

until he leaves home the following day for school; but a case reported in 32 Vt., 114, is much broader in its application of this principle. In the Vermont case, A. B. Seaver was teacher of a district school near Burlington. Peter Lander, an eleven-year-old boy, was one of his pupils. About an hour and a half after school had closed *and after the boy Lander had been home*, Seaver met him in company with some other pupils of his school driving a cow. As Lander passed Seaver he called him "Old Jack Seaver." The next morning young Lander received a thrashing with a small rawhide for this insolent language. The court in giving its decision on these facts said: "When the child has returned home or to his parents' control, then the parental authority is resumed and the control of the teacher ceases, and then for all ordinary acts of behavior, the parent alone has the right to punish; but where the offence has a direct and immediate tendency to injure the school, as in this case, when done in the presence of other pupils and of the master and with a design to insult him, we think he has the right to punish the pupil for such acts if he comes again to school."

As a logical and sweeping conclusion from this decision it could be laid down that the teacher's authority to punish for offences that affect the welfare of a school would extend to acts committed on Saturday or Sunday. It is quite doubtful, however, if any court would carry this doctrine to that limit. Texas has pushed the doctrine to the verge of sound law and possibly beyond it. In the Texas case a pupil was assigned a task to do at home and on failing to perform the task was whipped.

In an action for assault and battery the question of the teachers' jurisdiction was raised and the court held the failure to perform the task a

punishable offence, and the infliction of the punishment within the teacher's authority. In 30 Iowa, 429, a case is reported somewhat at variance with the other cases on this subject, but the supreme court of Iowa has overruled this decision and fallen in line with the findings of the other courts on the authority of the teacher out of school. In concluding this point, I would say, if a teacher decides to punish a pupil for an offence out of school, the important question is, does the offence *directly* affect the well-being of the school? if it does, he is justified in punishing; if it does not, he renders himself liable to an action at law in case he punishes.

Can a parent dictate what studies his child shall pursue? All courts are agreed that the board can decide what branches shall be taught, and can require a classification of the pupils with respect to the branches of study they are respectively pursuing, and the degree of proficiency in the same branches; and that no parent can insist on his child being placed or kept in a class whereby others will be retarded in their studies, or that it shall be taught studies not in the prescribed course or allowed to use a text-book different from that adopted; but whether or not a parent loses all control over the education of his child and cannot from the prescribed studies select such as he desires his child to pursue, is a much mooted question.

Courts are pretty evenly divided on this question, but a majority of the late decisions deny to the parent the right to make such a selection. In 1886 at La Porte, Ind., a boy was expelled for refusing to study music—a prescribed study. The boy had been directed by the father not to study music, and the father's wish had been communicated to the superintendent. The parents' right to select came squarely before the court in this