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# JOURNAL OF EDUCATION,

Upper Canada.



VOL. XII.

TORONTO: DECEMBER, 1859.

No. 12.

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*Proceedings of the annual School Section meetings\**—At every annual school section meeting it shall be the duty of the freeholders or householders of such section present at such meeting, or a majority of them,—*Firstly*. To elect a Chairman and Secretary. *Secondly*. To receive and decide upon the report of the Trustees.† *Thirdly*. To elect one or more persons as Trustee, or Trustees,‡ to fill up the vacancy or vacancies in the Trustee Corporation, according to law; Provided always, that no Teacher or Local Superintendent shall hold the office of School Trustee.¶ *Fourthly*. To decide upon the manner [as defined below§], in which the salary of the Teacher or Teachers, and all the expenses connected with the operations of the School or Schools shall be provided for during the year.

*Election of Chairman.*—The electors present at a school section meeting have the right to elect whom they please as Chairman, whether such Chairman be a freeholder or householder or not. None but householders and freeholders have a right to vote at

\* Trustees are not required to state the ordinary business of an annual meeting in their notices, as the law expressly specifies it; but if the trustees have other business to bring forward, they must distinctly state it in their notice, otherwise it cannot be lawfully considered at the meeting. A special school meeting can, however, be called at any time.

† The Trustees are required to present their yearly school accounts to the Annual meeting for audit. For neglect of this duty they are personally responsible. Should no exception be taken to the accounts they must be held to be correct. The meeting should see that the vouchers agree with the sums reported to have been paid by the Trustees on behalf of the Section. If not satisfactory, arbitration should be resorted to.

‡ Local Superintendents are authorized to investigate School Election complaints within twenty days after the Election.

¶ Supporters of separate schools are ineligible as Trustees of public common schools.

§ It belongs to the office of Trustees to estimate and determine the amount of the Teacher's salary and all expenses connected with the school; but it appertains to the majority of the Freeholders and Householders of each School Section, at a public meeting called for the purpose, to decide as to the manner in which such expenses shall be provided for, whether (1) by voluntary subscription; (2) rate bill, in advance, of twenty-five cents (or less) per month on children attending the school; or (3) rate on property. But the Trustees alone determine the amount required for the support of the school, which they are required to keep open at least six months of the year, and they are authorized to provide the balance in such manner as they may think proper. They are also authorized to provide for deficiencies, by a rate upon the property of the section, should the vote of the annual meeting not cover all expenses; or for all the expenses of the school, (over and above the checks of the Local Superintendent) should the annual meeting omit or refuse to decide as above. But for all the money received and expended by them, the Trustees must account annually to their constituents.

OFFICIAL REPLIES OF THE CHIEF SUPERINTENDENT OF EDUCATION, TO LOCAL SCHOOL AUTHORITIES IN UPPER CANADA.

In continuation of the Chief Superintendent's Official Replies to letters of local School authorities, involving questions and proceedings under the School Law, published in former numbers of the *Journal of Education*, we insert the following, which have been selected from hundreds of answers which have been sent out from the Department.\*

NO. 1. ELECTION OF COMMON SCHOOL TRUSTEES.

*The law relating to Annual School Meetings.*—The law provides, that the annual meetings for the election of School Trustees shall be held in all the Cities, Towns, Villages, and Townships of Upper Canada, on the second Wednesday in January in each year, commencing at the hour of Ten of the clock in the forenoon.

*Time of School Meeting.*—The law prescribes the time of an annual school meeting, and if it be held at that time it is lawful, though no notice whatever of it was given; but the Trustees are liable to a fine if no such meeting be held for want of notice. Of all special school meetings, six days notice must be given in three public places of the School Section.

\* Parties in correspondence with the Educational Department will please quote the number and date of any previous letters to which they may have occasion to refer, as it is extremely difficult for the Department to keep trace of isolated cases, where so many letters are received (nearly 700 per month) on various subjects.

a school meeting (except the Chairman in giving a casting vote), but they can elect whom they please to preside at their annual meeting.

**Challenging Voters at School Meetings.**—If any person offering to vote at an annual or other school meeting, shall be challenged as unqualified, by any legal voter in such section, the Chairman presiding at such meeting shall require the person so offering, to make a declaration.\* In the *Revised Statutes*, which have been proclaimed, and which came into force on the 5th of December, the Commissioners for Consolidating the Statutes recommend that this declaration read as follows:

"I do declare and affirm that I have been rated on the assessment roll of this Section as a freeholder or householder [as the case may be], and that I have paid a public school-tax within the last twelve months, and that I am legally qualified to vote."

The vote of any person refusing to make this declaration shall be rejected; but any person convicted of making a false declaration of his right to vote, is liable to fine and imprisonment for misdemeanour; and should any illegal votes be allowed by a chairman of a school meeting, a complaint can be made to the Local Superintendent within twenty days, and he can set aside the election, as empowered by law.

**Right of Trustees and Teachers to Vote.**—Trustees and Teachers, if freeholders or householders in School Sections, have the same right to vote at the annual or any other school meeting as have any other freeholders or householders in their section. A person's being a Trustee or Teacher does not deprive him, if a rate-payer, of his rights as a freeholder or householder, any more than it deprives him of his elective franchise.

**Annual election of one School Trustee.**—In all School Sections (except in Cities, Towns, and Incorporated Villages, and new School Sections,) one Trustee shall be elected to office at each annual school meeting, in place of the one who shall have been three years in office. The same individual, if willing, may be re-elected, but no School Trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

**Penalty for refusing to serve as Trustee.**—If any person chosen as Trustee, shall refuse to serve, he shall forfeit the sum of five dollars; and every person so chosen, and not having refused to accept, who shall at any time refuse or neglect to perform the duties of his office, shall forfeit the sum of twenty dollars; which sum or sums may be sued for and recovered by the Trustees of the school section, for its use, before any Justice of the Peace; but any person chosen as Trustee may resign with the consent of his colleagues in office and of the Local Superintendent, expressed in writing.

**Choice of Trustees.**—The householders and freeholders in a School Section can elect whom they please as Trustee, whether he be a householder or freeholder in the section or not; and any person thus elected has a right to act as Trustee, whether he be an elector himself or not.

**Legality of Trustees' Election.**—The legality of the proceedings of an annual school meeting cannot be called in question if deferred until twenty days after their occurrence, any more than the election of a Member of Parliament can be called in question unless the protest be made within the period authorized by law.

**Investigation by a Magistrate.**—A Magistrate has no right to dismiss a Trustee from office, or decide whether a Trustee is lawfully elected or not. The law directs a Local Superintendent, but not a Magistrate, to investigate such matters. The fining of a Trustee does not in the least degree disqualify him for office, or lessen his obligations or powers.

**Reconsideration of Proceedings.**—The Trustees can call a special meeting to reconsider the proceedings of the annual meeting, as to the mode of providing for the support of the School. Should a rate-bill be adopted, and only a few

children attend the School, the Trustees can levy and collect from the assessed property of the section, all that is necessary to pay the salary of the Teacher and the expenses of the School, over and above the small amount of the rate-bill.

## NO. 2. RIGHTS AND DUTIES OF RURAL TRUSTEES.\*

**Non-Resident Trustees.**—A Trustee who may have removed a mile or two out of the limits of the School Section, is as much a Trustee as he ever was, and has a right to exercise all the powers of a Trustee until his successor is elected; and it is at the discretion of the other two Trustees whether or not they will call a meeting for the election of a Trustee in his place, or whether they will leave him to act until his legal period of office expires. The provision of the law enables the two remaining Trustees to call a special meeting for the election of a Trustee in place of one who has removed; but it does not require them to do so; and in very few cases is the vacancy filled up before the annual meeting. School electors can, at their discretion, elect a non-resident as a Trustee, if they please.

**Power of Trustees to erect School Houses.**—In regard to the erection of a school house, and everything appertaining to it, the power is vested in the elected Trustees, the same as the power of making laws is vested in the Legislature; and not in any public meeting in the one case any more than in the other. The Trustees may call a public meeting to consult on the subject, but the legal decision is with the Trustees. The only power of a public meeting in such a case is to decide upon the manner in which the sums requisite to purchase a school site, or pay for a school house, or support the school, shall be provided; but the amount required in all cases, the kind of school house to be erected, or kind of teacher to be employed, is with the Trustees; and if a public meeting does not provide for all the sums required, the Trustees can provide the balance by rate on the property of their section.

**Obligations of Trustees in regard to keeping open a School.**—Unless a school be kept open six months of the year it is not entitled to share in the School Fund at all; but if the Trustees close it six months of the year, they forfeit and lose to the School Section one half the amount of the School Fund, which they would receive did they keep the school open the whole year, and they are personally liable to pay to the School Section (on the complaint of any resident in it) the amount they thus forfeit and lose by their neglect. The very object of the law on this subject is to compel reluctant Trustees to provide a school all the year round, for the youth of the section in which they have been elected School Trustee guardians of such youth.

**Rights of Trustees as between themselves.**—The law knows no difference between the Senior and Junior Trustees of a School Section. All the Trustees of a School Corporation ought to be notified of each corporate meeting; but any agreement made, or meeting called under the signature of a majority of the Trustees, and attested by the corporate seal, is legal and binding.

**Official Acts of a Trustee de facto.**—If a person is returned as elected Trustee, and his election is afterwards set aside, his acts before the decision on his case, were as lawful acts as if his election had been confirmed instead of having been annulled. Thus a person may be elected member of Parliament, and his election may be protested against, and, after investigation, set aside, yet until his election is set aside, he has a right to vote in the Legislature, and the acts passed by his vote are lawful.

**Appointment and change of Secretary-Treasurer.**—The Trustees can change and appoint a Trustee Secretary-Treasurer as often as they please; and if one who has been a Treasurer refuses to give up any papers, money, &c., which came into his hands as such, the other two Trustees can proceed against him as directed by law.

**Using the School House for Public Meetings, &c.**—If there be a provision in the deed of a site on which the school house is built, requiring the Trustees to open it for all kinds of public or

\* Supporters of separate schools have no votes at public common school elections.

\* For Rights of Trustees in Cities, Towns, and Villages, see No. 7, page 180.

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.

*Arbitration between Trustees and Teachers.*—The law provides that in case of any difference arising, between Trustees and Common School Teachers, under the operations of the School laws, such difference shall be settled by arbitration; but the law does not provide for, or authorize an appeal from the decision of the arbitrators on matters of difference between the Teacher and his Trustees.

*General powers of Arbitrators.*—The Arbitrators are the judges of their own modes of proceeding, as also of the matters submitted to them, and have ample powers by the 15th section of the Supplementary School Act to enforce their decisions.

The 17th section of the School Act of 1850, authorizes either the Trustees or Teacher to demand or notify an arbitration, as to matters of difference between them; but the law does not prescribe the manner in which notice of the time and place of an arbitration, shall be given, therefore, any manner in which the majority of the Trustees and the Teacher are duly informed of it, (and of which the arbitrators are the judges,) is sufficient notice to meet the requirements and intentions of the law.

*Sale by order of Arbitrators.*—The Arbitrators have power to sell the goods and chattels of the individual Trustees, in case of their refusing to exercise their corporate powers, to fulfil their obligations; but this refusal should be clearly proved. Two things, however, are important, in case the Trustees should adopt ulterior legal proceedings: the one is, that the agreement between them and the Teacher must have been in writing, sealed with the corporate seal, as required by law; the other is, that the Teacher should have been of age.

The property of the section—that is, the goods and chattels—is first liable, but not the landed estate of the section, as lands cannot be sold for debt, under twelve months after the return of no goods; and I believe lands cannot be sold at all, under an award of arbitration, except by order of a competent court.

#### NO. 5. THE ILLEGALITY OF USING UNAUTHORIZED SCHOOL BOOKS.

*Summary of the Law.*—A summary of the provisions of the Upper Canada School Law of 1850, on this subject, is as follows:

Sec. 14. Enacts that *no foreign books in the English branches of education* shall be used in any Model or Common School, without the *express permission* of the Council of Public Instruction.

Sec. 23, sub-sec. 10. Requires Trustees in towns, &c., to see that all pupils in the Schools are duly supplied with a uniform series of *authorized* text-books.

Sec. 29, sub-sec. 3. County Boards of Public Instruction are to select, from a list of text-books recommended as *authorized* by the Council of Public Instruction, such books as they shall think best adapted for use in the Common Schools of the county.

Sec. 31, sub-sec. 5. Provides that it shall be the duty of each Local Superintendent of Schools to prevent the use of *unauthorized*, and to recommend the use of authorized books in each School.

Sec. 35, sub-sec. 9. Empowers the Chief Superintendent of Education to submit all books and manuscripts that may be placed in his hands to the Council of Public Instruction, in order to obtain its sanction, before they can be introduced as text-books.

Sec. 38, sub-sec. 5. Provides that the Council of Public Instruction shall examine, recommend, or disapprove of text-books for the use of Schools; and further, that no portion of the Legislative School Grant shall be employed in aid of any School in which any book is used that has been disapproved of by the Council.

*Unauthorized Books.—Penalty.*—If Teachers employ text-books not authorized to be used in the Schools, such Schools are not entitled to the School Fund apportioned to them, as they are not conducted according to law; nor can any foreign book be used in a School, without such School forfeiting its right to share in the School Fund. The great evil in the country

Schools in the State of New York is the multiplication of text-books, according to the fancy of each Teacher, or his agreement with some bookseller,—parents being called upon to buy new books as often as they get new Teachers,—an evil which we have studiously guarded against in Upper Canada.

*American Geographies.*—The Council has permitted the use of Morse's American Geography until one expressly prepared for Canada, after the same plan, could be provided. I have every reason to believe that as soon as such a one is published (which will be early next spring, as the maps, &c., are now far advanced), the sanction by the Council of Public Instruction for the use of Morse's Geography will be withdrawn.

#### NO. 6. ALTERATIONS IN THE BOUNDARIES OF SCHOOL SECTIONS.

*Alteration of School Sections.*—Township Councils have no authority to pass a by-law to unite any part of their Township with a School Section in a neighbouring Township. Union School Sections, consisting of portions of two or more Townships, can only be formed and altered by the Reeves and Local Superintendents of such Townships. Should a Township Council pass a by-law to annex a part of any section within its jurisdiction to another School Section beyond its jurisdiction, such by-law would be of no more effect and be no more obligatory on any one, than if it were passed to annex one Township to another. But a Township council can alter School Sections within its own jurisdiction, at its own discretion. It has, however, no authority to unite two or more sections into one, without the consent of each school section concerned; yet it has authority to *divide* and form new sections at its discretion, as this comes under the head of altering the boundaries of School Sections. It may also detach that part of a union section in its own township from the union, and annex it to another section within its jurisdiction.

The Township Council can make such alterations in the boundaries of School Sections (not being unions) as it thinks expedient, and is itself the judge (as the Court of Queen's Bench has decided) of the notices necessary to be given of such alterations; but no by-laws making such alterations can take effect before the 25th December after the passing of them.

#### NO. 7. POWERS OF TRUSTEES IN CITIES, TOWNS, AND VILLAGES.

The exclusive power of selecting and purchasing school sites, erecting school houses, and doing everything which may be judged necessary for the interests of schools in cities, towns, and incorporated villages, is invested in the Board of School Trustees, who are the people's elected representatives for all school purposes. In School Sections in Townships, a public meeting has to be called for the selection of a school site, and for determining the *manner* of providing for all expenses; but these provisions of the law do not apply to cities, towns, and incorporated villages, the Boards of School Trustees of which determine the school sites as well as the mode and means of providing for the expenses of the school. They are required to publish the School accounts of all moneys received and expended by them once a year, besides otherwise preparing annual reports of their schools; but they are not required to call meetings in reference to school sites and the modes of supporting their school, as in School Sections. On the contrary, it is the *Board of Trustees* which is "to determine the *number, sites, kind and description* of schools," and everything connected with their purchase, establishment and support.

The Board of School Trustees may include in its estimates laid before the Council of its Municipality the cost of sites, school houses, teachers' salaries, &c.; and the Council is required to provide these sums in such manner as shall be desired by Boards of School Trustees. Two or three Town Councils and one or two Village Councils have refused in past years to provide the sums as estimated and requested by their Boards of School Trustees, but they have in every case of resistance been compelled to do so, by the decision of the Court of Queen's Bench. The Municipal Council has no discretion in school matters.

The agency of the Council is used to levy and collect school rates from considerations of convenience and economy, as the Council has already in existence and operation all the apparatus of rolls, collectors, &c., necessary for the purpose.

*New Village Boards of Trustees.*—The incorporation of a village supersedes, of course, the school sections included within the limits of the Corporation, and renders necessary the election of a separate Board of School Trustees for the Village, the new board succeeding to all the rights and obligations of the old Trustees.

*Towns and Villages cannot be divided into School Sections.*—The Board of School Trustees may establish schools for particular parts or wards of its town or village, and appoint a committee of three, to the special charge of each such school; but a city, or town, or village, cannot be so divided into *School sections*, as to render each a corporation with its own Trustees.

## II. RECENT JUDGMENTS OF THE SUPERIOR COURTS.

(Continued from the Journal of Education for April, 1849, page 49.)

IN THE COURT OF CHANCERY.

(Reported for the Upper Canada Law Journal, by Thomas Hodgins, Esq. LL.B., Barrister-at-Law.)

*School property—Mistake—Volunteers—Municipal Council—Preparation of Deed—School Trustees v. Farrell.*

A school site had been granted to certain parties, in 1831, and a school-house erected thereon; but, by mistake, the wrong site was conveyed. The grantor subsequently made a mortgage on his estate, but exempted the portion reserved for a school site. He died shortly afterwards, leaving his son and heir-at-law, a minor. The defendant, during the minority of the heir, obtained a lease of the premises, excepting the site in question; but, on the coming of age of the heir, obtained a deed from the said heir, without any reservation of the school site. About the same time, or a little before, he also obtained an assignment of the mortgage, so as to perfect his title. He then claimed the land on which the school-house was erected, on the ground that, in consequence of the mistake, no title was vested in the trustees:—whereupon the trustees of the school section filed a bill against him, and it was

*Held*, that he had express notice of the trustees' title; and that even if the trustees were volunteers as to this piece of land, the defendant was also a volunteer; and being prior to him, they had a right to the aid of equity to have his title to said piece of land cancelled, or a conveyance thereof from said defendant.

*Held also*, that the Township Council was a necessary party to the suit.

*Held further*, that it was the duty of the defendant to prepare the proper deeds of the lot, so as to have the mistake rectified.

The following is a summary of the statutes relating to common school property:

1816.—56 Geo. III. cap. 36, provided (sec. 2), that it should be lawful for the inhabitants of any town, township, village or place, to meet together annually before the 1st June in each year, for the purpose of making arrangements for common schools therein; and (sec. 3) that so soon as they should build or provide a suitable school-house, furnish twenty scholars, and in part provide for the payment of a teacher, then it should be lawful for such inhabitants to elect three trustees to said common school, who should have power to employ the teacher therefor. This act made no provision for the trustees' holding school property, or for their incorporation or succession. It was continued by the acts 60 Geo. III. or 1 Geo. IV.) cap. 7, and 4 Geo. IV. cap. 8 (1824.)

1841.—4 and 5 Vic. cap. 18, repealed the foregoing, and provided (sec. 7, clause 1) for the election of common school commissioners in each township, who should, whenever funds were provided by the council, acquire a site for a common school-house in each school district where no such school-house existed; and also provided (sec. 9) that the common school-houses in each township now acquired, or hereafter to be acquired under this act, with the ground whereon they are situate, &c., should henceforward vest in and be held and possessed by the common school commissioners of the township and their successors in office forever as trustees for the purposes of the act.

1843.—7 Vic. cap. 23, repealed the preceding act, so far as it related to Upper Canada; abolished township school commissioners, and provided (sec. 43) for the annual election of three trustees for each school, and empowered them (sec. 44, clause 1) to have the custody and safe-keeping of the common school-house of their school district or section. This act further required (sec. 49) that

any school-house to be thereafter erected, should be upon ground owned or to be acquired by the township, town or city for that purpose.

1846.—9 Vic. cap. 20, repealed the preceding act, except such portions of it as repealed former acts; and provided (sec. 10, proviso, and sec. 26) that the title to any common school-house, and the land and premises appurtenant thereto, now vested in trustees or other persons to and for the use of any common school, or hereafter to be purchased, acquired and conveyed for such use, shall be vested in the municipal council of the district (county) in which such school-houses and lands are situate, in trust for the use of such school, respectively; and expressly declared (sec. 25) that the trustee corporation should not at any time hold real property. But, notwithstanding this restriction, the trustees are authorized to take possession of all common school property, which may have been acquired or given for common school purposes in such section, and to hold personal property, &c.

1847.—10 and 11 Vic. cap. 19, relating to cities and towns, vested (sec. 4) all lands, houses and tenements acquired for common school purposes therein, in the corporation of the city or town, but authorized (sec. 5, clause 1) the boards of trustees to take possession of all such property so vested in said corporations.

1849.—12 Vic. cap. 83, repealed the two last preceding acts, continued the restriction (sec. 28) that the trustees should not at any time hold real property, and continued the authority to such trustees (sec. 30, clause 2) to take possession of all property acquired for common school purposes in their section. This act also provided (sec. 42) that all lands, houses, tenements, and property of every description heretofore acquired for common school purposes, and vested in the district council, or in the hands of trustees in any township, town or city, should be vested in the municipal council of the township, town or city; and also that all such property to be hereafter acquired for common school purposes, should be so vested in such councils in trust for the sections to which they shall respectively belong.

1849.—12 Vic. cap. 81.—The Municipal Act (sec. 31, clause 3) authorizes the municipality of each township, village, town and city, to pass by-laws for the purchase and acquirement of such real property as may be required for common school purposes.

1850.—13 and 14 Vic. cap. 48.—The school act now in force, repeals 7 Vic. cap. 29, and 12 Vic. cap. 83, and repeats the provisions of two former acts in regard to common school property. Trustees are authorized (sec. 12, clause 3) "to take possession" (as in 9 Vic. cap. 20, sec. 27, cl. 3; 12 Vic. cap. 83, sec. 30, cl. 2) and "have the custody and safe-keeping" (as in 7 Vic. cap. 29, sec. 44, cl. 1) of all common school property which may have been acquired or given for common school purposes; and to acquire and hold as a corporation, by any title whatsoever, any "land" (the power given to councils by 9 Vic. cap. 20, and 12 Vic. cap. 83,) moveable property, moneys or income (the power given to trustees by 9 Vic. cap. 20, and 12 Vic. cap. 83), for common school purposes, &c., and to apply the same according to the terms of acquiring or receiving them.

1853.—16 Vic. cap. 185, prescribes (sec. 6) how trustees shall acquire new school sites, or change old sites.

The case came on for argument in June 1855, and judgment was given in December of the same year.

ESTEN, V. C., delivered the judgment of the court.

After the judgment, the defendant Farrell, through his solicitors, intimated to the plaintiffs' solicitors that he was willing to accept the judgment of the court, and to execute conveyances to rectify the mistake, but insisted that the plaintiffs should prepare both deeds. The plaintiffs declined, as the defendant Farrell had been in the wrong by compelling them to come to court, but offered to prepare one of the deeds. The offer was refused, and the Township Municipality refusing to join as co-plaintiffs, as directed by the court, they were added as defendants: and on the bill being taken *pro confesso* against them, the cause was again set down for a hearing.

T. Hodgins, for the Plaintiffs, contended that Farrell was the proper party to prepare the deeds. He had full notice of the plaintiffs' claim, and by his own wrong obtained a deed of land which neither he nor his grantor had any estate in. The plaintiffs had so far shown a willingness to settle that they prepared a draft deed, and submitted it to the defendant, but he refused to do his part. If it was to be held that both parties should have prepared deeds, then, according to *Jones v. Barclay* (2 Doug. 684,) where there are mutual conditions to be performed at the same time, and one shows that he is ready to do his part, but the other stops him by an intention not to perform his part, it is not necessary for the first to go further and do a negatory act. That was a case similar to the present. Besides, the rule which governs in the preparation of deeds in specific performance may apply here. He referred to 9

Bythewood's Conveyancing, 518 (note); *Glazeburn v. Woodrow*, 8 T. R. 366; *Laird v. Pim*, 7 M. and W. 482.

*Morphy*, for defendant, Callaghan.—His client had submitted to act as the court should direct, and must be held entitled to his costs. It was clearly the duty of the defendant Farrell, who had been condemned in costs by this court, to tender such a conveyance as would show that he had submitted to the judgment which had been pronounced.

*Roaf*, for defendant Farrell, contended that the plaintiffs had never tendered a proper deed to the defendant; that being trustees for him of the piece they held by mistake, it was their duty to have prepared all proper deeds to rectify that mistake, according to the rule laid down in *Rowell v. Hayden* (2 Grant 557,) which was, that where a trustee is required by his *cestui que trust* to convey to the latter the trust lands, where such a conveyance is proper, it is the duty of the *cestui que trust* to solve all reasonable doubts suggested by the trustee as to the course he is desired to pursue; and the *cestui que trust* must also pay all costs, charges and expenses properly incurred in relation to the trust.

*Hodgins*, in reply.—The rule in *Rowell v. Hayden* does not strictly apply; if anything, it applies to both parties, as it might be considered there was here a double trusteeship.

ESTEN, V. C.—It must be supposed that the court thought Farrell in fault, by condemning him in costs, and that he ought to have rectified it. I see nothing to exonerate him from preparing the deeds. He should have prepared a description of the property he intended to convey to rectify the mistake, and let his solicitor draft a proper conveyance of what he wished the plaintiffs to convey to him; and if the parties disagreed, it should be referred to the Master to settle. The plaintiffs are entitled to a decree, as asked for. The defendant Callaghan, and the Municipality of the township, and all proper parties, should join in the conveyance. Callaghan is entitled to his costs, to be paid by the plaintiffs, who may have them over against Farrell.

IN THE COURT OF COMMON PLEAS.

Reported for the Upper Canada Law Journal by E. C. JONES, Esq., Barrister-at Law.

*School Trustees—Arbitrators—Personal responsibility Ranney v. Maclen.*

Where an award is made against a trustee corporation by arbitrators under the arbitration clauses of the Common School Acts, the arbitrators have no power to declare the personal property of the trustees liable without first giving such trustees an opportunity to show cause against such personal responsibility.

*Quære*, Have such arbitrators power to determine the personal responsibility to trustees on their refusal to fulfil the award.

This was an action of replevin by the trustees of a school section in Dereham against the arbitrators and collector, under an award in favor of a teacher. The award was made by the arbitrators against the trustees in their corporate capacity, and, on their neglecting to pay at the time appointed, a warrant was issued against their personal property, whereupon they replevied. The facts of the case appear at length below.

R. A. Harrison for the plaintiff. D. G. Miller for the defendant.

DRAPER, C. J., delivered the judgment of the court.

Upon the pleadings before us on this demurrer, the plaintiff complains, in an action of replevin, that the defendants took his goods, and detained them, and unlawfully converted them to their own use.

The defendants justify the taking and detention by setting forth that the plaintiff and two other persons were school trustees; that they had employed one A. S. H. as teacher of their school, on certain specified terms; that they refused, after a short time to let him continue to be teacher, that a difference arose between the trustees and the teacher in regard to his salary, and the agreement with him, and the refusal to let him continue; which difference was referred, under the statutes, to three arbitrators, who awarded (24th April, 1858) that the teacher was then the teacher of the said school, and ought to be sustained; but the trustees wilfully neglected to perform their duties in that behalf, and refused and continued to refuse to pay the salary of the teacher, or to admit his claim thereto, until the year mentioned in the agreement had expired; and at the expiration of the year, the said differences continuing in regard to the salary of the teacher, and the sum due to him, the teacher demanded a reference, and named the defendant W. E. Nesbitt as one arbitrator; and the trustees refusing to name an arbitrator, the teacher named one Thomas Banbury as second arbitrator; which two arbitrators, with defendant Rodgers, who was local superintendent, on the 18th October, 1858, made their award, that there was justly due to the teacher from the trustees, according to agreement, \$273 95c.; and they awarded that the trustees should pay that sum to the teacher within three days after the publication of the award

and notice thereof in writing, with \$12 costs; that it thereupon became the duty of the trustees to exercise their corporate power for the payment of the teacher's salary, according to the award; yet the trustees, after three days' publication, &c., and notice thereof, and demand in writing, did wilfully neglect and refuse to exercise their said corporate powers, and to pay, &c., and thereby became personally responsible for the fulfilment of the contract, and for the payment of the sum in the award mentioned; and thereupon the arbitrators issued their warrant to the defendant Maclen to enforce the collection of the moneys in the award mentioned against the personal property of the plaintiff so being one of the trustees, and having negligently and wilfully refused to exercise the powers, &c., as they lawfully might, &c.

I have not been able in principle to distinguish this case from those of *Kennedy v. Burness* (15 U. C. Q. B. 47,) *Kennedy v. Hall* (6 U. C. C. P. 218,) and *Kennedy v. Burness* (6 U. C. C. P. 227.)

Admitting, for the sake of argument, that in case trustees become liable under the 12th section (16thly) of 13 and 14 Vic. cap. 48, for wilfully neglecting or refusing to exercise their corporate powers for the fulfilment of any contract or agreement made by them, such liability may be enforced by the warrant of the arbitrators, under the 15th section of 16 Vic. cap. 185, under the general authority given to enforce the collection of any sum of money by them awarded to be paid, it appears to me necessary to show that there has been some adjudication of the fact of wilful neglect or refusal, to justify the issuing of a warrant.

It may be that the same or other arbitrators, to be named according to the statutes, would have the power to determine that the trustees had been guilty of a wilful neglect and refusal, and might make an award to that effect, and that such award would be considered as justifying the issue of a warrant to levy *de bonis propriis* the money awarded to be paid by the school trustees as a corporation; but in the present case the plea assumes no such adjudication to be necessary, and that a distress warrant may issue against the individual property of each trustee, without its being shown that he has had any opportunity to contest the fact of wilful neglect or refusal. The award shown affects the corporation—the warrant is against the effects of one of the individuals composing it. The award, as it stands, according to the cases referred to, does not justify the warrant; and so the plea admits, in effect, by averring the fact of wilful neglect as the necessary foundation for the warrant. But this is, in effect, issuing execution without trial or judgment, and is so manifestly contrary to justice that it cannot be sustained.

*Distress—Replevin—School rates.—Haacke v. Marr.*

*Held*, that a party avowing for distress in levying of a school rate, the by-law for sanctioning such levy requiring to be passed upon the request or with the consent of certain persons must shew such request to have been made, or such concurrence or consent obtained.

*Held* also, that upon such avowry, the avowant must set forth the conditions precedent required by law to be complied with before the passing of a by-law to levy a rate for school purposes.

REPLEVIN for a bay horse.

Avowry.—That defendant was collector of school rates for school section No. 11, Township of Markham, within which plaintiff resided, and was liable to be and was rated on the assessment roll for the year 1857, as a rate-payer. That by a by-law of the township passed the 28th September, 1857, it was enacted that there should be levied and collected from the rateable property in the said school section, for school purposes for the said year, the sum of £68 5s., and that the clerk of the municipality should make provision on the collector's roll for that purpose, and that the collector for the east half of the township should collect the same with the other township rates, and when so collected should pay the same over into the hands of the trustees of the said school section after retaining thereout four per cent. on the sum so collected to defray the expense of collecting. That in pursuance of the by-law, the clerk did, in the month of September, duly make provision on the said collector's roll for the rate aforesaid, and thereby plaintiff was rated and required to pay £5, which was his fair and proper rate. That defendant was the collector of rates for the east half of the said township, and as such the roll was delivered to them that he might collect the rate. That during the year 1857, he called on plaintiff and requested him to pay, which plaintiff refused. Wherefore, within sec. 11, where plaintiff resided, as and in the name of a distress for the said school rate remaining unpaid, he seized the said horse, &c., to levy the said rate.

Demurrer.—Because it is not shewn that the municipal council was requested to levy the rate in the by-law mentioned, nor for what purpose it was levied, nor that the council had authority to pass it. There were other objections suggested, but not argued.

DRAPER, C. J., delivered the judgment of the court.

Judgment for plaintiff on demurrer.

### III. Biographical Sketches.

#### No. 34. SIR JAMES BUCHANAN MACAULAY, K. C. B.

Sir James Macaulay, the first Chief Justice of the Upper Canada Court of Common Pleas, was the second son of Dr. James Macaulay and Elizabeth Hayter, his wife, and was born at Niagara on the 2nd Dec., 1793. He was educated at Cornwall by Dr. Strachan, the present Bishop of Toronto, and at the age of sixteen joined the 98th Regiment as an ensign, and was soon after promoted to a lieutenancy in the Glengarry Light Infantry, in which he continued to do duty until it was disbanded after the war of 1812. A short time after he joined this corps he was appointed adjutant, and was present at the attack on Sackett's Harbor and Ogdensburg and the battles of Fort Erie and Lundy's Lane. After peace was proclaimed he determined to apply himself to the study of the law, and accordingly commenced his professional education in the office of the late Judge Boulton, with Sir Allan Macnab as a fellow Student. He was called to the bar in 1821, and in December of the same year was married to Miss Rachel Gamble, who survives him. He was appointed a Judge of the King's Bench eight years afterwards, and continued to sit in that Court until 1849, when the Court of Common Pleas was established, when he was gazetted as its first Chief Justice, and continued to preside in it until he retired from the Bench in 1856, although he subsequently took his seat as a Judge in the Court of Error and Appeal, a statute having been passed by the Legislature, with a special view to his appointment to that Court.

Sir James was an Executive Councillor during the administration of Sir Peregrine Maitland, and his labors in that position, as in every other situation in which he was placed, were most arduous. He was engaged with Chief Justice Robinson, and the other Judges of his Court, in the suppression of the Rebellion in 1837, was one of the Commissioners for revising the Statutes of Upper Canada in 1840, and had only just completed a new revision of those Statutes, and of the Statutes of Canada, at the time of his death. Her Majesty, some years ago, in recognition of his long services, conferred upon him the civil order of the Bath, and more recently, the honor of **Knighthood, an honor which it was felt by the whole Province had never been more worthily conferred.**

No man had ever more friends, and fewer enemies, than Sir James Macaulay, and in his capacity as a judge no man was ever more respected by the bar and beloved by the students, to whom he always showed the greatest kindness and consideration.

A kind and honorable man, a learned and conscientious lawyer, an upright and careful judge, a sincere Christian and a zealous and consistent member of his Church, he gave both in public and private life an example to all, and established for himself a lasting reputation. With him, from first to last, the discharge of his duty was the chief consideration, and throughout a long and well spent life, even till the moment of his death, he laboured industriously to advance the welfare of his fellow men and the honor and prosperity of his country. Forced by an infirmity in his hearing to retire from the high position which he had so long filled with credit to himself and with benefit to the Province, he entered upon a task which, though less harassing than the duties of the Bench, would have taxed the energies of many a younger man, but which, successfully accomplished, has given him a monument more enduring than marble, and a character as a jurist to which few could attain. The consolidation of the Statutes of Upper Canada, and of the United Provinces, for which he declined to receive any remuneration, is indeed a work of which its chief author might be proud. It will recall his name as among the most illustrious of his profession, and it will entitle his memory to the lasting gratitude of his fellow subjects. Scarcely, however, had two weeks elapsed since the issuing of the proclamation appointing the time when this great Provincial work should become the law of the land, when it was known that he who had labored at it with such patience and assiduity was no more. He had regularly attended to his important duties as a member of the High Court of Appeal and Treasurer of the Law Society, and on the very morning of Saturday last, the day on which he died, he attended at Osgoode Hall about 11 o'clock, to preside over the benchers, who always meet on the first Saturday in Michaelmas term, to elect the Treasurer for the ensuing year. Soon after he entered the Convocation room he complained of severe pain in the chest, and although he took his place at the table, and attended to his duties for some minutes, he was evidently suffering so much that he was advised to return home, and a carriage having been procured, he was immediately driven home, and in a short time was dead. We believe that *angina pectoris* was the cause of his death, although we are not aware that any of his family or friends had any idea that he had ever suffered from any complaint of the heart. His death was

announced to the Courts of Queen's Bench and Common Pleas, which were sitting at the time, and they at once adjourned.

Sudden and unexpected as was the event, the manner in which it occurred is scarcely to be regretted. At the age of 67 this would leave to a man who has faithfully striven to do his duty little to look forward to but gradual failure and decay; and, if it so pleased Divine Providence, where could the great lawyer more fittingly spend the last morning of his life than amid scenes where his work had been done, and his honors gained. We lament the loss of the gallant soldier who falls in a noble cause in a well-fought field, but we grieve not at the manner of his death. And so, when full of years, and honors, a conqueror in the battle of life passes peacefully to rest, before age has caused the mind to wither or the body to fail, we should rather triumph over the glory of his departure, than weakly regret the termination of a career which has left so little to be desired and so little to be regretted.—*Colonist.*

### IV. THE CONSOLIDATED STATUTES.

The fifth of December has been fixed by proclamation as the day when the separately consolidated statutes of Canada and Upper Canada, revised, classified, and in some respects altered, will go into effect. The consolidation of the Statutes of Lower Canada is yet incomplete. Members of Parliament of every political party had a hand in the work of consolidation; and though all are entitled to credit for the parts they played, we shall not be accused of making an invidious distinction when we say that, to the steady perseverance and unwearied assiduity—we might add herculean labor—of ex-Chief Justice Macaulay, the success of the undertaking and the speed with which it was brought to a close, are due, in more than an ordinary degree. When the labors of the commission had been completed, a committee of the House had to take the matter in hand. This committee, like the commission, was of a mixed political complexion; and when we consider that it had to take upon itself to decide upon alterations which it was impossible for the House to discuss, the importance of its labors will be understood.

The consolidated statutes, which go into effect on the fifth December next, have incorporated with them those of last session. This is true both of the general and public statutes, and those which relate to Upper Canada. These statutes, thus consolidated, classified and revised, supersede the great number of volumes of which they contain the substance and general meaning. There will therefore be no necessity for having recourse to the original statutes. The public laws must, some time after the 5th December, be sought exclusively in the consolidated statutes. It was important to embody the statutes of last session, as well as to reduce Halifax currency whenever sums of money are mentioned, to dollars and cents, the new currency of the country.\*

In this work of consolidation, Canada is ahead of all competitors. A mistaken notion that the state of New York was before us has obtained extensive currency. The truth is, however, that that State has merely codified its laws. The code does not supersede the general laws as our consolidated statutes do. The Empire State of the American confederation is now only thinking about doing what we have actually accomplished, as far as regards the general public statutes, applicable alike to Upper and Lower Canada, as well as those which apply only to Upper Canada. We shall have completed the consolidation of all our public statutes before the state of New York can get the same work well under way; for the Lower Canada commission has its labors far advanced.

The consolidated statutes will be a great convenience to the public. They have been divested of a fearful amount of barbarous jargon and translated into readable English. To have made the statute book readable is an achievement to boast of; and we are justified in saying that this has been accomplished. In the jumble of laws which existed before this consolidation—amendments upon amendments; a clause repealed here and a few words expunged there—it was almost hopeless for any one but a lawyer to try to

\* An edition of the Grammar and Common School Acts, applicable to cities, towns, and incorporated villages, and taken from these consolidated statutes, will shortly be put into the hands of the printer. It may be proper in regard to the consolidation of this part of the law to quote the words of the Chairman of Consolidation Commissioners, (the late Ex-Chief Justice, Sir J. B. Macaulay,) in his official report to the Governor General, in which he referred to the assistance which he had received from a gentleman, who, for ten years, was connected with the Educational Department for Upper Canada, but who had retired from it, in order to pursue the practice of his profession in this city. The Ex-Chief Justice says:

"I have to acknowledge the valuable assistance rendered by Thomas Hodgins, Esq., a Gentleman of the Bar, in revising the Grammar and Common School Acts. His intimate acquaintance with them in all their bearings and details has been of especial advantage to me, and without his aid these acts could not have been consolidated by me in the methodical form and with the accurate rendering which I trust they will be found to possess.

"Having had the able assistance of the other Commissioners in the first instance, and afterwards of His Honor Judge Gowan in retesting the whole, I now submit the revision of the Upper Canada statutes as compiled to the best of our ability and judgment, and recommend it for final adoption."

find out what the law really was. We see no reason why the consolidated statutes should not, in point of style, become models for future legislation. It is not in consolidation alone that simplicity, brevity and absence of jingling repetition are attainable. The United States Congress has shown that all these objects can be achieved in ordinary legislation; and as we have now, by the valuable aid of Judge Macaulay, found out the secret, it is to be hoped that it will be ranked neither among the "lost arts," nor those which have been allowed to fall into desuetude.—*Abridged from the Leader.*

## V. Papers on Books and Libraries.

### 1. IMPORTANCE OF SCHOOL LIBRARIES IN CONNECTION WITH DAILY STUDY.

Reading is too much neglected by those who are in a process of education. Many men having entered upon a professional life, look back with bitter but fruitless regret upon their Academic course, not because they studied text-books too much, but because their reading was altogether too limited. They were painfully conscious of this at the time, but saw not the hour which they could regard as sacred to this delightful employment. What is true of the higher institutions of learning is too true of most who enjoy only the privileges of common schools. This page would be made valuable if it should contain one word that would encourage pupils to read useful books in connection with their daily studies.

It is thought that more will be accomplished by those who, in connection with their studies, carry forward a systematic and carefully selected course of reading. The man who is to write an oration, a lecture or a sermon, will accomplish his object more to his own satisfaction and to that of those who are to listen to his production if, previous to each sitting, he will spend half an hour in reading some carefully written article or soul-stirring book. It wakes up his own ideas, it quickens his intellect, it rouses the whole man within, and it is only when this is done that he will write what will move others. *Why would not a similar effect be produced upon the mind of a child or youth while mastering the text-books found in the school.* The writer has had some experience both as a teacher and otherwise in these schools and thinks he can see unmistakably the happy effect produced upon certain pupils by the method here recommended. Such a process makes not only more general but more accurate scholars.

If pupils would devote an hour, or even half an hour a day, to the reading of interesting and useful books, they would not only accomplish more in their studies but they would find their studies much more pleasant. Instead of that stupid lounging over books which too often makes the recitation hour one of torture, the time allotted to any given study would pass so quickly and pleasantly that the pupil would be more startled by the call to the recitation seats than by the rap or ring that should call him from the play-ground. Instead of being a task, study would become a delight. Is the matter over-stated? It is not thought to be. Place the right book in the hand of a child and under the judicious supervision of the parent or teacher it will quicken the intellect and thus fit it to grapple with the difficulties of the text-book.

It is thought that if a wise course of reading should be selected for our children more than anything else, it would obviate the necessity of their studying Geography, Arithmetic and Grammar year after year, and learning with but little more definite knowledge than they had when they entered.

If any child chances to read this, very probably he will inquire how can I obtain books to read? That is right young friend, ask the question, *ask it loud*, so that it may be heard at home. If it is not heard the first time, *ask again*, and *still louder*, only be sure and be respectful. Trustees and parents might, with scarcely a perceptible burden, furnish a choice library for every school section. But faith looks not so far into the future as to lay hold of such a work realized. And in the absence of this, let ten, twenty, thirty or any number of pupils in a given school club together and purchase books; put his name in each, read and then loan it to his seat-mate borrowing his in return, and let this process go forward till every book is read by every pupil of a suitable age, and no one need fear that when all are carefully read and returned each to its owner, there will be any lack of interest or means to put another set of books in circulation. Try it if you fail in urging the Trustees to procure a library.—*New Hampshire Journal of Education.*

### 2. THE PLEASURE OF READING ALOUD.

There is no treat so great as to hear good reading of any kind. Not one gentleman or lady in a hundred can read so as to please the ear, and send the words with a gentle force to the heart and un-

derstanding. An indistinct utterance, whines, nasal twangs, guttural notes, hesitations, and other vices of elocution, are almost universal. Why it is, no one can say, unless it be that either the pupil or the nursery, or the Sunday school, gives the style in these days. Many a lady can sing Italian songs, with considerable execution, but cannot read English passably. Yet reading is by far the most valuable accomplishment of the two. In most drawing rooms, if anything is to be read, it is discovered that nobody can read, one has weak lungs; another gets hoarse; another chokes; another has an abominable sing-song, evidently a tradition of the way he said Watts' hymns when he was too young to understand them; another rumbles like a broad wheel waggon; another has a way of reading, which seems to proclaim that what is read is of no sort of consequence, and had better not be listened to.

### 3. CROWD OUT THE VICIOUS LITERATURE.

Parents and teachers are quite too forgetful of one incumbent duty, viz: the guarding and guiding of the moral natures of the young. Let the influence of the *home*, the *school* and the *church*, be united, and, as an ark, preserve our dear youth from the destructive *deluge of modern infidel literature—the corrupting books and papers that flood our land.\**

We are in the midst of a plague not less loathesome and insinuating in its encroachments, than the plague of Egyptian locusts; it is the plague of *papers*, poisoned and puffed, and *pressed* upon the people!

We are not an enemy to books and papers, by any manner of means. So far from it, that we could scarcely live away from their company, or without their influences. But we do say, that, amid such, immensely promiscuous mixtures of things trifling and truths thoughtful, there is imminent danger that our eager children may be deceived.

It is not "innocent amusement" to peruse these tedious and terrible tales of daggers and death, bombast and blood, feverish imaginations that they are emanating from burning brains and sin-sick hearts. Away with them! Such readings destroy all taste for history and the sciences. Nature, decorated in her loveliest May, is too homely for the intoxicated fancies of the novel-reader; and life itself becomes a weariness—a disappointment. Religion, so pure, and peaceable, and precious, cannot find a welcome for a home in the heart of the passionate novel-reader. The American, Aaron Burr, a man of rare genius and fairest intellectual endowments, revelled in novels and infidel books in his youth, and as a natural consequence, dwarfed and dwindled down into a traitor's grave!

For the immortal soul's sake, let us awake to a discharge of our duty in this matter. It is high time for us to oppose the tendency of this latter-day *Satanism*. Call it what you may; mingle as much sugar with the poison as you choose; apologise for it forever if you dare, it is, nevertheless, a deadly dose to all who swallow it. The mind must have pure, wholesome, nutritious diet, or it will languish and die the second death. Establish then school libraries all over the land, for the young will read; and thus occupy the ground which will otherwise be inevitably strewn with the pernicious papers and yellow covered literature of the day.—*Pennsylvania School Journal.*

### 4. BE CHOICE IN YOUR READING.

Carlyle, in a late letter to Mr. Allibone, regarding his "Dictionary of Authors," gives expression to the following just sentiments:—

"Readers are not yet aware of the fact, but a fact it is, of daily increasing magnitude, and already of terrible importance to readers,—that their first grand necessity in reading is to be vigilantly, conscientiously *select*; and to know everywhere that books, like human souls, are actually divided into what we may call 'sheep and goats'—the latter put inexorably on the *left hand of the judge*; and tending, every goat of them, at all moments, whither we know; and much to be avoided, and, if possible, ignored by all sane creatures!"

Furthermore, the sheep even can not all be done justice to in this day of light and knowledge. Marvellous discoveries in science increase upon us so, that the scientific student is obliged to confine himself to special branches—he can not know everything, boundless as may be his desire. No doubt Humboldt, that great spirit who has lately passed away, felt himself an ignorant man, in comparison with what there was yet to discover and to learn, in consideration of the miracles of nature and the illimitable wonders of the universe. No doubt he was obliged to choose. He lived to be over eighty years of age—a worker always; yet he had no time to spare.

\* This evil has been effectually guarded against in the Upper Canada School Libraries, in the selection, by a competent and independent body, of books suitable for these libraries.

After a person's taste is once formed, he will take to some special branch or branches in literature, and follow out the bent of his inclinations; but nothing is more indiscriminate than the appetite of a hungry young mind, to whom any kind of intellectual food is welcome, and which devours everything set before it.

While the eager, craving mind is thus endeavouring to feed itself, it is one of the most serious duties of parents to select it, to take from it that which must prove hurtful, and see that it is provided with what will not only satisfy a present want, but give it tone, stamina, power. Fine intellects are often irretrievably weakened or perverted for want of a little judicious guiding in their youth. "All play and no work," in reading, unnerves the youthful mind, and unfits it for any serious labor in later days, when it may bitterly regret its early indolence. Thus it is that youth should no more be allowed to feast upon fiction and poetry *alone*, than to live entirely upon sweetwats and bon bons. They are excellent and very pleasant, given as a reward, or a relish to heartier things; but they are not to be depended upon to nourish the full powers of our growing nature.—*The Home*.

#### 5. CAUTION IN REGARD TO PEDDLED BOOKS.

"A good book is the precious life-blood of a master spirit, embalmed and treasured up on purpose to a life beyond life."—*Milton*.

"Books are men of higher stature, and the only men that speak aloud for future times to hear."—*Mrs. Browning*.

Yes, good books are worthy of this high praise. But good or bad, books and newspapers are now playing a most important part in popular education,—hardly second to that of the living teacher, whether in the pulpit or in the school-room. Their character and influence must not be left out of account, unless we can be content to see our efforts as teachers paralyzed and the public taste debased, or be willing to neglect a co-operative agency of greatest power.

The subject is one of no little difficulty, and we can only throw out a few hints that may possibly prove suggestive to other minds.

Our people are fond of books. Few families are so poor that they can not point you to a parlor table or cupboard filled with them. But what are they? We will venture to say that in three-fourths of these little libraries, at least one-half of the books have been purchased of itinerant book-peddlers, or by subscription agents, and are either the unsaleable refuse of the cities, or compends of history, travels, third-rate novels, got up by some "enterprising house," especially for the popular market in showy covers and with abominable wood-cuts. Not a small part of these are the lives of highwaymen, pirates, records of bold and wicked adventure. Every minister in the habit of visiting his people, and every school-master that has "boarded round," can verify the truth of this statement. The evil prevails most in the country, where the people feel more dependent on these strolling agents, and do not, as in the large villages, how few families, can show sterling or standard works in their collections? How few really good works, which issue month after month from the English and American press, are to be found, in comparison with works of little or no value, either to elevate the taste, inform the mind, or purify the heart? Thousands of dollars, rather, tens of thousands, are annually drained from the State by unprincipled book-sellers in the large cities, for their worthless publications. It is not too much to say that the amount thus drawn from the State for second rate, worthless, and bad books—including such papers as the *New York Ledger* and *Mercury*, which even the genius of Everett and Bayard Taylor can not make respectable, and all the insipid love-story weeklies from Boston, New York and Philadelphia; including also many of our "fashionable" monthlies and our highly seasoned "yellow covered" religious literature of all sorts and sizes, however recommended by men and Journals of whom we have a right to expect better things,\* the money, we say, thus drawn from the country during the last ten years, would have supplied every town with a school library of a choice collection of standard English and American authors.

Who can estimate the value of such libraries to our youth, to the character of our young men and young women, to society generally, in promoting solid attainments, sound views on all the great questions of life, in elevating the taste of the community and furthering the efforts of our public teachers?

What are we to do? Let all teachers and friends of education by word and example, at all fit times and places, at the fire-side, at town and country associations, and through the pen, resist this enemy that is coming in upon us like a flood, instruct the people on this evil, and so create a healthful sentiment. Let all parents look to the books and papers their children and themselves are reading, bravely purge their tables and book-shelves, and get a little honest light and heat by a bonfire of their otherwise worthless or bad books. And

\* See notice on page, 188.

then buy only good books and take only good papers. If unable to trust your own judgment, consult not with the paid advertisements of the newspapers, but with some one upon whom you can rely. Never deal with irresponsible book-agents or pedlars.

And when you have got a good book, read it, and make your friends and neighbors read it. By-and-by it will not be the less valuable to you for its soiled and well-thumbed pages.—*Vermont School Journal*.

#### 6. ADVANTAGES AND DISADVANTAGES OF PRIZES IN SCHOOLS.

An association of teachers in Lower Canada have been discussing the question of the utility of Prizes in Schools, and have come to the following conclusions:

I.—The advantages resulting from the distribution of prizes at public examinations are—

- (1.) To incite the children to learn;
- (2.) To recompense talent and application;
- (3.) To humble the slothful, and thus waken them from their torpor;
- (4.) To leave children permanent token of their success at school.

II.—The dangers of these distributions are—

- (1.) To over excite the ambition and self-love of some children;
- (2.) To raise jealousy and the murmurs of the parents;
- (3.) To discourage those who have not succeeded in obtaining these recompences;
- (4.) To put the municipalities to too heavy an expense.

III.—But these are mere abuses, and prove nothing. They can easily be avoided, by the following means:

- (1.) To put the children on their guard against that natural and very common sentiment, pride;
- (2.) Always to be impartial in the conferring of prizes, and to consider only the assiduity, the talent, and the merit of the child;
- (3.) To give a sufficient number of prizes, so that a certain number of children may have the hope of obtaining one;
- (4.) Not to give too great a number, and thereby lessen their value in the eyes of the scholars;
- (5.) Inform the unsuccessful that they have acquired knowledge, and have the satisfaction of having done their duty;
- (6.) Not to give too costly prizes, particularly in elementary schools, making the children understand that the honor of receiving the prize is greater by far than the intrinsic value of the prize;
- (7.) The prizes to be the result of competitions taking place at stated periods during the year.

#### 7. PRIZES IN SCHOOLS.

The Chief Superintendent of Education for Upper Canada will grant one hundred per cent. upon all sums not less than five dollars, transmitted to him by Municipalities or Boards of School Trustees, for the purchase of books or reward-cards for prizes in Grammar and Common Schools. Catalogues and Forms forwarded upon application to the Department.

### VI. Papers on Practical Education, etc.

#### 1. THE FIRST HALF HOUR OF SCHOOL IN THE MORNING

Generally decides its character for the remainder of the day. Few young teachers realise this. Vexed by fault-finding patrons, or from some other cause, they sometimes enter upon their duties in the morning with unsettled spirits and short and hasty expressions. They are more noisy themselves than usual, move about the school-room with less care, and have no smiles for earnest scholars. Before noon the school seems to them uncontrollable, and not unfrequently, under such circumstances, they feel themselves obliged to resort to those extreme measures of discipline which cause so much trouble, and sometimes break up the school. We once knew a teacher who was accustomed to ring his bell ten or fifteen minutes before school time, and encourage the students to leave off their out-door play, and go into the school room and talk about the lessons, or the other subjects of interest connected with the school. He was always at his desk, or ready to participate in any of their discussions, or answer any of their questions. Sometimes he would take with him in the morning a flower, sometimes a pebble, or a stone of curious formation, sometimes a beautiful passage from some standard work, or a simple story or anecdote from the village newspaper, always something to occupy his thoughts and divert the pupils, if they had

nothing else on hand. The consequence was, that the children began early in the day to think and to reason, and were always ready to join in the devotional exercises, and to enter upon their duties with consideration and energy. The teacher is the sunlight of the school-room. How quickly the fogs and vapors of the earth, and the wicked works of evil men, vanish, when the bright orb of day breaks in splendor over the earth. No matter what the temptations of students may have been to idleness or mischief, if the teacher appears in the morning lighted up with the sunlight of truth, and has an apparent earnestness in his countenance, troubles will vanish, and joy and gladness will occupy the school room all the day long.—*Iowa Instructor.*

## 2. WHAT IS COMPRISED IN EDUCATION.

I have already expressed the opinion, which all allow to be correct, that our security for the duration of the free institutions which bless our country depends upon habits of virtue and the prevalence of knowledge and of education. The attainment of knowledge does not comprise all which is contained in the larger term education. The feelings are to be disciplined; the passions are to be restrained; true and worthy motives are to be inspired; a profound religious feeling is to be instilled, and pure morality inculcated, under all circumstances. All this is comprised in education.

## 3. EDUCATION AN INSURANCE OF PROPERTY.

The people do not yet seem to see that the intelligence and morality which education can impart are that beneficent kind of insurance which, by preventing losses, obviates the necessity of indemnifying for them; thus saving the premium and risk.

What is engulfed in the vortex of crime, in each generation, would build a palace of more than oriental splendor in every school-district in the land; would endow it with a library beyond the ability of a lifetime to read; would supply it with apparatus and laboratories for the illustration of every study and the exemplification of every art, and munificently requite the services of teachers worthy to preside in such a sanctuary of intelligence and virtue.

## 4. EDUCATION vs. VAGRANCY.

If poor children are not trained up in the way they should go, they will certainly be trained up in the way they should not go, and, in all probability, will persevere in it, and become miserable themselves and mischievous to society, which, in event, is worse, upon account of both, than if they had been exposed to perish in their infancy.

## 5. I TAKE CARE OF MY LAMBS.

Let teachers and parents weigh well the significance of the following extract:

"A gentleman in England was walking over his farm with a friend, exhibiting his crops, herds of cattle and flocks of sheep, with all of which his friend was highly pleased, but with nothing so much as his splendid sheep. He had seen the same breed frequently before, but had never seen such noble specimens; and with great earnestness he asked to know how he had succeeded in producing such flocks. His simple answer was—*I take care of my lambs, sir.* Here was all the secret of his large, heavy-fleeced, fat sheep; He took care of them when they were lambs.—*Illinois Teacher.*

## VII. Miscellaneous.

### 1. FOR HIS MOTHER'S SAKE.

A young man, who had left his home in Maine, ruddy and vigorous, was seized with the yellow fever in New Orleans; and, though nursed with devoted care by friendly strangers, he died. When the coffin was being closed, "*Stop,*" said an aged woman who was present "*let me kiss him for his mother.*"

Let me kiss him for his mother!  
 Ere ye lay him with the dead;  
 Far away from home, another  
 Sure may kiss him in her stead.  
 How that mother's lip would kiss him  
 Till her heart should nearly break!  
 How in days to come she'll miss him!  
 Let me kiss him for her sake.

Let me kiss him for his mother!  
 Let me kiss the wandering boy;  
 It may be there is no other  
 Left behind to give her joy.  
 When the news of woe the morrow  
 Burns her bosom like a coal,  
 She may feel this kiss of sorrow  
 Fall as balm upon her soul.

Let me kiss him for his mother!  
 Heroes ye, who by his side  
 Waited on him as a brother  
 Till the Northern Stranger died,—  
 Heeding not the foul infection,  
 Breathing in the fever-breath,—  
 Let me, of my own election,  
 Give the mother's kiss in death.

"Let me kiss him for his mother!"  
 Loving thought and loving deed!  
 Seek nor tear nor sigh to smother,  
 Gentle matrons, while ye read.  
 Thank the God who made you human,  
 Gave ye pitying tears to shed;  
 Honour ye the Christian woman  
 Bending o'er another's dead.

—*Montreal Life Boat.*

### 2. THE POWER OF A MOTHER'S NAME.

A writer in an eastern paper describes a visit to a penitentiary at Philadelphia, and gives the following sketch of an interview between Mr. Scattergood, the humane warden of the prison, and a young man who was about to enter on his imprisonment. Few will read it without deep emotion.

We passed to the ante-room, where we encountered a new comer, who had just been sent up for five years on a charge of embezzlement. He was attired in the latest style of fashion, and possessed all the nonchalance and careless appearance of a genteel rowdy. He twirled his watch-chain, looked particularly knowing at a couple of ladies who chanced to be present, and seemed utterly indifferent about himself or the predicament he was placed in. The warden read his commitment, and addressed him with:—

"Charles, I am sorry to see thee here." "It can't be helped, old fellow." "What is thy age, Charles?" "Twenty-three." "A Philadelphian?" "Well, kinder, and kinder not." "Thee has disgraced thyself sadly." "Well, I ain't troubled, old stick." "Thee looks not like a rogue." "Matter of opinion." "Thee was well situated." "Yes, well enough." "In good employment." "Well, so, so." "And thee has parents." "Yes." "Perhaps thee has a mother, Charles?"

The convict had been standing during the brief dialogue perfectly unconcerned and reckless, until the last interrogatory was put. Had a thunderbolt struck him he could not have fallen more suddenly than he did when the name of "mother" fell on his ear. He sank into a chair—a torrent of tears gushed from his eyes—the very fountain of his heart seemed to have burst on the instant. He recovered partially and said imploringly to the warden. "Don't you, Sir, for God's sake; don't call her name in this dreadful place! Do what you may with me, but don't mention that name to me!"

There were tears in other eyes besides the prisoner's, and an aching silence pervaded the group which surrounded the unfortunate convict.

The black cap was drawn over his eyes. He was led to an adjoining apartment and stripped, and shortly afterwards he reappeared on the corridor. He passed silently in charge of the deputy keeper to a lonely cell in the distant part of the prison, the door creaked on its hinges, and he disappeared; the chain dropped from the outside bolts, and Charles was a close prisoner for five years to come.

### 3. THE MOTHER MOULDS THE MAN.

That it is the mothers who moulds the man, is a sentiment beautifully illustrated by the following recorded observation of a shrewd writer: "When I lived among the Choctaw Indians, I held a consultation with one of their chiefs respecting the successive stages of their progress in the arts of civilized life; and among other things, he informed me that at their start they fell into a great mistake—they only sent boys to school. These boys came home intelligent men, but they married uneducated and uncivilized wives—and the uniform result was, their children were all like their mothers. The father soon lost all his interest in both wife and children. 'And

now' said he, 'if we would educate but one class of our children, we should choose the girls, for when they become mothers they educate their sons.' This is the point, and it is true. No nation can become fully enlightened, when mothers are not in a good degree qualified to discharge the duties of the home work of education."

#### 4. PRINCIPLES OF THE BRITISH SYSTEM OF GOVERNMENT.

Lord John Russell, in a recent speech at Aberdeen, where the freedom of the city had been conferred upon him, thus explained the principles of the British system of Government as compared with others. He said:—"And here again let me refer to the principles of our Government. In other countries—in some countries, at least—there is an abstract principle of government. In France and in the United States everything is based upon universal suffrage. It is singular enough that I should have to name France and the United States as having the same principle of government.\* But so it is; and the person at the head of the State, and the representatives of the people in both countries are chosen by universal suffrage directly; in both there is a Senate between them which is only chosen indirectly by that means. And what can be more different—what can be more distinct in practice and working than the Governments of these two countries? The institutions of France, no doubt, suit the people of France as the institutions of the United States suit the people of the United States; for my own part, I am going to point out to you what is the principle of our own Government, which is, I think, a totally different one. The principle of our Government is not to go upon abstract right—not to find anything upon a theoretical assertion that every man has a right to take part in the Government, but it is to find everywhere who are the fittest persons in whom a certain degree of power shall be placed, and to give the power to those persons."

#### 5. THE BITTERNESS OF FALSEHOOD.

A dying father once stretched out his hand to his little white-headed boy, a youth of seven years old, and said affectionately, "My little boy, I am very sick, and wish you to run down to Mr. B.'s, and get me the medicine written on this paper." The druggist's store was about half a mile distant, but when the boy got there he found it shut, and although Mr. B. lived but a quarter of a mile farther off, he concluded not to go and find him, but to return. On his way back, he contrived what he should say, and in doing so, called in the aid of falsehood. At length arrived, his father said, "My son has got the medicine I hope, for I am in great pain." The reply was "No sir; Mr. B. says he has none." The dying man answered, "My little boy will see his father suffer great pain for the want of that medicine." The child went out of the room alone and wept bitterly. Soon after, he was called back to take a fond farewell of his best earthly friend, for the little boy's mother was in heaven, and as the dying father told his son that in a few hours he would be a "fatherless orphan;" that now he must make God his father, and love and obey him; that he should *always speak the truth*, because the eye of God was *always* upon him, with many other suitable admonitions, accompanied by prayers, it seemed as if the child would sink, he felt so guilty. Sobbing, he rushed from the bedside and wished he could die. The dying man could now speak no more; and oh! how much would that little boy have given to ask his father's forgiveness for the lie he had so wickedly told him! Oh, how his heart ached! He ran to the druggist's got the medicine, rushed to the death-bed scene, crying out: "Oh, here, father!" but he was hushed—*his dear father was dead!* And the last time he ever spoke to him, to tell him a lie! Oh, bitter, bitter falsehood! gall and wormwood are sweet compared with thee!

Twelve years afterwards, and while in college, this little boy, now a young man, went to the grave of his father, and as he stood over his tombstone, he seemed to see his pale face again, and to hear his voice. Hear what the young man says over his father's tomb: "Oh, the thought of that sin cuts me to the heart! It seems to me that worlds would not be too much to give, could I only call loud enough for him to hear me ask forgiveness. But it is too late, and I must live and die weeping over that ungrateful falsehood, which no earthly

\* It is no less singular, that personal freedom on British soil is alike distasteful to both. Governor Wise, of Virginia, in his late message, refers to the British protection afforded in Canada to slavery refugees, almost in the same language as the press in Europe uses towards England in regard to political refugees. He says:—"He has been compelled, by the apprehension of the most unparalleled border war, to place the State in as full potency of military defence as if foreign enemies invaded the United States. Indeed, one most irritating feature of this predatory war is that it has its seat in British Provinces, which furnish asylums for our fugitives and send them and their hired outlaws upon us from depots and rendezvous in the bordering States."

being can now forgive. I must sorrow over it with a godly sorrow before Him who abounds in mercy, and from whom alone the penitent receives forgiveness.—*Christian Intelligencer.*

#### 6. SUNSHINY HEARTS AND FACES.

Everything, animate and inanimate, turns to the sunbeams. We instinctively avoid cloudy days and cloudy faces. We give a warmer welcome at our fireside and our table to the undisputations, than to the man who is eternally dissecting the skeletons of things, till his charnel-house conversation throws a chill on every warm, healthful feeling. We give the preference to the man who greets the rising sun with emotions of pleasure, and not simply as an astronomical phenomenon, and whose eye, as it watches its setting, has "no speculation in it." In fact, we prefer a jolly, healthy human being. The disappointing chances of life have not left so many of them that one can afford to let them pass without a warm-hearted grip, and, if occasion favor, the interchange of such chance words as kindred souls travelling to the same eternal home, may sometimes cheerfully exchange by the way.

### VIII. Educational Intelligence.

#### BRITISH AND FOREIGN.

— CAPTAIN McCLINTOCK.—The Board of Trinity College have passed the grace requisite for proposing to the University of Dublin to confer the honorary degree of LL.D. on the gallant Arctic explorer, Captain McClintock.

— THE EARL OF ELGIN has been elected Lord Rector of the University of Glasgow. He will hold the office for three years.

— THE RIGHT HON. W. E. GLADSTONE has been elected Lord Rector of the University of Edinburgh. The office has not been abolished (as stated in our last) but the new one of Chancellor established.

— THE PRINCE OF WALES.—The Prince of Wales arrived at Oxford on the 17th ult., and was met at the railway station by the Dean of Christ Church (Dr. Liddell), under whose superintendence he will be during his sojourn there. The Prince at once proceeded to Christ Church, where he formally entered himself as a member of the University, and then waited upon the Vice-Chancellor, at Pembroke College, to matriculate. On Wednesday he began his attendance at the Professors' lectures.

— OXFORD POEM ON SIR JOHN FRANKLIN.—The Vice-Chancellor has received, from a "non-resident member of Oxford University, much attached to her interests," the sum of £50, for a prize to be awarded to the writer of the best English poem on "The life, the character, and the death of the heroic seaman Sir John Franklin, with special reference to the time, place, and discovery of his death." All members of the University whatsoever to be at liberty to compete for the prize.

#### UNITED STATES.

— CINCINNATI SCHOOLS.—A correspondent of the *Toronto Daily Colonist*, writing from Cincinnati, says: "The schools of this city are divided into three grades—District, Intermediate, and High. Last year there were a Normal, two High, four Intermediate, and eighteen District Schools. The number of children of school age was 58,947, 2,280 of these being of African descent, "participating equally with the whites in the school funds," but having two separate schools "conducted in a highly creditable manner," by colored trustees. 8,460 white children attend parish or private schools; 18,238 have been registered in the public schools—the average attendance being 12,337. Total receipts for school purposes, \$235,315. Total expenditure, \$211,839; out of which \$40,384 was for buildings and sites. Including interest on sites, buildings, furniture, &c., the actual cost of each pupil's education for the year was \$15.84. There are four teachers of music, who go from school to school, giving instruction in the elements of vocal music, receiving each \$1,200 per year, and an itinerating lady teacher of penmanship at \$1000. The two high schools are the Woodward and Hughes, so-called from the gentlemen founding them. There is scarcely a city on this side but can boast of some public-spirited individual, who has done something to advance the education of the people by benefactions. But, notwithstanding we have in Toronto gentlemen who have given largely to sectarian institutions, no one has ever yet given one cent for the advancement of national education. Will no Woodward wipe out the reproach!

The question of Separate Schools was agitated some five or six years ago in Cincinnati by the Catholic Clergy; but, though some few Separate Schools have been established, they receive no portion of the public funds. In the colored schools there are some white teachers employed, and to a Canadian visitor there appear to be some *white* pupils. An excellent rule prevails here—as the children in the colored schools mostly belong to the working classes—of allowing those whose fathers work at a distance from home to leave the schools half an hour before noon to carry their dinners.

— **SCHOOL LIBRARIES IN WISCONSIN.**—The last Legislature of Wisconsin, by a vote of nineteen to thirteen in the Senate, and fifty-one to ten in the Assembly, has enacted a *School Library Law*, with four prominent provisions: 1. It provides a permanent Town School Library Fund, by setting apart for this purpose ten per cent. of the School Fund, subject to apportionment in 1860, and annually thereafter, together with the proceeds of a special State tax, to be levied each year, of one-tenth of a mill on the dollar valuation of taxable property. 2. It provides that this fund shall be set apart specifically for the establishing and replenishing *Town School-Libraries*. 3. It provides that the books for these libraries shall be purchased by public authority, and not by the local School-Boards, as heretofore. 4. It provides that an extra number of the State Laws, Journals, and Documents, sufficient to supply each town and city school-library in the State with a set, shall be printed by the State Printer, and delivered to the State Superintendent; and that these shall be substantially bound, under the direction of the State Superintendent, with the approval of the Governor, at a cost not exceeding thirty cents per volume, to be paid out of the School Library Fund.—*Mass. Teacher*.

— **YALE COLLEGE.**—We acknowledge the receipt of the catalogue for the year 1859-60, which presents the following results: Professional students—Theology 27, Law 28, Medicine 45, Philosophy and the Arts 40, deduct for name inserted twice 1. Total 139. Academical students—Seniors 111, Juniors 101, Sophomores 117, Freshmen 173. Total 502. Total in all departments 641.

— **HARVARD COLLEGE.**—The same paper says: "It is announced that Dr. Walker has resigned his office as President of Harvard College. Among the prominent names mentioned as successors, we find that of Professor C. C. Felton. Should the college authorities present his name, it would give general satisfaction among the best friends of the institution."

## IX. Literary and Scientific Intelligence.

— **TO PUBLISHERS.**—With the first number of the thirteenth volume of this Journal, it is intended to add to its other departments a new one, specially devoted to *critical notices* of such books as may be sent to the Journal for that purpose. It is designed to confine these notices exclusively to such works as may be suitable for general reading, as public library or school prize books. They will not extend to *school text-books*, as the series of text-books for the use of schools in Upper Canada have already been adopted by the Council of Public Instruction; and the multiplication of text-books is a needless expense to parents, and a great evil in schools. Improved editions of the Canadian series, or modifications of some of them, may be introduced from time to time, as the wants of the schools may require, and as may be prepared for them, and approved by the Council of Public Instruction.

— **GEOLOGICAL SURVEY OF CANADA.**—The last number of the *Westminster Review* says "We are glad to receive from Sir William Logan, the energetic and accomplished Director of the Geological survey of Canada, further report of the progress of his great and important undertaking; and we trust that no niggard economy will be allowed to interfere with the continuation and completion of a work so sure to conduce to the development of the resources of the country, and so creditable alike to the Government which supports it, and to the scientific men by whom it is carried on."

— **REPORT ON THE SYLVA OF CANADA, &c.**—In Dr. Cowper's report, upon the sylvia of North America, prepared for the Smithsonian Institute, there is a map of this continent divided into districts. The first of these districts, the Algonquin, includes the eastern part of British America, Labrador, &c., and contains five species of trees.—We live in the Canadian region, which possesses seventeen characteristics and one peculiar species of tree. The Tennessean district is the richest in sylvan treasures, possessing thirty-four characteristic and seven peculiar species, while the Mississippian and Floridian regions are not far behind, each containing thirty-two characteristic and the latter seventeen peculiar species.

— A PENSION of £70 a year for literary services has been awarded by the British Government to Mr. Charles Duke Yonge, author of several Greek and Latin school books, among others of the "English-Greek Lexicon," and the "Phraseological English Latin Dictionary."

## X. Departmental Notices.

### CANDIDATES FOR GRAMMAR SCHOOL MASTERSHIPS.

The next examination of candidates for Grammar School masterships, will take place in the Normal School Buildings, Toronto, on the first Monday in January.

### NORMAL SCHOOL TEACHERS.

The present session of the Normal School closes on the 22nd December. Application for teachers should be made without delay. The next session of the school will commence on the 8th January. Application for admission should be made in person *not later* than the first week of the session.

### UNAUTHORIZED TEXT-BOOKS IN THE SCHOOLS.

In reply to several inquiries in regard to the use of unauthorized text-books in the schools, we refer the reader to the law on this subject, as quoted on page 180.

### BLANK HALF-YEARLY RETURNS AND REPORTS.

The blank forms for Half-yearly Returns and Annual Reports have been sent out to Local Superintendents for distribution to the Trustees of rural School Sections. Those for Roman Catholic Separate Schools and Grammar Schools will be sent out before the end of the month.

### POSTAGE REGULATION IN REGARD TO GRAMMAR AND COMMON SCHOOL RETURNS.

All official returns which are required by law to be forwarded to the Chief Superintendent, or a Local Superintendent, and which are made upon the printed blank forms furnished by the Educational Department, *must be pre-paid*, at the rate of one cent per oz. and be open at each end, so as to entitle them to pass through the post as printed papers. No letters should be enclosed with such returns.

### PUBLIC SCHOOL LIBRARIES.

"Township and County Libraries are becoming the crown and glory of the Institutions of the Province."—*Lord Elgin at the Upper Canada Provincial Exhibition, September, 1854.*

The Chief Superintendent of Education is prepared to apportion *one hundred per cent.* upon all sums which shall be raised from local sources by Municipal Councils and School Corporations, for the establishment or increase of Public Libraries in Upper Canada, under the regulations provided according to law. Prison Libraries, and Teachers' County Association Libraries, may, under these regulations, be established by County Councils, as branch libraries.

### PRE-PAYMENT OF POSTAGE ON BOOKS.

According to the new Postage Law, the postage on all books, printed circulars, &c., sent through the post *must be pre-paid by the sender*, at the rate of one cent per ounce. Local Superintendents and teachers ordering books from the Educational Depository, will, therefore, please send such an additional sum for the payment of this postage, at the rate specified, as may be necessary.

ADVERTISEMENTS inserted in the *Journal of Education* for three cents per word, which may be remitted in postage stamps, or otherwise.

TERMS: For a single copy of the *Journal of Education*, \$1 per annum; back vols., neatly stitched, supplied on the same terms. All subscriptions to commence with the January Number, and payment in advance must in all cases accompany the order. Single numbers, 12½ cents each.

✉ All communications to be addressed to Mr. J. GEORGE HODGINS, Education Office, Toronto.