

[CIRCULAR.]

[OFFICIAL.]

To the Townreeves, on the Duties of Township Councils under the new Common School Act for Upper Canada.

EDUCATION OFFICE,
Toronto, 12th August, 1850.

SIR,

In the eighteenth, and two following sections of the new Common School Act for Upper Canada, (a copy of which I herewith transmit) special powers and duties are conferred upon Township Councils, in addition to the general powers given them in the third clause of the thirty-first section of the Municipal Corporations' Act, 12th Victoria, chapter 81. On the duties which are thus devolved upon Township Councils, and this part of our School system, I think it proper to offer a few practical remarks.

As in common life, there are some things which each individual can do best alone, and other things which can be best accomplished by combination with others; so in our Municipal and Common School systems, there are some interests which can be best promoted by the Townships separately, and others which can be best consulted by the union of several Townships, assembled, through their representatives, in County Council. The line of demarcation which the Legislature has deemed it most natural and advantageous to draw, in prescribing the respective duties of Township and County Councils, (that is of Townships separately and collectively,) in the administration of the School system, I have pointed out in my Circular to County Wardens; and I need not, therefore, further allude to the subject in this place.

1. The authority and duty of the Township Council to levy assessments on certain conditions for the purchase of school sites, the erection of School-houses, and other Common School purposes, are so plainly stated in the first clause of the 18th Section as to require no other remark than this—that the inhabitants of each School Section ought certainly to be the judges as to assessments levied upon them for the school purposes of their own section, and their wishes should be carried into effect without regard to the opinions of any person not belonging to their Section; and as the Councillors are the proper representatives of the Township on Township affairs, so should the Trustees of each School Section (or a majority of them) be regarded as the representatives of such Section in its School affairs. Such are the true principles involved in this clause of the Act.

2. The second clause of the 18th Section of the Act, authorizes the Council, at its discretion, to establish a Township Model School. The attempts of local Councils to establish Model Schools have thus far proved entire failures; and, with one exception, I think the money applied by the Councils and from the School Grant for such Schools, has done little good. The late District Councils have, in every instance except one, abandoned the attempt. I would suggest to each Township Council to consider such a matter well before undertaking it. To the success and usefulness of a Model School, a model teacher, at any expense, is indispensable, and then a Model School-house properly furnished, and then judicious and energetic management.

3. The *third* and *fourth* clauses of this Section, relate to the authority and duty of the Council in regard to the formation and alteration of School Sections. *The formation and alteration of School Sections* is a duty, on the judicious performance of which, the efficiency of the Schools greatly depends. The conditions and precautions provided in the new Act relative to the time and manner of making changes in the limits of School Sections, will prevent the recurrence of the evils which have been experienced and the complaints which have been frequently made on this subject, and afford due protection to all parties effected by such changes. The duty of forming and altering School Sections, which was formerly enjoined upon District Councils, now devolves upon Township Councils. I know not that I can add anything on this point to the remarks which I made in my first Circular addressed to the Heads of District Municipal Councils, 1st October, 1846. Subsequent

experience has only confirmed me in the correctness and importance of those remarks, which are as follows:—

“Much—very much—in respect to the efficiency of Common Schools depends upon the manner in which the provision of the law is acted upon. The tendency is to form small School Sections; each parent is anxious to have the School-house as close to his own door as possible. But the evil of forming small School Sections is as great as the local tendency is strong. I have been much impressed with the magnitude of this evil by the reports of School Superintendents and Inspectors in the States of Massachusetts and New York—countries similarly situated to our own, and whose experience on this important subject is highly valuable to us. They represent that the efficiency and usefulness of their Schools has been greatly retarded by the unwise multiplication of School Sections—thus multiplying feeble and inefficient Schools, &c., subdividing the resources of the inhabitants, as to put it out of their power to build proper School-houses, or support competent teachers without incurring a burthen which they are unwilling, if not unable to bear. The same documents also contain many curious statistics, proving that on an average, the *punctual* attendance and *proficiency* of pupils residing from one to two miles from the School far exceeds that of those pupils who reside within a less distance. The purport of these statements is to show, that proximity to the School is not essential either to the punctual attendance or to the proficiency of pupils. The managers of Common School education in these States have of late years directed their particular attention to prevent and remedy this evil of small School Sections; and they detail many examples of beneficial success. Some of the advantages of large School Sections are, the lessening of the burthen, upon each inhabitant, in establishing and supporting the schools; the erection of better buildings, and the procuring of greater conveniences for instruction; the employment of better teachers, and, therefore, the benefit of better education for youth. The subject is, therefore, submitted to the grave consideration of the Council, whenever the exercise of this part of its powers may be required.”

4. It will be observed that special provision is made for the formation and alteration of *union* School Sections, consisting of parts of two or more Townships, and that alterations of Sections and the formation of separate Sections, provided for in the 19th Section, take effect the 25th day of December—thus preventing the inconvenience resulting from alterations in School Sections, in the course of the year, and at the same time providing that the annual returns of children of school age residing in each Section the last week in December, shall be a proper basis on which to distribute the School Fund to School Sections the ensuing year. It is hardly necessary for me to direct the attention of the Council to the notifications required by the *third* and *fifth* clauses of this Section of the Act. It is important that the local Superintendent should be made acquainted with all proceedings relative to the Schools of which he has the oversight; and for that reason provision is made in the 5th Section, the 12th clause of the 12th Section, and the 5th clause of this 18th Section of the Act.

5. The provision of the 19th Section, as far as it relates to separate Protestant and Roman Catholic Schools, is substantially the same as that contained in the 55th and 56th Sections of the School Act of 1843 and in the 32nd and 33rd Sections of the School Act of 1846, with the exception that the present Act imposes more effective restrictions and conditions in the establishment of such schools than either of the former Acts referred to. Under the City and Town School Act of 1847, the establishment of separate schools in Cities and Towns was at the discretion of the Municipalities, and not at that of the applicant parties. No complaints having been made against this provision of the law, even in cities and towns, it was at first proposed to extend the application of the same principle and provisions to Township Municipalities; but objections having been made to it by some (both Protestant and Roman Catholic) Members of the Legislature, the provision of the former School Act was re-enacted—requiring however, the petition of twelve heads of families instead of ten inhabitants, as a condition of establishing a separate school, and aiding it upon the principle of average attendance, instead of at the discretion of the local Superintendent, as under the former acts. But notwithstanding the existence of this provision of the law since 1843, there were last year but 51 separate schools in all Upper Canada—nearly as many of them being Protestant as Roman Catholic; so that this provision of the law is seldom acted upon, except in extreme cases, and is of little consequence for good or for evil—the law providing effectual protection against interference with the religious opinions and wishes of parents and guardians of all classes, and there being no probability that separate schools will be more injurious in time to come than they have been in time past. It is also to be observed, that a separate school is entitled to no aid beyond a certain portion of the School-fund for the salary of the Teacher. The School-house must be provided, furnished, warmed, books procured, &c. by the persons petitioning for the separate school. Nor are the patrons or supporters of a separate school exempted from any of the local assessments or rates for Common School purposes. The law provides equal protection for all classes and denominations; if there be any class or classes of either Protest-