COLONIAL LEGISLATURE.

House of Assembly, Saturday, March 18.

FREE EDUCATION ACT.

Mr. Wightman. As it was known to him that considerable dissatisfaction prevailed in the country, on account of what was considered the unequal and imperfect working of some of the provisions of the Free Education Act; and, as many complaints, on that score, had been made, to him, by his constituents, he had undertaken to bring the subject before the House, with a view to the revision of the Act, and the amendment of one or two sections thereof, out of which the grievances complained of by the people arose. He had, at first, intended to bring the subject at once before the whole House in Committee; but he had since been advised to move for a Special Committee, to report upon the whole, or upon such Sections of the Act as should be found exceptionable, or faulty in their operation; such Committee to have power to send for persons, papers, and records. This, on reflection, had appeared to him to be the more advisable course; as such a Committee could send for the School Visitor, the Head Master of the Academy, and any other individual who might be thought capable of making suggestions for the improvement of the Act; and, availing themselves of the suggestions and practical experience of such individuals, the Committee might be enabled to make such a Report as would materially assist the House in amending the Act. He, therefore, moved for the appointment of a Special Committee, with the power, and for the purposes which he had specified.

Mr. Clark. He would prefer the subject's being brought at once before the whole House in Committee. It would, whenever it should be taken up, occasion much discussion; and he thought it would be best to elicit the sentiments of the House, touching those Sections of the Act, the operation of which was complained of, before any amendments should be formally proposed and submitted to their consideration.

Hon. the Attorney General did not see that it was necessary to originate any thing, with a view to the amendment of the Act, in a Committee of the whole House. No fundamental or radical changes were contemplated in the system now in operation. It was mere proposed to amend two or three Sections of the Act; and the best way of going about it was, he thought, to appoint a Special Committee, as moved for by the hon. member, Mr. Wightman. All Petitions presented to the House, praying for alterations in the Act, might be referred to them; and, besides, they might call before them, and examine such individuals as could speak, from practical experience, of the working of the Act; and, aided by suggestions, obtained from such sources, they might in their Report, recommend, to the House, the adoption of such alterations in the Act, as might, to them, appear necessary for the rectification of the defects which had become apparent in the operation of the measure.

Mr. H. Haviland.—It was not usual to appoint a Committee in the dark. Before granting a Committee, the House ought to be made sensible of the necessity of doing so. He hoped the hon. member, Mr. Wightman, would, therefore, point out to the House, the defects in the Act which required amendment, before pressing his motion for a Special Committee to report thereon.

Mr. Wightman.—The 29th Section of the Act which authorises the establishment of new School Districts, requires amendment; for it has been found that, whilst the Trustees of such Districts are empowered to assess the inhabitants, being householders, in the sum necessary for the erection and the furnishing of a School House, and for a supply of Books; and, whilst it directs that such assessments shall be recoverable, from any parties neglecting or refusing to pay the same, by suit and prosecution before any Court appointed for the Recovery of small Debts, or before any Justice of the Peace, it has been found that such suits and prosecutions cannot be legally sustained. I myself know that parties refusing to pay such assessments have been sued for them before Small Debt Commissioners, and, owing to some radical defect in the law, it has been found impossible to compel payment.—By the Twentieth Section of the Act, the Trustees of a School District are empowered to assess the inhabitants who are householders, in a sum to provide books, school furniture, and fuel without making any distinction between such as have children attending, or who might attend, the school, and those who have none; and such assessment is, therefore, levied upon all alike. Now this indiscriminate levying of an assessment, for such purposes, is certainly unfair; and is, therefore, with much reason, complained of by parties who have no families to derive any benefit from the school. Such parties—at least such as I am acquainted with—are quite willing to pay the general land assessment for the encouragement of education, but they think it a grievance, of which they have good right to complain, and from which they conceive it will be nothing but a simple act of justice, on the part of the Legislature, to relieve them.—Again, by the 27th Section of the Act, the School Visitor, on not finding the attendance of scholars in a School to amount to Thirty, is directed to declare the shool closed, as far as regards the Act. Now all must be aware that, from some casualty in a District, such as the breaking out of some infectious disease, the number of scholars attending the school might be reduced far below the *minimum* number, Thirty; and it would surely be very unjust to all concerned, if, when, from any such cause, the school was empty or nearly so, the School Visitor should arrive, and declare it closed, and the annual allowance for the support of the same should cease. This Section of the Act, therefore, clearly requires amendment.—Another defect in the Act, which ought to be rectified forthwith, is the smallness of the Teachers' Salaries. It is almost, nay it is quite, impossible to secure as many properly qualified Teachers, at the Salaries allowed by the Act, as the country requires; and, in many Districts, in order to secure the services of duly qualified and respectable teachers, a few of the inhabitants have agreed to supplement the Legislative Salaries by boarding the Teachers, or making them an allowance for their board This necessity for supplementing Teachers' Salaries bears heavily on many who are desirous of securing a good education for their children, and, at the same time, almost equally desirous of seeing it secured to all the youth in the Colony; and I am of opinion that, from the present prosperous state of our revenue, the House may now very well entertain the idea of increasing the Legislative Salaries of District Teachers. These are my views, and the propriety of them will, I hope, be concurred in by every member of the House.

Hon. the Colonial Secretary expressed his concurrence in the views of Mr. Wightman, approved of the appointment of a Special Committee, and of such a Committee availing themselves of the suggestions of the School Visiter and of the Head Master of the Academy. A salary of £45 was certainly, he thought, too little, even for one of the very lowest class of teachers.

Mr. Yeo, Many petitions having reference to the working of the School Act were coming in from different parts of the country; and he thought it would be best to defer taking up the subject until after they had been received.

Mr. Fraser was of the same opinion. They ought not to be in to great a hurry. Many amendments of the Act were required. One was a provision for a third class of teachers, for the benefit of such settlements as could not procure the services of the best. The inhabitants of such settlements would account inferior teachers better than none.

Mr. Davies.—The motives which induced Mr. Wightman to move in the matter were, no doubt, good; but he (Mr. Davies) was of opinion that, in taking it up, he, as a member of the minority, was taking upon himself a duty which should have been assumed by some hon. member in the majority. It was not to be expected that the majority would be peculiarly anxious to further measures proceeding from the minority; and, therefore, he thought that, whatever amendments were required in the Education Act, they should proceed from the Government, or from the Government majority.

Mr. Wightman.—He hoped he was not held in so low estimation, by the majority, that they would be unwilling to cooperate with him for the perfecting, if it were possible, of so important an Act as that for the encouragement of education, or indeed for the attainment of any other object of public utility. But, even were it likely that, with respect to the amendments required in the Free Education Act, he should stand alone in seeking to have them effected, he would not shrink from the performance of the duty which he owed generally to the country, but especially to his constituents, with reference to that most important of all objects, the general diffusion of education amongst the people. "If," said the hon. member, "the House refuse to assist me, I must stand alone; but, if I do, I shall, at least, have no reason to be ashamed of my defeat."

Hon. Mr. Macaulay.—The hon. member Mr. Davies appeared to think that more regard would be paid, by the majority, to the individual who introduced a measure, than to the merits of the measure itself; and that they would rather withhold from the country the benefits of a good measure, than allow a political opponent to derive any credit from its introduction and passage through the House. He was happy, however, in being able to inform that honorable member that the majority with whom he (the Hon. Mr. Macaulay) was associated were men of too much honor and principle, men who had the well-being of the country too much at heart, to be capable of throwing any obstacle in the way of a good measure, by whomsoever it might be introduced. On the contrary, he rejoiced to know that they were predisposed and prepared to give their aid for the furtherance of every measure of sound policy, with whomsoever it might originate, whether with a member of the majority, or of the opposition. When the slap-dash manner in which the Free Education Act was prepared, and carried through the Legislature, it was not at all surprising that a very short experience of its operation had proved it to be a most defective measure. On the contrary, it would have been truly wonderful had its working proved satisfactory to the public. The manner in which a revision of the Free Education Act, with a view to its amendment, had been proposed by the hon. member (Mr. Wightman) entitled his motion to the most respectful consideration of the House. He had not of himself arrogantly undertaken to remedy the acknowledged or alleged defects of the Act; but he had modestly proposed the appointment of a Committee to revise the whole Act, with power to call before them such individuals—for examination, with reference to the working of the Act—as, from their attainments and experience, were supposed to be capable of affording suggestions for the improvement of the system. The course proposed by the hon. member was judicious and statesman like; and he (Hon. Mr. Macaulay) would, therefore, give it his support.

Mr. Davies.—He was not, by any means, opposed to the appointment of a Committee to revise the Act, and report thereon with a view to its amendment. All that he objected to was the subject's being taken up by a member of the minority. The measure was originally a Government measure; and, to the end that the amendments which it had been found the Act required, might not only be suggested, but actually made, any proposal for its revision and amendment should proceed from the Government; and be accounted a Government measure. A pledge would thus be afforded, to the House and the country, that a rectification of the defects of the Act was fully sanctioned and intended by the Government. He, however, did not believe that it was the wish of the Government to have the Act amended, but rather that it should remain in statu quo.

Hon. Mr. Montgomery.—It was not at all unusual for a member of the minority to move for the appointment of a Special Committee, nor for the House to accede to such a motion from such a quarter. Mr. Wightman, only two days after the commencement of the Session, had given notice in the Order Book, that he would, at an early day, call the attention of the House to the necessity of revising and amending the Education Act: and, if any member of the Government, or of the Government majority had afterwards come forward with such a motion, as that which had just been made by that hon. member, hon. members in the minority would not have failed to avail themselves of the opportunity to expatiate upon the unfairness of taking the subject out of the hands of the hon. member who had been the first to propose legislative action thereon.

Hon. Mr. Lord.—It was very true that but little opposition was made to the Free Education Act, whilst it was in progress through the House; but it was equally so, and well known to the hon. and learned member for Georgetown, Mr. Macaulay, that, by some hon. members, now in the majority, who acquiesced in the passage of the measure—not having the manliness to oppose it openly in their places—the Education Act had been decried through the country, for the purpose of depriving the late Government and their parliamentary supporters of their well-deserved popularity. It had been represented, amongst the people, that, although their taxes were increased by the Act, yet the country could derive but very little benefit from it; and that it had failed to accomplish the object for which it was passed; for not half the School Districts had been supplied with teachers. And, unfair and disingenuous as such representations were, they had been, he was sorry to say, but too successfully employed; for it was, in a great measure, owing to them, he believed, that, at the opening of the Session, the late Government found themselves in a minority, in the Assembly. He was, however, sorry to see that, not satisfied with their success at the elections, the party in the majority were too much inclined to continue party strife on the floor of the House, to the retardation of the business for the despatch of which they had all been returned to the Assembly. That the late Government and their supporters in the Assembly had faithfully and disinterestedly laboured to render the Free Education Act as efficient a measure as circumstances would admit, was a fact which no hon. member could honestly dispute; and the reflections which had been cast upon them by the hon. and learned member for Georgetown, Mr. Macaulay, had been quite uncalled for.

Hon. Mr. Macaulay.—I am not a Lord, and neither do I expect to be made a Lord by Act of Parliament; but no Lord can adhere with more independence of mind to his conscientious convictions than I do; and I must, therefore, decline to submit my judgment to the dictation of the lordly individual who has, just now, so arrogantly taken upon himself to rebuke me.

Mr. H Haviland.—The hon. member, for the Third District of Prince County (Mr. Lord) appears to be strangely mistaken as to the origin of the present altercation. Not a word proceeded, from this side of the House, to provoke it. The apple of discord was cast amongst us by the hon. member for Belfast (Mr. Davies), who has, most gratuitously, undertaken to censure the Government for not having taken up the business of amending the Education Act; quite overlooking the fact that the hon. member (Mr. Wightman) who has brought the question before the House, gave notice in the Order Book, of his intention to do so at the very commencement of the session; and also, that he did so as a supporter of the Government then in existence. If then—after that notice was given, and either before or after the resignation of the late Government—any member of the majority had taken up the subject, he would, at once, have been accused by the minority of having unfairly taken it out of the hands of that hon. member, to deprive him of the credit of bringing it forward, and by none more loudly than by the hon. member for Belfast (Mr. Davies.)

Mr. Clark.—He did not pretend to find fault with Mr. Wightman for having taken up the subject; but, as it had originally been a Government measure, he would prefer its remaining a Government measure. Besides, he thought it would save time and trouble were the matter taken up at once by the House in Committee of the whole.

Hon. the Attorney General, in reply to Mr. Lord, said that when the Education Act was in progress through the last House, it was opposed by only three members, Mr. Yeo, Mr. Douse, and himself. He, however, had not opposed the general principles and scope of the Bill. The only opposition he had given to the measure was on account of the unfair burthen which he conceived that portion of it which especially applied to Charlottetown, would throw upon his constituents. He had moved that so much of the Bill as referred to Charlottetown should be struck out; but, his motion was not agreed to; and he, therefore, voted against the whole.—In reply to Mr. Clark, who had said, he would prefer having the Act submitted to a Committee of the whole House, at once, instead of being first referred to a Special Committee, the hon. and learned gentleman observed, that when the Report of the Special Committee should be under consideration in a Committee of the whole House, it would be competent to hon. members to propose whatever amendments they might think the Act required. He had amendments to submit, the propriety of some of which had occurred to himself, whilst the necessity of others had been suggested to him by his constituents and the Petitions which he had to present concerning the defective working of the measure. He himself, however, had no intention to propose any amendments which would interfere with the general principles of the Act; and neither, he was certain, was any such intention entertained by any of the hon. members with whom he acted. Were it understood that they purposed any changes affecting the fundamental principles of the measure, it would soon be broadly asserted, and spread abroad by their opponents, that they intended to do away with the Act altogether, and were preparing to reverse every thing which had lately been effected: in fact, such assertions had been made already.—The course proposed was the best which could be adopted. Whilst the Special Committee were endeavoring to ascertain of what amendments the Act was susceptible, the ordinary business of the House would be proceeding; and, when the Report was prepared, the House could go into Committe upon it, without having lost time in the consideration of minor matters.

The Hon. the Speaker then put the question upon Mr. Wightman's Resolution; and the same having been agreed to, it was ordered, That Mr. Wightman, Hon. the Attorney General, Hon. Mr. Haviland, Mr. Fraser, Mr. Beer, Mr. Clark, and Mr. Davies do compose a Committee accordingly.

R. B. Irving, Reporter.

[The following Speech was accidentally omitted from our published Report of the Debate on the Resolution of a grant to the Agricultnral Society for the importation of Stud Horses.]

Mr. H. Haviland.—The late Government and their supporters were, most certainly, entitled to no peculiar merit on account of the grant of £1000 made, last year, to the Royal Agricultural Society. It was not a Government measure, and neither did it originate with any of their party. Let merit be given to those to whom it is due. In that case, it was due to the Agricultural Society: for, although the grant was made by the Assembly, their having voted it was attributable to the Memorial sent in by, and presented on behalf of that Society, praying for a grant to enable them to import suitable stud horses, and setting forth the great advantages, which their doing so would confer upon our farmers and the Island in general. The measure, as he had already said, was not a Government one; and neither was it advocated or recommended with any such peculiar earnestness, by them, or any of their party, in the House, as could entitle them to take merit to themselves on account of it. On this side of the House, however, said the hon. and learned member, there was not a disentient voice; but, on the Government side, it was opposed by Mr. Mooney, who is also opposed to the motion for a similar grant this year. Why he should be so, I am at a loss to understand. He represents one of the largest agricultural constituencies in the Colony; and if he took a right view of their wants and interests, he would see that the Assembly could not possibly do anything which would be more likely to serve them than providing them with means for improving their breed of horses. Last session, he asserted that the grant would not benefit the many, but the few; and, now again, he does the same, insinuating also that an undue preference has been given to the rich over the poor. But all know that the benefits arising from the importation of good horses, equally divided amongst the three counties, could fail to be experienced by none, but such—if any such could be found—as they who declined the advantages therby offered to them:—and, as to any undue preference having been given, I defy the honorable member to prove a single instance of partiality. The affairs of the Agricultural Society have, at all times, been directed by an equal and impartial spirit.

Further Extracts from papers received by the English Mail.

Paris is tranquil. The emperor had opened the Legislative Chambers with a Speech from the Throne.

The Russian frigates in Triesto have taken refuge in the inner harbour, where our English frigates watching them cannot reach them.

Prince Paskiewitsch has been appointed Generalissimo of the Russian forces, but below will be found a list of French generals with whom he will have to cope, the least, of whom will prove more than a match for an old Prince of 70 years of age. Lord Raglan and Sir Baldwin Walker have been to Paris to concert with the Emperor the plan of both the military and naval operations, and a circular of M. Drouyn de Lhuys to all the foreign agent abroad, commanding them to act in concert with the English authorities against the common enemy, gives fresh strength to our alliance with France, and must convince the Czar of the hopelessness of sowing disunion between the allies.

Fresh troubles are brewing for Spain, perhaps the whole Peninsula. There had been an insurrection in Saragossa, the particulars of which we defer.

The Louth Election has terminated in the return of Mr. Fortescure by a gross majority of 151. All went off quietly.

The *Tablet* states that the Holy See has appointed the Rev. Dr. Moriarty, President of All Hallows College, to be Coadjutor-Bishop of Kerry.

Previously to the last levee, his Excellency the Lord Lieutenant conferred the honour of Knighthood on J. Bernard Burke, Esq., Ulster king of arms.

On Friday night the village of Clare and the surrounding country was illuminated by bonfires and tar barrels in honour of the pardon of Smith O'Brien. In Ennis the demonstration was more limited.

In reply to the Earl of Wicklow, the Earl of Aberdeen stated that the militia force in England would be increosed to 120,000 men. Scotland and Ireland would also furnish considerable contingents to this force, but it was not intended to embody the Irish miltia at preasent.

The House then went into committee of supply, when the supplemental estimates were proposed. The first vote was for 15,000 men in addition for the military service of the country for the year 1855. After which, a vote for £500,000 for the pay and maintenance of the additional force was agreed to, several other votes having been taken, the report was brought up.

An official memorandum from the Horse Guards directs that fifty-six infantry regiments are to be augmented from 850 to 1,000 rank and file; seven regiments from 900 to 1,000, the first battalion of the Grenadier Guards from 800 to 1,000; the other six battallions of the Foot Guards from 640 to 800 rank and file.

The 16th depot under the command of Major Coppinger, have been most actively engaged in recruiting throughout this country for the past fortnight, and have enlisted a vast number of young men in the towns of Westport, Newport, Ballinrobe, and Ballina. *Mayo Constitution*

The "Home news" is not of deep import—the second reading of the Reform bill will be proceeded with on the 27th April, in the Commons.

No doubt can exist that the country will give a hearty and zealous support to the Government in its contest with Russia. Everything essential to success must be carried out, and the readiness with which the House of Commons voted the estimates is in perfect harmony with the national will.

In the meantime, however, a final effort is to be made to solve the question peaceably.

The Funds had undergone little or no fluctuation. Bank Stock—3 per Cent. Reduced Annuities, 92½; 3 per Cent. Consols Annuities, 91½; Consols for Account, 91¼

Portsmouth, March 2.—Vice Admiral Sir Charles Napier and Real Admiral Corry were telegraphed up to the Admiralty yesterday, and have not yet returned. Rear Admiral Chads is practising the fleet morning and afternoon in gunnery, and the firing is magnificent. A continual cannonade is going on from morning till night, and Spithead presents a picture which few artists could do justice to. The ships at Spithead are all manned, we believe, and one or two have more than their compliment. The Prince Regent, 90, Captain Hutton, Rear Admiral Corry's Flag Ship, is one of the most perfect men-of-war in the navy. Her lower deck tier are entirely on 38 pounders. Admiral Corry has not the least wish to exchange her for any other ship.

In consequence of the increase ordered to the establishment of the infantry regiments, the standard of men recruits is lowered to 5 feet 5½ inches.

(The European Times.)

Another chance for backing out is to be given to the Czar, which of course he will treat as he has treated all others—with contempt. On Monday last couriers left for St. Petersburgh, bearing a summons from the English and Frence Governments, calling upon the Emperor Nicholas to give an engagement within six days from its receipt, that he will evacuate the Danubian Principalities by the 30th April; and, in the event of his refusal, war will then be declared against him. The couriers will take Berlin and Vienna in their route, and from the feeling recently manifested by the German Courts, it is not improbable that the summons of the Western Powers will be backed by the Emperor of Austria and the King of Prussia. No doubt can exist that the last named Potentates have completely broken with their northern ally,—a fact which a variety of circumstances have made manifest at St. Petersburgh. This quadruple combination must have a material influence on the contest, both as regards the ultimate issue and the time over which it will extend, and the Czar's rage at the turn which things have taken may be inferred from the circumstance that he has changed the names of two regiments in his army which were called after the Austrian and Prussian Monarchs, and he has issued peremptory commands that Russian officers shall not wear any decorations conferred on them by either of these rulers, than which nothing can be more significant as a proof of the reality of the rupture.

No one believes for a moment that, desperate as his position seems to be, the Emperor of Russia will avail himself of the loophole to escape which is now open to him. He has deliberately and determinedly refused to do so, by withdrawing his Ambassadors from England and France, and by requesting the representatives of those Powers at his own Court to leave Russia without delay. He would not even grant an audience to Sir Hamilton Seymour before his departure, so that he seems to have studied how to be most offensive before the actual commencement of hostilities. In the face of conduct like this, it is folly to expect that he will retract at the last moment, and back out of a position which seems hopelessly desperate. Although the six days' grace involved in the new offer seems, on the face of it, to be a work of supererogation, still no time will be actually lost; because the troops which have been sent to the scene of action will only have arrived there about the time the notice expires, and the Baltic will only be ready to receive the British and French fleets. To Sir Charles Napier has been given the command of the English portion of this fleet, and the belief is general that a better selection could not have been made. Three weeks from the present time have been named as the extreme limit to this last summons, and on their expiration blows will supply the place of diplomacy, and with a far better chance of bringing to his senses the Autocrat of all the Russias.

It is difficult to conceive what course the Emperor Nicholas purposes to take to meet the overwhelming odds which he will now encounter on every side. The allied fleets at present on the Euxine are strong enough to sweep from its waters every Russian man-of-war that dares to hoist a flag, and the Baltic fleet belonging to the Western Powers will make small work of the Emperor's line-of-battle ships at present stationed in the three Russian ports within the Gulf of Finland. The Czar, it is said, has sent orders to his fleet in the Black Sea, as well as the Baltic, not to seek a collision, but not to avoid one,—so that Sir Charles Napier and his French coadjutor will not have much trouble in looking for the enemy. As far as all human calculation goes, the Emperor in thus acting is only exposing his navy to certain and inevitable destruction,—a destruction the more ruinous on his part, because he cannot, like England and France, repair the disaster by fresh supplies. All his sailors are conscripts,—have to be educated to the duties which they perform, which is the labour of years; for Russia, unlike France and England, more especially the latter, has no