, and the teacher's qualifications where the daily average attendance was not less than six pupils.....

Section No. 90. Aid to Schools.- Grants shall be paid to every school organized under this Ordinance as follows:-

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<sup>1</sup>Ordinance of the North West Territories, 1885, No. 3, S. 85, 86, 87.

(1) Grants on account of Teachers' Certificates to every School District having a daily average attendance of not less than six pupils:-

- (a) A grant of 75% of the Teacher's salary to every school employing a Teacher holding a first class certificate
- (b) A grant of 70% of the Teacher's salary to every School employing a Teacher holding a second class certificate from the Board of Education;
- (c) A grant of 65% of the Teacher's salary to every School employing a Teacher holding a third class or a provisional certificate from the Board of Education<sup>1</sup>.....

Where the number of children of school age in attendance in a school district did not exceed twenty-five, a special grant based on the percentage in daily attendance, was paid by the Government.....

(d) In Districts where the number of children of school age on register does not exceed twenty-five, an additional grant shall be paid for attendance as follows:-

- (1) When the average daily attendance is equal to 75 per cent. of the number of pupils on the roll, \$60.00.
- (2) When the average daily attendance is equal to 70 per cent. of the number of pupils on the roll, \$55.00.
- (3) When the average daily attendance is equal to 65 per cent. of the number of pupils on the roll, \$50.00.
- (4) When the average daily attendance is equal to 60 per cent. of the number of pupils on the roll, \$45.00.
- (5) When the average daily attendance is equal to 55 per cent. of the number of pupils on the roll, \$40.00.
- (6) When the average daily attendance is equal to 50 per cent. of the number of pupils on the roll, \$35.00<sup>2</sup>.....

Provision was also made for grants on account of additional teachers.....

(2) Grants on account of additional teachers;

(a) To every school where the daily average of attendance exceeds thirty, a grant, as provided in Sub-section 1 of this Section, for an additional Teacher.

(b) To every School where more than one Assistant Teacher is employed, a grant, as provided in Sub-section 1 of this section, for every Assistant Teacher employed after the first, where the average daily attendance shall be at least twenty for each Teacher employed<sup>3</sup>.....

<sup>1</sup>Ordinance of the North West Territories, 1888, C.59, S.90.

<sup>2</sup>ibid.- 1888, C.59, S.90.

<sup>3</sup>ibid.- 1888, C.59, S.90, ss.2.

Ordinance of 1892.- The regulations of 1888 were amended in 1892 and the following provisions made.....

Section 92     Aid to Schools

There shall be paid from and out of any monies appropriated by the Legislative Assembly for Schools, in aid of schools organized under and conducted according to the provisions of this Ordinance, Night Schools, Normal Schools and Teachers' Institutes excepted, seventy per cent. of an amount to be calculated as follows:-

(a) To Schools having an average attendance of from six to ten pupils, \$420.00;

(b) For every pupil in average daily attendance over ten pupils, an additional amount of \$5.00;

(c) For every pupil in daily average attendance in all Standards above 111, according to the last examination as provided for in the next following Section, an additional amount of \$18.00;

(d) For each Teacher employed holding a 2nd class certificate an additional \$25.00, and for each Teacher employed holding a 1st class certificate an additional amount of \$50.00.

Provided further that the grant mentioned in sub-section (c) shall not be payable in respect of any pupil who remains in any one Standard, (1) in summer schools more than three years, (2) in yearly schools more than two years;

(e) Provided further that the amount upon which such percentage shall be payable shall not exceed the actual salary paid to any Teacher;

(f) Upon the recommendation of an Inspector, the Lieutenant-Governor-in-Council may make a special grant to any School, whether organized according to law or not, out of the General Revenue Fund of the Territories<sup>1</sup>.....

Ordinance of 1896.- The Ordinance of 1892 was repealed in 1896. Grants were paid according to the qualifications of the teacher and the number of days the school was in operation.....

Section 113     Aid to Schools

There shall be paid from and out of any moneys appropriated by the Legislative Assembly for schools in aid of schools organized under and conducted according to the provisions of this Ordinance, Night Schools, Normal Schools and Teachers' Institutes excepted, an amount to be calculated as follows:-

(a) To each School having an average attendance of at least six pupils for the days during which it has been open in any term, a sum of \$1.40 for each day the school is open; Provided that the total number of days in each year for which grants

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<sup>1</sup>Ordinance of the North West Territories, 1892, No.22, S.92.

may become payable shall not exceed 210;

(b) For every pupil in average daily attendance an additional amount of \$1.50 per school year of 210 days;

(c) To each school where a teacher is employed who holds a first class professional certificate, the sum of 20 cents for each day (not exceeding 210) in the year such teacher is actually engaged in teaching; and to each school where a teacher holding a second class certificate is so employed, the sum of 10 cents for each day (not exceeding 210) in the year such teacher is actually engaged in teaching;

(d) To each school attaining a minimum grading upon the reports of its inspection, as prescribed by the Council of Public Instruction, on its efficiency in regard to buildings, equipment, government and progress, a sum not exceeding 15 cents nor less than 5 cents may be paid, according to such grading, for each day (not exceeding 210) on which the school has been kept open during the year.

(e) To any high school complying with the provisions of this Ordinance and the regulations of the Council of Public Instruction, a special grant of seventy-five dollars per term<sup>1</sup>.....

This is the first record of grants being paid to high schools.

The School Grants Ordinance 1901.- In 1901 the system of awarding grants was again changed. Schools were divided into two classes, rural schools, and village and town schools. Grants to rural schools were based on the assessable acreage in the district, the length of the school year, the certificate of the teacher and the inspector's report. Grants to village and town schools were made under somewhat similar provisions.

Secondary School Grants 1907.- In 1907 The Secondary Education Act was passed providing for the organization and maintenance of secondary educational institutions. A grant of \$1.25 per day per teacher for high schools and \$1.50 per day per teacher for collegiate institutes was made to every district which maintained such institutions. An additional grant of one hundred and fifty dollars and two hundred dollars was paid to high schools and collegiate institutes respectively for equipment, apparatus and library. The

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<sup>1</sup>Ordinances of the North West Territories, 1896, No.2, S.113.

sum of two hundred dollars to high schools and three hundred to collegiate institutes was paid by the Government on receipt of a satisfactory inspector's report. One hundred dollars was also granted to secondary schools which undertook the instruction of commercial work according to the course of study.

The Supplementary Revenue Act.- The Supplementary Revenue Act was passed in 1907. The Act levied a rate of one cent per acre upon every owner or occupant of land in the province, exclusive of land in town or village school districts. The revenue collected from this levy was distributed in the following manner.....

- (a) five per cent. thereof for the establishment and maintenance of an agricultural college;
- (b) five per cent. for the establishment and maintenance of the University of Saskatchewan;
- (c) ten per cent. for the support of secondary educational institutions;
- (d) eighty per cent. for the support of primary educational institutions<sup>1</sup>.....

This act was repealed in 1920 because it was felt that the amount of revenue available for grants from this source might steadily decrease.

Amendment to School Grants Act 1917.- In 1917 in order to encourage the teaching of secondary education in the small towns and villages, The School Grants Act was amended as follows.....

1. The School Grants Act being chapter 102 of The Revised Statutes of Saskatchewan 1909, is amended in the manner hereinafter set forth.

2. Paragraph 2 of section 3 is amended by adding thereto the following clause:

"(e) an additional sum of \$1.50 for every teaching day upon which there is maintained by the district during the year a school or room exclusively for pupils who have qualified for admission to high school in accordance with the regulations of the department, subject to the following conditions:

- (1) that the daily average attendance of pupils in

<sup>1</sup>Statutes of Saskatchewan, 1907, C.3, S.18,19.

such school or room is at least fifteen;

(ll) that all such pupils are permitted to attend the school without payment of tuition or other fees;

(lll) that the equipment provided and the instruction given is satisfactory to the department;

(lv) that the teacher in charge of such school or room holds at least a first class certificate."

3. The said section 3 is further amended by adding the following paragraph thereto:

To every district making provision for industrial evening schools in which person employed during the day may receive instructions in the trades or occupations with related instruction in English, mathematics, drawing, science, history and geography as provided for in paragraph 2 of section 183 of The School Act, an annual grant equal to 40 per cent. of the cost of tuition up to a maximum of \$250.00.

4. This Act shall come into force on January 1, 1918<sup>1</sup>.....

Amendment to School Grants Act 1918.- In 1918 the change made by the foregoing amendment was repealed and the following substituted therefor.....

1. The School Grants Act, being chapter 102 of The Revised Statutes of Saskatchewan, 1909, is amended in the manner hereinafter set forth.

2. (1) Paragraph 1 of section 3 is amended by adding thereto the following clause:

"(f) For encouraging the teaching of household science and making proper provision for the noon lunch, a grant equal to fifty per cent. of the initial cost of approved equipment, such grant not to exceed twenty dollars."

(2) Clause (d) of paragraph 2 of section 3 and clause (e) of said paragraph 2, as enacted by section 2 of chapter 34 of The Statutes of 1917 (second session) are hereby repealed and the following substituted therefor:

"(d) An additional sum of \$1.50 for every teaching day upon which there is maintained by the district during the year a school or room exclusively for pupils above grade VII, subject to the following conditions:

"(1) That the daily average attendance of pupils in such school or room is at least fifteen;

(ll) That the equipment provided, the classification of pupils and the instruction given are satisfactory to the department;

(lll) That a high school or collegiate institute is not in operation within the district."

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<sup>1</sup>The School Grants Act, 1917, C.34, S. 1-4.

(3) Section 3 is further amended by adding thereto the following paragraph:

"5. To every district maintaining a night school as provided for in section 182 of The School Act, there shall be paid the sum of one dollar per evening session for the teacher so employed;

"Provided that such night school is conducted in accordance with the regulations of the department governing night classes."

3. Notwithstanding anything contained in The School Act or The School Grants Act, there shall be payable to every school district, whose school was closed during the year 1918 by reason of the prevalence of epidemic influence, all grants for the period during which such school was so closed:

Provided that the chairman of the board and the teacher furnish a joint certificate that it was in the interests of the public health that the school was closed and that the salary of the teacher was paid in full for such period.

4. This Act shall be effective as from the first day of January 1919<sup>1</sup>.....

The School Grants Act 1920.- By the Act of 1920 all previous bases for awarding grants were discarded, and the following regulations applied.....

1. To every rural school district:

(a) the sum of seventy-five cents for every teaching day upon which its school is in operation during the year;

(b) an additional sum of twenty-five cents for every teaching day upon which its school is in operation during the year over and above one hundred and sixty days;

Provided that the total number of days for which such additional grant shall be payable shall not exceed fifty;

(c) an additional sum of ten cents for every teaching day upon which its school is in charge of a teacher holding a valid first class interim or professional certificate issued by the department;

(d) an additional sum of forty cents for every teaching day upon which its school is open during the year ending on the thirty-first day of December, in which it is first in operation; thirty cents during the second year; twenty cents during the third year; and ten cents during the fourth year;

(e) an additional sum of ten cents for every teaching day upon which its school is open, provided such district comprises an area of eight thousand acres or less;

(f) for encouraging the teaching of household science and making proper provision for the noon lunch, a grant equal to fifty per cent. of the initial cost of approved equipment, such grant not to exceed twenty dollars<sup>2</sup>.....

<sup>1</sup>The School Grants Act, 1918, C.102, S.3.

<sup>2</sup>ibid.- 1920, C.102, S.3.

In town districts the following grants were paid.....

2. To every town district:

(a) the sum of seventy-five cents for every teaching day upon which its school is in operation during the year;

(b) an additional sum of thirty cents for every teaching day upon which its school is open during the first year of its operation and fifteen cents during the second year;

(c) an additional sum of ten cents for every teaching day upon which its school is in charge of a teacher holding a valid first class interim or professional certificate issued by the department<sup>1</sup>.....

Continuation Schools with an average attendance of fifteen pupils were paid a special grant of \$1.50 per teaching day.....

(d) an additional sum of \$1.50 for every teaching day upon which there is maintained by the district during the year a school or room exclusively for pupils above grade VII, subject to the following conditions;

(1) that the daily average attendance of pupils in such school or room is at least fifteen;

(11) that the equipment provided, the classification of pupils and the instruction given are satisfactory to the department;

(111) that a high school or collegiate institute is not in operation within the district<sup>2</sup>.....

The Secondary Education Act 1920.- During the same year a Secondary Education Act was passed making the following provisions for grants.....

Out of any moneys appropriated by the Legislature for grants in support of secondary schools there shall be paid the following sums;

1. To every district maintaining a high school \$1.50 per diem for each teacher employed;

2. To every district maintaining a collegiate institute \$1.50 per diem for each teacher employed;

3. To every district whose high school is provided with the equipment, apparatus and library required by the regulations of the department the additional sum of \$150 per annum until the maximum equipment prescribed has been provided, and thereafter each such district maintaining the said maximum equipment to the satisfaction of the inspector shall be paid the sum of \$100 per annum;

Provided that, in case the trustees of any high school expend in any one year for equipment a greater amount than is required by the said regulations, the additional grant herein provided

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<sup>1</sup>ibid.- 1920, C.102, S.3.

<sup>2</sup>ibid.- 1920, C.102, S.3.

may be proportionately increased by order of the Lieutenant Governor in Council;

4. To every district whose collegiate institute is provided with the equipment, apparatus and library required by the regulations of the department, the additional sum of \$200 per annum until the maximum equipment prescribed has been provided, and thereafter each such district maintaining the said maximum equipment to the satisfaction of the inspector shall be paid the sum of \$150 per annum;

Provided that, in case the trustees of any collegiate institute expend in any one year for equipment a greater amount than is required by the said regulations, the additional grant herein provided may be proportionately increased by order of the Lieutenant-Governor-in-Council;

5. To every district whose high school attains a satisfactory grading on its efficiency in respect to grounds, buildings, accommodation, organization, discipline, the standing and progress of the pupils and the character and scope of the instruction given, an additional sum not exceeding \$200 per annum to be paid in proportion to the grading of the school by the inspector who shall be guided in determining such grading by the special instructions issued by the minister from time to time in that behalf;

6. To every district whose collegiate institute attains a satisfactory grading as provided in paragraph 5 an additional sum not exceeding \$300 per annum;

7. To every district that makes due provision for the proper instruction of pupils in the commercial course prescribed by the high school course of studies and in whose high school or collegiate, as the case may be, such instruction is regularly given to the satisfaction of the inspector, an additional sum not exceeding \$100 per annum to be paid on the recommendation of the inspector<sup>1</sup>.....

The Secondary Education Act 1921-22.- The Act of 1921-22 provided for a grant of four dollars per teaching day per teacher for high schools and collegiate institutes. Previously they had received one dollar and fifty cents per teaching day, in addition to an amount varying from two dollars to two dollars and fifty cents per teaching day from money collected under the Supplementary Revenue Act.....

Paragraphs 1 and 2 of section 60 are repealed and the following substituted therefor:

"1. To every district maintaining a high school or collegiate institute \$4.00 per diem for each teacher employed:

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<sup>1</sup>The Secondary Education Act, 1920, C.99, S.60.

"Provided that when a district makes provision for the instruction of Grade VIII pupils thereby requiring additional teachers, grant shall be payable for one such additional teacher in accordance with the foregoing paragraph but for other such additional teachers, grant shall be payable in accordance with the provisions of The School Grants Act an average attendance of thirty-five pupils classified in Grade VIII being regarded as a school in determining the number of additional teachers necessary and the amount of such grant<sup>1</sup>.....

The Secondary Education Act, 1925-26.- In order to bring the grants of collegiates and high schools more into harmony with the grants to continuation schools an amendment was made to the Secondary Education Act of 1921-22 increasing the grant of collegiates and high schools from \$4.00 to \$4.50 per day....

(1) Paragraph 1 of Section 60, as enacted by section 4 of chapter 46 of the Statutes of 1921-22, is amended by substituting the expression "\$4.50" for "\$4.00" where it occurs therein.

(2) The proviso to the said paragraph 1 is repealed and the following substituted therefor:

"Provided that the said sum of \$4.50 per diem shall be payable only in the cases of teachers of Grades IX to XII inclusive"<sup>2</sup>.....

The Grants Act 1932.- In 1932 owing to the economic conditions prevalent in Saskatchewan, it was found expedient to reduce the annual government grants to all schools. Accordingly an Act came into force January 1, 1932 reducing all school grants by one-third.....

His Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

1. Notwithstanding anything contained in any Act all grants payable under The School Grants Act and The Secondary Education Act shall be reduced by one-third.

2. This Act shall be effective as from the first day of January, 1932<sup>3</sup>.....

In accordance with the terms of this Act grants to elementary schools were reduced to \$1.00 per teacher per diem and to continuation, high schools and collegiate institutes \$3.00 per

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<sup>1</sup> The Secondary Education Act, 1921-22, C.46, S.4.

<sup>2</sup> Statutes of Saskatchewan, 1925-26, C.29, S.6.

<sup>3</sup> Statutes of Saskatchewan, 1932, C.45, S.4.

diem for each teacher.

The foregoing sections are the most important clauses of the acts as regards educational grants. Special grants were made to schools teaching household economics, maintaining a night school or erecting a teacher's residence. Additional grants were also paid to assist in providing a library and science apparatus.

## CHAPTER VIII.

## CONCLUSION

Saskatchewan's educational system with modifications is an adopted one. The system of school organization, administration and taxation was copied from the school system which was in operation in Ontario at the time. It was brought into force by government legislation and for almost thirty years appeared to be unquestionably an ideal system for the needs of the Province.

Of recent years however, we have been made aware that our present educational system has outgrown its usefulness. If Saskatchewan is to maintain her educational prominence among the other provinces of the Dominion, drastic reforms and additional services must be introduced.

One of the most flagrant abuses is the inequality of school taxation. A flat grant of \$1.00 per day per teacher in public schools and \$3.00 per day per teacher in high schools and collegiate institutes is paid by the Provincial Government. The balance of the school's expenditure must be raised by local taxation. School districts with good land and a high assessment easily maintain their schools on a low mill rate. Other school districts with inferior land and a low assessment valuation find themselves burdened with a school rate two or three times greater than the rate struck in a good land area. As a result those who can least afford are called upon to pay the most.

The only solution to the inequality of school rates is a larger unit of administration. Outstanding educators of the Province realize this need, but the trustees of individual districts are reluctant to give up even a part of their local rights and privileges for the advantages of a larger unit. A larger administra-

tive unit would necessitate the creation of a central board of education, elected by representatives of the districts involved. Local secretaries could be dispensed with and a permanent secretary for the entire unit engaged. Educational costs would then be spread across the entire unit. In this manner a better equalization of taxation for school purposes would be secured.

The rural school, although in the majority, is the most neglected of all our schools. The annual or semi-annual visits of a school inspector contributes very little to educational progress. Frequent supervision would assist greatly in raising the standard. Obviously an indirect result of a larger administrative area would be smaller supervisory units. These units consisting of from forty to seventy school districts would then engage the services of a supervisor or superintendent who would replace the inspector. The supervisor could quite conveniently visit every school in the supervisory area at least once a month. These supervisors would have special training in problems peculiar to rural education and life. This system has found favor in districts where it has been attempted.

The source of much dissatisfaction among teachers lies at the door of our Normal Schools which have indiscriminately turned out teachers faster than the schools can absorb them. Whereas in the professions of law, nursing, medicine, dentistry, etc. the qualifications for entrance have been raised, and in many cases the term extended, in the teaching profession no change has been made within recent years. Students with Grade XI and XII standing enter the Normal School and after one year's training, emerge as full fledged teachers with Second and First Class dip-

lomas. Repeated requests have been made upon the Government to extend the term of Normal School training to two years. Had this action been taken some years in the past, the surplus of unemployed teachers would have been small. It appears that within a short time the Government will discontinue the training of Second Class teachers. With the large majority of our last year's Normal School graduates out of work it seems utterly futile to continue training teachers for positions they will never have the opportunity to fill.

## APPENDIX A

TABLE 1.

## GOVERNMENT GRANTS TO SCHOOLS

Year	<u>Elementary Schools</u>		<u>High Schools</u>	
	School Grants	Supplementary Revenue	School Grants	Supplementary Revenue
1907	\$ 251,200.00	\$	\$	\$
1908	220,222.67		1,066.25	
1909	287,279.74	142,750.66	5,522.66	1,706.00
1910	320,322.45	196,822.60	10,600.74	8,074.00
1911	350,807.95	244,150.39	16,355.65	12,074.00
1912	354,557.26	276,405.70	13,377.37	19,194.00
1913	370,159.09	315,108.38	17,308.63	21,444.75
1914	522,128.18	317,995.50	19,495.08	25,458.00
1915	562,304.20	361,483.35	30,776.47	30,614.50
1916	639,812.08	358,959.30	31,885.00	36,486.00
1917	620,742.92	420,023.93	34,410.80	44,843.25
1918	649,629.26	478,017.97	30,240.03	48,795.50
1919	698,802.02	500,804.77	37,296.98	54,257.75
1920	843,937.17	510,461.60	37,132.03	52,041.75
1921	888,063.41	387,650.40	52,899.50	33,123.75
1922	1,582,346.45		158,465.35	
1923	1,820,900.99		212,439.76	
1924	1,737,029.65		191,782.49	
1925	1,752,466.08		205,495.14	
1926	2,355,444.19		239,458.00	
1927	2,141,289.83		199,245.74	
1928	2,193,888.65		208,732.06	
1929	2,534,023.94		292,676.44	
1930	2,406,042.36		357,811.58	
1931	2,161,290.19		237,050.84	
1932	1,684,906.25		234,247.40	

## APPENDIX A

TABLE 11.

## NUMBER OF ELEMENTARY SCHOOLS

Year	No. of Districts in operation
1906	873
1907	1101
1908	1410
1909	1692
1910	1912
1911	2110
1912	2444
1913	2747
1914	3055
1915	3367
1916	3608
1917	3794
1918	3941
1919	4159
1920	4153
1921	4268
1921-22	4310
1922-23	4322
1923-24	4374
1924-25	4418
1925-26	4721
1926-27	4776
1927-28	4826
1928-29	4878
1929-30	4939
1930-31	4979
1931-32	4995

## APPENDIX A

TABLE 111.

NUMBER AND QUALIFICATIONS OF TEACHERS  
IN ELEMENTARY SCHOOLS

Year	First Class Certificates	Second Class Certificates	Third Class Certificates	Provisional Certificates	Total
1906	264	843	22	169	1298
1907	Not available				
1908	Not available				
1909	212	975	700	407	2294
1910	212	1082	837	541	2672
1911	310	1396	1006	779	3491
1912	243	1242	945	937	3367
1913	334	1437	1349	1032	4152
1914	423	1523	1791	764	4501
1915	578	1715	2188	468	4949
1916	740	1918	2296	723	5677
1917	665	2099	2128	842	5734
1918	698	2339	2113	912	6062
1919	880	3005	1997	504	6386
1920	903	3136	2033	737	6809
1921	971	3097	2173	721	6962
1922	1059	3160	2474	330	7023
1923	1280	3445	2617	155	7497
1924	1452	3651	2295	68	7466
1925	1520	3695	2279	26	7520
1926	1724	3907	2129	19	7779
1927	1962	4183	1956	13	8114
1928	2261	4904	1205	27	8397
1929	2654	5348	462	20	8484
1930	2843	5400	29	3	8275
1931	3169	4908	17	1	8095
1932	3584	4376	14	1	7975

## APPENDIX A

TABLE IV.

NUMBER OF STUDENTS IN SCHOOLS  
UNDER SCHOOL ACT

Year	Number	Year	Number
1906	31,275	1920	169,008
1907	37,622	1921	177,968
1908	47,086	1922	178,314
1909	53,969	1923	187,968
1910	63,964	1924	197,207
1911	70,567	1925	199,544
1912	79,882	1926	205,962
1913	99,109	1927	211,599
1914	111,059	1928	215,968
1915	119,279	1929	219,695
1916	125,590	1930	220,352
1917	138,731	1931	221,556
1918	147,232	1932	219,484
1919	159,468		

TABLE V.

PERCENTAGE OF ATTENDANCE IN SCHOOLS  
UNDER SCHOOL ACT

Year	Percentage	Year	Percentage
1906	50.31	1920	61.38
1907	52.48	1921	63.73
1908	55.00	1922	64.69
1909	52.25	1923	66.96
1910	52.80	1924	68.11
1911	53.00	1925	69.69
1912	60.31	1926	71.71
1913	55.10	1927	71.69
1914	57.02	1928	70.12
1915	58.70	1929	70.79
1916	55.30	1930	74.02
1917	62.40	1931	76.15
1918	60.37	1932	77.04
1919	62.02		

## APPENDIX A

TABLE VI.

## LENGTH OF SCHOOL YEAR

Year	Rural	Town and Village
1906	155	204
1907	148.61	205.40
1908	145.46	209.08
1909	157.89	202.20
1910	154.17	193.57
1911	158	187
1912	151	192
1913	157	192
1914	163	197
1915	167	201
1916	162	199
1917	163	200
1918	150	177
1919	169	200
1920	178	203
1921	187	204
1922	187	203
1923	185	203
1924	192.50	204
1925	193.50	203.50
1926	197.98	204.09
1927	197.75	205
1928	199.70	204.48
1929	198.44	202.90
1930	201.24	202.13
1931	201.66	201.52
1932	190.46	199.87

## APPENDIX A

TABLE VII.

## NUMBER OF GRADE EIGHT CANDIDATES

Year	No. of Candidates	No. of Successful Candidates
1906	513	255
1907	708	379
1908	983	535
1909	1,169	832
1910	1,278	859
1911	1,546	1,206
1912	1,806	1,439
1913	2,150	1,716
1914	2,952	2,363
1915	3,377	1,959
1916	3,224	2,165
1917	# 3,532	2,449
1918	# 4,082	2,862
1919	# 4,607	3,449
1920	# 5,231	3,391
1921	# 6,861	4,978
1922	# 7,937	5,971
1923	# 8,961	6,553
1924	# 9,416	6,587
1925	# 10,980	7,933
1926	# 11,317	8,225
1927	# 12,255	8,395
1928	# 12,648	10,074
1929	# 13,134	10,026
1930	# 14,424	10,723
1931	# 14,641	12,283
1932	Departmental Examinations in Grade VIII discontinued.	

# This includes candidates who were recommended for promotion in accordance with Section 5 of the Regulations governing High Schools and Collegiate Institutes.

## APPENDIX A

TABLE VIII.

RECEIPTS AND EXPENDITURES FOR  
ELEMENTARY SCHOOL PURPOSES

Year	Receipts	Expenditures
1906	\$ 1,465,360.80	\$ 1,448,914.69
1911	4,029,791.57	3,989,036.28
1916	9,312,694.32	9,211,389.76
1921	14,988,691.45	15,174,524.36
1926	14,956,014.11	14,789,956.18
1931	12,187,277.55	12,781,121.06

TABLE IX.

COMPARATIVE STATEMENT OF RECEIPTS  
AND EXPENDITURES

Year	Receipts	Expenditures
1905	\$ 1,004,470.00	\$ 1,002,875.62
1906	1,465,360.80	1,448,914.69
1907	1,957,472.22	2,000,675.26
1908	2,783,153.35	2,679,372.99
1909	3,192,271.09	3,032,998.74
1910	3,672,582.12	3,655,428.43
1911	4,029,791.57	3,989,036.28
1912	6,030,613.07	5,931,843.83
1913	8,360,421.89	8,327,178.79
1914	8,536,576.95	8,588,461.61
1915	8,428,492.88	8,163,896.62
1916	9,312,694.32	9,211,389.76
1917	10,271,728.48	10,117,917.46
1918	9,177,390.05	9,220,977.54
1919	11,494,164.14	11,433,258.46
1920	13,914,643.23	14,207,637.07
1921	14,988,691.45	15,174,524.36
1922	14,527,736.35	14,211,999.21
1923	14,455,875.10	14,346,271.06
1924	14,234,442.94	14,061,888.83
1925	14,624,727.48	14,290,836.12
1926	14,956,014.11	14,689,956.18
1927	15,990,971.92	15,917,668.47
1928	16,267,410.91	16,414,843.60
1929	17,038,319.10	16,952,671.74
1930	15,886,329.39	16,477,254.24
1931	12,187,277.55	12,781,121.07
1932	9,800,485.10	9,518,750.61

## APPENDIX B

TABLE 1.

NUMBER OF COLLEGIATES AND HIGH SCHOOLS WITH  
ENROLMENT OF PUPILS AND NUMBER OF TEACHERS

Year	Number of Collegiates	Number of High Schools	Total	Number of Pupils enrolled	Number of Teachers employed
1907	-	6	6	Not available	11
1908	2	6	8	" "	23
1909	2	11	13	" "	41
1910	2	11	13	" "	54
1911	2	12	14	1656	56
1912	3	12	15	2014	67
1913	3	13	16	2354	84
1914	4	14	18	2926	99
1915	6	15	21	3583	126
1916	7	14	21	3849	111
1917	7	15	22	3886	120
1918	7	15	22	4094	161
1919	10	14	24	4751	164
1920	10	14	24	5917	189
1921	10	14	24	6903	200
1922	11	13	24	5627	203
1923	12	12	24	6345	196
1924	11	10	21	6947	196
1925	11	9	20	7016	193
1926	11	9	20	7442	213
1927	11	8	19	6961	225
1928	11	8	19	7081	233
1929	11	8	19	7568	237
1930	11	8	19	7956	245
1931	11	8	19	8942	248
1932	11	7	18	7145	214

## APPENDIX B

TABLE 11.

ENROLMENT OF PUPILS IN SECONDARY GRADES  
IN SCHOOLS OTHER THAN HIGH SCHOOLS  
AND COLLEGIATE INSTITUTES

Year	Continuation Schools	Other Elementary Schools	Total
1924	6,777	2,511	9,288
1925	7,647	3,123	10,770
1926	8,618	3,679	12,297
1927	9,210	4,123	13,333
1928	9,688	4,229	13,917
1929	10,351	4,820	15,171
1930	11,186	5,309	16,496
1931	13,037	6,564	19,601

TABLE 111.

SCHOOL ENROLMENT BY GRADES

Year	1910	1920	1930
Grade I	21,775	48,475	42,951
Grade II	8,815	21,055	26,337
Grade III	9,683	23,340	27,916
Grade IV	9,199	22,954	27,905
Grade V	5,377	16,946	24,015
Grade VI	3,152	12,520	20,746
Grade VII	2,199	8,402	13,925
Grade VIII	2,567	10,937	19,527
Grade IX	1,830	4,522	9,865
Grade X	1,830	2,791	7,025
Grade XI	547	2,352	5,294
Grade XII	238	631	2,263
Colleges and Universities	70 (1909-10)	1,136 (1920-21)	3,132
Total	65,452	176,061	233,122

Note: Attention is drawn particularly to the increased enrolment in grades above VII, namely, 47,108 in 1930 as compared with 5,252 in 1910. An ever increasing number of Saskatchewan citizens are high school graduates which augurs well for the future of the Province.

## APPENDIX C

TABLE 1.

## TEACHERS TRAINED IN SASKATCHEWAN

Year	Males			Females			Totals			Totals for each year
	1st	2nd	3rd	1st	2nd	3rd	1st	2nd	3rd	
1906	17	46	2	15	98	10	32	144	12	188
1907	6	33	--	14	72	7	20	105	7	132
1908	13	35	20	13	45	103	26	80	123	229
1908-09	--	--	28	--	--	76	--	--	104	104
1909	5	12	87	3	41	159	8	53	246	307
1910	4	32	94	11	78	228	15	110	322	447
1911	--	28	18	--	104	91	--	132	109	241
1912	14	29	92	51	90	304	65	119	396	580
1913	32	20	83	57	118	333	69	138	416	643
1914	46	22	196	72	97	453	118	119	649	886
1915	68	43	248	93	180	590	161	223	838	1222
1916	40	48	149	76	242	356	116	290	505	911
1917	26	38	89	66	287	575	92	325	664	1081
1918	15	35	14	91	383	83	106	418	97	621
1919	36	57	71	95	420	379	131	477	450	1058
1920	15	31	91	37	164	385	52	195	476	723
1921	21	25	169	64	155	465	85	180	634	890
1922	59	66	334	104	231	844	163	297	1178	1638
1923	83	85	257	146	351	629	230	436	886	1552
1924	72	115	256	132	416	630	204	531	886	1621
1925	105	116	245	180	493	563	285	609	808	1702
1926	110	139	181	194	543	488	304	682	669	1655
1927	98	169	119	236	729	163	334	898	282	1514
1928	116	192	---	278	872	---	383	1064	---	1457
1929	120	233	---	356	798	---	476	1031	---	1507
1930	116	203	---	386	591	---	502	794	---	1296
1931	167	119	---	489	477	---	656	596	---	1252
1932	111	81	---	355	235	---	466	326	---	792
Totals	1514	2052	2843	3615	8320	7914	5129	10372	10757	26258

## APPENDIX C

TABLE 11.

## CERTIFICATES ISSUED TO TEACHERS

Where trained	Sask.		Other Prov.		Br. Isles		U.S.A.		Total	
	1931	1932	1931	1932	1931	1932	1931	1932	1931	1932
Class of Certificates										
Interim Certificates:										
High School	55	48	9	7	---	1	---	---	64	56
First Class	894	717	20	21	1	1	---	---	915	739
Second Class	655	377	10	10	2	---	---	1	667	388
Third Class	---	---	---	---	---	---	---	---	---	---
Permanent Certificates:										
High School	42	39	---	---	---	---	---	---	42	39
Collegiate	30	21	---	---	---	---	---	---	30	21
First Class	363	508	---	---	---	---	---	---	363	508
Second Class	562	396	---	---	---	---	---	---	562	396
Third Class	---	2	---	---	---	---	---	---	---	2
Interim Certificates for special subjects:										
Agriculture	---	---	---	---	---	---	---	---	---	---
Art	---	---	---	---	---	---	---	---	---	---
Home Economics	---	---	3	---	---	---	---	---	3	---
Kindergarten	---	---	1	---	---	---	---	---	1	---
Physical Culture	---	---	---	---	---	---	---	---	---	---
Manual Training	---	---	2	---	---	---	---	---	2	---
Permanent Certificates for special subjects:										
Manual Training	---	2	---	---	---	---	---	---	---	2
Art	---	---	---	---	---	---	---	---	---	---
Home Economics	1	1	---	---	---	---	---	---	1	1
Kindergarten	1	1	---	---	---	---	---	---	1	1
Provisional Certificates:										
	10	19	---	---	---	---	---	---	10	19
Totals.....	2613	2131	45	38	3	2	---	1	2661	2172

## APPENDIX D

RUPERT'S LAND ACT, 1868.

31-32 Victoria, Chapter 105.

An Act for enabling Her Majesty to accept a Surrender upon Terms of the Lands, Privileges, and Rights of "The Governor and Company of Adventures of England trading into Hudson's Bay", and for admitting the same into the Dominion of Canada.

31st July, 1868.

Whereas by certain letters Patent granted by His Late Majesty King Charles the Second in the Twenty-second Year of His Reign certain Persons therein named were incorporated by the Name of "The Governor and Company of Adventurers of the Territories, Rights of Government, and other Rights, Privileges, Liberties, Franchises, Powers, and Authorities, were thereby granted or purported to be granted to the said Governor and Company in His Majesty's Dominion in North America:

And whereas by the British North America Act, 1867, it was (amongst other things) enacted that it should be lawful for Her Majesty, by and with the Advice of Her Majesty's most Honorable Privy Council, on Address from the Houses of the Parliament of Canada, to admit Rupert's Land and the North Western Territory, or either of them, into the Union on such Terms and Conditions as are in the Address expressed and as Her Majesty thinks fit to approve, subject to the provisions of the said Act:

And whereas for the Purpose of carrying into effect the Provisions of the said British North America Act, 1867, and of admitting Rupert's Land into the said Dominion as aforesaid upon such Terms as Her Majesty thinks fit to approve, it is expedient that the said Lands, Territories, Rights, Privileges, Liberties, Franchises, Powers, and Authorities, so far as the same have been lawfully granted to the said Company, should be surrendered to Her Majesty, Her Heirs and Successors, upon such Terms and Conditions as may be agreed upon by and between Her Majesty and the said Governor and Company as hereinafter mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords, Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as "Rupert's Land Act, 1868."
2. For the Purposes of this Act the Term "Rupert's Land," shall include the whole of the Lands and Territories held or claimed to be held by the said Governor and Company.
3. It shall be competent for the said Governor and Company to surrender to Her Majesty, and for Her Majesty by any Instrument under Her Sign Manual and Signet to accept a Surrender of all or any of the Lands, Territories, Rights, Privileges, Liberties, Franchises, Powers, and Authorities whatsoever granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, upon such Terms and Conditions as shall be agreed upon by and between Her Majesty and the said Governor and Company; provided, however, that such Surrender shall not be accepted by Her Majesty until the Terms and Conditions upon which Rupert's Land shall be admitted into the said Dominion of Canada shall have been approved of by Her Maj-

## APPENDIX D

esty; and embodies in an Address to Her Majesty from both the Houses of the Parliament of Canada in pursuance of the One hundred and forty-sixth Section of the British North America Act, 1867; and that the said Surrender and Acceptance thereof shall be null and void unless within a Month from the Date of Such Acceptance Her Majesty does by Order in Council under the Provisions of the said last recited Act admit Rupert's Land into the said Dominion; provided further, that no Charge shall be imposed by such Terms upon the Consolidated Fund of the United Kingdom.

4. Upon the Acceptance by Her Majesty of such Surrender all Rights of Government and Proprietary Rights, and all other Privileges, Liberties, Franchises, Powers, and Authorities whatsoever, granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, and which shall have been so surrendered, shall be absolutely extinguished; provided that nothing herein contained shall prevent the said Governor and Company from continuing to carry on in Rupert's Land or elsewhere Trade and Commerce.

5. It shall be competent to Her Majesty by any such Order or Orders in Council as aforesaid, on Address from the Houses of the Parliament of Canada, to declare that Rupert's Land shall, from a Date to be therein mentioned, be admitted into and become part of the Dominion of Canada and thereupon it shall be lawful for the Parliament of Canada from the Date aforesaid to make, ordain, and establish within the Land and Territory so admitted as aforesaid all such Laws, Institutions, and Ordinances, and to constitute such Courts and Officers, as may be necessary for the Peace, Order, and good government of Her Majesty's Subjects and others therein: Provided that, until otherwise enacted by the said Parliament of Canada, all the Powers, Authorities and Jurisdiction of the several Courts of Justice now established in Rupert's Land, and of the several Officers thereof, and of all Magistrates and Justices now acting within the said Limits, shall continue in full force and effect therein.

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THE MANITOBA ACT, 1870  
33 VICTORIA, CHAPTER 3 (CANADA)

An Act to amend and continue the Act 32 and 33 Victoria, chapter 3; and to establish and provide for the Government of the Province of Manitoba.

Assented to 12th May, 1870.

Whereas it is probable that Her Majesty the Queen may, pursuant to the British North America Act, 1867, be pleased to admit Rupert's Land and the North-Western Territory into the Union or Dominion of Canada, before the next Session of the Parliament of Canada:

And Whereas it is expedient to prepare for the transfer of the said Territories to the Government of Canada at the time appointed by the Queen for such admission:

And Whereas it is expedient also to provide for the organization of part of the said Territories as a Province, and for the establishment of a Government therefor, and to make provision for the Civil Government of the remaining part of the said Territories, not included within the limits of the Province;

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. On, from and after the day upon which the Queen, by and with the advice and consent of Her Majesty's Most Honourable Privy Council, under the authority of the 146th Section of the British North America Act, 1867, shall, by order in Council in that behalf, admit Rupert's Land and the North-Western Territory into the Union or Dominion of Canada, there shall be formed out of the same a Province, which shall be one of the Provinces of the Dominion of Canada, and which shall be called the Province of Manitoba, and be bounded as follows: that is to say, commencing at the point where the meridian of ninety-six degrees west longitude from Greenwich intersects the parallel of forty-nine degrees north latitude,--thence due west along the said parallel of forty-nine degrees north latitude (which forms a portion of the boundary line between the United States of America and the said North-Western Territory) to the meridian of ninety-nine degrees of west longitude,--thence due north along the said meridian of ninety-nine degrees west longitude, to the intersection of the same with the parallel of fifty degrees and thirty minutes north latitude,--thence due east along the said parallel of fifty degrees and thirty minutes north latitude to its intersection with the beforementioned meridian of ninety-six degrees west longitude,--thence due south along the meridian of ninety-six degrees west longitude to place of beginning. (Boundaries extended; 44 Victoria, chapter 14)

2. On, from and after the said day on which the Order of the Queen in Council shall take effect as aforesaid, the provisions of the British North America Act, 1867, shall, except those parts thereof which are in terms made, or, by reasonable intendment, may be held to be specially applicable to, or only to affect one or more, but not the whole of the Provinces now composing the Dominion, and except so far as the same may be varied by this Act, be applicable to the Province of Manitoba, in the same way, and to the like extent as they apply to the several Provinces of Canada, and as if the

## APPENDIX D

Province of Manitoba had been one of the Provinces originally united by the said Act.

3. The said Province shall be represented in the Senate of Canada by two members until it shall have, according to decennial census, a population of fifty thousand souls, and from thenceforth it shall be represented therein by three Members, until it shall have according to decennial census, a population of seventy-five thousand souls, and from thenceforth it shall be represented therein by four Members.

4. The said Province shall be represented, in the first instance, in the House of Commons of Canada, by four Members, and for that purpose shall be divided by proclamation of the Governor General, into four Electoral Districts, each of which shall be represented by one Member: Provided that on the completion of the census in the year 1881, and of each decennial census afterwards, the representation of the said Province shall be re-adjusted according to the provisions of the fifty-first section of the British North America Act, 1867.

5. Until the Parliament of Canada otherwise provides, the qualification of voters at Elections of Members of the House of Commons shall be same as for the Legislative Assembly hereinafter mentioned: And no person shall be qualified to be elected, or to sit and vote as a Member for any Electoral District, unless he is a duly qualified voter within the said Province.

6. For the said Province there shall be an officer styled the Lieutenant-Governor, appointed by the Governor General in Council, by instrument under the Great Seal of Canada.

7. The Executive Council of the Province shall be composed of such persons, and under such designations, as the Lieutenant-Governor shall, from time to time think fit; and, in the first instance, of not more than five persons.

8. Unless and until the Executive Government of the Province otherwise directs, the seat of Government of the same shall be at Fort Garry, or within one mile thereof.

9. There shall be a Legislature for the Province, consisting of the Lieutenant-Governor, and of two styled respectively, the Legislative Council of Manitoba, and the Legislative Assembly of Manitoba.

10. The Legislative Council shall, in the first instance, be composed of seven Members, and after the expiration of four years from the time of the first appointment of such seven Members, may be increased to not more than twelve Members. Every Member of the Legislative Council shall be appointed by the Lieutenant-Governor in the Queen's name, by Instrument under the Great Seal of Manitoba, and shall hold office for the term of his life, unless and until the Legislature of Manitoba otherwise provides under the British North America Act, 1867.

11. The Lieutenant-Governor may, from time to time, by Instrument under the Great Seal, appoint a Member of the Legislative Council to be Speaker thereof, and may remove him and appoint another in his stead.

12. Until the Legislature of the Province otherwise provides, the presence of a majority of the whole number of the Legislative Council, including the Speaker, shall be necessary to constitute a meeting for the exercise of its powers.

## APPENDIX D

13. Questions arising in the Legislative Council shall be decided by a majority of voices, and the Speaker shall, in all cases, have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

14. The Legislative Assembly shall be composed of twenty-four Members, to be elected to represent the Electoral Divisions into which the said Province may be divided by the Lieutenant-Governor, as hereinafter mentioned.

15. The presence of a majority of the Members of the Legislative Assembly shall be necessary to constitute a meeting of the House for the exercise of its powers; and for that purpose the Speaker shall be reckoned as a Member.

16. The Lieutenant-Governor shall (within six months of the date of the Order of Her Majesty in Council, admitting Rupert's Land and the North-Western Territory into the Union), by Proclamation under the Great Seal divide the said Province into twenty-four Electoral Divisions, due regard being had to existing Local Divisions and population.

17. Every male person shall be entitled to vote for a Member to serve in the Legislative Assembly for any Electoral Division, who is qualified as follows, that is to say, if he is:-

2. A subject of Her Majesty by birth or naturalization;

3. And a bona fide householder within the Electoral Division, at the date of the Writ of Election for the same, and has been a bona fide householder for one year next before the said date; or,

4. If, being of the full age of twenty-one years, and not subject to any legal incapacity, and a subject of Her Majesty by birth or naturalization, he was at any time within twelve months prior to the passing of this Act, and (though in the interim temporarily absent) is at the time of such election a bona fide householder, and was resident within the Electoral Division at the time of the Writ of Election for the same:

18. For the first election of Members to serve in the Legislative Assembly, and until the Legislature of the Province otherwise provides, the Lieutenant Governor shall cause writs to be issued, by such person, in such form, and addressed to such Returning Officers as he thinks fit; and for such first election, and until the Legislature of the Province otherwise provides the Lieutenant Governor shall, by Proclamation, prescribe and declare the oaths to be taken by voters, the powers and duties of Returning and Deputy Returning Officers, the proceedings to be observed at such election, and the period during which such election may be continued, and such other provisions in respect to such first election as he may think fit.

19. Every Legislative Assembly shall continue for four years from the date of the return of the writs for the returning the same (subject nevertheless to being sooner dissolved by the Lieutenant-Governor), and no longer; and the first Session thereof shall be called at such time as the Lieutenant Governor shall appoint.

20. There shall be a session of the Legislature once at least in every year, so that twelve months shall not intervene between the last sitting of the Legislature in one Session and its first sitting of the Legislature in one Session and its first sitting in the next Session.

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21. The following provisions of the British North America Act, 1867, respecting the House of Commons of Canada, shall extend and apply to the Legislative Assembly, that is to say:- Provisions relating to the election of a Speaker, originally, and on vacancies,--the duties of the Speaker,--the absence of the Speaker and the mode of voting, as if those provisions were here re-enacted and made applicable in terms to the Legislative Assembly.

22. In and for the Province, the said Legislature may exclusively make Laws in relation to Education, subject and according to the following provisions:-

(1) Nothing in any such Law shall prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by Law or Practice in the Province at the Union:-

(2) An appeal shall lie to the Governor General in Council from any Act or decision of the Legislature of the Province, or of any Provincial Authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to Education:

(3) In case any such Provincial Law, as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section, is not made, or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper Provisional Authority in that behalf, then, and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial Laws for the due execution of the provisions of this section, and of any decision of the Governor General in Council under this section.

23. Either the English or the French language may be used by any person in the debates of the Houses of the Legislature, and both these languages shall be used in the respective Records and Journals of those Houses; and either of those languages may be used by any person, or in any Pleading or Process, in or issuing from any Court of Canada established under the British North America Act, 1867, or in or from all or any of the Courts of the Province. The Acts of the Legislature shall be printed and published in both these languages.

24. Inasmuch as the Province is not in debt, the said Province shall be entitled to be paid, and to receive from the Government of Canada, by half-yearly payments in advance, interest at the rate of five per centum per annum on the sum of four hundred and seventy-two thousand and ninety dollars.

25. The sum of thirty thousand dollars shall be paid yearly by Canada to the Province, for the support of its Government and Legislature, and an annual grant, in aid of the said Province, shall be made, equal to eighty cents per head of the populations, estimated at seventeen thousand souls; and such grant of eighty cents per head shall be augmented in proportion to the increase of population, as may be shown by the census that shall be taken thereof in the year one thousand eight hundred and eighty-one, and by each subsequent decennial census, until its population amounts to four hundred thousand souls, at which amount such grant shall remain thereafter, and such sum shall be in full settlement

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of all future demands on Canada, and shall be paid half-yearly, in advance, to the said Province.

26. Canada will assume and defray the charges for the following services:-

1. Salary of the Lieutenant Governor.
2. Salaries and allowances of the Judges of the Superior and District or County Courts.
3. Charges in respect of the Department of the Customs.
4. Postal Department.
5. Protection of Fisheries.
6. Militia.
7. Geological Survey.
8. The Penitentiary.
9. And such further charges as may be incident to, and connected with the services which, by the British North America Act, 1867, appertain to the General Government, and as are or may be allowed to the other Provinces.

27. The Customs duties now by Law chargeable in Rupert's Land, shall be continued without increase for the period of three years from and after the passing of this Act, and the proceeds of such duties shall form part of the Consolidated Revenue Fund of Canada.

28. Such provisions of the Customs Laws of Canada (other than such as prescribed the rate of duties payable) as may be from time to time declared by the Governor General in Council to apply to the Province of Manitoba, shall be applicable thereto, and in force therein accordingly.

29. Such provisions of the Laws of Canada respecting the Inland Revenue, including those fixing the amount of duties, as may be from time to time declared by the Governor General in Council applicable to the said Province, shall apply thereto, and be in force therein accordingly.

30. All ungranted or waste lands in the Province shall be, from and after the date of the said transfer, vested in the Crown, and administered by the Government of Canada for the purposes of the Dominion, subject to, and except and so far as the same may be affected by, the conditions and stipulations contained in the agreement for the surrender of Rupert's Land by the Hudson's Bay Company to Her Majesty.

31. And whereas, it is expedient, towards the extinguishment of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands, to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-breed residents, it is hereby enacted, that, under regulations to be from time to time made by the Governor General in Council, the Lieutenant Governor shall select such lots or tracts in such parts of the Province as he may deem expedient, to the extent aforesaid, and divide the same among the children of the half-breed heads of families residing in the Province at the time of the said transfer to Canada, and the same shall be granted to the said children respectively, in such mode and on such conditions as to settlement and otherwise, as the Governor General in Council may from time to time determine.

32. For the quieting of titles, and assuring to the settlers in the Province the peaceful possession of the lands now held by

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them, it is enacted as follows:-

1. All grants of land in freehold may be by the Hudson's Bay Company up to the eighth day of March, in the year 1869, shall, if required by the owner, be confirmed by grant from the Crown.

2. All grants of estates less than freehold in land made by the Hudson's Bay Company up to the eighth day of March aforesaid, shall, if required by the owner, be converted into an estate in freehold by grant from the Crown.

3. All titles by occupancy with the sanction and under the license and authority of the Hudson's Bay Company up to the eighth day of March aforesaid, of land in that part of the Province in which the Indian Title has been extinguished, shall if required by the owner, be converted into an estate in freehold by grant from the Crown.

4. All persons in peaceable possession of tracts of land at the time of the transfer to Canada, in those parts of the Province in which the Indian Title has not been extinguished, shall have the right of pre-emption of the same, on such terms and conditions as may be determined by the Governor in Council.

5. The Lieutenant Governor is hereby authorized, under regulations to be made from time to time by the Governor General in Council, to make all such provisions for ascertaining and adjusting, on fair and equitable terms, the rights of Common, and rights of cutting Hay held and enjoyed by the settlers in the Province, and for the commutation of the same by grants from the Crown.

33. The Governor General in Council shall from time to time settle and appoint the mode and form of Grants of Land from the Crown, and any Order in Council for that purpose when published in the Canada Gazette, shall have the same force and effect as if it were a portion of this Act.

34. Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company, as contained in the conditions under which that Company surrendered Rupert's Land to Her Majesty.

35. And with respect to such portion of Rupert's Land and the North-Western Territory, as is not included in the Province of Manitoba, it is hereby enacted, that the Lieutenant-Governor of the said Province shall be appointed, by Commission under the Great Seal of Canada, to be the Lieutenant-Governor of the same, under the name of the North West Territories, and subject to the provisions of the Act in the next section mentioned.

36. Except as hereinbefore is enacted and provided, the Act of Parliament of Canada, passed in the now last Session thereof, and entitled, "An Act for the Temporary Government of Rupert's Land, and the North-Western Territory when united with Canada", is hereby re-enacted, extended and continued in force until the first day of January, 1871, and until the end of the Session of Parliament then next succeeding.

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## THE NORTH WEST TERRITORIES ACT, 1869

An Act for the temporary Government of Rupert's Land and the North-Western Territory when united with Canada.

Assented to 22nd June, 1869

Whereas it is probable that Her Majesty the Queen may, pursuant to "The British North America Act, 1867" be pleased to admit Rupert's Land and the North-Western Territory into the Union or Dominion of Canada, before the next Session of the Canadian Parliament: And whereas it is expedient to prepare for the transfer of the said Territories from the Local Authorities to the Government of Canada, at the time appointed by the Queen for such admission, and to make some temporary provision for the Civil Government of such Territories until more permanent arrangements can be made by the Government and Legislature of Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said Territories when admitted as aforesaid, shall be styled and known as "The North-West Territories."
2. It shall be lawful for the Governor, by any Order or Orders, to be by him from time to time made, with the advice of the Privy Council, (and subject to such conditions and restriction as to him shall seem meet) to authorize and empower such officer as he may from time to time appoint as Lieutenant Governor of the North-West Territories, to make provision for the administration of Justice therein, and generally to make, ordain, and establish all such Laws, Institutions and Ordinances as may be necessary for the Peace, Order and good Government of Her Majesty's subjects and others therein; provided that all such Orders in Council, and all Laws and Ordinances, so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively.
3. The Lieutenant-Governor shall administer the Government under instructions from time to time given him by Order in Council.
4. The Governor may, with the advice of the Privy Council, constitute and appoint, by Warrant under his Sign Manual, a Council of not exceeding fifteen nor less than seven persons, to aid the Lieutenant-Governor in the administration of affairs, with such powers as may be from time to time conferred upon them by Order in Council.
5. All the Laws in force in Rupert's Land and the North-Western Territory, at the time of their admission into the Union, shall so far as they are consistent with "The British North America Act, 1867", -with the terms and conditions of such admission approved of by the Queen under the 146th section thereof, -and with this Act, -remain in force until altered by the Parliament of Canada, or by the Lieutenant-Governor under the authority of this Act.
6. All Public Officers and Functionaries holding office in Rupert's Land and the North-Western Territory, at the time of their admission into the Union, excepting the Public Officer or Functionary at the head of the administration of affairs, shall continue to be Public Officers and Functionaries of the North-

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West Territories with the same duties and powers as before, until otherwise ordered by the Lieutenant-Governor, under the authority of this Act.

7. This Act shall continue in force until the end of the next session of Parliament.

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## THE NORTH WEST TERRITORIES ACT, 1875.

## Chapter 49.

An Act to amend and consolidate the Laws respecting the North-West Territories.

Assented to 8th April, 1875.

Whereas it is expedient to amend and consolidate the laws respecting the North West Territories; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

## GOVERNMENT AND LEGISLATION

1. The Territories formerly known as "Rupert's Land" and the North-Western Territory, (with the exception of such portion thereof as forms the Province of Manitoba), shall continue to be styled and known as the North-West Territories; and the word "Territories," in this Act, means the said Territories.

(2) For the North-West Territories there shall be an officer styled the Lieutenant-Governor, appointed by the Governor General in Council, by instrument under the great seal of Canada, who shall hold office during the pleasure of the Governor General; and the Lieutenant-Governor shall administer the government under instructions from time to time given him by Order in Council, or by the Secretary of State of Canada;

2. Every Lieutenant-Governor so appointed shall, before assuming the duties of his office, make or subscribe before the Governor General or some other person duly authorized to administer such oaths, an oath of allegiance or office similar to those prescribed to be taken by a Lieutenant-Governor, under "The British North America Act, 1867".

3. The Governor-General, with the advice of the Queen's Privy Council for Canada, by warrant under his privy seal, may constitute and appoint such and so many persons from time to time, not exceeding in the whole five persons,--of which number the Stipendiary Magistrates hereinafter mentioned shall be members ex officio,--to be a Council to aid the Lieutenant-Governor in the administration of the North-West Territories, with such powers, not inconsistent with this Act, as may be, from time to time, conferred upon them by the Governor General in Council; and a majority shall form a quorum.

4. The seat of government of the North-West Territories shall be fixed, and may, from time to time, be changed by the Governor General in Council.

5. There shall be payable out of the Consolidated Revenue Fund of Canada, the following sums, annually, that is to say:-

To the Lieutenant Governor, not exceeding.....	\$7,000
To the Stipendiary Magistrates, each, not exceeding.....	3,000
To two members of Council, each, not exceeding....	1,000
To the Clerk of the Council, who shall also act as and perform the duties of Secretary to the Lieutenant-Governor, not exceeding..	1,800

Together with such sums of money as may, from time to time,

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be fixed by the Governor in Council in respect of travelling allowances for any of the officers above named.

6. All laws and ordinances now in force in the North-West Territories, and not repealed by or inconsistent with this Act, shall remain in force until it is otherwise ordered by the Parliament of Canada, by the Governor in Council, or by the Lieutenant-Governor and Council under the authority of this Act.

7. The Lieutenant Governor, by and with the advice and consent of the Council of the North-West Territories, may make, ordain and establish ordinances as to matters coming within the classes of subjects next hereinafter enumerated, that is to say:-

(1) Taxation for local and municipal purposes;  
 (2) Property and civil rights in the Territories;  
 (3) The administration of justice in the Territories, including maintenance and organization of courts, both of civil and criminal jurisdiction, and including procedure in civil matters in these courts, but the appointment of any judges of the said courts shall be made by the Governor General in Council;

(4) Public health;  
 The licensing of inns and places of refreshment;  
 Landmarks and boundaries;  
 Cemeteries;  
 Cruelty to animals;  
 Game and wild animals and the care and protection thereof;  
 Injury to public morals;  
 Nuisances;

Police;  
 Roads, highways and bridges;  
 The protection of timber;  
 Gaols and lock-up houses;  
 (5) Generally, all matters of a merely local or private nature;

(6) The imposition of punishment, by fine or penalty or imprisonment, for enforcing any ordinance of the Territories made in relation to any matter coming within any classes of subjects herein enumerated;

(7) Provided that no ordinance to be so made by the Lieutenant-Governor with the advice and consent of the Council of the said Territories, shall,--(1) be inconsistent with or alter or repeal any provisions of any Act of the Parliament of Canada on Schedule B. of this Act, or of any Act of the Parliament of Canada, which may now, or at any time hereafter, expressly refer to the said Territories, or which or any part thereof may be at any time made by the Governor in Council applicable to or to be in force in the said North-West Territories; or, (2) impose any fine or penalty exceeding one hundred dollars;

(8) And provided that a copy of every such ordinances made by the Lieutenant-Governor and Council shall be mailed for transmission to the Governor General within ten days after its passing, and may be disallowed by him at any time within two years after its passing; provided also, that all such orders in council, and all ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently

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may be after the making and enactment thereof respectively.

8. The Governor in Council may, by proclamation, from time to time, direct that any Act of the Parliament of Canada, or any part or parts thereof, or any one or more of the sections of any one or more of any such Acts shall be in force in the North-West Territories generally, or in any part or parts thereof to be mentioned in the said proclamation for such purpose.

9. Provided further, that when and so often as any electoral district shall be established as hereinafter provided, the Lieutenant-Governor by and with the consent of the Council or Assembly, as the case may be, shall have power to pass ordinances for raising within such district by direct taxation or on shop, saloon, tavern or any other such licenses, a revenue for local and for municipal purposes of such district, and for the collection and appropriation of the same in the promotion of such purposes respectively.

10. Whenever any electoral district shall be found to contain not less than one thousand inhabitants, the Lieutenant Governor, by and with the consent of the Council or Assembly as the case may be, may pass ordinances erecting the same into a municipal corporation or corporations as they may think fit; and thenceforth the power of the Lieutenant Governor and Council or Assembly as herein conferred in respect of taxation for municipal purposes shall cease; and every such municipal corporation shall thenceforth have the right to pass by-laws for raising within such municipality by taxation a revenue for municipal purposes in such district, and for the collection and appropriation of the same in the promotion thereof; and the Lieutenant-Governor and Council or Assembly, as the case may be, shall pass an ordinance or ordinances prescribing the powers and authorities which may be exercised by any such municipal corporation and the mode and extent of such taxation: Provided that the power herein given to the Lieutenant-Governor and Council or Assembly, as the case may be, of taxation for local purposes of such district shall not be prejudiced by the erection of the same into a municipality or municipalities, but such power shall continue vested in them in respect of local purposes not comprised within such municipal purposes as to which powers may be conferred by any ordinance or ordinances as aforesaid.

11. When and so soon as, any system of taxation shall be adopted in any district or portion of the North-West Territories, the Lieutenant-Governor, by and with the consent of the Council or Assembly, as the case may be, shall pass all necessary ordinances in respect to education; but it shall therein be always provided, that a majority of the ratepayers of any district or portion of the North-West Territories, or any lesser portion or sub-division thereof, by whatever name the same may be known, may establish such schools therein as they may think fit, and make the necessary assessment and collection of rates therefor; and further, that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools thereon, and that, in such latter case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be

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liable only to assessments of such rates as they may impose upon themselves in respect thereof.

12. Any copy of any proclamation or order made by the Governor in Council, or ordinance, proclamation or order made by the Lieutenant-Governor and Council or Assembly, as the case may be, of the North West Territories, printed in the Canada Gazette or purporting to be printed by the Queen's Printer at Ottawa or Printer to the Government of Manitoba at Winnipeg, or to the Government of the North West Territories, shall be prima facie evidence of such proclamation or order, and that it is in force.

## ELECTION OF MEMBERS OF COUNCIL OR ASSEMBLY

13. When and so soon as the Lieutenant Governor is satisfied by such proof as he may require, that any district or portion of the North West Territories, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, the Lieutenant Governor shall, by proclamation, erect such district or portion into an electoral district, by a name and with boundaries to be respectively declared in the proclamation, and such electoral district shall thenceforth be entitled to elect a member of the Council or of the Legislative Assembly, as the case may be.

2. The Lieutenant-Governor shall thereafter cause a writ to be issued by the Clerk of the Council in such form and addressed to such Returning Officer as he thinks fit; and until the Lieutenant-Governor and Council of the Province otherwise provides, he shall by proclamation prescribe and declare the mode of providing voters' lists, the oaths to be taken by voters, the powers and duties of Returning and Deputy Returning Officers, the proceedings to be observed at such election and the period during which such election may be continued, and such other provisions in respect to such election as he may think fit.

3. The persons qualified to vote at such election shall be the bona fide male residents and householders of adult age, not being aliens, or unenfranchised Indians, within the elected district, and shall have respectively resided in such electoral district for at least twelve months immediately preceding the issue of the said writ.

4. Any person entitled to vote may be elected.

5. When and so soon as the Lieutenant-Governor is satisfied as aforesaid, that any electoral district contains a population of two thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, he shall issue his writ for the election of a second member for the electoral district.

6. When the number of elected members amounts to twenty-one, the Council hereinbefore appointed shall cease and be determined, and the members so elected shall be constituted and designated as the Legislative Assembly of the North-West Territories, and all powers by this Act vested in the Council shall be thenceforth vested in and exercisable by the said Legislative Assembly.

7. The number of members so to be elected, as herein-

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before mentioned, shall not exceed twenty-one, at which number the representation shall remain; the members so elected shall hold their seats for a period not exceeding two years.

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## THE SASKATCHEWAN ACT, 1905

4-5 Edward VII., Chapter 42.

An Act to establish and provide for the Government of the Province of Saskatchewan.

Assented to 20th July, 1905.

Whereas in and by The British North America Act, 1871, being chapter 28 of the Acts of the Parliament of the United Kingdom passed in the session thereof held in the 34th and 25th year of the reign of her late Majesty Queen Victoria, it is enacted that the Parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such province, and for the passing of laws for the peace, order and good government of such province and for its representation in the said Parliament of Canada;

And whereas it is expedient to establish as a province the territory hereinafter described, and to make provision for the government thereof and the representation thereof in the Parliament of Canada: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. This Act may be cited as The Saskatchewan Act.

2. The territory comprised within the following boundaries, is to say,--commencing at the intersection of the international boundary dividing Canada from the United States of America by the west boundary of the province of Manitoba to the north-west corner of the said province of Manitoba; thence continuing northerly along the centre of the road allowance between the twenty-ninth and thirtieth ranges west of the principal meridian in the system of Dominion lands surveys, as the said road allowance may hereafter be defined in accordance with the said system, in the second meridian in the said system of Dominion lands surveys, as the same may hereafter be defined in accordance with the said system, thence northerly along the said second meridian to the sixtieth degree of north latitude to the fourth meridian in the said system of Dominion lands surveys, as the same may be hereafter defined in accordance with the said system thence southerly along the said fourth meridian to the said international boundary dividing Canada from the United States of America; thence easterly along the said international boundary to the point of commencement,--is hereby established as a province of the Dominion of Canada, to be called and known as the province of Saskatchewan.

3. The provisions of The British North America Act, 1867 to 1886, shall apply to the province of Saskatchewan in the same way and to the like extent as they apply to the provinces heretofore comprised in the Dominion, as if the said province of Saskatchewan had been one of the provinces originally united, except in so far as varied by this Act and except such provisions as are in terms made, or by reasonable intendment may be held to

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be, specially applicable to or only to affect one or more and not the whole of the said provinces.

4. The said province shall be represented in the Senate of Canada by four members: Provided that such representation may after the completion of the next decennial census, be from time to time increased to six by the Parliament of Canada.

5. The said province and the province of Alberta shall until the termination of the Parliament of Canada existing at the time of the first readjustment hereinafter provided for, continue to be represented in the House of Commons as provided by chapter 60 of the statutes of 1903, each of the electoral districts defined in that part of the schedule to the said Act which relates to the North West Territories, whether such district is wholly in one of the said provinces, or partly in one and partly in the other of them, being represented by one member.

6. Upon the completion of the next quinquennial census for the said province, the representation thereof shall forthwith be readjusted by the Parliament of Canada in such manner that there shall be assigned to the said province such a number of members as will bear the same proportion to the number of its population ascertained at such quinquennial census as the number sixty-five bears to the number of the population of Quebec as ascertained at the then last decennial census; and in the computation of the number of members for the said province a fractional part not exceeding one-half of the whole number requisite for entitling the province to a member shall be disregarded, and a fractional part exceeding one-half of the number shall be deemed equivalent to the whole number, and such readjustment shall take effect upon the termination of the Parliament then existing.

2. The representation of the said province shall thereafter be adjusted from time to time according to the provisions of section 51 of The British North America Act, 1867.

7. Until the Parliament of Canada otherwise provides, the qualifications of voters for the election of members of the House of Commons and the proceedings at and in connection with elections of such members shall, mutatis mutandis, be those prescribed by law at the time this Act comes into force with respect to such elections in the North-West Territories.

8. The Executive Council of the said province shall be composed of such persons, under such designations, as the Lieutenant Governor from time to time thinks fit.

9. Unless and until the Lieutenant Governor in Council of the said province otherwise directs, by proclamation under the Great Seal, the seat of government of the said province shall be at Regina.

10. All powers, authorities and functions which under any law were before coming into force of this Act vested in or exercisable by the Lieutenant Governor of the North-West Territories, with the advice and consent of the Executive Council thereof, or in conjunction with that Council thereof, or in conjunction with that Council or with any member or members thereof, or by the said Lieutenant Governor individually, shall, so far as they are capable of being exercised after the coming into force of

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this Act in relation to the government of the said province, be vested in and shall or may be exercised by the Lieutenant Governor of the said province, with the advice or with the consent of, or in conjunction with, the Executive Council of the said province or any member or members thereof, or by the Lieutenant Governor individually, as the case requires, subject nevertheless to be abolished or altered by the legislature of the said province.

11. The Lieutenant Governor in Council shall, as soon as may be after this Act comes into force, adopt and provide a Great Seal of the said province, and may, from time to time change such seal.

12. There shall be a Legislature for the said province consisting of the Lieutenant Governor and one House, to be styled the Legislative Assembly of Saskatchewan.

13. Until the said Legislature otherwise provides, the Legislative Assembly shall be composed of twenty-five members, to be elected to represent the electoral divisions defined in the schedule of this Act.

14. Until the said Legislature otherwise determines, all the provisions of the law with regard to the constitution of the Legislative Assembly of the North-West Territories and the election of members thereof shall apply, mutatis mutandis, to the Legislative Assembly of the said province and the election of members thereof respectively.

15. The writs for the election of the members of the first Legislative Assembly of the said Province shall be issued by the Lieutenant Governor and made returnable within six months after this Act comes into force.

16. All laws and all orders and regulations made thereunder, so far as they are inconsistent with anything contained in this Act, or as to which this Act contains no provision intended as a substitute therefor, and all courts of civil and criminal jurisdiction, and all commissions, powers, authorities and functions, and all commissions, powers, authorities and functions, and all officers, and functionaries, judicial, administrative and ministerial, existing immediately before the coming into force of this Act in the territory hereby established as the province of Saskatchewan, shall continue in the said province as if this Act and The Alberta Act had not been passed subject, nevertheless except with respect to such as are enacted by or existing under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland, to be repealed, abolished or altered by the Parliament of Canada, or by the Legislature of the said province, according to the authority of the Parliament or of the said Legislature: Provided that all powers authorities and functions which under any law, order or regulation were, before the coming into force of this Act, vested in or exercisable by any public officer or functionary of the North West Territories shall be vested in and exercisable in and for the said province by like public officers and functionaries of the said province when appointed by competent authority.

2. The Legislature of the province, may, for all purposes affecting or extending to the said province, abolish the Supreme

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Court of the North West Territories, and the offices, both judicial and ministerial, thereof, and the jurisdiction, powers and authority belonging or incident to the said court: Provided that, if upon such abolition, the Legislature constitutes a superior court of criminal jurisdiction, the procedure in criminal matters then obtaining in respect of the Supreme Court of the North West Territories shall, until otherwise provided by competent authority, continue to apply to such superior court, and that the Governor in Council may at any time and from time to time declare all or any part of such procedure to be inapplicable to such superior court.

3. All societies or associations incorporated by or under the authority of the Legislature of the North West Territories existing at the time of the coming into force of this Act which include within their objects the regulation of the practice of, or the right to practise, any profession or trade in the North West Territories, such as the legal, the medical profession, dentistry, pharmaceutical chemistry and the like, shall continue subject, however, to be dissolved and abolished by order of the Governor in Council, and each of such societies shall have power to arrange for and effect the payment of its debts and liabilities, and the division, disposition or transfer of its property.

4. Every joint-stock company lawfully incorporated by or under the authority of any ordinance of the North West Territories shall be subject to the legislative authority of the province of Saskatchewan if--

(a) the head office or the registered office of such company is at the time of the coming into force of this Act situate in the province of Saskatchewan; and

(b) the powers and objects of such company are such as might be conferred by the Legislature of the said province and not expressly authorized to be executed in any part of the North West Territories beyond the limits of the said province.

17. Section 93 of The British North America Act, 1867, shall apply to the said province, with the substitution for paragraph (1) of the said section 93, of the following paragraph:-

"(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the Ordinances of the North West Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances."

2. In the appropriation by the Legislature or distribution by the Government of the province of any moneys for the support of schools organized and carried on in accordance with the said chapter 29, or any Act passed in amendment thereof or in substitution therefor, there shall be no discrimination against schools of any class described in the said chapter 29.

3. Where the expression "by law" is employed in paragraph (3) of the said section 93, it shall be held to mean the law as set out in the said chapters 29 and 30; and where the expression "at the Union" is employed, in the said paragraph (3), it shall be held to mean the date at which this Act comes

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into force.

18. The following amounts shall be allowed as an annual subsidy to the province of Saskatchewan, and shall be paid by the Government of Canada, by half-yearly instalments in advance, to the said province, that is to say:-

(a) for the support of the Government and Legislature, fifty thousand dollars;

(b) on an estimated population of two hundred and fifty thousand, at eighty cents per head, two hundred thousand dollars, subject to be increased as hereinafter mentioned, that is to say:- a census of the said province shall be taken in every fifth year reckoning from the general census of one thousand and nine hundred and one, and an approximate estimate of the population shall be made at equal intervals of time between each quinquennial and decennial census; and whenever the population, by any such census or estimate, exceeds two hundred and fifty thousand, which shall be the minimum on which the said allowance shall be calculated, the amount of the said allowance shall be increased accordingly and so on until the population has reached eight hundred thousand souls.

19. Inasmuch as the said province is not in debt, it shall be entitled to be paid and to receive from the Government of Canada, by half-yearly payments in advance, an annual sum of four hundred and five thousand three hundred and seventy-five dollars, being the equivalent of interest at the rate of five per cent per annum on the sum of eight million one hundred and seven thousand five hundred dollars.

20. Inasmuch as the said province will not have the public land as a source of revenue, there shall be paid by Canada to the province by half yearly payments, in advance, an annual sum based upon the population of the province as from time to time ascertained by the quinquennial census thereof, as follows:-

The population of the said province being assumed to be at present two hundred and fifty thousand, the sum payable until such population reaches four hundred thousand, shall be three hundred and seventy-five thousand dollars;

Thereafter, until such population reaches eight hundred thousand, the sum payable shall be five hundred and sixty-two thousand five hundred dollars;

Thereafter, until such population reaches one million two hundred thousand, the sum payable shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

2. As an additional allowance in lieu of public lands, there shall be paid by Canada to the province annually by half yearly payments, in advance, for five years from the time this Act comes into force, to provide for the construction of necessary public buildings, the sum of ninety-three thousand seven hundred and fifty dollars.

21. All Crown lands, mines and minerals and royalties incident thereto, and the interest of the Crown in the waters within the province under The NorthWest Irrigation Act, 1898, shall

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continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of any Act of Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act, which shall apply to the said province with the substitution therein of the said province for the North West Territories.

22. All properties and assets of the North West Territories shall be divided equally between the said province and the province of Alberta, and the two provinces shall be jointly and equally responsible for all debts and liabilities of the North West Territories: Provided that, if any difference arises as to the division and adjustment of such properties, assets, debts and liabilities, such difference shall be referred to the arbitrament of three arbitrators, one of whom shall be chosen by the Lieutenant Governor in Council of each province, and the third by the Governor in Council. The selection of such arbitrators shall not be made until the Legislatures of the provinces have met, and the arbitrator chosen by Canada shall not be a resident of either province.

23. Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company as contained in the conditions under which that company surrendered Rupert's Land to the Crown.

24. The powers hereby granted to the said province shall be exercised subject to the provisions of section 6 of the contract set forth in the schedule to chapter 1 of the statutes of 1881, being an Act respecting the Canadian Pacific Railway Company.

25. This Act shall come into force on the first day of September, one thousand nine hundred and five.

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