

ted to make them so? He had no hesitation in saying that all those engaged in the manufacture and sale of intoxicating liquors, were doing a great harm to society, no matter how high their character and position might be. He would like to have this bill referred to a select committee so that those more immediately interested in it might have an opportunity of showing the necessity for it.

Hon. Atty. Gen. said if this bill was calculated to improve the condition of the unfortunate class to whom it had reference, he would be inclined to give his assistance. He did not think the Province was in a position to erect a separate Asylum, but as it was the intention to enlarge the Lunatic Asylum, there might be a separate ward set apart for these unfortunates, who, no doubt, required the same treatment as other lunatics.

Mr. Miller was happy to hear the remarks of the Attorney General. He thought an institution of this kind was quite indispensable. It would not be a novelty either, for they were in successful operation in the United States. There was no doubt that there were a large number of persons in this country (one or two serious ones had come under his own observation) who required to be treated in an establishment such as that contemplated in the bill, and he hoped the subject would receive the favorable consideration of the House.

Mr. Tobin did not know how the idea of the hon. member for Annapolis, to tax those who deal in the article, would work,—he rather thought that if they did it would be found that the consumers after all would be the ones who would have to pay. He, for one, would rejoice if anything could be done for this unfortunate class, who were incapable of taking care of themselves or their property,—and if this bill afforded a feasible mode of accomplishing that object it deserved the consideration of the House.

Hon. Atty. Gen. laid on the table an estimate of the militia service for the year ending Sept. 30th, 1865—the amount being about \$80,000. Referred to militia committee.

The School Law.—Hon. Atty. Gen., on moving the adjourned debate, said the leader of the Opposition had misconstrued what he said concerning an *ex post facto* law. This bill was no more *ex post facto* than most of the cases referred to. The hon. gentleman based his chief objection to the clause upon the ground that it raised liabilities where none such existed. The moment the majority of a school section decided to support a school by assessment, the liability of a party for a proportion of that assessment was made. The clause applies to sections where the schools have been established, and all the benefits contemplated by the law have been received. It, therefore, an individual receives value for what he is assessed, it is but right he should pay for it. Therefore, there is no injustice in the case. Technical objections are not encouraged in courts of law or in legislatures, and when mere technical objections interfere with the carrying out the provisions of the law, it is the duty of the Legislature to remove the difficulty. If the legislation that is now asked for takes place, it will be but carrying out the law.

Mr. Archibald said if the Hon. Attorney General is willing to say that he exempts from the operation of this act all those cases where sufficient notice was not given, I will go with him. If the Attorney General would alter the bill so far as to say that where the inspectors have given due notice—where the people knew the meeting was to be held—where a majority have united on assessment, then no one could complain. He considered that the principle which lies at the foundation of this bill is subversive of all the rights of property.

Hon. Atty. Gen. could not understand how the hon. member can uphold the principle that when a man obtains all the benefit the law intended he should have, he should be exempt through some little mistake or irregularity. Does not he know that his government came in and declared the city of Halifax liable for the \$100,000 and a large sum for interest beside, though the question was in litigation? Was not that *ex post facto* legislation in fact? It was placing the Legislature in the position of a court of law, and doing away with the objection that the city might raise to the payment of the money. It was going a great deal further than is now attempted under the present bill. There are cases where every man in the district knew of the meeting, where they agreed to assessment unanimously, and some said afterwards that the proceedings were not regular. If the words are not sufficiently definite in the bill, he had no objection to altering them in Committee.

Mr. S. Campbell said the hon. member tells us that the education act imposed liabilities upon parties, and that the present bill is only intended to enforce them. He differed from him totally. The act only imposed liabilities *sub modo*, and that is the distinction which he has lost sight of altogether. There were no liabilities he contended, if the requisities of the law were not complied with.

The Legislature considered that there was something substantial in these technical objections or they would not have placed them in the law. Again, if you make a man pay one pound when he is not by law liable for one penny, is not that *ex post facto* legislation? The hon. member shakes his head, but I wish he would shake something out of it. If there is nothing in these objections—if they are only technical and not substantial, what is the meaning of the legalizing act? What is the necessity of it?

Hon. Atty. Gen. said all that we wish to do is to carry out the law, and protect public officers who have endeavoured to discharge their duties faithfully.

Mr. S. MacDonnell said, in dealing with this subject we must do so in that manner which to

us may seem best calculated to effect the greatest amount of public good, and thus set the difficulties now existing in many of our school sections at rest. The hon. leader of the opposition, when the bill was introduced into the House last winter, went further in support of the principle of assessment than any other gentleman, and made use of the expression that his greatest fault with the act was, that it did not go far enough. As to the present bill, he must admit, as a lawyer, that as part of it has a retrospective effect, it will have an *ex post facto* operation. It is, however, admitted that there is such a species of legislation in all countries having civilized governments.

The bill before the house has an *ex post facto* operation as far as the technicalities of the act of last session are concerned, but as to the spirit and real and plain intention of this act it has not.

The notices given by the committee of Public Instruction had full publicity in the *Royal Gazette* and the press as much as any one of the laws on our statute book, and none could by any possibility have misunderstood his situation and obligations under the law. I think this is a fitting case for the exercise of this mode of legislation; and that while the cause of education will be much benefited the legal rights of individuals are not unequally affected.

Hon. Mr. McFarlane said that this question has never been treated in a political aspect. In his own county the strongest advocates of the bill were in the ranks of the Liberal party. All that this Legislature is asked to do is to protect individuals who on the faith of the law of last session entered into engagements. Are we to say that owing to some insignificant technicality the spirit and intention of the law is to be evaded, and parties who incurred responsibilities in good faith are to be made liable, whilst the parties who have received all the benefits of the school to which they were entitled under the statute are to pay nothing. I frankly admit to the hon. member for Colchester that the law has operated hardly upon some individuals, but that will be remedied by the bill now on the table. I believe if you refuse to legalize the proceedings taken under the act of last session, you will plunge the people into an amount of trouble and difficulty that we now hardly estimate.

Mr. Kaulback was surprised at the arguments advanced by honorable gentlemen opposing the bill. In carrying out the law it has been found that by some mere technical omission parties might escape the effects of their own acts, and where they had, by a majority at the meetings, opened schools and appointed trustees, who had contracted and made themselves personally liable for salaries of teachers and other expense, they might oblige the trustees to pay it out of their own pockets without any means of redress. The people should be obliged to keep the engagements they have made, and it is our duty to protect and indemnify those who, through no fault of their own, entered into obligations in full faith and confidence in the power of the law to save them harmless. We must not and will not, I am sure, allow any persons to suffer through any impotency in our legislation. The hon. leader of the opposition style this bill arbitrary and tyrannical—on the contrary, I believe, did we re-use this present bill we would then be acting arbitrary and tyrannical.

The Council of Public Instruction, which is the Government of the day, have, I think, rightly directed the proper steps to carry out the law, and we would fail in our duty did we not support them in legalizing those acts and the pledges they have made to the people.

Mr. Archibald defended the case referred to by the hon. member for Cumberland, of the township of Granville. I admit that where persons have honestly incurred obligations on the faith of the law being carried out, some remedy should be provided. I am not quite sure, however, whether the obligations of trustees, informally appointed, assuming to act under the law, can be enforced.

Mr. Tobin.—As the lawyers have so far had the battle all to themselves, thought that it is time for the laymen to step in. He considered it the duty of the house to give effect to the law, and to enable its provisions to be carried out, even if it has to be done by a bill retrospective in its character. A great many sections the provisions of the law have not been complied with at all, and the effect will be that many children will be deprived of the means of education for the next six months, unless the legislature steps in and affords them facilities for availing themselves of the law.

Mr. Blanchard said it might be all very well for hon. gentlemen, after taking advantage of the opinions of the lawyers, to profess to scout them afterwards, but that is not exactly the fair course to pursue. He was aware that in some cases private rights must submit to the public good, and that all laws are passed for the welfare of the whole community; but that principle did not apply to the present case, and he should therefore feel it his duty to vote against this bill.

Mr. McLellan had no doubt that the principal reason why this bill has not been carried out is because public opinion has been turned against it; and the people are so convinced that it is unjust in its operations they will have nothing to do with it, and should against it.

Hon. Mr. Shannon believed every body knew the difficulties experienced in endeavoring to carry out a new act. Even with all the guards and checks with which the act of last session had been surrounded, it was found that great irregularities had occurred. No doubt many of these were owing to the fact of its coming into operation so soon as Oct. There were so many things to be done before then—so many preliminaries to be observed—that it was no wonder

in many instances the time was allowed to pass by. And yet, notwithstanding the disadvantageous circumstances connected with the introduction of the measure, it was surprising in how many instances good schools had been established and were in successful operation. In some sections the people would have been deprived of schools altogether, having neglected to adopt measures in the time appointed for the preliminary meetings to be held. To meet cases like these government had issued the notices authorizing them to go on, and intimating that the legislature would be applied to to legalize the proceedings. If the bill was objectionable in some of its details that could be remedied in committee. Upon the motion being made to refer the bill to a committee of the whole house, there appeared for the motion 27; against, 17.

For.—Messrs. Pryor, MacFarlane, Allison More, Kaulback, Killam, McKay, Hamilton, D. Fraser, Churchill, Lawrence, J. Campbell, Le Vesconte, Tobin, McDonnell, Donkin, Jost, Hill, Longley, Shannon, McKinnon, Cowie, Caldwell, King, Colin Campbell, Prov. Secy., Atty. General.

Against.—Messrs. Locke, Ray, Hefferman, Balcom, Bil, G. S. Brown, Parker, Miller, McLean, Robertson, Blackwood, Stewart Campbell, Blanchard, P. Smyth, Ross, Robichau, Archibald.

WEDNESDAY, March 15th.

Petitions were presented by Mr. Bourinot, Mr. Cowie, Mr. Donkin, Mr. Parker, Mr. P. Smyth, Mr. Lawrence, Mr. G. S. Brown, Mr. Jost, Mr. P. Smith, Hon. Atty. Gen., Mr. Blanchard, and Mr. Miller on various subjects.

Hon. Mr. Shannon, from the Record commission, reported in favor of the publication of the Public Documents in a single octavo volume, under the superintendence of Mr. Atkins.—They recommended that 1000 volumes be published, as fully 800 will be easily sold at a dollar a piece, since they will contain an amount of information that will be very valuable. The report was received and adopted.

A message was received from the Legislative Council stating that they had agreed to a bill further to amend the act for the erection of a Court House and jail in Yarmouth, and also to a bill to legalize assessment rolls in Lunenburg.

Hon. Prov. Sec. laid on the table a copy of a letter from His Lordship the Bishop of Nova Scotia relative to the proposed sale of School Lands. His Lordship asks that no steps be taken in this matter for the present.

Hon. Mr. Shannon from the Committee on Private Bills, reported several.

Free Grants for aged Teachers.—Mr. Miller presented the petition of an aged teacher, praying for a free grant of land.

After some discussion in reference to these grants, Mr. Miller moved the following resolution.

Resolved, That all teachers who shall have been engaged in the employment for 20 years up to the month of March, 1864, shall be entitled to a free grant of land, under the usual checks and guards.

Hon. Mr. Shannon moved in amendment—**Resolved,** That this House considers that the policy of giving free grants should be discontinued.

He believed that unless the House came to such a determination the number of petitions would accumulate every year. He did not think it likely that men who were engaged in teaching all their lives would go into the forest and cultivate the land.

Mr. Archibald stated that it was his opinion that we should provide some fund from which school teachers in old age and infirmity could derive a small annuity. A similar provision was made in the States and Canada, and would be an infinitely greater boon to the teachers than a tract of land which could be of little use to them.

Mr. Tobin was favorable to any policy that opened up our wild lands to cultivation.

Mr. Archibald would be ready to grant these lands if there was any guarantee that they would be really cultivated.

On a division, the amendment moved by Hon. Mr. Shannon was lost by 17 to 29.

Yeas.—Pryor, Allison, Hofternan, Hatfield, G. S. Brown, Robertson, Locke, Archibald, McFarlane, Longley, Shannon, McKinnon, Cowie, Robichau, John Campbell, King, Hill.

Against.—Killam, Parker, McKay, Churchill, Donkin, Ray, Lawrence, Donald Fraser, Bill, Whitman, More, Kaulback, Le Vesconte, Tobin, Hamilton, Jost, Bourinot, Miller, McLean, Blanchard, Blackwood, Stewart Campbell, Balcom, Ross, P. Smyth, Anand, Attorney General, Provincial Secretary.

After some further discussion, the original motion passed by a vote of 27 to 14.

Mr. McLellan enquired when the Government would be prepared to lay upon the table the information asked for by him, relating to the construction of a railroad to Annapolis and New Brunswick.

Hon. Prov. Secy. said it would be done at an early day.

THURSDAY, March 9th.

Light Houses.—Mr. Balcom referred to a petition of last year relative for the construction of a light house at Jeddore. He pointed out the great necessity that existed for the construction of such a light house at the dangerous ledges in that locality.

Mr. Blanchard also advocated the construction of a light at that point, and alluded to the fact that from this point to Cape Sable, there were 12 or 13 lights, whilst to Cape Canso there were only three. Again from this point to the borders of New Brunswick westwardly there are

26, whilst easterly to the same there are only 17, though the latter is by far the longer distance. Hon. Fin. Secy. said that there was certainly a great disparity between the Eastern and Western coasts, but this year we were going to have a light house on Green Island, and a steam whistle at Canberry Head, Canso.

Hon. Prov. Secy. laid on the table copies of correspondence relative to the Private Secretary of the Lieut Governor.

Hon. Prov. Secy. announced that it was the intention of the Government at an early day to bring in a bill to provide the same salary for the Governor's Private Secretary as was formerly allowed.

Mr. Colin Campbell presented a petition from 150 inhabitants of Weymouth, against Confederation.

Mr. Bill presented a petition from a number of ratepayers of Cornwallis, praying that the proceedings of a certain school district in that locality may be legalized.

The School Act.—The House in Committee took up the bill to amend, and in addition to chap. R. S. "of Public Instruction," and to ratify and confirm proceedings thereunder.

Upon the reading of the first clause, Mr. McLellan enquired what difficulty there would be in making the new bill which had been introduced, apply on the 1st May.

Hon. Prov. Sec. replied that engagements had been made which would not terminate until August. Besides that great inconvenience would result from having two systems in operation in the same county at the same time.

Mr. S. Campbell enquired whether it was intended in case there were only two schools established under the act in a district, to divide the whole grant between them?

Hon. Prov. Secy. could hardly imagine such a case could exist.

Mr. S. Campbell.—It will be the case in the district of Guysboro. There were only two schools there now, where there used to be thirty.

Mr. Locke.—In Shelburne there will not be more than four.

Mr. Blackwood said there would be about the same number in his district.

Hon. Prov. Secy. said the hon. member for Guysboro, as a lawyer, ought to know that the government had nothing to do in the matter. The board of school commissioners distributed the money under the law, and he had no doubt they would do it in the most liberal manner.

Mr. Archibald again expressed the hope that the Government would strike out of the bill all the clauses except those that legalized past proceedings, and add a clause or two to the main bill to provide for the next six months.

Mr. Miller differed from the member for Colchester in his opinion that it would be more advisable to embody in the main bill, what was only intended to be temporary in its nature. There were other clauses of the bill very objectionable in their character. The powers conferred upon Trustees, in the 8th clause, to determine the sites of school houses, he considered most arbitrary. Another clause gives the Trustees power to assess the district to any extent, at their own discretion. He knew of no more simple mode to provide for the next six months than voluntary subscription, and he should therefore vote for the amendment of the member for Inverness to that effect.

Hon. Prov. Sec. could not see much difference between the course proposed by the member for Inverness and this bill. His object was to enable the people to adopt the voluntary system for the next six months, that was open to them under the present law. He did not suppose anybody wished to deprive the people of the right they had enjoyed for the last twenty years, of adopting the assessment principle if they preferred it, one of the most serious difficulties in carrying out the bill was to provide sufficient accommodation for the enlarged number of pupils who attended under the system of free schools, and the object of this bill was instead of levying a tax at once for a sufficient sum to erect suitable school houses, to enable the trustees to borrow money, and to spread the assessment over several years, thus making it bear more lightly upon the inhabitants.

Mr. McLellan could not see what was to prevent the main bill from coming into operation on the first of May.

Mr. Archibald said let them settle the policy of the main bill first, and then return to this.

Hon. Atty. Gen. did not think this bill had been treated in a proper manner by those who had voted for the principle of last year's bill. He did not expect the member for Colchester would have divided the the House upon the second reading. It was impossible to apply the machinery of the new bill on the first of May, because in many sections arrangements have been made under the existing law for the whole year, and in some cases subscriptions have been paid, and obligations assumed for the whole year. He would be happy if any gentlemen could suggest any better mode of accomplishing the object he had in view, which was to provide the people with the means of education for the next six months.

Mr. MacDonnell would like to ask the Prov. Sec. whether a single school had been established under the right which he says the people have enjoyed for the last 20 years of assessment. The system was perfectly valueless and useless.

Mr. Parker expressed his opinion that the bill now before the house was only going to perpetuate the difficulties, he could not bring himself to support a bill which he thought was contrary to the wishes of the people.

Mr. Stewart Campbell believed the country had condemned the principle of the education act, and yet the government persisted in forcing it upon them for the next six months. That was not the treatment the people had a right to