

RECENT ENGLISH DECISIONS—SCHOOL TEACHERS AND PUPILS

discovered by the defendant, they applied to the bank for the share certificates, on the ground that they wished to send them in for registration, and the officers of the bank re-delivered the certificates, supposing that Thomas & Co. were going to get themselves registered as transferees. Thomas & Co., however, filled in the defendant's name as transferee, and sent the shares in for registration in his name, and received from the company a receipt for the certificates which they handed to the plaintiffs. One of the firm of Thomas & Co, who had been guilty of the fraud, subsequently absconded, and the bank then sent to the railway company's office the receipt for the old certificates and demanded the new ones, which the company assumed they were entitled to as holders of the receipt, and the new certificates were accordingly handed to them.

The suit was brought to have it declared that notwithstanding the shares stood in the defendant's name, the plaintiffs were entitled thereto, and to compel the defendant to execute a transfer thereof. The defendant counter-claimed, praying that the plaintiffs should be ordered to deliver the shares to him. Chitty, J., held that the case did not fall within the principle of estoppel laid down in *Goodwin v. Roberts*, 1 App. Cas. 476, and that the defendant was the legal owner of the shares and entitled to have the new certificates delivered to him. The right principle to adopt with reference to shares of this kind with transfers in blank, he considered to be this, that when the transfers are duly signed by the registered holders of the shares, each prior holder confers upon the *bona fide* holder for value of the certificates, for the time being, an authority to fill in the name of the transferee, and is estopped from denying such authority, and to the extent, and in this manner, but not further, is estopped from denying the title of such holder for the time being. But he goes on to observe that by the delivery only an inchoate right passes, and that the title by unregistered transfer is not equivalent to a legal estate in the shares or a complete dominion over them. The plaintiffs, he considered, never had the complete legal title, and their inchoate title was defeated by the defendant acquiring *bona fide* for value by the registration of the shares in his name a complete legal title thereto.

SELECTIONS.

SCHOOL TEACHER—RIGHTS AND LIABILITIES IN RELATION TO HIS PUPIL.

1. Relation of Teacher and Pupil.
2. Power to Inflict Corporal Punishment.
 - (a) How exercised.
 - (b) What Teacher should take into consideration
 - (c) When being illegal as being excessive.
 - (d) What will constitute excessive punishment.
 - (e) Not affected because the pupil is of age.
 - (f) Can punish even if forbidden by the parent.
3. Jurisdiction.
 - (a) Extent of as to time and place.
 - (b) Teacher cannot punish child for refusing to study, when excused by the parent.
4. Power of expulsion
5. Liability for failure to instruct.
6. What are reasonable rules?

The number of decisions upon the rights and liabilities of a teacher in relation to his pupil are not as numerous as the great number of persons interested and affected would warrant one in believing. For almost every one in the civilized world has at one time in his life been either a teacher or a pupil.

These controversies, relating as they do to the control, management and correction of pupils are apt to have their origin in wounded parental feeling and are frequently prosecuted with much bitterness. "It is a cause of congratulation" says Judge Lyon, "that so few of these controversies appear in the court."¹

1. The earlier authorities as well as some of the modern ones seem to place the authority of the teacher over the pupil while it exists upon the same footing as that of a parent over his child.² But this seems to be too broad, and even as far back as Blackstone we are taught "that the teacher has such portion of the power of the parent committed to his charge, viz.: that of restraint and correction, as may be necessary to answer the purposes for which he was employed."³

¹State v. Burton, S. C. Wis., 1879.

²Brac. Abtr. tit. assault and battery, c; 1 Bish. Crim. Law, § 771.

³1 Black. Com. 453.