

Arbitration between Trustees and Teachers.—The law provides that in case of any difference arising, between Trustees and Common School Teachers, under the operations of the School laws, such difference shall be settled by arbitration; but the law does not provide for, or authorize an appeal from the decision of the arbitrators on matters of difference between the Teacher and his Trustees.

General powers of Arbitrators.—The Arbitrators are the judges of their own modes of proceeding, as also of the matters submitted to them, and have ample powers by the 15th section of the Supplementary School Act to enforce their decisions.

The 17th section of the School Act of 1850, authorizes either the Trustees or Teacher to demand or notify an arbitration, as to matters of difference between them; but the law does not prescribe the manner in which notice of the time and place of an arbitration, shall be given, therefore, any manner in which the majority of the Trustees and the Teacher are duly informed of it, (and of which the arbitrators are the judges,) is sufficient notice to meet the requirements and intentions of the law.

Sale by order of Arbitrators.—The Arbitrators have power to sell the goods and chattels of the individual Trustees, in case of their refusing to exercise their corporate powers, to fulfil their obligations; but this refusal should be clearly proved. Two things, however, are important, in case the Trustees should adopt ulterior legal proceedings: the one is, that the agreement between them and the Teacher must have been in writing, sealed with the corporate seal, as required by law; the other is, that the Teacher should have been of age.

The property of the section—that is, the goods and chattels—is first liable, but not the landed estate of the section, as lands cannot be sold for debt, under twelve months after the return of no goods; and I believe lands cannot be sold at all, under an award of arbitration, except by order of a competent court.

NO. 5. THE ILLEGALITY OF USING UNAUTHORIZED SCHOOL BOOKS.

Summary of the Law.—A summary of the provisions of the Upper Canada School Law of 1850, on this subject, is as follows:

Sec. 14. Enacts that no foreign books in the English branches of education shall be used in any Model or Common School, without the express permission of the Council of Public Instruction.

Sec. 23, sub-sec. 10. Requires Trustees in towns, &c., to see that all pupils in the Schools are duly supplied with a uniform series of authorized text-books.

Sec. 29, sub-sec. 3. County Boards of Public Instruction are to select, from a list of text-books recommended as authorized by the Council of Public Instruction, such books as they shall think best adapted for use in the Common Schools of the county.

Sec. 31, sub-sec. 5. Provides that it shall be the duty of each Local Superintendent of Schools to prevent the use of unauthorized, and to recommend the use of authorized books in each School.

Sec. 35, sub-sec. 9. Empowers the Chief Superintendent of Education to submit all books and manuscripts that may be placed in his hands to the Council of Public Instruction, in order to obtain its sanction, before they can be introduced as text-books.

Sec. 38, sub-sec. 5. Provides that the Council of Public Instruction shall examine, recommend, or disapprove of text-books for the use of Schools; and further, that no portion of the Legislative School Grant shall be employed in aid of any School in which any book is used that has been disapproved of by the Council.

Unauthorized Books.—Penalty.—If Teachers employ text-books not authorized to be used in the Schools, such Schools are not entitled to the School Fund apportioned to them, as they are not conducted according to law; nor can any foreign book be used in a School, without such School forfeiting its right to share in the School Fund. The great evil in the country

Schools in the State of New York is the multiplication of text-books, according to the fancy of each Teacher, or his agreement with some bookseller,—parents being called upon to buy new books as often as they get new Teachers,—an evil which we have studiously guarded against in Upper Canada.

American Geographies.—The Council has permitted the use of Morse's American Geography until one expressly prepared for Canada, after the same plan, could be provided. I have every reason to believe that as soon as such a one is published (which will be early next spring, as the maps, &c., are now far advanced), the sanction by the Council of Public Instruction for the use of Morse's Geography will be withdrawn.

NO. 6. ALTERATIONS IN THE BOUNDARIES OF SCHOOL SECTIONS.

Alteration of School Sections.—Township Councils have no authority to pass a by-law to unite any part of their Township with a School Section in a neighbouring Township. Union School Sections, consisting of portions of two or more Townships, can only be formed and altered by the Reeves and Local Superintendents of such Townships. Should a Township Council pass a by-law to annex a part of any section within its jurisdiction to another School Section beyond its jurisdiction, such by-law would be of no more effect and be no more obligatory on any one, than if it were passed to annex one Township to another. But a Township council can alter School Sections within its own jurisdiction, at its own discretion. It has, however, no authority to unite two or more sections into one, without the consent of each school section concerned; yet it has authority to divide and form new sections at its discretion, as this comes under the head of altering the boundaries of School Sections. It may also detach that part of a union section in its own township from the union, and annex it to another section within its jurisdiction.

The Township Council can make such alterations in the boundaries of School Sections (not being unions) as it thinks expedient, and is itself the judge (as the Court of Queen's Bench has decided) of the notices necessary to be given of such alterations; but no by-laws making such alterations can take effect before the 25th December after the passing of them.

NO. 7. POWERS OF TRUSTEES IN CITIES, TOWNS, AND VILLAGES.

The exclusive power of selecting and purchasing school sites, erecting school houses, and doing everything which may be judged necessary for the interests of schools in cities, towns, and incorporated villages, is invested in the Board of School Trustees, who are the people's elected representatives for all school purposes. In School Sections in Townships, a public meeting has to be called for the selection of a school site, and for determining the manner of providing for all expenses; but these provisions of the law do not apply to cities, towns, and incorporated villages, the Boards of School Trustees of which determine the school sites as well as the mode and means of providing for the expenses of the school. They are required to publish the School accounts of all moneys received and expended by them once a year, besides otherwise preparing annual reports of their schools; but they are not required to call meetings in reference to school sites and the modes of supporting their school, as in School Sections. On the contrary, it is the Board of Trustees which is "to determine the number, sites, kind and description of schools," and everything connected with their purchase, establishment and support.

The Board of School Trustees may include in its estimates laid before the Council of its Municipality the cost of sites, school houses, teachers' salaries, &c.; and the Council is required to provide these sums in such manner as shall be desired by Boards of School Trustees. Two or three Town Councils and one or two Village Councils have refused in past years to provide the sums as estimated and requested by their Boards of School Trustees, but they have in every case of resistance been compelled to do so, by the decision of the Court of Queen's Bench. The Municipal Council has no discretion in school matters.