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TWO OBJECTIONS TO THE SCHOOL ACT ANSWERED AND ITS PROVISIONS ILLUSTRATED BY REFERENCES TO THE EXAMPLES OF THE NEIGHBOURING STATES.

It would be strange if no objections were made against some provisions of any school law. In the States of New-York and Pennsylvania, whole counties rose against the Common School law on its first enactment; and their opposition, in some instances continued for years. But it has long since ceased—especially in the former State—and the discords of former ignorance, selfishness and faction are drowned and forgotten in the universal acclamations of joy and triumph at the noble achievements of their common school system. So it has already begun to be in Upper Canada; and so we are confident, from the history of the past, it will soon be universally. In the mean time, among several criticisms too trivial to merit notice, two objections have been made to certain provisions of our School law, on which it may be proper, once for all, to remark; not because the objections have been made by any considerable portion of the Canadian press, or that they are characterised by the least research or consideration, or that they have been made in any spirit of courtesy or candour; but simply that all who earnestly desire the universal education of Canadian youth, and who are patriotically labouring to promote that object, may have the means at hand to refute the only plausible pretext for hostility that the most unscrupulous pens have been able to devise.

It has been objected, that the Provincial Superintendent of Schools has power to decide certain questions submitted to him, and to give instructions for the execution of School Act, and that the Provincial Council of Public Instruction has power to prescribe the Books to be used in the Schools, and to make regulations for their organization and government.

These objections are put forth, as if the matters objected to were novel monstrosities enacted for the first time in the present School Act: whereas precisely the same provisions (only more comprehensive in reference to the Superintendent) have existed in our School law nearly five years, and without a shadow of suspicion that constitutional liberty has not been secure, or that a human being has been wronged,—nay, in the face of the fact, that our Common Schools have advanced with unprecedented rapidity. Were there anything in these provisions of the Act of the character alleged by the objectors, the last five years would surely have furnished some illustrations. Their entire silence in respect to facts, and their entire volubility in unsupported assertions, sufficiently indicate the baselessness of their objections.

In every system there must be some head, whether in a school or in a nation, whether under a monarchy or a republic, whether of public instruction or public revenues. Whatever may be the powers of the Provincial Superintendent of Schools, he is responsible for the exercise of them in every particular. If he does a wrong to the humblest individual in the country, his decision can be complained of, and he be brought to account accordingly; if he be unfaithful in any part of his duty, he can be arraigned and dismissed. His responsibilities are, therefore, commensurate with his powers, and the assertions of some writers about "irresponsible government" in connexion with the office of Chief Superintendent of Schools, are mere figures of speech and spectres of imagination.

Our American neighbours are proverbial for not giving their State officers greater powers than are required by the exigencies of the public service. What are the powers, then, with which the people of the State of New York have felt it necessary, during an experience of nearly forty years, to invest their State Superintendent of Common Schools? The following is a summary account of these powers, given in a "Digest of the Common School System of the State of New-York," compiled by S. S. RANDALL, Esq., present General Deputy Superintendent of the Schools:

"At the head of the whole system—controlling, regulating, and giving life and efficiency to all its parts, is the Chief Superintendent. He apportions the public money among the several counties and towns; distributes the laws, instructions, decisions, forms, &c., through the agency of the County and Town Superintendents, to the several districts—is the ultimate tribunal for the decision of all controversies arising under any of the laws relating to Common Schools—keep up a constant correspondence with the several officers connected with the administration of the system in all its parts, as well as with the inhabitants of the several districts; exercises a liberal discretionary power, on equitable principles, in all cases of inadvertent, unintentional, or accidental omissions to comply with the strict requisitions of the law; reports annually to the Legislature the condition, prospects, resources, and capabilities of the Common Schools, the management of the School Fund, and such suggestions for the improvement of the system as may occur to him; and vigilantly watches over, encourages, sustains, and expands to its utmost practical limit the vast system of Common School Education throughout the State." (p. 30.)

Then respecting the very points on which certain writers have been ringing the changes relative to our School law, the following is the New-York State Law:

"The Superintendent shall prepare suitable forms and regulations for making all reports and conducting all necessary proceedings, under this Act, and shall cause the same, with such instructions as he shall deem necessary and proper, for the better organization and government of Common Schools, to be transmitted to the officers required to execute the provisions of this Act throughout the State. (Passed in 1812, and still unrevoked and unmodified, after the experience of nearly 40 years.)"

Our school law gives the Chief Superintendent no power to make "regulations for the organization and government of Common Schools;" that power is vested in the Council of Public Instruction. Besides, "each neglect or refusal" on the part of any of the local School officers, to observe the "regulations or decisions" of the New-York Superintendent, renders such party liable to a penalty varying from ten to twenty-five dollars. The following are additional provisions of the New York State School Law, relative to the powers of the Superintendent of Schools:—

"The Superintendent of Common Schools may designate and appoint any one of the Clerks employed by him to be his General Deputy, who may perform all the duties of the Superintendent in case of his absence or a vacancy in his office." Passed in 1844.

"The Superintendent of Common Schools may appoint such and so many persons as he shall from time to time deem necessary, to visit and examine into the condition of Common Schools in any county where such persons may reside, and report to the Superintendent on all such matters relating to the condition of such schools, and the means of improving them, as he shall prescribe; but no allowance or compensation shall be made to said visitors for such services." Passed in 1839.

"Any County Superintendent may be removed from office by the Superintendent of Common Schools, whenever in his judgment sufficient cause for such removal exists; and the vacancy thereby occasioned shall be supplied under his hand and official seal, until the next meeting of the Board of Supervisors of the county in which such vacancy exists." Passed in 1843.

It may be left to the writers who have assailed our School law, to say, whether the Superintendent of Schools in the State of New-York is a despot and the people and teachers "serfs" or "slaves." But we think they themselves must confess that his powers are much greater than those conferred by our law on the Chief Superintendent of Schools in U.C. This is so, even in respect to the Normal School; for there the State Superintendent is not merely a member of a Council having the management of the Normal School, but has co-ordinate and co-equal power with such Council. The New-York State Law on this subject is as follows:

§ 3. The said Normal School shall be under the supervision, management and government of the Superintendent of Common Schools and the Regents of the University. The said Superintendent and Regents shall, from time to time, make all needful rules and regulations to fix the number and compensation of teachers and others to be employed therein, to prescribe the preliminary examination and the terms and conditions on which pupils shall be received and instructed therein, the number of pupils from the respective localities and counties, conforming as nearly as may be to the ratio of population, to fix the location of the said school, &c., &c. Passed in 1844.

The writers to whom we have referred have also attacked that provision of our law which authorises the Chief Superintendent to appoint suitable persons in the several counties and ridings to hold Teachers' Institutes, and make regulations for their management. The following is the School law of the State of Connecticut on this subject—a provision from what that of our law was adopted:

GENERAL ASSEMBLY, MAY SESSION, A. D., 1846.

Resolved by this Assembly, That the Superintendent of Common Schools be, and he hereby is, directed to employ suitable persons to hold, at not more than sixteen convenient places in the different counties of the State, in the months of September and October, annually, schools of teachers not exceeding one week each, for the purpose of instructing them in the best modes of governing and teaching our common schools, &c.

Let us turn now to the democratic State of Michigan where the latest and most perfect system of public education has been adopted which exists in any of the Northern States. The second and third sections of the School law of that State is as follows:

"Sec. 2. The Superintendent of Public Instruction shall prepare and cause to be printed with the laws relating to primary schools, all necessary forms and regulations for conducting all proceedings under said laws, and transmit the same, with such instructions relative to the organization and government of public schools, and the course of studies proper to be pursued therein, as he may deem advisable, to the several officers entrusted with their arrangement and care.

"Sec. 3. Such laws, forms, and instructions, shall be printed by the person having contract for the State printing, in pamphlet form, with a proper index: and shall also have annexed thereto, a list of such school books as the Superintendent shall think best adapted to the use of the primary schools, and a list of books containing not less than two hundred volumes suitable for Township Libraries, with such rules as he may think proper to recommend for the government of such libraries." Passed in 1842.