The Examiner.

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EDWARD WHELAN] This is true Liberty, when Free-born Men, having to advise the Public, may speak free.—EURIPIDES. [EDITOR AND PUBLISHER

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Provincial Parliament.

LEGISLATIVE COUNCIL.

SUMMARY OF PROCEEDINGS.

SATURDAY, May 7, 1859.

SCHOOL VISITORS' REPORTS.

Hon. COLONEL SWABEY laid before the House the annual Report of the Visitors of Schools.

In doing so, His Honor said, I think it is not necessary that the whole of the Reports should now be read to the House. They are so voluminous that the reading of them at once would engross an unreasonable portion of your Honors' time and attention; but as they will be laid upon the Table, your Honors, individually, will have opportunities to look into or perfuse them as it may best suit your convenience to do so. I will, however, with your Honors' permission read the communication from the Board of Education which they have sent up to us with the Visitors' Reports. His Honor then read as follows:—

BOARD OF EDUCATION,
PRINCE EDWARD ISLAND,
2nd May, 1859.

The Board of Education in the exercise of the duty assigned it, by the Act 15 Vic. Cap. 15, transmits to the Legislature the following extracts of the reports of the School Visitors up to the present date. In revising the report marked No. 2, the Board deems it its duty to submit the views which the experience, more especially of the past year, has led it to entertain on the very important subject of school attendance, as affecting alike the interests of the rising generation, the remuneration of Teachers, and the success and stability of the whole system of public instruction in the free schools of the Colony:—

Although the average daily attendance required by the Act is sufficiently low, being only one half the minimum number of pupils of school age necessary to form a District, and although the words of the Act are precise, yet that difficulties have arisen in its administration is shown by the number of petitions now before the Legislature, arising out of questions concerning average, as well as from the following analysis, derived from the experience of the past three years. The principles of interpretation and of administration which guided the Board are deduced from the "minutes."

1st. In an agricultural country and where moreover the climate is one of extremes, the weekly, and monthly average attendance at school is necessarily very fluctuating. This in ordinary cases is sufficiently provided for by the Act which rests the average attendance on that of the entire six months. But in the case of removal of the Teacher from ill-health or death before the expiration of the yearly or half yearly term, the average will be above or below the standard according to the season of the year at which the interruption may occur. For a school which during the autumn has an average of only 15, may during the succeeding three months so far compensate as to raise it to 25, that is 5 above the standard. Is the Teacher in such a case to be paid a proportion of his salary, or is he to go entirely unrewarded? This question the Board decided in the affirmative.

2nd. Besides the periodic fluctuation just referred to, the average is sometimes liable to fall below the standard from the prevalence of epidemic or contagious diseases, such as measles, small-pox, or scarlet fever. Suppose in such a case, as has more than once happened, the average falls to 19, or even 18, is the Board to consider its hands tied up, and the Teacher to go unremunerated? Without the concurrence of the Board he cannot abandon his post. For the Board to give its assent would be to aggravate the sufferings of a District already sorely tried, to visit with unmerited punishment those whom the epidemic may have spared! To withhold its assent, on the other hand, would be to compel a public servant to remain at his post without being in a position to pay him.

3rd. Suppose the inhabitants of any District Act in strict conformity with the law, in having the boundaries defined, selecting the site, &c., but a contumacious minority rise up in opposition, choose a site for themselves, and in utter disregard of the law, build a school-house in opposition to that regularly established. If, in such a case, the average of the District school fall below the standard by a small fraction, is it to be excluded from all participation in the benefit of the Act? To do so, in the opinion of the Board, would be to treat alike those who disregard and those who obey the laws—to perpetuate a feud in the District which would more than neutralise the good effects of the Free Education Act, and to hold up to other Districts an easy method whereby the people at large might be deprived of the blessings of Education by the factious opposition of a few. To sustain the lovers of law and order during a temporary depression of the average, must have the contrary effect, and result in the final submission of the malcontents.

Whenever the deficiency was not owing to any of the causes just enumerated, the average required by the Act has been strictly insisted on, and as rigidly enforced, as the imperfect means placed at the disposal of the Board by the Legislature would permit. No means have been left untried to secure a faithful record of the daily attendance. The Teacher is required by the regulations to notify the Board whenever the average of the preceding three months fall below that required by the Act. On the receipt of any such notice the following circular was transmitted to the Teacher.

EDUCATION OFFICE.

"SIR,—I am directed by the Board to inform you, that unless your school keeps up the average required by the Act, you cannot obtain your salary for any time you may teach after the date of this communication. If, therefore, the people of that District are so little alive to their own interests as not to support the school, as they ought, by sending the children regularly you have no other alternative than to close the school, or look to the people themselves for your salary. Remember also, that any attempt to falsify the register, for the purpose of increasing the average, may subject the Teacher, not only to the loss of his salary, but of his licence."

I have the the honor to be, &c. &c.

On such principles had the Free Education Act been administered, from its introduction, to the 27th of January last. From the records of the Board, we find that between the 26th of June, 1856, and the date of the monthly meeting in January, 1859, there had been altogether 25 cases relating to average adjudicated on. Of these, 5 only were allowed; the others disallowed. On the day last named, however, there came before the Board 8 registers, with averages ranging only from 16¼ to 19 51-61, on which it was ordered, "That the Board cannot grant certificates for salary in any of the preceding cases, under the express conditions of the 21st Section of the Act, 17 Vic. Cap. 3. But that the Board will entertain petitions from the Teachers and School Trustees respectively, so far as to recommend their cases to the favourable consideration of the Lieutenant Governor in Council. * * * * * The Board will not in future interfere with the operation of the clause regarding the daily average attendance at schools."

This reversal of its former practice was not acquiesed in by all the members, and on the grounds already stated, petitions were in consequence presented to the Executive Government, and the same rate of remuneration obtained as in the case of Minor Districts. This decision having failed to meet what they deemed the justice of their case, the people have as a last resource, applied to the Legislature for the balance of the £25. This affords a good opportunity of finally settling the matter. A simple resolution will be sufficient to declare whether the principles which have hitherto guided the Board are sound, or whether the recent decision of the majority of the members as expressed, and the above resolution, meets the concurrence of the Legislature. In coming to a decision on this vexed question, it should be borne in mind, that the discretionary power, in certain cases, hitherto exercised, as has been shewn, with such caution, is still believed by a minority of the members to be essential to the successful working of the Act, and that sufficient occasions will not be wanting to vindicate the supremacy of Parliament without converting it into a Court of appeal for settling matters of detail.

A tribunal which condescends not to make itself acquainted with the facts of the case, may impress with an idea of its power, it can seldom excite our admiration at the justice of its decisions.

All which is respectfully submitted.

By order of the Board,
JOHN McNEILL, Secretary.

His Honor, when he had read the following paragraph of the communication;—

"A simple Resolution will be sufficient to declare whether the principles which have hitherto guided the Board are sound, or whether the recent decision of the majority of the members, as expressed in the above Resolution meets the concurrence of the Legislature,"—said,

I was not present when the Board concurred in this opinion with respect to the force of a mere Resolution of the Legislature. On the day on which the Board held a special meeting for the purpose of reviewing the School Visitors' Reports, I was unable to take part in the discharge of that duty; but having previously made myself acquainted with the suggestions, made by one of the late School Visitors' in his Report, and being also fully aware of the views entertained, with respect to them, by the majority of the Board with which I concurred, I delegated my voice to two members of that majority who I expected would be present at the meeting. Had I myself been there, I would have taken upon me to explain that if the Free Education Act be defective, (as in this and some other particulars I think it is,) its defects cannot be remedied except by an Act to amend it. The latitude for decision and action, which some members of the Board think ought to be accorded to them by investing them with a discretionary power, would, in my opinion, were it conceded, be a source of endless uncertainty and dissatisfaction.

That portion of the Report of the late School Visitor, Mr. Irving, to which reference is made by the Board of Education, in the preceding document, and on which the Hon. Colonel Swabey briefly remarked as above, is as follows:

"'Form of agreement with Teacher' and 'Teachers Certificate to obtain salary,' neither of which is in accordance with the letter or spirit of the law.

"First, with respect to the 'Form of agreement with Teacher,' All will admit that, where there is a contract, both parties should be equally bound, and neither should have an advantage over the other. The principle of even-handed justice, is, however, very far from being observed in the 'Form of agreement' under consideration. By Sect. 21, 17 Vict. Cap. 3, it is provided that no Teacher shall be entitled to his half-year's salary, unless during the half-year the average daily attendance shall have amounted to twenty. Now, is not a moment's reflection sufficient to shew that no Teacher can possibly have it in his power to compel such or, indeed, any other attendance of pupils? And, is it not quite as obviously true that, although the average daily attendance of pupils may—owing to causes over which the Teacher had no control whatever—have been below the amount required by law, he may, nevertheless, 'have conducted his school, duly, faithfully, and punctually, in conformity with the Statutes of the Island, and the Rules and Regulations of the Board of Education, from and during the term'—six months—for which he ought to receive a certain specified allowance? Most certainly. And yet the Teacher—owing to the unfair manner in which he is dealt with in the agreement—is to suffer the loss of his half-year's salary, in the event of his not having had the prescribed daily average attendance of pupils for the six months, although he may have fully, faithfully, and efficiently, acquitted himself of every obligation imposed upon him by the agreement.

"Great and monstrous indeed is the injustice to which Teachers may thus according to the strict letter of the law be subjected.

"If, then, I have fairly stated the case, as I think I have, the necessity of such an amendment of the law, on this point, as that suggested by me—an amendment which would render its operation, in such particular, perfectly just and reasonable—must be imperatively demanded; and, fortunately, it may easily be effected. The prescribed 'Form of agreement with Teacher,' if amended so as to make it personally obligatory upon the Trustees, for themselves and the other inhabitants of the School District, who may be liable to assessment on account of the school, strictly and fully to do their duty in keeping up the requisite attendance of pupils, would of itself secure the complete and satisfactory working of our present system of popular education. According to the present 'Form of agreement,' the Trustees loosely engage 'to keep in as regular attendance as possible all the scholars resident in the said District.' Now, I humbly submit, that an obligation so worded is, in fact, no obligation at all. To render the obligation effectually binding upon the Trustees, they should, by law, be positively required to engage—not, as now, 'to keep in as regular attendance as possible all the scholars resident in the District,'—but to keep up the full average daily attendance of scholars required by the law, unless the prevalence of epidemic or contagious disease in the District shall make it impossible for them to do so; and, in case they shall fail to keep up the average daily attendance of scholars required by the law, except as above excepted, although the Teacher shall have fully and faithfully performed his part of the agreement, and they shall not, on account of the average daily attendance having fallen below the amount required by the law, be able to grant him (the Teacher) the certificates necessary to enable him to receive the allowance to which he would, otherwise, be entitled from the Treasury of the Island, then, and in every such case, the Trustees shall be bound, in in a suitable penal sum, to pay to the Teacher immediately the full amount of the allowance which, otherwise, he would be entitled to draw from the Treasury of the Island—the amount to be finally raised by assessment of themselves and others liable to assessments on account of the school."

"Some, perhaps many, in the country, would object to this proposition, as being of too stringent a nature as respects School Trustees. Reasonable and right-thinking men—men who set a just value upon popular education—would, however, I am persuaded, think otherwise, and cheerfully acquiesce in its operation, should it become law. Such men would, I doubt not, readily perceive, on duly considering it, that its direct effect, would, on the one hand, be at once to close schools in settlements in which they are either not required, or not deserved; and, on the other, to cause them to be faithfully and zealously sustained in all Districts in which they are really required and truly desired."

"I could very easily argue further in support of it; but, as there observations and suggestions have already extended to considerable length, I shall now leave it, without further remark, to the wise consideration and sound judgment of those to whom especially it is intended to be submitted; that is, first to the Board of Education, and next to the Legislature; —to the first, to recommend its adoption in practice, if they concur with me in opinion concerning it, and, to the other, to make it law, if they approve of it."

"If this proposed amendment, of the 'Form of agreement with Teacher' be adopted, it will be necessary also slightly to amend the 'Form of the Teachers Certificate to obtain salary.' As the form of this Certificate now stands, the Trustees, thereby certify that the Teacher 'has diligently, faithfully, and soberly discharged his duty during the last—months, as Teacher of our school, and has duly kept a journal of the said school during the said period.' The amendment in such case necessary in such Certificate, would be to this effect: 'and the average daily attendance of pupils during the said period has been twenty, or more, if the fact be so. By-the-by, the Board of Education will find, on reference to 17 Vict. Cap. 3, Sect. 36, something like a rule or precedent for this proposed amendment of the 'Form of the Teacher's Certificate to obtain salary.' It is there expressly declared that 'no teacher in Charlottetown shall be entitled to receive a salary, unless he or she shall have taught at least thirty scholars, and such must be specified in the respective certificates.' And to this, I may, with much propriety, add that if such specific precision as to the number of pupils taught by any District Teacher in Charlottetown, be just and necessary—and I think it is unquestionably so—many circumstances concur in shewing that it is still more required as respects our rural District Schools."

The following extract from the Report of the Special Committee of the House of Assembly on Teachers' Petitions, which was sent up to the Council on Thursday, 19th May, as explanatory of an item of the Appropriation Bill, seems to shew that the suggestions above set forth were approved by that Committee.

"Your Committee are of opinion that, in cases when a school is opened with the number of scholars required by Law, and before the expiration of twelve months, parties keep their children from school without sufficient cause, thereby depriving the Teacher of his full salary, your committee would recommend that the School Act be amended in the next Session, so as to compel those parties who are delinquent in sending their children without sufficient cause, to pay the deficiency of the Teacher's salary, by giving the Trustees power to assess the defaulters."

In connexion with the foregoing may now very properly be given the following extracts from Mr. Irving's Report.

GENERAL CONDITION OF THE DISTRICT SCHOOLS.

"I have said that, since the introduction of the Free School system, the characters of the Teachers and of the schools have become greatly superior to what they previously were; but that no injustice may be done to certain veteran Teachers, who, even under all the disadvantages, and in spite of all the discouragements attendant on the old system, faithfully and successfully acquitted themselves of the duties and obligations which devolved upon them under it it must be admitted that such of these Teachers as are still living and still in the profession, have, by no means, waned in honorable repute, although of late a few young men of surpassing educational acquirements and of very great natural aptitude for teaching have been added to our educational corps, and are, individually, securing to themselves a reputation superior to that of many others in the profession, but that they still stand deservedly high in public estimation, as talented, faithful, and successful instructers of youth."

"Of the merits, both of such of the worthy veterans and of the talented recruits in the service as have come under my observation, I have had great pleasure in making honorable records. These records will be found in their proper places in the detailed report of my school visitations."

"Towards the promotion of real popular education the Legislature have nobly done their part; and, insufficient as the salaries which they have provided for Teacher's, are for the fair remuneration of such as are possessed of the higher order of qualifications required by the Free Education Act, it must yet be admitted that they have strained their ability to the utmost in that respect. Still, however, granting that every Teacher of the higher order were in the receipt of a salary of £60 per annum, it might reasonably be asked what are sixty pounds a year as an inducement for young men of energy and talent, (and none lacking these qualities should be employed) to devote themselves to the profession of teaching? Who can seriously contemplate a settlement for life, and formation of domestic relations with such a prospect as this before him? The effect of this inadequate remuneration of good Teachers, is that men of the right character either shun the vocation as a poverty-stricken one, or else pursue it only until they can leave it for more promising and lucrative engagements."

"In order to induce men of learning and other necessary qualifications contentedly and thankfully to set lo down as rural District Teachers, not merely for a season as birds of passage, but permanently, as *bona-fide* residents, due local encouragement must be given by the inhabitants of the rural districts themselves. What, from the scantiness of the public revenue, is left insufficient by the Legislature must be made sufficient by the wise liberality of the people themselves. If the people do indeed wish education—the tree of knowledge—to grow up and flourish and extend its branches to throw its wholesome and protecting shade on all around and to scatter its fruits over the land, they must tend it with more care, and promote its growth with greater liberality and more decided earnestness."

"To this, I will, at present, merely add that 'the suiting of the amount of remuneration to the rate of qualification by a judicious gradation of salaries,' is, in my opinion, positively the thing most needful to be done at present with a view to 'the bringing in of a better state of things;' and it ought to be done immediately. Too many of our Teachers are mere inexperienced boys; and the worst of it is, that—uninfluenced by and strangers to such wisdom as that possessed and displayed by Plato, who, as we are told, when asked how long he meant to be a disciple, said, 'as long as I am not ashamed of growing better and wiser,'—they think they have done enough to entitle them to rank among 'the lights of the world,' when they have secured their licences. The preposterous practice of employing such boys as District Teachers, and allowing them as high a recompence for their labours as is paid to the very best and most experienced of the profession, was very justly condemned by the Rev. Mr. Fitzgerald, at a recent meeting of the Board of Education; and, I believe, every other member of the Board then present concurred with him in opinion respecting it. It can easily be shewn to be glaringly unjust on different grounds; and I, therefore, hope it will soon be reformed."

Further, in connexion with this question, Mr. Irving thus concludes some observations under the head—

NORMAL SCHOOL SYSTEM.

"A moment's consideration will enable any one who is at all qualified to judge in the matter, that, to make a young man or a young woman a good Teacher, *an apprenticeship*—not of *three months* but of years, must be necessary. I hesitate not, therefore, to say, with respect to our present system of training and licensing Teachers, so far as it applies to mere youth, that it is a deception of the people and a robbery of the public Treasury. The only way in which, it seems to me, any remedy can be provided for this clamant evil, would be to effect a union of the Normal School with the Central Academy; and to allow the students being trained in the art of tuition under the Normal-School Master, to be exercised or employed, in some sort of regular succession, as *apprentice* assistants in teaching classes in the Academy, under the eye, not only of the Normal School Master, but of the Head Master of the Academy, either until they should be sent forth from it with well merited diplomas, or else dismissed as unlikely to be ever, or at least in any reasonable time, entitled to licences, or certificates of sufficiency as Teachers."

R. B. IRVING, Reporter

HOUSE OF ASSEMBLY.

SUMMARY OF PROCEEDINGS.

TUESDAY, 3d May, 1859.

House met at 11 a. m.

Hon. Mr. Longworth's Bill to enable Supreme Court to grant relief to Sheriff against adverse claims, was agreed to in Committee. The Road Petitions were next taken up.

Mr. CONROY drew the attention of the House to the Petition from Cascumpec, praying for the erection of a lock-up and Court-House. He detailed the frighful evils to which the inhabitants are subjected from the want of both a proper place for the administration of justice, and a lock-up for the confinement of parties who disturb the peace of the district. The Court was held in a public house, which tended not only to demoralise the people who came in quest of justice, but also turned the law itself into contempt. When the Americans come there in large numbers, as was frequently the case, the inhabitants were very rudely assailed by them,—females were in dread of walking out lest they should be insulted. The people had to lock up their doors, and remain, as it were, prisoners in their own houses. Surely something should be done to remedy such a state of things, and he hoped the prayer of the petitioners would receive the serious consideration of the House.

Hon. Mr. PALMER said the lawless state of Cascumpec has been often represented to the House. It should be checked. They wanted a specification of the required buildings, and estimation of the cost. The people must be protected from the lawlessness of foreigners; punishment must be inflicted on rioters and disturbers of the public peace. The required building must answer the purpose of a jail. They required information as to the expense likely to be incurred before they could vote it into Supply. The specification might be produced before Supply was ended.

Hon. Col. GRAY felt that the hon. member for Tignish was entitled to the best thanks of the House for having brought this matter forward. He was astonished to hear that a band of lawless fishermen would act in the manner so forcibly described by the hon. member for Tignish; and was also surprised that the people have endured those outrages so long, without remonstrating loudly, and demanding protection. The British Government would soon stop such lawless proceedings; one or two of Her Majesty's steamers would soon remedy the evil complained of, and teach lawless ruffians that females should not be insulted with impunity.

Hon. Mr. YEO said the place was very badly off for protection, and he hoped that something would be done to remedy the evils of which the petitioners so very justly complained.

Hon. Mr. PERRY said that where any great body of men congregated together there was always found a few who were disorderly. Such was the case at Cascumpec, but, out of perhaps 300 or 400 there might only be ten, or perhaps a dozen, who were disorderly. And instead of the great body sanctioning the conduct of those few, they were anxious to see them punished. Even the captains and crews generally would feel disposed to assist the authorities in enforcing the law. The Americans did not kill each other wholesale, as was too generally supposed. They managed to live in the States as elsewhere.

Messrs. HOWAT and HOLM did not deny the necessity which existed for the erection of a lock-up at Cascumpec. Other places also required similar protection, and if the boon was conceded to one place, others would feel themselves equally entitled, and would demand the same. The farmers of the country were not in such a state as to incur any large additional expenditure; and if these applications were complied with, the result would be another issue of "shin-plasters," which had already proved so ruinous to the country.

Mr. PERRY observed that the "shin-plasters" might, ere 12 months would roll round, become pieces of gold.

Mr. DOUSE would soon remedy the evil, and cheaply too, by the erection of stocks for the punishment of such lawless ruffians as disturbed the public peace, and insulted the females of Cascumpec.

Mr. CONROY would not go that far, would not revert to the barbarism of former times, by placing any one, even his greatest enemy, in the stocks.

Hon. Mr. POPE would support the claims of the inhabitants of Cascumpec for protection. They all knew what kind of characters sailors were, no matter of what country; and it was a very great hardship and injustice that the people of Cascumpec should be subject to the evils of which they complained. The matter deserved the serious consideration of the House, and means should be adopted to remove the grievance of the petitioners.

It being the unanimous opinion of the House that some action should be taken on the petition, Mr. Conroy moved for an Address to His Excellency and Executive Council, to order a specification, &c., for building a Jail and Court-House at Cascumpec, to be laid before the House next Session.

Hon. Mr. LONGWORTH feared the word "Jail" was rather an extensive denomination, and might lead the country to expect more than was contemplated. Should suggest the substitution of "lock-up" for Jail, as more applicable.

Mr. CONROY consented to the alteration.

Hon. Mr. MACAULAY said that a temporary Lock-up would prove useless. It appeared to be a Jail that was required, and they should wait until they had sufficient funds to erect a permanent building. The country was in such a state at present that no additional expense could be incurred; and on the whole, if the inhabitants of Cascumpec had evils to complain of, the advantages which they derived from such a large concourse of Americans coming among them, spending their money, perhaps counterbalanced all those evils.

Mr. CONROY deemed it a very foolish argument used by the Hon. Mr. McAulay, to suppose for a moment that any pecuniary advantages could compensate for the insults to females, of which the petitioners complained.

Mr. DOYLE said that a Lock-up at Cascumpec would prove of great advantage to the petitioners. If 10 persons were taken up for riotous conduct, and placed there for a reasonable length of time, it would have a salutary effect, and deter others from similar conduct, subject to similar punishment. But it has been said that other places required such protection as much as Cascumpec. No such thing! 300 or 400 vessels were often driven in at once all along the harbour, and a vast concourse of persons the consequence. Among such a number of foreigners many acted very improperly, and by their riotous conduct put the inhabitants in great fear. No place in the Colony was similarly circumstanced, and he felt it to be the first duty of every Government to protect inviolate the persons and property of those over whom they rule. He trusted the Government would take