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**DEBATES OF THE LEGISLATIVE
ASSEMBLY OF
UNITED CANADA**

Volume I

1841

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841-1867

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General Editor
Elizabeth Nish

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Volume I
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Edited by
Elizabeth Nish

PRESSES DE L'ÉCOLE DES HAUTES ÉTUDES COMMERCIALES
535, avenue Viger, Montréal 132, Québec

£3396 9s. 8d. put into the hands of Jas. FitzGibbon, Esq. to liquidate certain claims against the late House of Assembly of U. C.

Resolved—That the sum of three thousand three hundred and ninety six pounds, nine shillings and eight pence, currency, out of the monies now in the hands of Mr. Speaker, be paid to *James Fitzgibbon*, Esquire, late Clerk of the House of Assembly of *Upper Canada*, to enable him to liquidate, in part, the several claims against the said House, as per First Report of the Special Committee on contingencies.

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House in Committee on Common Schools.

The Order of the day, for the House in Committee, to take into consideration the expediency of repealing certain laws relating to the establishment and maintenance of Common Schools in the late Province of *Upper Canada*, and of making provision for the establishment and maintenance of Common Schools in this Province, being read,

The House accordingly resolved itself into the said Committee.

Mr. Boutillier took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution on maintenance of Common Schools reported.

And *Mr. Boutillier* reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :—

Resolution.

Resolved—That it is expedient to repeal the Acts and parts of Acts of the Legislature of that part of this Province formerly called *Upper Canada*, providing for, or relating to, the establishment, maintenance, or regulation of Common Schools therein ; and to make provision for the establishment and maintenance of Common Schools throughout this Province.

Bill for support of Common Schools brought in and read.

Ordered—That *Mr. Solicitor General Day* have leave to bring in a Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.¹¹

Mr. Day rose and said that the object of the present motion was the repeal of the existing laws on this subject in the two portions of the Province, and the substitution in their place of one general system which should extend to the whole Province, and embrace the entire population. The subject was one of the greatest importance, and which threw a great moral duty on every man to lend his aid towards supporting it. Those acquainted with the subject well knew that the present measure was but one part of the great general system of national education, which would take in not merely the establishment of common schools, but also of model, and more especially of normal schools, which would train up young men to act as teachers and instructors. Of this system the establishment of common schools would be the foundation upon which all the rest would lie ; and if prudence was only observed in proceeding, there was no reason why everything should not be done on this basis which the importance of the subject required. In order, however, to secure success, it was necessary that the system introduced should be ample, effective and popular, and that it should not interfere with the prejudices of those for whose benefit it was intended. It was not necessary to detain the committee with the considerations of several acts which had existed in *Upper Canada*, it was sufficient to say that they had proved inadequate for the purpose intended, and that it was necessary that some alteration should take place. The first act of the Legislature on the subject of education in that province was passed in 1816 ; this act was extended by another of 1819, which made further provision by extending the aid previously granted. In 1830 another act was passed, and again in 1833, which was the last attempt at legislation on the subject. There was but one opinion on the effect of these measures, that they had proved insufficient, and had failed to effect the important object held out. By reference to statistics it would be seen that the total number of children educated at the district schools was 300, and at common schools 800, giving out of the total number an average of one only out of 18 who received the benefit of education. If, then, means for the encouragement of education was so much required in *Upper Canada*, how much more were they required in *Lower Canada*. There no legal establishment existed, no provision of the law by which the people could obtain access to education. With the exception of a few institutions supported by private benevolence, and

maintained by the exertions of a class of men to whom he (Mr. Day) could not pay too high a tribute of praise — he alluded to the Roman Catholic clergy — no means for public instruction existed. The total population of that Province was estimated at 600,000 souls, out of which one-fifth, or 12,000 (sic) men, were without the means of education, and this young population was growing up to the exercise of important duties totally ignorant of the nature of those duties. He (Mr. Day) would not join in the censure which had been so abundantly dealt out on the Legislature: the truth was, that there had been a great deal of legislation on the subject, extending back to the 41st George 2nd, which attempted the foundation of a royal institution, but was productive of no effect. Since then several acts had been passed; in 1814, 1818, and lastly in 1823, which last act was of great importance, and must have produced the most beneficial results. Its effect was to divide the country into districts: and so important was it considered that it had been extended by subsequent statutes down to the 2d Wm. 4, c. 26, which existed up to the time of the suspension of the constitution, since when no provision for the maintenance of schools had been made. These facts alone were sufficient to secure the unanimous support of that house, and he would merely add, that he had bestowed great attention upon the materials necessary for the measure, in order to render it worthy of support. Besides his own labours, he had been indebted for much of the information he possessed to a valuable report furnished by Dr. Duncombe (sic) to the Legislature of Upper Canada on the subject of education in the province, as also to the labours of a gentleman named Dunkin, and to a pamphlet published by Mr. Mondelet, the tenor and spirit of which reflected the highest credit on the writer. After passing a strong eulogy on this pamphlet, Mr. Day moved the reception of the order of the day.¹²

Mr. Neilson said that there could of course be no objection on his part to any alteration which might be considered necessary in the law relating to common schools in this part of the Province. But with respect to the eastern part, a portion of which he had the honor to represent, he could state from his own personal knowledge that great efforts had been made by the people themselves — and those efforts, he was happy to say, were successful — to educate the rising generation.¹³ Had no objection to the system of education that prevailed in Lower Canada, which was carried to an extent at one time embracing the instruction of 40,000 children.¹⁴

He (Mr. Neilson) had visited hundreds of schools in Lower Canada, and he never in any part of the world saw greater progress made than was made in those schools. (Hear, hear.) The dissensions between different branches of the Legislature afterwards unhappily put an end to the system of education then in practice, and left that province without any provision for common schools, and nothing remained but what could be derived from the efforts of the people themselves; and he believed it was now going on in such a way that whether assistance were given to them or not, they would be educated. (Hear, hear.) This was the universal feeling throughout Lower Canada. — Notwithstanding this, he would be happy to see the work facilitated by some organized system, by which the people might be fully enabled to educate their children according to their wishes and feelings; and, above all, their religious opinions should not be interfered with. — He (Mr. Neilson) would cheerfully concur in the resolution, and he would also endeavor to aid to the utmost of his power any proceeding upon this subject; but he would, at the same time, watch with great earnestness any thing which he thought was calculated to interfere with the religious prejudices of the people.¹⁵

Capt. Steele would observe that that part of the speech of his Excellency the Governor General which referred to the subject of education had been received with immense satisfaction throughout the whole western part of the province, and he was happy to perceive that a similar spirit seemed to prevail in Lower Canada. He hoped the house would unite in producing as perfect a system of education as possible; that each denomination of Christians may educate their children according to the principles of their own faith.¹⁶ ((He)) hoped to see Norman (sic) ((Normal)) schools established, and such a system of bringing up young men, as teachers; as would preclude the necessity of catching at every mere adventurer from the States, who was desirous of introducing principles decidedly opposed to those that ought to be inculcated in the minds of youth in a British colony.¹⁷

Mr. Merritt said this was a question which he had heard discussed for a number of years, and up to the present time, he was sorry to say, without any beneficial result. He thought before the system already in existence was condemned, or set aside, they ought to be well assured that they had the means of establishing a better. They might look with great advantage to other countries for examples on the subject of education. In the State of Connecticut a fund was provided by the government equal to the sum which the people were willing to raise

voluntarily, and they had by these means an aggregate of four millions of dollars annually for the support of common schools. The result of such a system was, that according to returns which might be relied upon, there was but one person in the whole State who was unable to read and write. He hoped the hon. gentleman would point out some means for providing a permanent fund for the maintenance of schools, which, up to the present moment, had not been the case. Although as far back as 1798 a large appropriation of lands had been made for the support of grammar schools, yet that appropriation had afterwards been diverted to other purposes.¹⁸

Hon. Mr. Harrison said he was exceedingly happy to hear the observations of the hon. gentleman, for it fortunately happened that the plan which he recommends is the very one which is intended to be pursued. The fund is provided by the Legislature. With regard to an appropriation of lands an investigation has been going on, and he trusted that before the end of this session a very satisfactory report would be laid before the Legislature.¹⁹ Mr. Harrison said, that it was proposed to raise such fund, by a local assessment in every district, and that details accordingly would be submitted to the house in due course, which he hoped would be satisfactory.²⁰

Mr. Boswell said the hon. and learned gentleman who introduced the resolution had very properly abstained from entering at large upon the details of the measure which he intended to found upon it; but he (Mr. Boswell) was convinced it was a subject of congratulation to the country that now, for the first time, a minister of the government comes down to this house and proposes a measure for the promotion of education. However we may differ upon the minute details, the very fact of the measure being proposed by a minister of the government is a subject of congratulation. (Hear, hear.) The hon. gentleman from Haldimand says, before we condemn the old plan let us know what the new one is to be. Sir, I have heard the old system condemned from one end of the province to the other. That it is necessary to adopt some change there can be no doubt; there is no difference of opinion upon this point; and I trust that when the plan of the hon. and learned gentleman is brought before the house it will be found to be so liberal in its nature that they will feel it their duty to give it their entire support.²¹

Mr. Merritt observed that he was very happy to find that a permanent fund was intended to be appropriated. Under these circumstances he had no idea of opposing the measure.²²

Mr. Hale said he derived much satisfaction from the announcement of the hon. and learned gentleman, not only with regard to the subject itself but with the mode in which he proposed to conduct it. He was happy to find that the measure was to have reference to the various sections of the province. He confessed he was somewhat startled at the expression made use of by the hon. gentleman from the county of Quebec (Mr. Neilson,) that he would watch with scrupulous care the introduction of a system of education which should have reference to Lower Canada. He (Mr. Hale) was induced to believe from this expression that the hon. gentleman had a lurking desire that the union of these provinces should not be consummated. (Hear, hear.)²³

Mr. Viger said the hon. gentleman seemed to be under a misapprehension with regard to the desire of the hon. member from Quebec. What they desired was that there should be no distinction in religious matters. He (Mr. Viger) could not see any great harm in this. They desired that no monopoly should be established; such things were destructive of the peace of society. They had examples both in Germany and France of government monopolies in the conducting of education, and they had been attended with the greatest abuses. We wish it to be particularly understood that all classes should be equal in the eye of the law, as regards civil and religious liberty. This is a principle which we desire to assert, and which we desire to see put in practice. The hon. gentleman declares that nothing has been done to remove the extreme ignorance which he represents as prevailing in Lower Canada. He (Mr. Viger) was far from saying that they were in no need of instruction, but this much he would say, that they were not altogether in the state which the hon. gentleman would have the house to believe. He would say further, that the efforts made by the House of Assembly to promote education had been extremely successful. Education had been progressing with extreme rapidity.²⁴

Mr. Holmes said he had heard with great satisfaction the announcement which had been made to this house by the hon. member for Ottawa (Mr. Day) of his determination to bring forward a system of general education, to be provided for by a grant from the Legislature. He could assure that hon. gentleman that he could not bring forward a measure which

would be received with more approbation than this one. (Hear, hear.) There had been several petitions presented to that house praying that the holy scriptures might be introduced as a text-book in schools. He (Mr. H.) could not bring his mind to acquiesce in this proposition. Every man is answerable for his religious belief to his own conscience and his God, and every man should be at liberty to instruct his children in that faith which his conscience dictates.²⁵

Mr. Hincks said he would support the resolution with great satisfaction, as he perceived that a fund for the purposes of general education was to be created from the lands originally set apart for the support of the schools within the Upper Province, and from what was called the Jesuits' estates in Lower Canada. With regard to the school lands, he (Mr. Hincks) was aware that there had been a great misapplication of the funds proceeding therefrom. He would regret exceedingly that a similar grant should be again made to so little purpose (hear, hear.) They had experienced trouble enough with those grants. The Clergy Reserves was another example (hear, hear.) It was known that great complaints arose regarding such grants, from the circumstance that they obstruct the settlement of the country. This was an important point. For these reasons he was averse to having any lands, more than had been already granted for that purpose, appropriated; and he trusted that those already granted would be disposed of as speedily as possible. It was impossible to enter into a discussion of the subject without having the details before them, but so far as he had an opportunity of judging of the measure from what he had already (sic) seen, he had no hesitation in giving it his cordial support.²⁶

Mr. Durand said he should be extremely happy to support the resolution. The subject of Education was one which was viewed with extraordinary interest by the whole country. There had been a munificent grant of half a million of acres, which would have amounted at least to two millions of dollars, if sold. A sufficient fund would thus have been secured for the purpose of endowing schools throughout the whole Province. The question is now, what are we going to get in lieu of this fund. I think the people of the province are at all events entitled to an equivalent.²⁷

Col. Prince said this was a most important subject; no subject brought before the house could be more so. He, however, would make objections to hon. members going into the details of the bill on the present occasion. The simple question is whether or not the bill ought to be introduced. He is and always has been, a strong advocate for common schools. If properly conducted, they will be productive of immense good to the country, and become the great basis of liberty. Under all circumstances and at all times, Scotland has been celebrated for its educational system; and therefore he would be willing to pay the greatest deference to the opinions of the hon. member for the country of Quebec on a question of this kind. The hon. member took his seat after paying a high tribute of respect to Col. Burwell, late member for London, for his exertions on this subject.²⁸

Mr. Neilson. — The hon. member for Sherbrooke seems to think suspiciously of me. I am a Scotchman, and think that the old Scotch saying "evil thinkers are always ill doers," will apply very justly to that hon. gentleman.²⁹

Mr. Morin said that there was education in Lower Canada, but no good had resulted from it, as the Government was not responsible.³⁰

Mr. Thorburn said that this was one of the great measures that he had supported in common with the union. It was a measure to prove that the schoolmaster was abroad. — If the people have no education, they can have no notion of the doings of the government, and in such a case it does just as it pleases. A despatch had been sent to this colony to change the lands set apart for educational purposes for better lands. He trusted this would not be overlooked.³¹

Mr. Harrison replied that all sums previously allowed were taken into the accounts in possession of the house.³²

Mr. Price stated that the question before the committee was one in which he took a deep interest, and he congratulated the country upon the prospect of a better state of things being about to be introduced. His hon. friend from South Lincoln had stated that the schoolmaster was abroad. He (Mr. Price) trusted that this bill would bring the schoolmaster home to every village and township. It had been a source of regret to him that hitherto all attempts at

legislation upon the subject of Education in this province had been made with a view to proselyte the youth of the country to one favorite dominant church, and valuable and rich endowments of lands had been diverted from their legitimate appropriation, that is, from common schools, and applied to build up sectarian colleges. A splendid evidence of this legislative folly may now be seen at Toronto; a large piece of ground has been set apart and at an enormous expense ornamented and decorated as pleasure grounds, for an intended University connected with the Church of England, but no building has been erected, although large salaries have been paid to embryo dignitaries at Toronto and others, to keep up the solemn mockery. If the bill now about to be introduced should be free from sectarianism and otherwise be liberally intended, it should have his (Mr. P.'s) cordial support; but, on the other hand, if it were to be trammelled with religious prejudices and enactments, it should meet his most determined opposition. The success of a ministry and the prosperity of a country depend very much upon the moral instruction of the people; and if the executive government expect to obtain that popularity which every friend of civil and religious liberty should aim at, they must give the country the advantage of a good, liberal, and extensive system of education, and then a good government will have materials to operate upon, which while it confers honor and credit on the executive, will on the other hand give moral influence and power to the people — a power which will be a formidable check upon a bad government and a strong support to a good one. My hon. friend from North Lincoln (continued Mr. Price) has stated that a great deal had been said in former parliaments on this important subject, and that laws had been set apart for the purpose of education, but scandalously diverted to some favorite object than that for which it was intended. This is not now the question; the question is, shall a liberal and extensive system of education be introduced into the country or not. My rooted and settled opinion is that all good governments are bound to provide for the education of the youth of the country; and should there be no means within the reach of the present Executive, I as an independent member of this house, am willing to provide the necessary means by taxation; as no tax could be more just and equitable than one judiciously levied and fairly laid out for the moral education of the people; and I am satisfied that my constituents will bear me out in my vote upon such a measure. I trust that the hon. and learned Solicitor General, when he brings in the bill, will not disappoint this house and the country by introducing any illiberal enactments to mar the present universal satisfaction the prospect of the measure has given.³³

((Mr.)) Cameron ((made)) some observations...³⁴

Mr. Parent ... ((told)) the committee that the Bible was a very improper book to be put into the hands of children at schools, and he, as a Catholic, could not sanction it...³⁵

Mr. Thorburn advocated the measure as a most important one, observing that any allusion to the Bible, whatever difference of opinion existed, ought at all times to be made with that reverence which was due to so inestimable a volume.³⁶

A rebuke ((was heard)) from ... ((Mr.)) Johnston.³⁷

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Ordered — That the said Bill be read a second time this day fortnight.

Bill ordered to be printed.

Ordered — That 200 copies of the said Bill be printed in each of the *English* and *French* Languages, for the use of the members of this House.

House in Committee on Small Debt Bill.

The Order of the day for the House in Committee on the Bill to repeal the Laws now in force in that part of this Province formerly called *Upper Canada*, for the recovery of small debts, and to make other provisions therefore, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Holmes* took the chair of the Committee,³⁸

Mr. Draper introducing the second reading of this bill, said that he had been fortunate enough to hear from all parts of the Province that the measure has been approved of.³⁹ As one out of the many instances of absurdity emanating from the present courts, he instanced the case of an individual at Niagara, who sued for work done in a smuggling transaction, — an award being given in his favour, the Commissioner remarking, that the risk which he ran in performing it, exposed him to a heavy penalty!! A sentence from a law court, thus providing a remuneration for an unlawful transaction.⁴⁰