

religious meetings, then, in case of refusal to do so, application can be made to the Superior Courts, if it be thought desirable, to compel the Trustees to give effect to that provision of the deed. But if there is no such clause in the deed, the Trustees have discretionary power to open or close the house to whom they please, and upon such conditions as they please. Whatever individuals may have said at the time of building the house as to the uses to which it might be applied, imposes no legal obligation upon the elected Trustees for the time being.

Strictly speaking, the Trustees have no legal power to permit their school house to be used for other than school purposes, but usage has invested them with a sort of discretion in that respect: but if they should abuse their trust, an application may be made by any dissatisfied party to the Court of Chancery for an injunction to compel the Trustees to confine the use of their school house to school purposes, though no mandamus from the Queen's Bench would likely be granted to compel the Trustees to allow it to be used for other than school purposes, unless provision be made to that effect in the deed.

NO. 3. COLLECTION OF SCHOOL RATES, AND RATE BILLS.

The Assessors' Roll the sole guide of Trustees.—The Assessors' Roll is the Trustee's only and legal guide as to what lots or parts of lots are liable to be assessed for school rates in their section. The School Act gives full directions to Assessors how to place on the Roll the valuation of lots, undivided or divided, according to the limits of School Sections.

Non-Resident Children.—In the explanatory note to the provision of the law relating to non-resident children it is said, that children *boarding* with persons who are not their legal guardians, and whose parents are not resident in the section, shall be considered non-residents.

The origin of this note was, that arrangements were made by several parents to get their children boarded and sent to school in neighbouring sections where there was a free school, without paying any fee or school rate to the section,—such children, in most cases, working morning and evening to pay for their board. There is every difference between children *boarding* for a shorter or longer time in a family by special arrangement of their parents, and children *residing* with persons who assume the office of guardians and whose houses are their only homes. It has been held that if a boy, though a minor, hires himself, or is hired to a person by the year, he is a *resident* in the place of his employment, and is entitled to all the privileges of every resident of his age.

Collectors, their Fees and Duties.—The Collector is authorized by law to collect the School Section Rate, or Rate Bill, within ten days' after receiving the warrant, and then to give fourteen days notice of seizure if the rate be not paid. The Collector is entitled to not less than five or more than ten per cent. on all moneys collected by or paid to him, whether paid during or after the expiration of the ten days. The appointed Collector is, of course, the only person authorized to receive the rate after the warrant has been placed in his hands, and give receipts for rates received on behalf of the Corporation. But the *rate bills* cannot exceed twenty-five cents per month, or a less sum if so decided by the annual or special school meeting called for that purpose, *including the fees of the Collector*; for in collecting *rate bills* the Collector's fees must be deducted from the sum which he collects, and not be an addition to the rate bill specified by law, or fixed at the annual meeting, or a special meeting. In regard to *rates on property*, the Trustees can either cause the fees of collection to be deducted from the aggregate sum collected, or be an addition to the rate imposed, just as they think proper. The Trustees can exercise their own judgment and discretion as to the time of levying and collecting school rates payable by any of the rate-payers. The rates not paid by any rate-payer one year, can be added to, and collected with the rates levied upon him the following year.

Return of Absentees' School Rates.—If there be no goods or chattels on the property of an absentee proprietor, the Trustees can make a return of the facts to the Township Clerk, and

obtain the amount of the rate from the Council; but there is no particular form for the returns as authorized by law, of the lands of absentee landholders to the Clerk of the Township Council. The Trustees can make the return in such form as they may think proper, so that they make it before the end of the year, specifying the lots returned and the amount of school rates due on each. It is not at the option of the Clerk of the Council to receive such returns. The Trustees have done their duty when they have made the returns containing the facts, and within the time required by law; and the Council is in duty bound to pay the amount, after the end of the year, otherwise it may be sued by the Trustees for the amount due.

Rate or Subscription for Library, Maps, &c.—If the Trustees choose to collect by voluntary subscription, and transmit to the Department, five or ten dollars or more for a School Section Library, Maps, or Prizes; Books, &c., will be forwarded to them upon the same terms as if they collected the local fund by assessment. The law does not require that the amount collected from local sources shall be by assessment. It may be collected by voluntary subscription as well; only the library in each case must be under the management of the Trustees according to the School Library Regulations. Catalogues and forms of application can be furnished by the Educational Department. To every form of application a proper Corporate Seal is indispensable. Engraved seals can be obtained at Toronto for \$2, should the Trustees not have them.

NO. 4. LAW AFFECTING SCHOOL TEACHERS, &c.

Employment of Teacher.—Any two Trustees, on giving their colleague notice of a Trustees' meeting for the purpose, have authority to employ a Teacher, and do all corporate acts, whether the third Trustee concurs or not. The only restriction is, that between the 1st of Oct. and the second Wednesday in Jan. two Trustees cannot make an agreement with a Teacher that will be binding upon their successors, unless both of the Trustees making the agreement remain in office after the second Wednesday in January: but any two of the Trustees can employ a Teacher until the end of the year, or until the second Wednesday in January; and if the Trustee then elected should agree with them, the same Teacher can be continued, under a new agreement.

Certificate for each Teacher necessary.—The assistant, as well as head teacher of a common school, must have a legal certificate of qualification, in order to be recognized as a teacher, and to be allowed any part of the school fund.

Local Superintendent's Certificate.—The law which authorizes a Local Superintendent to give a temporary Certificate of Qualification to a Teacher, expressly forbids him giving a second certificate to the same Teacher. The law makes no exception.

Rate for unqualified Teacher illegal.—The Court of Queen's Bench, has decided that the law does not permit the Trustees to levy and collect rates to pay a Teacher not legally qualified, nor the section to share in the Legislative Grant during the time it is taught by a Teacher, not legally qualified; but the Trustees may give an order upon the Local Superintendent, and the Local Superintendent may give a cheque to a Teacher for money due the section in question, provided the teacher at the time of receiving such order and cheque has a legal certificate of qualification.

Prescribed holidays.—A teacher has no right to any holidays except those provided in the regulations authorized by law, and at the times therein specified;* and if he does not take his lawful holidays and vacations, at the appointed time, he has no right to take them at all.

The trustees cannot lawfully count the attendance of pupils at a school for the time it is kept open during the prescribed holidays.

* The regulations prescribe, that every alternate Saturday shall be a holiday in each school, and that there shall be three vacations during each year; the first, eight days, at Easter; the second, the first two weeks in August; the third, eight days, at Christmas.