

work which was to be of such signal advantage to them. He had no objection to the introduction of the bill, though he would like to see how the public as well as private interests were to be at the same time protected. He had heard of parties who had combined to put a price of 60 cents upon railway sleepers, and yet had sold them subsequently for 10 cents to the parties who actually got the contracts. It was as well to understand whether those engaged in the construction of our Railways were to be called upon to pay inordinate prices through such combinations.

Mr. Archibald said that he had it brought to his notice that the existing law did operate injuriously to many private individuals. In amending the law, the House would be only transferring the burthen from the parties who now suffered to the counties which ought to suffer. A man through whose land a railway went might be grossly injured beyond the amount that he received in the way of compensation from the public.

Hon. Attorney General wished to know the specific character of the injuries received before applying a remedy. His own experience was that no individual, who could show that he had been unjustly used, would fail to receive justice at the hands of the legislature.

Mr. Tobin said that the province had made itself liable for a large expenditure for the especial advantage of Pictou, and he thought, under the circumstances, the people of that county should be more generous, and not endeavor to obstruct the construction of the line.

Mr. S. Campbell said he did not see what the petitioners had to complain of, inasmuch as they were enabled by the law to have an appraisal made of the injuries received.

Mr. Longley was glad to hear such sentiments expressed by gentlemen on both sides respecting the complaints made in the petition; and expressed his opinion that the law gave such individuals sufficient protection when it enabled them to appoint one of the appraisers to estimate the value of the extent of damage incurred. He did not think it at all becoming for the people of Pictou to make such complaints under existing circumstances.

Mr. D. Fraser was surprised to hear it stated that the whole of the county of Pictou was interested in the present question,—it was actually only a small settlement. He maintained that these parties had been hardly dealt with; they had only small pieces of land, and this had been denuded of valuable wood which they had been carefully preserving. He knew cases in the county of Pictou of individuals going upon private property, miles away from the railway, and cutting down fence material. He trusted that the House would consent to make the law more explicit.

Mr. Blanchard said it was not the people of Pictou who made these complaints, but a small portion of them. One complaint was that lumber had been carried away, and that it consequently became impossible to appraise the damage sustained. In the county of Pictou they had actually gone and taken stone twelve miles beyond the track of the railway. Any one who looked at the names on the petition would see at once that there must be good reasons for such a petition having been sent to the Legislature.

Mr. McKay expressed his opinion that the law now on the Statute Book required some amendment. Justice should be done to all parties who could make out a fair and legitimate case. Individuals who had small tracts of land, and a little wood on them, were the real sufferers.

Hon. Attorney General said that he never denied the principle that, although private individuals must at times yield to urgent public necessity and for the good of many, yet their rights should be touched as little as possible. He was quite satisfied that the Government would not sanction any illegal or unjustifiable acts on the part of a contractor. He was free to say that there might be hardship arise, when a little temperate conduct on the part of contractors would save the property of an individual from unnecessary damage, and still do no injury to the public service.

Hon. Prov. Secretary said he hoped there was no disposition to embarrass the Government in respect to the Pictou Railway, but certainly the course taken by the hon. leader of the Opposition was hardly worthy of a gentleman occupying so onerous and responsible a position. That hon. gentleman had himself undertaken to alter the law, and on the first note of clamor he declared it was a most tyrannical and arbitrary measure. All he (Dr. T.) wished to know was how the law could be amended without injury to the public interests. So great had been the obstruction in the way of obtaining sleepers that, at this very moment an effort was being made to obtain them from the neighboring Province—a very strange fact in a country like this.

Mr. Archibald said that he had not denied the necessity of protecting the public interests. What remarks had been made had arisen from the opposition that had been given to the consideration of a legitimate petition.

Hon. Prov. Secretary laid on the table the application of the Society of Natural History for aid in publishing the reports of the proceedings.

The petition was referred to the Committee on Printing and Reporting.

TUESDAY, March 13th.

A discussion arose on the amendment proposed by the Legislative Council in the bill in reference to the New York and Cape Breton Coal Mining Company. The alteration was the striking out of a clause which extended the liability of shareholders to the period of six months after disposing of their shares.

The amendment was negatived. Hon. Prov. Sec. laid on the table there part of Professor How on certain minerals found by Dr. Honeyman.

Mr. Annand referred to the necessity of having the Estimates down at as early a period as possible.

Hon. Atty. Gen. replied that measures were being taken with as little delay possible to lay the Estimates on the table. The government not only had to consider the amount of expenditure for the present year but also the altered circumstances of the country arising out of the abrogation of the Reciprocity Treaty. The duty, therefore, that now devolved on the Financial officer was of a far more onerous character than it had been for the past ten years.

Hon. Prov. Sec. laid on the table the petitions of two late Railway contractors, the contractors had been paid in full for all the work they had performed, but they claimed that they undertook the contract at a smaller amount than they could possibly do it for. He believed that that statement was correct, and that some of them had sustained a considerable loss in consequence. Of course the Government could not entertain any such claim for a single instant; they had discharged all legal demands upon them, and there their duty ended. They did not wish, however, to shut these men off from having their case placed before the Legislature.

Mr. Locke thought the Government should assume full responsibility in the matter, and not attempt to throw it upon the House.

The documents were allowed to lie on the table for the present.

Mr. Churchill presented a petition, Mr. Miller two, Mr. C. J. Campbell four, Mr. Hill one, Mr. S. McDonnell two, Mr. Longley one, Mr. Annand one, Mr. Kaulback two, Mr. Pryor one and Mr. Colin Campbell, one.

Hon. Prov. Sec. laid on the table information asked for by Mr. Hebb on a previous day in reference to the Inspector of Schools for Lunenburg county, showing that that officer's salary had been from May 1864 to January last, \$576 71.

The House then adjourned.

WEDNESDAY, March 14th.

Petitions were presented by Mr. Bourinot, Mr. Jost, Mr. S. Campbell, Mr. Hill, Mr. Pryor, Mr. Ross and Mr. Kaulback, for various objects. Mr. Tobin presented a petition respecting coal mining leases on which some discussion arose.

The House attended His Excellency in the Council Chamber. Upon the return of members, the Speaker announced that His Excellency had assented to the bills relating to the Windsor and Annapolis Railway Company, the New York and Cape Breton Coal Mining Company, the Collins Coal Mining Company, and the Acadia Lodge of Freemasons.

The Education Bill.—Hon. Prov. Sec. moved the order of the day, the bill "to amend the Act for the better encouragement of education." In doing so, he suggested to the House the advisability of allowing the bill to pass its second reading, as it involved no new principle, but rather matters of detail.

Mr. C. J. Campbell objected to such a course being pursued; he intended to move against the bill, as he was entirely opposed to the principle on which it was based.

Mr. Tobin asked the hon. gentleman if his carriage got out of order would he not take measures to have it repaired. Now the present law did not work well, and accordingly, the government were wishing to repair it, and make it more useful. He trusted that the hon. member for Victoria had patriotism enough to do nothing that would thwart the progress of education, and prevent the passage of a measure that would make our system more acceptable to the people of this country. When the present commissioners in Halifax entered upon their duties, there were only 700 children attending school, and now, notwithstanding the school accommodation was not at all satisfactory, there were at least 1900. When the House saw that similar results were occurring all over the Province, they should feel encouraged to persevere in the good work which they had set themselves to perform for the past two sessions. He did not suppose that he would derive any personal benefit from the law, but at the same time he was quite prepared that all the property he possessed in this country or elsewhere should be taxed for the benefit of education. Every man who had any patriotism should be willing to contribute towards the education of the country.

Mr. C. J. Campbell said that he was just as desirous as the hon. member for Halifax to increase the educational facilities of the country, and they only differed as to the best means of effecting that desirable object. The hon. gentleman was in favor of compulsory assessment, whereas he (Mr. C.) advocated a different course. If he had a carriage that was continually getting into ruts and was proved rotten and worthless, he would try to get rid of it as soon as possible, and procure a new one, constructed of sound materials, that could be used without any inconvenience.

Mr. S. McDonnell said that he did not agree with the statement that there were no new principles embodied in the bill, and that he could not understand the manner in which the House sometimes managed business. He had always thought that the proper time to test the principle was on the second reading, but according to the course proposed, the bill was to be discussed for some time in committee, and then perhaps be swept away altogether. It would certainly save time if the principle were discussed at once.

Hon. Prov. Sec. would frankly say that he was taking it for granted that the law now on the statute book, which had passed by a large majority, was still the policy of the Legislature;

but if the hon. member for Victoria wished to move against the broad principle of assessment for the support of free schools, now was certainly the proper time. He was in hopes that no gentleman would be desirous of attacking the fundamental principle of the law after the consideration it had received for the two last sessions, but that gentlemen all round the benches would unite in perfecting and making the measure as acceptable as possible to the masses.

Mr. S. Campbell did not agree with the assertion that, because the principle of assessment had been sanctioned in previous sessions, therefore it was favored by a majority of the House at the present time. Gentlemen had now gained an amount of experience in reference to the subject which placed them in a very different position to that which they formerly occupied. He believed, despite the assertions of the Superintendent of Education, that education had actually retrograded in this province.

Mr. S. McDonnell said many the details of the present bill were more distasteful than those of the existing law. The bill before the House, substituted assessment instead of voluntary subscription, and in that respect it made an important change from the present act.

Mr. Miller said that having twice tested the sense of the House, which had decided against him, he was bound now to presume, unless other gentlemen moved in the matter, that there had been no change in the opinion of the majority. He was glad to see that the question now came before House divested of any party aspect, and that gentlemen would be able to deal with it without feeling that they were opposing or supporting the government.

Mr. C. J. Campbell said that it was a matter of little consequence to him whether any change had taken place in the feeling of the House; all that he wished was to preserve his consistency. The government brought down the question of education an open one, every gentleman was left perfectly untrammelled, and could deal with it irrespective of party considerations. He would therefore ask leave to move the following amendment.

"Whereas it is the declared policy of the Legislature to establish a system of Free Schools for the education of the masses of the people; and whereas, compulsory taxation is obnoxious to those assessed, and exceedingly unjust in its collection and distribution:

"Therefore Resolved, That the Free Schools of this country in the future be only supported out of the general revenue; and further Resolved, That a tax of 1 1/2 per cent. be imposed on all articles imported into this Province, for the better support of Schools in this Colony."

Every one knew, that Providence had not lavished his gifts on any single class of men, but to some He gave the eloquence of expression and to others the power of reflection. He felt that there were many gentlemen around the benches who might not speak with the ability of the few, but who had nevertheless the great capability of thinking and forming sound judgments for themselves; and it was to these gentlemen that he chiefly appealed in the few imperfect remarks he was addressing to the House. He objected to the second clause as being unfair to the people to whom it was intended to apply. Under it a few persons would have to bear the burthen of the amount that had to be raised.

He considered the provision contemplated, of thirty cents per head, would not work in the country. The imposition of one and a half per cent. upon our imports would realize \$215,800 which, added to the usual Provincial grant, would make an aggregate of \$309,063, for the support of education. This sum distributed over the Province—allowing a full limit for the increase of next year—would allow \$7 to each scholar. It would give each teacher an average of \$300. Another great object would be also subserved by the policy he advocated. It was unwise to allow so many foreign goods to come into this Province free of duty. It was impossible to apply to a new country, whose manufactures were only in their infancy, the principle that worked well in Great Britain. It was his object to establish the principle of protection whilst he also promoted the cause of education. He did not wish to cast any reflections on the supporters of our present educational measure. He believed that they had risked a great deal in forcing it upon country; but, at the same time, experience should have taught them the folly of persisting in their policy.

Mr. Blanchard said he would like to know whether the hon. gentleman undertook to impose the duty of 1 1/2 per cent. on all merchandise or on certain goods only.

Mr. C. J. Campbell replied that it was proposed to impose the duty on all dutiable articles. As the importations increased with the growth of the country, the amount for education would increase; and there would be some permanency in the fund.

Hon. Prov. Secretary wished to know how the hon. member proposed to divide the money after it had been obtained.

At present the amount of money received in a district depended on the action of the people themselves. In one place the people might contribute largely in order to get a good teacher, who, under the bill, would receive a certain sum. The hon. member, however, proposed to raise a fund sufficient to pay all the teachers, and admitting such a plan was feasible, how could the money be divided? Who was to say to one section it should have fifty pounds, and to another it would receive thirty pounds. The hon. member would see at once that the basis now was that the Government could divide the money among the teachers according to the action of the people themselves. If a section employed a second class teacher, the responsibility rested upon it. It was a popular idea to propose this system of indirect taxation, but how was it to be carried out? If it was adopted in

respect to education, it should be extended also to the statute labor of the country. If the Legislature was to commit the folly of attempting to draw directly from the revenues the amount required for the support of the schools, this country would soon be in a condition of violent strife. The hon. member had attempted a similar resolution last session, but abandoned it when he saw the feeling of the House on the subject. Having shown to his constituents the views that he entertained, he ought not to have again occupied the time and attention of the Legislature with a project which was so entirely Quixotic. Wherever his principle had been tried, it had been found entirely impracticable. Instead of exciting an interest on behalf of education, it had led to indifference and apathy,—in short, to results that were most antagonistic to the progress of education. A few days ago a resolution similar to that of the hon. member, had been moved in a popular assembly held in one of the counties of the Province, but it was rejected, although the majority were opposed to the present school law, and had no particular affection for the government.

Mr. C. J. Campbell expressed his wish at one and the same time to encourage education and raise up manufactures in this country. Hitherto our people had been continually leaving the country to try their fortunes elsewhere, but once raise up a large manufacturing interest in the Province, and its population would soon be largely increased.

Mr. S. Campbell said he would be prepared to go to the full extent of the resolution moved by the hon. member, if he saw the least chance of its success. As it was, he would vote for it, and if it failed he would substitute another. The one he would propose would, of course, recognize assessment to a certain degree, but he would limit the power of the Government to impose direct taxation to any amount beyond one-fourth of the whole sum required to support our public schools.

Mr. Blanchard said that he had no hesitation in expressing his opinions boldly on this question, for he valued his seat less than he did the performance of his duty. He wished to show how the question really stood before the House—it was to impose one and a half per cent. upon all goods, whether dutiable or free. Surely that was a most Quixotic idea! More than one-half of our goods came in free at the present time. The hon. member for Victoria wanted protection, and he was going to have it with a vengeance. He was going to tax all raw goods that come in free, and yet he was a protectionist. He was going to tax all the flour required by the country, for on that article also he would raise a sum of about \$28,683, for the support of schools. He was going to raise \$215,000 by the additional duty, besides the \$90,000 now taken from the revenue. That was to say, he asked over \$300,000 directly from the treasury; that would be more than a quarter of the whole revenue. If all this money was to be taken for schools, and an immense amount besides for railways, how were the roads and bridges—of which gentlemen spoke so often—to be supported? Then it must be remembered that the hon. member would raise up an army of collectors; the whole machinery of the Customs would require revision.

The debate was adjourned; and the House adjourned until 11 o'clock the next day.

THURSDAY, March 15th.

The House met at 11 o'clock. Petitions were presented by the Hon. Prov. Sec., and Mr. Longley.

The adjourned debate on the education bill was resumed.

Mr. Locke said notwithstanding the statement made by the Superintendent he was disposed to believe that the schools under the old law were twenty-five per cent. in aavance of their present condition. It had been said by the Provincial Secretary that the state should provide for public Education—that being the case it was the duty of the state to support the schools entirely and make them free to the people, and by adding 2 1/2 per cent. the sum of \$196,400 would be produced, without being so burthensome as direct taxation, or say \$200,000, and the balance required could be raised by subscriptions which the wealthier inhabitants would readily give. If the government would accept these suggestions, he thought they would be taking an exceedingly popular step, and though he did not wish to see them become popular, yet for the good to be thus attained he would not regret that they should be so.

Mr. Ross was afraid that the Government were attempting too much, for instead of making such radical changes, the law, like our teaching, should advance gradually. Taking the report of the Inspector for Victoria, he feared matters were too highly colored; he should be glad if there really were "twenty-five new school houses built during the past year in accordance with the plans issued by the Council of Public Instruction" but all he could say was, that in his travels he could not see them. The local tax would entail a burden of from \$3000 to \$4000 on his people, and he for one would not willingly impose such a direct burden on those whom he had the honor to represent. If it should be decided that this burden was to be imposed on them, there were some clauses in the bill that he would feel it his duty to support. One was a uniform rate of payment to teachers all over the province, according to their respective classification. Another step in advance was to have the teachers paid directly out of the treasury, by orders drawn in their favor. This would be hailed with pleasure by the teachers in Victoria, who could not be satisfied with the irregular and improper manner in which they were paid during last year.

Mr. Miller said he could not go the length the