

School Act," according to the valuation of taxable property as expressed in the assessor's or collector's roll."

The conclusion is that where a Township Council has passed a valid by-law under the municipal law for exempting a manufacturing establishment from taxation, such property would not be liable to school rates.

(Signed) A. CROOKS,
Minister of Education.

Education Office,
March 14th, 1877.

10. MEMORANDUM RESPECTING THE "CANADIAN NATIONAL SERIES OF READING BOOKS," AND MR. WARWICK.

1. Mr. Warwick, in his letter of the 22nd March, 1877, complains that the late Council of Public Instruction authorized Mr. Lovell, in February, 1875, to print this series on the same terms as other publishers.

2. The Regulations on this subject which were then in force, are the 1st, 2nd, 3rd, 4th, 8th, 9th, 10th, and 12th of those adopted in April, 1869; and the 5th, 6th, 7th, and 11th, which provided for the payment of the author or editor, and the recoupment of or contribution by different publishers of sums so paid, were suspended on the 31st March, 1873, and on the 16th December, 1873, formally cancelled, as appears by resolutions of the Council of Public Instruction to that effect.

3. On the 23rd September, 1867, the copyright in this series was, by a legal instrument, transferred by Messrs. James Campbell & Son, and others, and became vested in the Chief Superintendent of Education, on behalf of this Province.

4. On the 31st January, 1871, by the award declared in the reference between Messrs. Campbell & Son and the Chief Superintendent, under the Regulations of April, 1869, as they then existed, Messrs. Campbell & Son were directed to pay, and did pay, the sum of \$1,500 as in the award mentioned, to the editors of the revised edition of this series, as one of the conditions on which Messrs. Campbell & Son were authorized to print and publish such revised edition. The letter of one of the arbitrators (dated 24th March, 1871), which accompanied the award, states "as under these (i.e., Regulations), each publisher was to pay the same amount, the compensation to the authors was reduced one-half in Messrs. Campbell's case."

5. On the 28th of June, 1871, Mr. Warwick, by his bond (with sureties), became bound to the Chief Superintendent to fulfil the conditions of the Regulations as they then stood (a copy being annexed to his bond), on receiving permission to print and publish this revised edition; and Mr. Warwick complied with these regulations, and paid the like sum of \$1,500 as his proportion of the compensation payable to the editor.

6. On the 2nd February, 1875, permission was next granted by the Council of Public Instruction to Mr. John Lovell, "to print the series of five Readers and the Spelling-book, or Companion to the Readers, upon the same condition as other publishers." This permission does not appear to have been acted upon, nor have the conditions been fulfilled.

7. Mr. Warwick, on hearing of this permission to Mr. Lovell, by letter dated the 22nd February, 1875, reminded the Chief Superintendent that Messrs. Campbell and himself had to pay \$1,500 each to the editor of this series, with the understanding (alleged in this letter), that in case any other person published them, Messrs. Campbell and himself should either receive back their proportion of the amounts so paid, or the new publisher should pay the like sum to the editor; and Mr. Warwick submitted that if this was not carried out he would suffer very great loss.

8. A Special Committee of the Council of Public Instruction thereupon undertook the consideration of the question, and reported thereon to the Council on the 7th July, 1875, by whom the Report was adopted. The Committee in their Report stated that "the Regulations are not explicit on the point; but they are of opinion that Messrs. Campbell and Warwick's right to contribution from the competitors, if they had such right, was confined to the first year of publication; and that after that period the Council might grant permission to others without any payment whatever, if they thought fit. Your Committee have no doubt whatever that Messrs. Campbell and Warwick have no legal claim for contribution; and they are of opinion that under all the circumstances, and especially considering the long monopoly these gentlemen have had, justice does not require the Council to exact any payment from the parties now desiring permission to publish."

9. Mr. Warwick, in his letter to me of the 22nd instant, complains that he was unjustly treated, and submits the grounds on which he contends a different conclusion should have been arrived

at by the late Council of Public Instruction. He objects (1) that he was not heard in support of the actual agreement made; (2) that any consideration, profit, or loss, cannot determine the true agreement; and (3) the Council of Public Instruction should not by its own resolution, and without his being heard, have assumed to alter to his prejudice the Regulations of April, 1869.

10. The Council of Public Instruction, and Messrs. Campbell and Warwick, were reciprocally bound under this state of facts by a complete contract, the terms of which are contained in the Regulations of April, 1869, so far as they are to be fulfilled by the Council of Public Instruction, and by the respective bonds of Messrs. Campbell and Warwick on their parts, no evidence of any verbal understanding with any members of the Council would be admissible to vary the contract as thus ascertained. Messrs. Campbell and Warwick, by paying the sum of \$3000 to the editor of this revised series, as the full remuneration awarded, acquired for at least twelve months the exclusive right of printing the series, and no other publisher could have obtained permission to print during that period. I think that the regulations are quite explicit on this point; and that by the payment of \$3000, Messrs. Campbell and Warwick only acquired these exclusive rights for one year; and to that extent only was the Council of Public Instruction, as the owner of the copyright, restricted in their full right of sanctioning the printing and publishing as they pleased. No. 4 of the Regulations removes all ground for a different contention. It declares that the interests of the publisher (who is called upon to pay the editor's remuneration), is sufficiently provided for in having this exclusive right for one year at least.

11. In this view of the true agreement between the parties, the Council of Public Instruction were at full liberty, without reference to Messrs. Campbell and Warwick, and without any just cause of complaint on their part, to authorize Mr. Lovell or other publishers to print from the editions of their series on such conditions as the Council thought fit.

I am unable, therefore, to recommend to His Honour the Lieutenant-Governor in Council, that any action should be taken on Mr. Warwick's communication.

ADAM CROOKS,
Minister of Education.

Education Department,
Toronto, 29th March, 1877.

11. RECENT CHANGES IN SCHOOL LAW.

The principal changes made by the Act of last Session in the existing law respecting the Education Department, and the Public and High Schools, are as follows:—

I. THE EDUCATION DEPARTMENT IS AUTHORIZED:

1. To grant equivalents in the examination of Public School Teachers, for passing High School examinations, and to arrange with other bodies for the like.
2. To establish County Model Schools.
3. To frame regulations as to elementary teaching; elements of Chemistry, Mechanics, and Agriculture, being optional.
4. To require as a further condition for Teachers' Certificates, that they shall also possess a knowledge of teaching, to be gained in County Model Schools, or the Normal Schools.
5. To grant Second as well as First Class certificates to Teachers on examination by the Central Committee, the power of County Boards to grant Second Class certificates having been (by the amended Act) taken away.
6. To encourage Teachers' Associations as well as Institutes.
7. To require witnesses before any commission to be examined on oath.
8. To contribute one-half of the cost of Maps and apparatus purchased by a school corporation from any parties.
9. To pay the travelling expenses and part of maintenance of students at the Normal Schools, being candidates for Second Class certificates.

II. THE PUBLIC SCHOOL LAW IS AMENDED:

1. As to terms and vacations in the Public Schools:—The Public School year shall consist of two terms; the first shall begin on the third day of January, and end on the seventh day of July; the second shall begin on the eighteenth day of August, and end on the twenty-third day of December. There shall be two vacations during the year for Public Schools; the Summer vacation shall be from the eighth day of July to the seventeenth day of August inclusive; the Winter vacation from the twenty-fourth day of December to the second day of January inclusive; in the case of