

THE REVIEW would again respectfully draw the attention of the New Brunswick legislature to the unfairness of the present law, requiring that the representative of the teachers of the province to the Senate of the University be a graduate of that institution. It should be thrown open to the teachers generally. It can be safely assumed that the teachers may be depended upon to make judicious selections, and the university graduates who are teachers will make no objection, as they are quite willing to take their chances along with the graduates of other institutions, including the Normal school. Such a change would bring teachers generally into closer touch with the work of the college, whereas the discrimination at present existing excites hostility.

THE bishop of London, in a recent address on education, said, among other things, that he would teach the child a knowledge of the various things he must see, with his intelligence, about his path every day; teach him what must be the great lesson of his life, constantly to ask questions, and to struggle constantly to find an answer for the questions he was asking. In maintaining a child's attention, in stimulating his curiosity, and in developing his powers of observation, consisted the true meaning of education. But the obvious danger to every teacher was to appeal to the memory instead of to the intelligence of the child. The test of a teacher's work was that each child who goes away from his influence should go away with a desire to learn for himself; and there, he was afraid, our educational system, as at present organized, almost entirely broke down.

Corporal Punishment.

The days are past when corporal punishment was the characteristic feature of nearly every school. There are now many schools—not necessarily the best—in which the rod is never seen. There are schools so fortunate as to have no pupils requiring harsh measures, and there are teachers who lead instead of driving their pupils.

But although the use of the rod is gradually lessening, yet in the majority of schools it is still used too much. It is used because teachers have not learned their business properly; it is used as an easier way of securing a certain kind of order. Cases may, however, arise in any school—even the best schools—when the greatest good to the greatest number requires the use of the rod.

Such a case occurred in Berwick, last November. It came before the courts, and received from Judge Chipman a most exhaustive investigation, which makes his

judgment worthy of careful study by magistrates, parents and teachers. This judgment will be published in full in the *Nova Scotia Journal of Education*. As it is a lengthy document, we cannot do more than give an outline and a few extracts. Principal Robinson, of Berwick, punished with a leather strap, a boy aged fourteen, belonging to Miss Alcorn's department, because he broke, or assisted in breaking, steps attached to the school, and denied having done so. Application was made in Berwick for a summons against Mr. Robinson, but it was refused. Finally, a magistrate was found in Kentville to take up the case and fine him one dollar and costs. Mr. Robinson appealed to the county court.

In delivering his decision, Judge Chipman, by reference to many cases, proved that the teacher is *in loco parentis*, and has therefore as much of the parent's authority, with respect to the child, delegated to him as is necessary for the proper carrying out of the functions of his office.

"The law confides to schoolmasters and teachers a discretionary power for the infliction of punishment upon their pupils, and will not hold them responsible criminally, unless the punishment be such as to occasion permanent injury to the child, or be inflicted merely to gratify their own evil passions."

"Any correction, however severe, which produces temporary pain and no permanent ill, cannot be pronounced immoderate, since it may have been necessary for the reformation of the child." "It is lawful for every parent, or person in the place of a parent, schoolmaster or master, to use force by way of correction toward any child, pupil or apprentice under his care, provided that such force is reasonable under the circumstances."—*Crim. Code, Canada, Sec. 55*.

It was also shown that the authority of the teacher extends to acts committed by the pupil "while going to and from school."

In concluding, Judge Chipman says: "I have no difficulty whatever in deciding the issue of law herein in favor of defendant. I am also satisfied that I should determine the issue of fact in defendant's favor as well. The punishment in my opinion was not excessive. It is true that the pupil suffered some pain and inconvenience from the whipping he received on his hands, with the leather strap used for the purpose; but it caused no permanent injury, and all traces thereof soon disappeared. Teachers imposing corporal punishment should be careful in all cases to bring themselves within the rules of law, so clearly and forcibly laid down in the cases referred to, and not to punish wilfully, maliciously, capriciously or too severely. * * * The teacher who acts firmly, but kindly and mercifully, and