

ants or Roman Catholics who are not satisfied with the equal protection secured to them by law in mixed schools, but wish to have a school subservient to sectional religious purposes, they should, of course, contribute in proportion, and not tax a whole community for the support of sectarian interests.

6. The *twentieth* section of the Act provides, under certain circumstances, for the incorporation of all the Schools in a Township under one Board of Trustees, like all the Schools in Cities and Towns. This would supersede the necessity of the School-Section divisions of a Township, and establish one interest and one management for all the schools in such Township. In the State of Massachusetts, this option is given, as the inhabitants of each town (called township with us) can have each school managed by an elective committee of three (analogous to our Trustees), or all the schools managed by Select Men (a Board of Trustees) for the whole town. The Hon. HORACE MANN states that schools managed according to the latter method, are generally more efficient than those managed by separate committees. But the towns there are smaller in geographical extent than our townships. I am not prepared formally to recommend Township Boards of Trustees; but I think it is well for the inhabitants of each Township to have the power of adopting it, if they desire to do so.

7. before concluding, I desire to advert to the relief which the provisions of this Act afford Municipal Councils in the settlement of school-section disputes. Heretofore, a very considerable portion of the time of some Municipal Councils has been occupied in the investigation and discussion of such disputes, at a heavy expense to the Municipalities, and often to the satisfaction of no party. Besides, it was hardly fair to make an elective Council a *judicial* tribunal for the impartial trial of matters, affecting, in a considerable proportion of cases, one or more individual Councillors themselves, or one or more individual constituents, by whom one or more Councillor-judges had been opposed or supported at municipal elections, or whose anticipated support or opposition at future elections might place Councillors in a position equally painful in the investigation of such matters. It is a grave question of civil polity, whether *popularly elective* bodies should be invested with *judicial* functions. The judicial decisions of such bodies have generally been most severely criticized, and have exposed their authors to more odium than have any other judges been liable to for their decisions. The judicial decisions of the highest elective body in the land—the Legislative Assembly—have been questioned even in the smallest matters,—such as a decision on the conduct of a newspaper reporter towards one of its own members. I have always, therefore, considered it impolitic and unjust to Councillors to impose upon them the task of investigating and deciding upon personal matters of dispute between their constituents, or in which they themselves might be considered as interested parties. The new Act is free from this objection. It will be seen by referring to the *eleventh* section, to the 18th clause of the *twelfth* section, and to the *seventeenth* section, that the new Act provides for the settlement of nearly all probable school-section disputes by a simple unexpensive system of local arbitration, (without appeal to the Chief Superintendent, or to any other tribunal)—a mode of settling disputes which I hope will soon become general throughout the province.

8. I hope to have it in my power, in the course of a few months, to present each Township Council in Upper Canada with a copy of a valuable work on *School Architecture*—containing a great variety of plans of school-houses and premises, specifications, and every information necessary to aid in the erection and furnishing of school-houses, and providing every description of school-apparatus. I trust that each Township Council will do honour to its important position in this great work of the country's education, and by the united and individual example of its members, speedily succeed in rendering a good school accessible to every child in the Municipality. I believe the present School Act furnishes greater facilities than any preceding one for the accomplishment of this object; a party, a selfish, a slothful spirit alone can defeat it.

I have the honor to be, Sir,

Your Obedient Servant,

E. RYERSON.

[CIRCULAR.]

[OFFICIAL.]

To each local Superintendent of Common Schools in Upper Canada on their duties under the new Common School Act.

EDUCATION OFFICE,
Toronto, 12th August, 1850.

SIR,—With this Circular you will receive a copy of the new School Act for Upper Canada, 13th and 14th Vic., ch. 48, and of the Forms and Instructions necessary for its due execution.

The duties which this Act imposes upon local Superintendents are of the gravest importance; and it is on the nature of these duties and the manner of discharging them, that I desire to address you on this occasion.

The new Act relieves each local Superintendent from being a Treasurer of school moneys, from keeping financial accounts, and from giving bonds with sureties to the Municipal Council appointing him. The County Treasurer is the responsible officer for the safe keeping and prompt payment of the County School Fund, upon the orders of local Superintendents. Whatever balances of School moneys may chance to be in your hands, should be forthwith handed over to your County Treasurer—you taking his receipt for the same.

1. The duties of each local Superintendent are clearly pointed out in the several clauses of the *thirty-first* section of the Act. The first duty mentioned is, to apportion the School money notified to him by the County Clerk, to the several School Sections within the limits of his charge. This he is to do according to the average attendance of pupils in each School, unless otherwise instructed by the Chief Superintendent of Schools. The local distribution of the School Fund among the several schools according to average attendance (the mean attendance of pupils for both winter and summer being taken) is an important provision of the law, and based upon reasons which will be found in a note;* but it should not be adopted without previous and full notice to all parties concerned. It is not, therefore, to be adopted the present year. You will this year apportion the School money to the several sections within the limits of your charge entitled to receive it, (as in former years) according to the ratio of children over five and under sixteen years of age in such sections respectively, as compared with the whole number of children of the same ages in the

* This provision of the new Act was first submitted by me to the consideration of the Governor-General in Council the 14th October, 1848, in transmitting the draft of a short bill designed to remedy some of the defects of the School law of 1846. The reasons assigned for the introduction of this new principle into the law relative to the apportionment of School moneys, were as follows:—

“The *Twelfth* Section proposes giving a discretionary power for the distribution of the School Fund in each District to the several Schools, according to *attendance*, instead of according to School population. The Bathurst District Council has strongly advocated *attendance* as the basis of distributing the District School Fund. As population has been invariably adopted in all the popular School Laws with which I have met, as the basis of distributing the local School Fund of each County or Town, as well as the State or National Fund to the several Municipal localities, I hesitated in proposing any other until within a few months since, when I received the last Annual Report of the Massachusetts Board of Education, in which I find this distribution of the School Fund recommended to the Legislature with a force of argument which, I think, cannot be resisted. I find experienced persons whom I have consulted of the same opinion. I find on examination, that in many large School Sections, the attendance of pupils is often not larger than in small ones. Distributing the School Fund according to *attendance* will therefore be favourable to small Sections. I find also that the attendance of pupils in new and poor rural Sections and Townships is larger in proportion to the whole School population, than in older Townships and Cities or Towns. The adoption of the proposed principle of distribution, will therefore be favourable to the newer and poorest sections of the country. This is the result of a most extended inquiry into the statistics of School *attendance* as compared with School *population* in the State of Massachusetts; and the Secretary of the State Board of Education concludes his argument on this point with the following impressive remarks:—

“It is most obvious, then, that an apportionment of the income of the School Fund, according to the average attendance of children upon the School—taking the mean of attendance for both summer and winter schools—would conduce greatly to the benefit of the smaller, the more agricultural, and the more sparsely populated Towns. It would distribute the bounty of the State on the principle of helping those who help themselves. It would confer the benefit of the income on the children who attend the public Schools, instead of bestowing it in behalf of children who attend Academies and private Schools, and never enter public Schools at all; and thus it would give a practical answer to the pertinent question why money should be given to those who disdain to use it. And, lastly, it would be a new argument of great weight in many minds in favour of a more uniform attendance upon School; because, the detention from School of any child who ought to be in it, would diminish the Town's share of the income, and thus inflict palpable injustice, not only on the absentee, but on all other children in the Town.”

In the last Annual School Report of the Superintendent of Schools for the State of New-York, laid before the Legislature a few months since, I find the same provision recommended to the favourable consideration of the Legislature of that State, in the following words:—

“It is respectfully suggested to the Legislature, whether the ratio of apportionment and of distribution of the school money, might not advantageously be so changed as to have reference to the attendance of pupils upon the district schools, for a certain specified period during the preceding year, instead of being upon either population, or the number of children actually residing in the district. By the adoption of this mode of distribution, strong inducements would be presented to the taxable inhabitants of the several districts, to place their children in the common schools, and to keep them there, for a sufficient length of time to secure an additional share of the public money.”