

The question now is, whether our School law invests the Government, through the Superintendent of Schools, with too much power in the administration of a public system of Common Schools? The plainest and most satisfactory method of answering this question, is to refer to the power with which the Executive Government, (through the Superintendent of Common Schools) is invested in the State of New-York—from which our School law is derived—and the citizens of which are opposed to giving the Government any more authority than is absolutely necessary for the administration of the law. This part of the New-York State system is thus summarily stated in "*A Digest of the Common School System of the State of New-York,*" compiled and published in 1844 by S. S. Randall, Esquire, General Deputy Superintendent :—

"At the head of the whole system—controlling, regulating, and giving life and efficiency to all its parts, is the State Superintendent. He apportions the public money among the several counties and towns; distributes the laws, instructions, decisions, forms, &c., through the agency of the County and Town Superintendents, to the several districts—is the ultimate tribunal for the decision of all controversies arising under any of the laws relating to Common Schools—keeps up a constant correspondence with the several officers connected with the administration of the system in all its parts, as well as with the

inhabitants of the several districts; exercises a liberal discretionary power, on equitable principles, in all cases of inadvertent, unintentional, or accidental omissions to comply with the strict requisitions of the law; reports annually to the Legislature the condition, prospects, resources, and capabilities of the Common Schools, the management of the School Fund, and such suggestions for the improvement of the system as may occur to him: and vigilantly watches over, encourages, sustains, and expands to its utmost practicable limit the vast system of Common School Education throughout the State." (p. 30.)

The above extract shews that the duties of General Superintendent in the State of New-York and in Upper Canada are similar, while his powers are more extensive and absolute there than here. The State School Fund is apportioned upon the same population basis there as here, and upon the same conditions—except that the County Boards there are required to do what our District Councils are authorised to do, in respect to raising an amount by assessment equal to that apportioned by the State Superintendent.

On the subject of forms and regulations respecting which much has been written, the following is the New-York State Law :—

"The Superintendent shall prepare suitable forms and regulations for making all reports, and conducting all necessary proceedings, under this Act, and shall cause the same, with such instructions as he shall deem necessary and proper, for the better

organization and government of Common Schools, to be transmitted to the officers required to execute the provisions of this Act throughout the State." (Passed in 1812, and still unrepealed and unmodified, after the experience of more than 30 years.)

Such being the authority of the State Superintendent in respect to the rules for the organization and government of the Schools, it may be asked whether the several "officers required to execute the provisions of the law," are obliged to act in accordance with the instructions and regulations of the Superintendent? These officers are chiefly the County and Town Superintendents