him with questions. The consistent follower of Bacon—the "servant and interpreter of nature," will see that we ought modestly to adopt the course of culture thus indicated. Having become familiar with the simpler properties of inorganic objects, the child should by the same process be led on to an exhaustive examination of the things it picks up in its daily walks—the less complex facts they present being alone noticed at first: in plants, the colours, numbers, and forms of the petals, and shapes of the stalks and leaves; in insects, the numbers of the wings, legs, and antennæ, and their colours. As these become fully appreciated and invariably observed, further facts may be successively introduced: in the one case, the numbers of stamens and pistils, the forms of the flowers, whether radial or bilateral in symmetry, the arrangement and character of the leaves, whether opposite or alternate, stalked or sessile, smooth or hairy, serrated, toothed, or crenate; in the other, the divisions of the body, the segments of the abdomen, the markings of the wings, the number of joints in the legs, and the forms of the smaller organs—the system pursued throughout being that of making it the child's ambition to say respecting everything it finds all that can be said. Then when a fit age has been reached, the means of preserving these plants, which have become so interesting in virtue of the knowledge obtained of them, may as a great favour be supplied; and eventually, as a still greater favour, may also be supplied the apparatus needful for keeping the larvæ of our common butterflies and moths through their transformations—a practice which, as we can personally testify, yields the highest gratification; is continued with ardour for years; when joined with the formation of an entomological collection, adds immense interest to Saturday-afternoon rambles; and forms an admirable introduction to the study of physiology.

We are quite prepared to hear from many that all this is throwing away time and energy; and that children would be much better occupied in writing their copies or learning their pence-tables, and so fitting themselves for the business of life. We regret that such crude ideas of what constitutes education, and such a narrow conception of utility, should still be prevalent. Saying nothing on the need for a systematic culture of the perceptions and the value of the practices above inculcated as subserving that need, we are prepared to defend them even on the score of the knowledge gained. If men are to be mere cits, mere porers over ledgers, with no ideas beyond their trades—if it is well that they should be as the cockney whose conception of rural pleasure extends no further than sitting in a tea-garden smoking pipes and drinking porter; or as the squire who thinks of woods as places for shooting in, of uncultivated plants as nothing but weeds, and who classifies animals into game, vermin, and stock—then indeed it is needless to learn anything that does not directly help to replenish the till and fill the larder. But if there is a more worthy aim for us than to be drudges—if there are other uses in the things around than their power to bring money—if there are higher faculties to be exercised than acquisitive and sensual ones—if the pleasures which poetry and art and science and philosophy can bring are of any moment; then it is desirable that the instinctive inclination which every child shews to observe natural beauties and investigate natural phenomena, should be encouraged.—*The Museum.*

VI. Papers on Legal School Questions.

1. LEGAL INTELLIGENCE.

IMPORTANT SCHOOL CASE—POWER OF SCHOOL TRUSTEES TO LEVY RATES.

THE CHIEF SUPERINTENDENT FOR UPPER CANADA *in re.* HOGG *vs.* ROGERS.—This case was an appeal from the first Division Court of the County of Grey. The question involved was whether Trustees have the power to collect rates on an assessment roll of a previous year, levied prior to the completion of the assessment roll of the then current year. In this case the rate bill and warrant were dated 20th February, 1864, and endorsed "rate-bill, 1863." The Judge of the Division Court held that the trustees should have waited for the making and completion of the assessment roll of 1864, and that the collector receiving the warrant in 1864 for the collection of a rate based upon the roll of 1863, was not legally authorised to execute the warrant. From this decision the Chief Superintendent of Education appealed under the provisions of the School Acts, to the Court of Common Pleas.

The case was argued in Michaelmas Term by Mr. Hodgins for the appellant, and on the respondent subsequently appearing, the case was postponed until Hilary Term, when it was re-argued.

Mr. Hodgins for the appeal. Mr. Sampson contra.

The judgment of the Court was delivered by Hon. Mr. Justice John Wilson, as follows:—

The sole question in this case is whether the School Trustees have the authority in any year, before a copy of the revised assessment roll of that year has been transmitted to the Clerk of the Municipality, to impose and levy a rate for school purposes upon the assessment roll of the preceding year.

The learned Judge in the Court below has taken great pains to review the Common Acts in his judgment, but with great deference to his opinion, we have been unable to adopt his conclusions.

It is clear that School Trustees may themselves, or through the intervention of the Municipality, provide for the salaries of teachers and all other expenses of the school in such a manner as may be desired by a majority of the free-holders and house-holders of the section at their annual meeting, and shall levy by assessment upon the assessable property in the section such sum as may be required, and should the sums thus provided be insufficient, they may assess and collect any additional rate for the purpose, and that any school rate imposed by Trustees may be made payable monthly, quarterly, half-yearly or yearly, as they may think expedient.

Many of the requirements of a school admit of no delay. The peculiar provisions respecting teachers demand great promptness in the payment of their salaries. Repairs to the school-house must be made when required; these may be sudden and unexpected. To oblige trustees or those entitled to payment to wait till the rolls of the year were made up would be productive of great inconvenience, and if the law had been less clear than it is we should not have felt justified in putting a stop to a practice which we learn has hitherto obtained unless on grounds admitting of no doubt.

The general principal is that levies for municipal purposes shall be made upon the revised assessment of the year in which they are made. It is true that one rate for the year is only struck by the municipal authorities; but suppose a sheriff got an execution at the suit of the Crown or of a municipality in the month of January, would he be justified in delaying to levy until the revised assessment roll of that year was completed, and a certified copy given to the municipality?

So, if the requirements of a school section created a necessity for levying a rate, would the trustees be excused from performing their duty by saying we must wait till the assessment roll of the year is completed before we can act?

The obvious answer would be, there is the last revised assessment roll; it is available for all purposes until the new one is made.

We think the error into which he fell arose from making the analogy between municipalities and trustees, and township collectors and collectors under warrants of trustees, identical, thus restricting the Common School acts by acts not necessarily affecting them.

On reading the 36th section we find that no township collectors shall collect and levy in any school section, during one year, more than one rate, except for the purpose of a school site or the erection of a school house, and no school collector shall give effect to any applications of trustees for the levy or collecting of rates for school purposes, unless they make the application to such council, at or before its meeting in August of the year in which such application is made.

But the 12th sub section of section 27 authorizes the School Trustees to employ their own lawful authority as they may judge expedient for the levying and collecting by rate all sums for the support of the school, for the purchase of school sites, and the erection of school houses, and for all other purposes authorized by the Act to be collected.

It is to be noted that the Legislature did not confer on the Trustees the power to apply to the Township Council at any time they chose to levy rates, but at or before its meeting in August, and then only for one rate, except for the purchase of a site or the erection of a school house. Suppose a second rate for a site or a school house were applied for in a part of the year from January to August, would not the Council be bound to levy it? During this period there would be but the existing roll to use for the assessing of this rate.

The restriction to one rate, and the exceptions in regard to the rates authorized to be raised by the municipality for school purposes, lead us to infer that when the Trustees chose to exercise their own authority to levy, they were not restricted, and might levy oftener than once for the payment of teachers, and for other purposes mentioned in the 27th section.

In the case of an arbitration between the Trustees and a teacher, the arbitrators may levy, but the Trustees are bound to do so, for by the 23 Victoria, chapter 49, in case they wilfully refuse or neglect for one month after publication of award to comply with or give effect to the award, they shall be held personally responsible for the amount awarded, which may be enforced against them individually by the warrant of the arbitrators; but if they are at any time thus bound to execute their power to levy, it must necessarily be done upon the existing assessment roll.