

Expulsion is often cowardice on the part of teachers and trustees—the greatest cruelty to the pupil and an injury to society. Cases are cited to show that the *common law* of England and the United States will support the teacher when, in the judgment of reasonable men, the punishment is not excessive, but proportioned to the fault and rightly administered.

We wish to supplement Principal Miller's able article by briefly answering such questions as the following, which are frequently asked :

1. What offences are to be cured by corporal punishment?
2. How is it to be administered?
3. May the teacher punish for offences committed beyond the play-ground, or out of school-hours?
4. If taken to court, what should the teacher do?
5. Is the teacher justified in using the strap on a child when positively forbidden by the parent to do so?
6. Can the teacher legally compel a pupil to take up a subject of the prescribed course if the parent objects?

1. Persistent, deliberate, intentional disobedience is about the only offence requiring corporal punishment. If from forgetfulness or frivolity a child is continually whispering, the fault might be cured quickly, perhaps by the use of the rod, but it would not be the best way. Avoid the use of the rod for a first offence of any kind, unless it be gross cruelty, indecency, or an aggravated case of stealing or lying.

2. Corporal punishment is to be administered after the offence is proven beyond doubt. The instrument should be a flexible leather strap, devoid of sharp edges, although a rubber strap or a rod are not illegal. The punishment should be on the palm of the hand, avoiding the wrist. If the pupil will not submit to receive punishment on the palm of the hand, it is generally best to report him to the trustees—as a struggle between pupil and teacher is injudicious. But where the teacher is perfectly sure of being able to administer adequate punishment (without running the risk of striking the more vital parts of the body) it will be justifiable and politic to do so. The punishment should be in presence of witnesses. The teacher should be most deliberate and calm throughout the performance.

3. The teacher is justified in inflicting reasonable punishment on any pupil guilty on his way to or from school of any act which *directly* injures the order, discipline, or well-being of the school. The cautious teacher will be careful to see that the offence has a direct and immediate tendency to injure the school before taking action upon it. Such offences are truancy, wilful tardiness, quarrelling, indecent language in the company of other children, rudeness to the teacher, etc.; but not trespass, larceny, and

those which render the pupil liable to punishment in the courts. But even the latter offences, when it is certain that they are not to be dealt with according to process of law, come under the cognizance of the teacher—if the offences have been committed in the presence of other pupils.

4. A teacher should never be a defendant in a court. If there are well-defined regulations regarding corporal punishment sanctioned by the trustees and carefully observed by the teacher, then the trustees should be the defendants and bear the expenses, and appeal the case if necessary. If some unreasonable parent takes a teacher before a justice of the peace, he will not be likely to select one of the noblest specimens of that varied class, but some one who will reason thus: "The complainant is a permanent neighbor, I must not offend him; the teacher will be somewhere else before six months. I will give the case against him." Accordingly the teacher who happens to have no friends is almost invariably fined in the lower country court. If the trustees are so mean as to allow the teacher, who has strictly followed their regulations, to defend her own case, then let her hire a lawyer and write a full, minute and accurate account of all the circumstances to the EDUCATIONAL REVIEW, and she will find friends to help her—if she deserves help. A prudent teacher has always a good case in common law if she appeals to the higher courts. We know a school section which on two occasions undertook the defence of the teacher successfully—the only cases in which there ever was any need of its doing so.

5. The teacher is justified in punishing a pupil, even when forbidden by the parent, but a wise teacher in such a case will be most cautious,—for in some cases there may be peculiarities in the child's temperament which makes it more prudent for the parent to undertake what must always be to a teacher a most ungrateful task. A child should never be twice punished for the same offence. If the parent has already punished, or is likely to do so, let that suffice.

6. If a pupil refuses to study any prescribed subject, report to the trustees. If after full inquiry regarding the pupil's health and other circumstances, they decide that the subject must be studied, the law will sustain them. In Ohio, and one or two other places, however, there are decisions of the supreme court against this view, while in the majority of cases the decisions are in favor of the trustees.

In conclusion, if you deliberately conclude that corporal punishment is the only remedy appropriate to the case in hand, waste no energy in useless sentiment, but rather let your energy be used in such a