

rally followed under the new, and has produced the most baneful consequences. Engagements for one term are the rule, for one year the exception. Longer engagements are rare, if not unknown. For this state of affairs there are several causes, one of which is the state of the law, to which your Memorialists respectfully request the attention of your Honourable House. The interests of the people and the rights of the individual have to be respected. Efficiency and justice are never to be separated. It appears to your Memorialists that tenure of office during sanity, efficiency and good conduct, which is the rule adopted in other professions and occupations, is the most reasonable and advantageous to all parties. Tenure during pleasure, or for a very short period, tends to destroy self-respect, mutual confidence, and efficiency.

Your Memorialists therefore pray that the Law may be revised in such a way that all the more important Educational appointments—as those of Superintendent of Education, Principal of Normal School, Inspectors and Teachers—may be held on the tenure of *ad vitam aut culpam*.

5. Your Memorialists regard the present Constitution of the Council of Public Instruction as objectionable on several grounds, but they propose simple a modification and not a radical change, when they suggest that the Council should consist of the Four Departmental Officers of the Local Government, the Chief Justice, the Superintendent of Education, the Principal of the Normal School, and the President of the Medical Society of Nova Scotia.

Such a constitution would secure variety of experience, consistency, stability, independence, and responsibility, and removed the temptation and danger of sacrificing Education interests to political considerations.

Your Memorialists most respectfully, but earnestly, request your Honourable House to take the above representations into your most serious consideration, and adopt such measures as may effectively secure the ends in view.

And your Memorialists, as in duty bound, will ever pray.

In the name and by the authority of the Educational Association of Nova Scotia, held at Halifax 27-30 December, 1869.

The above document was signed by A. McN. Patterson, Esq., the President, and the Officers of the Association for the past year. These names comprised gentlemen of the first respectability, from at least four different Christian denominations.

Some very unnecessary warmth of temper was shewn in dealing with this document before it was read.

The official report of the House says:

Hon. Mr. Troop said:—It seems to me that this matter has gone quite far enough, and that if the Officers of the Teachers Association of Nova Scotia with the Editors of the *Christian Messenger* and *Presbyterian Witness* are to control and govern the educational interests of this country, the sooner we know it the better. I can but characterize the attacks that these papers have made upon the Government as based upon falsehood, the most disgusting that has ever disgraced the annals of Nova Scotia. I do not know who the officers of this Association are, but if they were on the floors of this House they might be taught the lesson, that when they attempt to have a petition on such falsehoods as those that characterize the statements in this petition, they must be prepared to take the consequences.

He moved that the hon. member have leave to withdraw the petition.

It does not appear what Mr. Troop would do to the officers of the Association, "if they were on the floors of the house." Did the Hon. gentleman mean personal violence? If not, what did he mean? We may state that with respect to ourselves we knew nothing of the Memorial till we heard of its being in the house. We were sorry that we were only able to be present at one meeting of the Teachers Association; and that was to hear the Rev. Mr. McArthur's lecture. It is a pity that gentlemen in the positions of legislators, have not better manners than to so descend to personalities.

Mr. Morrison moved that the hon. gentleman have leave to lay his petition under the table, and then indulged in some most unparliamentary remarks, respecting two gentlemen whom he thought proper to name—one of whom at least, had nothing whatever to do with the Memorial. We suppose the Member for Lunenburg, Mr. Desbrisay, will not feel that he is indebted to Mr. Morrison for any courtesy shewn to him in doing a simple act of justice to a number of the country's educators. It is a pity Mr. Desbrisay, or some other member, had not asked for a vote on the reception of the Memorial.

Parliamentary.

NOVA SCOTIA LEGISLATURE.

There have been a number of local matters before the Legislature in the shape of petitions for roads, bridges, relief from statute labor, gold mining company and other incorporation bills, but nothing of a general character that has called forth any public interest, except that of the dismissal of Mr. Rand from the office of Superintendent of Education. The calling for the correspondence, and the delay in its being printed,

prevented its being brought up for debate before Tuesday, the 28th ult. Discussion arose, however previously as to whether or not other papers and correspondence besides that first brought forward should not be laid before the House and the country. We were desirous of placing the said correspondence before our readers. But as it is not all published we must defer it this week.

On Tuesday the 28th ult., the day named for considering the educational correspondence brought down.

Mr. Purdy said there was other correspondence besides that already on the table, which would be necessary to have before honorable members could form a correct judgement on the case of Mr. Rand. Mr. Purdy and Mr. Pinceo mentioned several letters and telegrams that were not to be found in the printed correspondence.

Hon. Prov. Sec. said it would take some time to copy all the documents connected with the subject. The Government thought it would be sufficient for them to give such extracts from such documents as had a bearing on the subject under discussion.

Mr. Purdy then described more fully the letters he wished to have before the House, and offered objections to going into the debate without all the documents. He had the best authority for knowing that the Attorney General had received letters on this subject, which were not before the House.

Hon. Attorney General occupied the remainder of the day in speaking on the question. He said he had used his own discretion about putting the letters he had received, before the Council of Public Instruction. He affirmed that the removal of Mr. Rand was not in the most remote degree influenced by his conduct in reference to the Arichat Schools. He charged the former government who prepared the School Law, with doing so on party grounds, and appointing School Inspectors with scarcely an exception from their own party. He said Mr. Rand's dismissal was effected entirely on the George case, and thought Mr. R. should not have sent the commission to the Rev. Mr. Darragh, if unwilling to assume the responsibility of recommending him as Inspector for Cumberland County. He denied that the government had made use of their power for political purposes. He had always been opposed to the principle of removing officers, because they held different views from the government. He did think that the last election was exceptional, and that those who opposed the government then should have been dismissed.

On Wednesday the Memorial of the Provincial Teachers' Association a copy of which is given in another column was introduced by Mr. Desbrisay. Hon. Mr. Troop moved that it be not received.

Mr. Morrison moved that the hon. gentleman have leave to lay his petition under the table. This appears to have been taken as seconding Mr. Troop's motion! The motion passed.

(This is we believe a most unheard-of proceeding and such a thing as is unknown even in Great Britain for the last half-century.) Mr. Pinceo laid on the table as a notice the following resolutions:—

Resolved, That in the opinion of this House the Council of Public Instruction should, when and whenever practicable, select from the Teaching profession, without regard to political opinions, men of experience and ability, who have won the confidence of the educational authorities, to fill the office of Inspectors of schools.

Resolved, that it is the opinion of this House that no Inspector of schools should be dismissed for political reasons, or in consequence of his political opinions, unless he shall have become a partizan, or shall have so acted politically as to impair his usefulness, and interfere with the educational interests under his charge.

Resolved, That in the opinion of this House no Inspector of schools should be dismissed until the charges on which the contemplated dismissal is based, have been placed before such officer, and he shall have had the fullest opportunity to reply thereto.

Hon. Mr. Flynn spoke for some time in defence of himself and his conduct towards the Inspector Mr. Benoit, and Mr. Rand. He sought to shew that his dismissal could not have been in consequence of the Arichat case. In proof of this he said "I felt convinced that Mr. Rand was not friendly to it, (the government), and hence I always urged the necessity of his removal, and the appointment of some competent person in whom the government could repose confidence." Mr. Flynn further stated that "on the 25th of January the Provincial Secretary wrote a letter to Dr. Crawley, offering to him the place of Superintendent of education." "That" Mr. F. affirmed "was twenty-two days before the 'Arichat difficulty' had come up."

Mr. Flynn then read several letters from the printed correspondence, respecting the Arichat affair written from Dec. 2nd up to Dec. 23rd!

Mr. Flynn stated "When I received the letter of the Prov. Secretary stating that there had been no complaint before the Council, and as soon as I found that Mr. Rand was acting on his own authority, and had ignored the authority of the Trustees, I said to the Teachers 'Submit to no investigation ordered by Mr. Rand unless directed by the Trustees or the Council of Public Instruction.'"

The following is the letter Mr. Flynn wrote to the Inspector:

R. Benoit, Esq.
DEAR SIR,—I have been informed that Mr. Rand has again written you on the subject of the charges against our Schools, requesting that you would at once either make the enquiry demanded, or get the refusal of the teachers. As Mr. Rand himself has no authority to act in this matter, he cannot delegate any to you. Therefore your time would be better employed in attending wherever else the educational interests of this County may require it, and Mr. Rand's would also be better employed in attending to the general educational interests of the Province

than in prying into the domestic affairs of the Sisters of the congregation.

Yours truly,
E. F. FLYNN.

The third question put by Mr. Rand was this:

"3rd. Whether pupils of the female Boarding School are required by the rules to attend Roman Catholic religious services, or are precluded from freely attending the religious services of any other church if they or their parents desire it."

Mr. Flynn denied that either Trustees, Commissioners, the Superintendent or the Council, had any right to put such a question. Mr. F. denied the charges made by the Rev. W. Brine, the Episcopal clergyman, and characterized the statements in the *Church Chronicle* as untrue. He explained some things to which Mr. Brine refers in his letter—the distraint made upon Mr. B. for payment of his school-tax. He then affirmed that he believed the school at Arichat had been conducted as a district school in every respect under the law of the land. The teachers he believed had not in any way violated the law, or tampered with the faith of the Protestants.

Mr. Morrison spoke at some length in reference to the political opinions of the School Inspectors. His statement that they were all favorable to the government of the day was corrected by the Hon. Mr. Troop. After noticing the late Inspector for Cumberland, Mr. George, Mr. M. again referred at some length to the Teachers' Association.

He then proceeded to defend Mr. Flynn's course in reference to the Arichat Schools, and expressed his approval of the government dismissing Mr. Rand from the office of Superintendent of Education.

Mr. Campbell laid on the table the following resolutions:

Whereas, The Council of Public Instruction on the 1st day of September, 1869, did, on the recommendation of T. H. Rand, Esquire, Superintendent of Education, appoint the Rev. W. S. Darragh to be Inspector of Schools in the County of Cumberland, in the place of Francis W. George, as appears by the Commission to the said W. S. Darragh, signed, sealed, and issued by the said T. H. Rand;

And Whereas, Certain correspondence took place in Halifax between the said Francis W. George and the said T. H. Rand, in reference to the dismissal of the said F. W. George and the appointment of the said W. S. Darragh, in which the said T. H. Rand expressly denies that the said F. W. George was dismissed on his recommendation;

And Whereas, The said F. W. George took legal advice on the subject of his removal, and made an affidavit in the Supreme Court for the purpose of obtaining a *rule nisi* for the writ of *Quo Warranto* against the said W. S. Darragh and did, on or about 7th December last, obtain such rule returnable on the 18th day of that month;

And Whereas, The said rule was granted on the facts set forth in the said affidavit, the most important of which was the fact that the said T. H. Rand had informed the said F. W. George that he, the said T. H. Rand, had not recommended the appointment of the said W. S. Darragh, and that the said T. H. Rand had reason to doubt his fitness for the office, as by reference to the said affidavit will appear;

And Whereas, The said fact that the said W. S. Darragh, had not been recommended by the said T. H. Rand, is stated in the said rule as a ground for granting the said legal process; and is probably the main, if not the only, substantial grounds on which the rule was granted, and on which it is possible to dispute the legality of the appointment of the said W. S. Darragh.

And Whereas, It was exceedingly improper, in the said T. H. Rand, holding the office of Superintendent of Education under the Government, to hold any correspondence whatever with the said F. W. George, on the subject of his dismissal by the Executive Council—"The Council of Public Instruction"—or in any manner to countenance or encourage the said F. W. George in his opposition to the Council;

And Whereas, The information given to the said F. W. George by the said T. H. Rand, that the appointment of the said W. S. Darragh was made without the recommendation of the said T. H. Rand, was not only untrue, but implied a direct charge against the said Council, that they had acted contrary to law in making the said appointment without the recommendation of the Superintendent;

And Whereas, The said T. H. Rand, in his said correspondence and conduct on the subject under consideration, manifested a disposition entirely inconsistent with the duty of a servant holding an office of trust under the Government.

Resolved therefore—

First, That it is the opinion of this House that the dismissal of the said T. H. Rand from the office of Superintendent of Education was a necessary and proper act of administration, and that the Government were fully justified in his removal.

That there is, in the opinion of this House, no ground whatever for believing that the conduct of the said T. H. Rand in investigating complaints against the schools in Arichat, had the least influence on the Governor in Council, but that His Honor and his advisers dismissed the said T. H. Rand solely and exclusively on account of his misconduct and insubordination in regard to the dismissal of F. W. George, and the appointment of his successor.

Thirdly, That the attempt to create an impression in the public mind that the Government have in contemplation the introduction of separate schools is insulting, not only to the Government but to the Legislature, without whose in-

strumentality and concurrence no such change in the system of education can be effected.

The House met on Saturday, but there not being a quorum it stood adjourned to Monday.

On Monday after some routine business, Mr. Pinceo presented a petition from Mr. Raul, praying that he be allowed a hearing at the bar of the House respecting certain changes which had been made against his official conduct.

On the question being put the following vote appeared:

For—Hon. Mr. Ferguson, Messrs. Pinceo, Purdy, and Dickie.

Against—Provincial Secretary, Attorney General, Hon. Mr. Cochran, Hon. Mr. Troop, Hon. Mr. Flynn, Messrs. Townsend, Freeman, Smith, Hugh McDonald, Eisenhaur, Kidston, D. McDonald, Copeland, White, Johnston, Hooper, J. McDonald, Landers, Doucette, Dr. Brown, Dr. Murray, Desbrisay, Campbell, Balcom, Morrison.

On Monday afternoon, Mr. Kidston made the following motion as an amendment to Mr. Campbell's resolution, That the second and third resolutions be struck out, and the following resolution be substituted:—

"That while this House concur in the act of the Government in dismissing T. H. Rand from the office of Superintendent, they cannot justify the Government in the appointment they have made to fill the office of the late Superintendent of Education."

This we believe was not seconded.

Mr. Murray offered some objections to the appointment of the Rev. Mr. Hunt to the office of Superintendent of Education, and characterized it as a grave mistake.

The government resolutions were then moved by Mr. Campbell and seconded by Mr. Landers.

Hon. Mr. Ferguson gave his reasons for voting in favor of Mr. Rand being heard at the bar of the House. He thought it would have only been right that he should have a fair hearing.

Mr. Pinceo spoke at some length on educational matters, and concluded by submitting the following series of resolutions in amendment of those brought in by Mr. Campbell:

Resolved, 1. That in the opinion of this House, the action of the late Superintendent of Education in opposing the dismissal of F. W. George from the office of Inspector of Schools, was in conformity to the principle of a non-political school system, and in harmony with the spirit of the school law.

2. That in view of the action of the Council in dismissing Mr. George and in appointing Mr. Darragh, the demand of the Council that the late Superintendent should forward the commission to Mr. Darragh, the opinion of the Attorney General that the Council had power to dismiss Inspectors even in opposition to the recommendation of the Superintendent; the obvious fact that no other person than Mr. Darragh would be accepted by the Council as Inspector, the necessity of having an Inspector commissioned without delay to the vacant office in order to save the Educational affairs in the County from serious injury and derangement; and in view of the statement of the late Superintendent on being informed of Mr. George's dismissal and the appointment of Mr. Darragh, that he should in view of the circumstances of the case offer no opposition to the appointment: It is the opinion of this House that the action of the late Superintendent of Education in issuing a commission to the Rev. Mr. Darragh in the technical and only authorized form, does not call for the condemnation, but the sympathy and support of this House.

3. That in view of the fact that the Superintendent of Education is not by the provisions of the Statute, a member of the Council of Public Instruction, but is directly obligated by the law to discharge responsible duties solely by virtue of his office as Superintendent, one of which duties is, the recommendation of suitable persons for the office of Inspector of Schools; and in view of the fact that the late Inspector for Cumberland Mr. F. W. George resigned the important office of Head Master of an Academy in order to accept of the office, in response to the repeated solicitations of the late Superintendent; and in view of the fact that the late Superintendent had frequently expressed the fullest satisfaction with the manner in which Mr. George discharged his duties; it is the opinion of this House that to deny the late Superintendent the right to inform Mr. George upon application, that he neither recommended his dismissal, nor that he should be displaced by Mr. Darragh, would be an unwarrantable interference with a sacred and inalienable right possessed by the Superintendent of Education as a man, that is to say the right to use the means necessary to preserve and defend the integrity both of his official and private character, and that therefore the conduct of the late Superintendent in the case in hand cannot be justly regarded as insubordination to the Government.

4. That in view of the fact that the Superintendent of Education is directly intrusted by the Statute "with the enforcement of its provisions and the regulations of the Council of Public Instruction," and in view of the fact that the Statute expressly provides that it "shall be the duty of each Inspector to aid the Superintendent in carrying out a uniform system of Education, and generally in giving effect to the act and the regulations of the Council of Public Instruction." It is the opinion of this House, that the course pursued by the late Superintendent of Education, in making the enquiry into the management of the Arichat Schools (even if it had not been first approved by the Crown officer) was a right and proper course, and in no way ignored the legal responsibilities of the Trustees; and that the interference of the Hon. Mr. Flynn with the due execution of the instructions issued in the case by the Superintendent, was an encroachment on the rights of that officer and also of the Inspector acting under the provisions of the law, and an unwarrantable assumption of authority.

5. That it is the opinion of this House that when the Superintendent of Education appealed to the Government to sustain him in an impartial and straight forward administration of the law in investigating the management of the Schools at Arichat, he should have been promptly sustained in the enquiry until he had obtained full and reliable information in the case.

6. That it is the opinion of this House that the Government should sustain him in an impartial and straight forward administration of the law in investigating the management of the Schools at Arichat, he should have been promptly sustained in the enquiry until he had obtained full and reliable information in the case.

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