

nounced by the Court of Common Pleas in *Halpin vs. Calder*, confirmed these views.

When present at Ingersoll, last autumn, the solicitor for the defendant brought his position to my attention, and they subsequently sent me a draught clause of an amendment which, as they contended, should be passed to meet this defect in the law. I refused to express any opinion on the point, but brought all the proposed new clauses as to union sections before the Government for discussion before the Act was introduced. These were all framed by me, to meet practical difficulties which had been brought to my attention in connection with this case and others, and sub-section 4 of section 11 which confirms existing unions as between portions of different municipalities was the definite conclusion of the Government; and in the Legislative Assembly in Committee of the whole, this was extended on the suggestion of Mr. Meredith, M.P.P., to unions within the same municipality.

The clear intention of this amendment is to protect school trustees or others who had acted in good faith from being further harassed through a view of the law which would have been correct had it not been for the fault of the Legislature itself, in inadvertently omitting by apt words to continue the law as it was.

As to whether the facts in this case bring the alleged union within the confirmation provided by the 4th sub-section I have no authority to decide, but it would seem clear that further proceedings may be stayed in the suit of *Halpin vs. Calder*, on the terms mentioned in this sub-section.

(Signed) ADAM CROOKS,  
*Minister of Education.*

Education Department, (Ontario),  
Toronto, 19th April, 1877.

#### (8) MEMORANDUM AS TO FEES IMPOSED BY PUBLIC SCHOOL BOARDS.

The question has been raised by a parent as to the right of the Public School Board of Brantford, to impose a fee of ten cents per month in respect of his child who is in division 3, second book, in common with all the scholars in the same division, who are subjected to the like fee.

The parent objects on the ground that while the School Board has the right to impose a fee for the use of books, they have no right to refuse tuition to the child of a ratepayer, should he refuse to pay this fee.

In this case the parent says, that if his child used the books supplied by the Board he would pay the fee if it was a fair one; as it is an exorbitant one, and he supplies his own books, he does not feel called upon to pay the Board's fee.

While by the 141st section of the Public School Act of 1874, all public schools are free, yet by sub-section 6, it is provided that trustees in cities, towns, and villages may collect from parents a sum not exceeding twenty cents per month per pupil to defray the cost of text-books, stationery, and other contingencies, and by section 87, (2) the Public School Board is expressly authorized to collect in their discretion from the parents of children attending any public school under their charge, a sum not exceeding twenty cents per calendar month per pupil for the like purposes.

The general regulations of the late Council of Public Instruction (A.D. 1875) with respect to public schools, provide (see Division IX, rules 10 and 11) that such fee is payable in advance, and that no pupil shall have the right to enter or continue in the school until the fee shall have been paid.

My opinion in view of the law and regulations referred to, therefore, is that the parent's objections are untenable, that it is immaterial whether his child uses the books furnished by the trustees or not, that the fee imposed is within the statutory right of the trustees, and that the mode of collection prescribed by the General Regulations of excluding the pupil from the school while non-payment continues, can be legitimately exercised notwithstanding the general declaration of the law that all public schools are free.

(Signed) ADAM CROOKS,  
*Minister of Education.*

Education Department, (Ont.)  
Toronto, April, 1877.

#### (9) SCHOOL DISCIPLINE.—ACTION BEFORE A MAGISTRATE.

##### MEMORANDUM IN REFERENCE THERETO.

In the case of a pupil, against Miss Isabella Mathieson, Public School Teacher, in the Village of Petersville, for an alleged assault, brought before J. Peters, Esq., J. P., I have examined the evidence

taken before him, and Miss Mathieson's statement. The finding of the Magistrate was to dismiss the complaint, but yet to impose three dollars and eighty cents costs, to be paid by Miss Mathieson, and that in default she should be imprisoned in the common gaol. It appears that the complainant was guilty of insubordination of a premeditated kind, and which quite justified the action of Miss Mathieson in taking her as she did by the shoulders and pushing her through the hall to the door, and out of it, but no physical injury thereupon was alleged. This is no case of undue severity on the part of the Teacher in maintaining her unquestionable authority. I must express my regret that any Magistrate should have thought fit to have interfered in a matter of this nature, and which had been previously investigated by the Board of Trustees, who were quite competent to deal with it. The interference of any Magistrate in matters pertaining merely to the discipline of our Public Schools is to be deprecated, and it is only in a case where undue severity has been exercised by the Teacher that any Magistrate should consider it a case to be dealt with according to law. The Teacher's task is quite onerous enough without unnecessary and injudicious interference on the part of parents, who, under fancied grievances, complain to a Magistrate. Unless the children receive some substantial injury his duty should be to refuse to interfere, and leave the question to be dealt with by those best conversant with it, namely, the Trustees of the schools themselves. In this case Miss Mathieson deserved support, and not censure, from the Magistrate.

(Signed) ADAM CROOKS,  
*Minister of Education.*

Education Department,  
Toronto, April 17th, 1877.

##### SECOND MEMORANDUM RESPECTING THE ABOVE CASE.

Since my memorandum of the seventeenth day of April, in this matter, which expressed, as I think correctly, the true position of Justices of the Peace, when called upon to interfere in complaints arising from the exercise of discipline in our Public Schools, I have received two communications from Mr. Peters, J.P., on the subject, in which he refers to one of the grounds of my objection to his interference in the case—which was that the matter had been previously investigated by the Board of Trustees—as being incorrect. Mr. Peters states in his letter of the 24th of April, that "the complaint had not been investigated by the Trustees, Miss Mathieson having for reasons best known to herself, failed to appear before them when requested to do so." Again, "It was in fact in consequence of Miss Mathieson's contemptuous treatment of the summons issued by the Trustees, that the matter was brought before me." In his letter of the 25th April, Mr. Peters in effect reiterates this statement, and encloses, by way of corroboration, a letter to himself from Mr. John Simpson, Chairman of the Board, who states: "After Mrs. Westby complained to us of the treatment of Miss Mathieson towards her daughter, we summoned her to appear before us three or four times, to have the matter investigated. She failed to do so, in fact she treated us with contempt. Had she appeared before us, the case would never have come before you."

On the other hand, the statement of facts laid before me by Miss Mathieson's letter of the 20th February, is as follows:—"The matter was brought before the Trustees, misrepresented; they came to the decision to have both parties present at such meeting. I was too ill to attend the meeting,—left a written statement of the facts, also the statements of several girls who were present. The Trustees preferred I should appear, and left the matter over till the next meeting. I was dangerously ill that night, my physician was with me, he sent them a certificate,—was very ill for a number of weeks, and having experienced a very severe affliction in my home, thought no more of the matter until after the first meeting of the new Board. I heard the case was left over for them to settle; they at once dismissed it as being too trivial to be taken notice of. I had resumed teaching by this time. The Secretary informed me on Saturday the 10th instant how the matter was disposed of. On Wednesday the 14th, there was a constable standing at the school gate, he served a summons on me, wherein I was charged with assault on this girl. He also served summonses on three of the girls to appear as witnesses; this was at 9 a. m., I was summoned to appear before Squire Peters at 4 o'clock p. m. of the same day at the school house. I was too weak from recent illness to take any steps to defend myself. I sent to the Secretary in the afternoon for the papers; he came to the school; was very indignant; said he would go to the Chairman, they were both at the school before 4 o'clock, when Squire Peters came up; they objected to his entering the building, but he used all the possible persuasion he could."

Now it will be seen that both Mr. Peters and Mr. Simpson admit