

It is made the duty of the School Trustees or School Board to notify the parents of such children of this neglect, and in case of continued neglect, then to impose a rate Bill, so to make complaint before a Magistrate.

The means of ascertaining any cases of neglect is not given by the Act, but the Assessor or other person can have no difficulty in this, if the School Registers are perfectly kept, and the School census regularly taken. The parents or guardians have nothing to do with the Returns required by the Department, and can only be required to give to the Assessor or other person, truthful information of the material facts necessary to enable him to perform his duty to the Trustees or School Board. It rests with the Trustees or School Board to make proper returns as required by the regulations of the Department.

It will be seen that it is only in case of continued neglect, that the Trustees or School Board have the right to prosecute, and by the amendments to the law passed last session, the Trustees or School Board should themselves ascertain before taking any proceeding, whether the alleged neglect is not excusable for the reasons which the law recognizes as lawful cause.

The Act also contemplates that the Trustees should themselves be personally active in order to induce the requisite attendance of children. More may be done by the personal visits of Trustees, by argument and persuasion, than by actual resort to legal proceedings, but these are imperative under the Act, when a milder course proves useless.

(Signed) ADAM CROOKS,
Minister.

Education Department,
Toronto, March 22nd, 1877.

5. MEMORANDUM AS TO RELIGIOUS EXERCISES IN THE PUBLIC SCHOOLS.

1. A difficulty has arisen in School Section, No. 11, Sombra, with respect to the action of the School Teacher, in suspending from attendance the children of the Roman Catholic resident rate-payers.

These children had, under the directions of their parents, refused to stand up with the other children while the Teacher, at the opening of the School, was reading the Lord's Prayer, and, at the close, when pronouncing the benediction.

2. The Teacher considered that to allow these children to sit while the others were standing during these exercises, would be such non-compliance with the Regulations of the Department, as would authorize the Inspector to report the neglect, and the School might thus become disentitled to its share of the Legislative grant.

3. The Trustees sustained the Teacher, being of opinion to allow this would be a disrespect to the religious exercises prescribed by the Regulations for the opening and closing of Public Schools,

4. The parents then appealed to the Inspector, who replied, that he thought the Trustees had the right to insist that those children who would remain in the school-room should so far engage in the prayers as to stand while they were read, and if any objected to this, the law provided they might retire.

5. The matter has now been brought before me by the parents, who contend that it is their privilege to refuse to allow their children to join or take part in any religious exercises to which they object, and that their children cannot be excluded from the School during these exercises.

In this, as in most rural Schools, I assume there is but one room, and no proper shelter to be found outside of it.

6. I think that both parties have been acting under some misapprehension of their correct positions, but no doubt as they honestly understood them.

Neither the Teacher nor the Trustees considered they could act otherwise without neglecting the prescribed Regulations according to their view of them, and the parents knew that the School Law expressly conceded to them the fullest liberty of objecting to any religious exercises being imposed upon their children. The difficulty has arisen from misapprehending the sense of the Regulations of the late Council of Public Instruction respecting religious exercises in opening and closing the Public Schools.

These Regulations are not "imperative," so that they must be carried out by the Trustees, but are "recommendatory" only.

This recommendation is prefaced by a quotation of the 142nd section of the School Act, which secures to parents the fullest right of control over the religious instruction of their children, and is followed by the statement that no pupil should be "compelled to be present at these exercises against the wish of his parent or guardian expressed in writing to the Master of the School."

This regulation, therefore, preserves to the parents, in this case,

the liberty to exercise the rights which they have insisted upon, and there need have been no difficulty with the Teachers or Trustees in this case giving full effect to the wishes of these parents if there was any convenient place to which those children could retire, while these opening and closing exercises were being conducted. The General Regulations, however, require all the children to be present at the prescribed time for opening the School, and to remain for dismissal together. So that unless there are two school-rooms, the children whose parents object to their joining in these daily religious exercises could not retire during them, unless into the open air. All the children have the same right to the school-room during school hours, and none can be properly excluded. In the absence of two school-rooms, into one of which the children of objecting parents could retire during these exercises, it would follow that they must remain in the same school-room, but without being obliged to take part in the exercises. These, however, are amenable to the same strict order and discipline as should prevail during the ordinary exercises of the School, and subject to the full authority of the Teacher. The Teacher could properly require them to occupy a form or seats by themselves, and to maintain a respectful demeanour, subject to the usual penalties for disobedience.

My counsel to the parties is that they should now act in accordance with the expression of what I consider to be their respective positions, and henceforth co-operate harmoniously, and thus secure to all the children of the section the advantages which the School can no doubt satisfactorily afford.

(Signed) ADAM CROOKS,
Minister.

Education Department,
Toronto, March 31st, 1877.

6. SEPARATE SCHOOLS AND MUNICIPAL OFFICIALS.

The attention of Trustees of Separate Schools, and of Municipal Officials, is especially directed to the provisions of the amended Education Act of last session, by which the respective supporters of Public and Separate Schools can be definitely ascertained in each year by the Assessment Roll.

Section 46 of the School Act of 1874, has been amended, so that it is now the duty of each Municipal Council (in townships, villages, towns, and cities) to cause the Assessor of the Municipality, in preparing the annual Assessment Roll, to distinguish by different columns, the supporters of the Public and Separate Schools, so as to be taxable respectively for their respective Schools.

There is also an appeal to the Court of Revision in case of any complaint in this particular.

The Council of the Municipality is also required to cause its clerk in making out the Collection Roll, to place proper columns therein for distinguishing the liability of rate-payers for Public and Separate School rates respectively, and also for any School debts contracted for such Schools respectively; and the Municipal Council is further required to collect through its collector and other officials, the School rates levied for Public and Separate Schools respectively, and to account annually for the sums so collected.

The Trustees of Separate Schools are entitled to avail themselves of these provisions instead of those prescribed in the Acts relating to Separate Schools, by giving notice thereof to the Clerk of the Municipality at least one week before the time prescribed by the Assessment Act for preparing the Assessment Roll.

These amendments are intended to remove one of the chief causes of irritation between Public and Separate School Trustees, which previously existed in the difficulty of definitely and legally ascertaining the rate-payers respectively liable to pay School rates to the respective Schools.

For a better understanding of them, the text of these provisions, as appearing in section 13 of the amended Act of last session, is also given as follows:—

It shall be the duty of the Township Council:—

"To cause the Assessor of the Township in preparing the annual Assessment Roll of the Township, and setting down therein the School Section of the person taxable, to distinguish between Public and Separate, and in setting down therein his religion, to distinguish between Protestant and Roman Catholic, and whether supporters of Public or Separate Schools, and the Assessor shall, accordingly, insert such particulars in the respective columns of the Assessment Roll prescribed by law for the School Section and religion respectively of the person taxable, and the Court of Revision shall try and determine all complaints in regard to persons in these particulars alleged to be wrongfully placed upon or omitted from the roll (as the case may be), and any person so complaining, or any elector of the Municipality, may give notice in writing to the Clerk of the Muni-