

(Debates continued.)

EDUCATION.

House in Committee on the Report of the Special Committee on the subject of Education.—Mr. D. Macdonald in the Chair.

Mr. RAE, in presenting the Report, as Chairman of the Special Committee, said he scarcely expected that every suggestion contained in the report would meet with unanimous support; but, from the public which had been taken to ascertain the sentiments of the public on the subject, he thought the report would meet with the support of the major part of the House. He would propose that the report should be read, clause by clause, that individual members might have an opportunity to express their opinions thereon. [Mr. Rae here read the School Act of Nova Scotia, and also that of New Brunswick.] It would be better, he was of opinion, to recommend the moderate parts of the School Act of Nova Scotia, than to put in force either of the two Bills which he had just read. He thought the recommendation contained in the former part of the report was sufficiently stringent, and that an assessment thus carefully guarded would not or could not be an engine of oppression.

Mr. CLARK said he was well aware of the necessity of making persons who were unwilling to educate their children pay by assessment. There were unfortunately such persons possessing large families in the country. Two thirds of the inhabitants would be a sufficient majority to decide all matters relative to any District School; and the making of such a majority necessary to the carrying of any question affecting the school, would, he thought, be sufficient, and be a provision which would be found to work well. The School Acts of Nova Scotia and New Brunswick were not adapted to the circumstances of this Colony. With the greater part of the report he was disposed to agree, but he did not concur with the whole. Of the first part he approved. He thought the whole should be printed in the Newspapers of the Colony, that, being generally read therein, any information which could be offered on the subject might be had.

Mr. LE LACHEUR said he readily concurred with the Chairman of the Special Committee from which the report respecting the encouragement of Education in this Colony emanated. He thought if the assessment plan were adopted it ought to be very guarded. None but such families as stood in need of a teacher should be assessed. He would approve of a bill's being brought in on that principle, provided it should be allowed to lie over till next session.

Mr. SPEAKER was of opinion that unless it were intended to bring in a Bill with a view to its going into immediate operation, the report was quite sufficient for the present. He did not see exactly how far he should agree with, or object to, the recommendations of the report; but it might be printed, and time sufficient given to afford the country in general, as well as every honourable member of this house, a fair opportunity to give it a full consideration; and so excellent a report as it appeared to be, would surely greatly aid them in arriving at a just conclusion.

Mr. DALZIEL wished to have the Report printed, and that it might lie over for consideration. He thought the assessment might be so guarded as to prevent its operating unjustly.

Mr. HUDSON said, he had spared no pains, as far as lay in his power, to ascertain individual opinions on the subject. Some thought taxation an excellent plan; but the majority of those whom he had consulted were decidedly against it. They said specie was scarce; and he (Mr. Hudson) said, it was well known by honourable members to be so, especially in the back settlements. He agreed with the honourable the Speaker as to the utility of printing the Report. He thought much information would be derived from it.

Mr. SPEAKER said the report was a sufficient foundation on which to erect a proper superstructure; and, by having it printed in the two Island Newspapers, and allowing the further consideration of the subject by the House in their legislative capacity, to lie over till the next session, they would then, he hoped, be able to frame such an educational measure, as might be found adapted to the wants and circumstances of the country.

Mr. LONGWORTH had no objections to the printing of the report, provided the house should not be considered as pledging themselves to any details.

Mr. JOSEPH DINGWELL wished to call the attention of the house to a question which he thought it very necessary to put with respect to the assessment scheme. Who were to be judges as to who ought to be assessed, what the amount of assessment ought to be, and who should be sent to school? It ought to be remembered that it was very difficult to judge of the circumstances of another.

Mr. RAE answered, that persons who had money to spare for the tavern and other purposes of such a character, ought to be considered as having it to spare for the advancement of education. It was the duty of a Legislature that every subject thereof, having the faculties of acquiring useful and beneficial information, should be so educated to a certain extent. If a man were not able to educate his children he might make an affidavit to that effect, or if from conscience's sake he should scruple to make oath to that effect, two Magistrates or two Commissioners of Small Debts would be able to certify the fact. He (Mr. Rae) could not see that any assessment whatever could be more guarded. It was not to be imposed on any non-subscribers by the trustees of any school distant more than a mile and a quarter from such non-subscribers, and in no case to exceed thirty shillings per scholar, nor to be imposed for more than three children in the same family. When there was only one child in a family, the assessment was recommended to be imposed for only one half of the year; as when there was only one child in a family, it might frequently be necessary to keep him at home, or to take him away for one half of the year. No assessment could be more guarded. It was a duty of the Legislature to provide that the rising generation should be taught at least reading, writing and arithmetic; and where parents could not afford to educate their children to that extent, the public ought to assume the burthen. This was acknowledged by every enlightened country in Europe, and also in the United States of America.

Mr. SPEAKER—We appointed a Committee to give us information. We have obtained such information as they have been able to afford us, and that is sufficient for the present. There is no necessity for our now pledging ourselves to the adoption of any details. Were we now to discuss the report, clause by clause, we might as well bring in a bill at once. To say let the report be printed is not to say we will adopt it all. It is not even a pledge to our adoption of any part of it.

The Hon. J. S. MACDONALD observed, that the object of printing the report was merely to give information. There could, therefore, in his opinion, be no objection to the motion of the Hon. the Speaker. He would support it. If honourable members have any objections to the recommendations contained in the report, they will thus be afforded time for deliberation and enquiry.

Mr. LONGWORTH said he would object to a Bill brought in in accordance with the report, but he had no objection whatever to the report's being printed. He had been a member of the Special Committee by which that report was prepared; but he did not agree with it all. He quite differed from that part in which it is said, that in the present state of the revenue and of the mass of the people, this Colony cannot afford to maintain by legislative aid, seminaries more expensive than schools for the ordinary branches of education.

Mr. HUDSON proposed the appointment of another Special Committee to ascertain, during the recess, how the people stand affected to the recommendations contained in the report, and their opinions on the subject generally.

Mr. LE LACHEUR said, if the report were printed there would be no occasion to appoint another committee. Every member of the House would consider it to be his duty to examine and consult his constituency upon the subject of the report during the recess, and would personally report their opinions in his place in the next session of the house.

Mr. MACINTOSH said, if he dissented from the report, it was only because the assessment proposed was not a general one.

Mr. HUDSON said, he did not mean to press his motion; but he would remind honourable members that what was every body's business was nobody's business. If a Committee were appointed, they would be stimulated to exertion by feeling that they were directly accountable to the country and the House for the performance of a particular duty.

The Hon. J. S. MACDONALD said, so great was the diversity of opinion upon the subject, that, he believed, there were scarcely three individuals in one settlement who thought in common thereon.

Mr. SPEAKER observed, that although at one time he thought it might be well to appoint another Committee, he did not think so now. The appointment of another Committee would be interpreted as a reflection upon the Committee appointed by the last session. It would, in fact, be saying that that Committee had not done all which they might have done, and that it was necessary to appoint another to do that which they had left undone. The last Committee had done well, and had given in a very full and able report. The School Act was about to expire, but before it would do so, honourable gentlemen would have an opportunity to give the subject all necessary enquiry.

Mr. Speaker then resumed the Chair.

[For the remainder of this day's proceedings, see last week's report.]

House in Committee on the Bill to prevent the running at large of Horses and Neat Cattle in the Streets and Squares of Charlottetown, and to repeal a certain Act therein mentioned (Second Reading).

Mr. RAE, in urging his idea of the necessity of the Bill's passing into a law to prevent country people's suffering by the running at large of horses and cows in Charlottetown, said he was certain that if any man would drive half a ton of hay into Charlottetown, unyoke his horse, and leave his hay standing in the market square the whole day, he would not find he had enough left in the morning to feed his horse with. Many of the inferior animals, he said, were capable of certain degrees of education, and of acquiring certain degrees of knowledge. As a proof of this, the most knowing of the cows in Charlottetown were regularly observed to frequent Queen's Square on market days. Some persons, he observed, said that in the summer season horses and cows ought not to be restricted from running at large in Charlottetown, and the reason given was, that many persons who kept these animals in the town, had no other means of keeping them, than by allowing them to run at large in the streets. It had been denounced as a curse upon certain places, that grass should grow in their streets, but he was not aware that such a curse had been pronounced against Charlottetown. He had certainly never observed that the grass growing in the streets of Charlottetown, could afford much nourishment to horses and cows, and it would doubtless afford less as the population should increase. A certain degree of liberty was necessary to a horse that he might exercise his limbs, accordingly when a horse was turned out of his stable, it was observable that it was not pasture but gambling upon which he appeared to be intent. The hardship to the poor man who kept a horse or cow was, that there was no Common. Our ancestors had made such reservations; but it appeared that although there had once been a Charlottetown Common, it was vanished like the south end of Lot 3; if looked for, the return made would be *non est inventus*. If this common were established it would contain ten or twelve acres. Where then would be the objection to preventing the running at large of horses and cows in the Streets and Squares of Charlottetown. Had not his attention been turned to the subject he would have known nothing about the existence of such a Common. If the Common could be got again, its restoration would remove all objections to the Bill. Perhaps some of those who were better acquainted with the history of the former good things done in this Island than he was himself, would favour them with some account of the missing Common. The first Act he met with mentioning the Common of Charlottetown, was one passed in the year 1780, intitled "An Act to enable the Governor, or other Commander in Chief, to lease out certain parts of the Common of Charlottetown, Rent free, for the space of ten years." Mr. Rae here very happily ridiculed the reasons assigned for the passing of such an Act. It was a good idea, he said, that the Common was not useful for horses or cattle, nor even as a place of resort for the amusement and exercise afforded by those athletic games to which the race from which they were sprung were so peculiarly addicted. The next time the Common was mentioned in the Statute Book, was in the year 1809, when an Act was passed to repeal the Act of 1790. Other members of the House, he expected, were more cognizant of the history of the Common, than himself; and from some one or other of them he hoped they would be made acquainted with the facts on the subject. To prevent a poor man, who might be under the necessity of bringing a cow to town for sale, perhaps to pay his rent, becoming liable to a penalty of 20s. in consequence of his cow's getting loose and running through the streets, or any other case of similar evident hardship and injustice, he had been thinking some provision was necessary, that all horses and cattle brought to town for sale should be exposed in some place, fenced in at the public expense. The centre of the market square, he thought, would be the most suitable place for such an enclosure; and it could not well be considered a nuisance, if not nearer than 100 or 150 feet to the houses. If this were objected to, the centre of the common might be chosen. He had, he said, thus touched upon something that would be good for the people of Charlottetown, and upon something also that would be good for the people from the country. He had declared his ignorance on the subject of the Common, but hoped it would be explained by the honourable members for Charlottetown.

Mr. PALMER said he did not deny the existence, to a certain extent, of the evils complained of by the country people, respecting the injury done to their produce at times, in the market square and streets of Charlottetown, from the allowing of horses and cows to run at large therein; but he did not think the evil was yet so great as to warrant their going so far as was proposed by the Bill. He admitted, that as far as related to horses, it was proper that they should be prevented from running at large at certain seasons; but, as applying to summer, it would be too severe; it would be unjust. It had been stated by the honourable member for Prince County, and very correctly, that the poor people of Charlottetown had not now any advantage arising to them from Commons. It was most unwise and unconstitutional to grant away the Commons of Charlottetown. It was done, he believed, by the Governor; he was pretty certain it was not done by an Act of the Legislature. A Common once having been laid off, it should have been preserved to the public. Why it was otherwise he knew not. If the honourable member for Prince County could tell how the Commons could be regained, he would most heartily go along with him. Could the Commons be recovered, it would then be less hard to cause the prevention contemplated by the Bill. If they could prevent horses and cows running at large in the principal streets and squares of Charlottetown, and leave the roads and lanes of the other parts of the Town and Royalty free for the running and grazing of horses and cattle, it might be well. But it was obvious that that could not be done. The roads and lanes produced a great deal of grass, and during the summer season, the cattle of the poorer and middling classes in and about town, derived the whole or nearly the whole of their nourishment from the grass growing in the less frequented streets of the Town, and in the roads and lanes in its vicinity. It would be very hard that cattle and horses should be shut up, almost to starve, in stables and pens, and debarred from pasturing upon the unenclosed grass growing so luxuriantly in the Town and Royalty of Charlottetown. There were few families in Charlottetown that did not keep a horse or a cow. Several of them indeed farmed pasture Lots; but these Lots were not sufficiently extensive to serve both for pasture and for raising a little produce at the same time. The complaint of the country people amounted to no more than that they could not leave their produce unguarded in the streets and squares, without a risk of its being damaged or destroyed. And this was true enough. But was it not equally so as respected any town? Were not persons exposing goods for sale, in any town, in the open air, obliged to watch their property so exposed, whether in the market, on the quay, or elsewhere? Much of the evil complained of was caused by persons, who brought produce to town, leaving it unguarded in the streets, while they loitered away their time in the stores or regaled themselves in tap-shops. He thought a greater number of individuals would be injured by such a law than would be benefited by its enactment. He would willingly exclude horses and cows from running at large in the more public and populous streets of the town, provided they could be left to roam at large in those parts which are not yet so exclusively required for the abodes of men; but as it did not occur to him how that could be done, he was for leaving the law on the subject as it then stood. He knew that if horses and cows were not allowed to pasture in the less populous parts of the town, it would be necessary to employ men to cut down the grass in those parts in summer. It was true he thought the proposed prohibition would not be so objectionable, were it intended that it should be confined to market-days; but yet, even so confined, it would soon become a nullity. If horses and cows were to be allowed the free pasturage of the streets for four or five days in the week, the law might be attended to for one summer; but after that time, like most other laws of a similar nature, operating against privileges long enjoyed, and in themselves not unreasonable or unjust, it would be totally disregarded, and stand a mere dead letter on their statute book.

Mr. SPEAKER said he saw that if cattle were confined on market days, and allowed their freedom four days a week, it would be a benefit to the country people attending markets with produce, and could be no great injury to the towns people. He thought it might be sufficient that the restriction should extend to those portions of market days during which country produce was usually exposed for sale. However he would go with the Bill for the prohibiting of horses and cows running at large in the streets on market days.

Mr. THOMSON thought in framing such a Bill a favourable opportunity had been afforded to prevent many things which were offensive to the eye of decency. As to the proposed restricting of horses and cattle from running at large in the town on market days, he thought it ought to be the reverse; for the more country produce was exposed, the less individual damage would be sustained. Had the honourable gentleman who had introduced the Bill taken the opportunity afforded him to add to the measure some enactments against certain liberties which were highly indecent, he would have gone with him. As it was, he would oppose the Bill, and vote along with the learned and honourable member for Charlottetown.

Mr. RAE replied that the principle thing exposed to the depredation of cows and horses in town, was hay, and that was an article that limiting the restriction to market days would go a very short way to redress the evil complained of. The honourable and learned gentleman for Charlottetown was particularly careful of the interests of such of his constituents as kept cows; and he (Mr. Rae) had no

objections to his being so, provided his care of their interests went not to injure the interests of the country people. The honourable and learned gentleman had said that the individuals in town who would be injured by the Bill were more than those from the country who would be benefited by it. This he (Mr. Rae) denied: the individuals from the country supplying the Town with produce were, he contended, more in number than the people in Town who kept cows. The learned member for Charlottetown had said that in all towns where goods were exposed for sale in the open air, it was necessary for the owners to keep a watch upon them. As applying to the quays in towns in the old country, if cows eat puncheons of rum and hogshens of molasses, the argument of the honourable and learned gentlemen would apply; not otherwise. He (Mr. Rae) asserted that in towns in England and Scotland loads of hay in the markets were free from molestation. There might be a way of preventing depredations upon hay brought to market here, that was by the erection of a properly enclosed hay-market; but unless that were done, or such a Bill as that then before them passed into a law, a man bringing hay to town for sale might, before he got it weighed and delivered, have to wait half an hour or an hour, or perhaps half a day, and during that time, whatever it might be, his hay would be exposed to depredation. But to return to the Commons, he wished to know whether or not they had been granted away by special authority: independent of that, a grant from the Governor was no grant; his Commission prohibited such grants. Individuals to whom grants of the Commons were made, were, perhaps, ignorant of this; but, however, he was inclined to think they must have known they had no right to them. He had thought that, perhaps, the honourable and learned gentleman would make some motion relative to the lost Commons, for the good of his constituents: he hoped he would do so yet. There were still some pasture lots to be sold; and if the Governor, as it was said, had granted away the Commons, on a proper representation, some of the pasture lots within the Royalty might be reserved, and a few of them conjointed would be of material benefit to individuals in Charlottetown. But perhaps he was touching upon tender ground when he spoke of the interests of the poor: he would not like to cast, nor to be understood to cast any reflections upon the executive. However, if the honourable and learned gentleman was so anxious for the interests of the poor and middling classes of Charlottetown, he (Mr. Rae) had pointed out to him a way to benefit them, and, if sincere, he would follow it.

Mr. PALMER said, the honourable member from Prince County wished to shew that they who are inconvenienced by the running at large of horses and cows in Charlottetown, are as numerous as they whose interests would be injuriously affected by the passing of the bill. This he (Mr. Palmer) would not admit. The persons, he said, from the country who had any reason to complain of the mischief done by horses and cows in the streets of Charlottetown are comparatively few, and confined to within a few miles of Charlottetown. They who bring hay to town do not come a greater distance than about fifteen miles. Again, with regard to the Commons, the honourable member for Prince County knew as much as he (Mr. P.) could tell him: he knew they were granted away. If he (Mr. P.) thought they could be regained, he would be a most willing agent to act for the recovery of them. They had been granted away by the orders of the Home Government; the possessors of them had now too strong a right in them; they could not be disposed without compensation; and the compensation which would now be required would be too much to be granted. He was not so fond of popularity as the honourable member who had last spoken. The recovery of the Commons was hopeless; and for the sake of a little popularity he was not disposed to take up the inquiry, and waste the time of the House and the money of the public. Were he to undertake it, he might perhaps be able to bring in a rigorous report, and entitle himself to the thanks of some meeting, moved by Captain This, seconded by Major That, and supported by Lieut. Col. T'other; but of such proofs of his popularity he felt no ways ambitious. The Pasture Lots which remained ungranted were too far from Charlottetown to be of service as a Common for the people of the town; and, as he believed there were not more than one or two, he thought, that for such a purpose, they would not be worth looking after. He was not, he said, so well versed in the business of the executive, as to be able to afford the honourable member for Prince County all the information respecting the Common of Charlottetown which he seemed so anxious to obtain. He was as free and independent in the exercise of his legislative duties as any other individual who had the honour of a seat in the house; but he was not quite so fond of visiting the sins of the fathers upon the children, as some honourable members appeared to be. Mr. Palmer concluded by expressing a hope, that honourable members would support, on that occasion, the interests of the middle and poorer classes of Charlottetown. The bill, he said, could not go into partial operation: they might as well say, let the horses and cows of these classes starve altogether, as say they shall starve two days a week.

The Hon. J. S. MACDONALD said, the running at large of cattle about the streets was a subject of great annoyance to the country people. There ought, certainly, to be a restriction of the liberty on market days. As to horses, he would not restrain them in the summer season. Such a restriction would be most severely felt by many, by truckmen, for instance, who, with their families, were wholly dependent upon their earnings by the means of their horses.

Mr. CLARK was much of the opinion of the honourable gentleman who had last spoken. He believed there were many poor persons owning horses upon which they were dependent for support, who could not provide for them in summer; and, as there was much grass growing in the roads and lanes of the Royalty of Charlottetown, it would be very hard indeed to deny to those poor people the privilege which had hitherto been allowed them of turning out their horses and cows into those roads and lanes to pasture in summer. However, to cause those people to keep up their horses and cows in winter did not appear to him to be any hardship or injustice.

Mr. J. DINGWELL said he would go the length of prohibiting both horses and cows from running at large in the town in winter. It was only necessary to observe a sleigh containing hay, potatoes or grain, left for a few minutes in the market square, to be convinced of the necessity and justice of a law prohibiting the liberty in winter. What was the fact? The sleigh, in such a case, was immediately attacked by a set of hungry cows, tearing and destroying whatever the sleigh might contain. In the summer season, such a prohibition would be very injurious to many a poor person in Charlottetown who kept a horse or a cow, by the means of which he was enabled to support his little family. So far as he had explained himself, he would support the bill.

Mr. LE LACHEUR was sorry he had not heard all that had been said by honourable members upon the Bill, but from what he had heard he thought he might venture to express his opinion. He would not himself oppress any man, nor would he, could he prevent it, allow any man to be oppressed, but particularly the poor, who stood most in need of protection. They knew that the running at large of horses and cows was very injurious; but to pay as much regard to the interests of such poor people in Charlottetown as might be owners of horses and cows, as he thought, acting consistently with the rules of justice, they could pay, he would propose that they should not go the whole length of the bill, but limit the restriction to the winter season. With respect to the commonages, he supposed they had gone much in the same way in which several of the gentry had, in the good times gone by, acquired what had been the property of the poor. He understood that formerly a half worn coat or pair of breeches had been the value received for ten or fifteen acres. He had never, until now, heard that the commonages had been done away with by the consent of government, or that they were gone for ever. If the Common of Charlottetown was gone, they had less reason to wonder at some other usurpations which had taken place. Until then, however, he had never heard that the Common was, by charter, he had never heard whose use it had been reserved; he thought the possession of it was a mere usurpation, and that means were left by which restitution might be enforced. He hoped yet that the honourable and learned member for Charlottetown, when he had had further information on the subject, would be able to tell them in what way the lost privilege could be regained.

Mr. PALMER replied, that it could not be expected that he should remedy the ignorance of any honourable member. He had, he said, already stated that the Common had been granted away by orders of the Home Government, twenty or forty years ago. Some of the grants were now in possession of the children of those to whom the grants had been made. He, however, needed not to lay stress upon his own ideas of equitable and legal rights. He thought of those of the honourable member for Belfast. He (Mr. Palmer) thought any further present enquiry about the Common of Charlottetown would be quite useless; but he supposed they would not fail to include it in that Bill, which, they all knew, was forthcoming, and which was to be the grand panacea for all the grievances of Prince Edward Island.

(To be continued.)