The Upper Canada Herald.

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VOL. XVII.] KINGSTON, TUESDAY, MARCH 31, 1835. [NO. 839.

The Herald,

PUBLISHED EVERY TUESDAY.

For Mrs. E. Thomson

At her Office, in Store Street, nearly opposite the Mansion House Hotel, Kingston, Upper Canada, where all orders will be thankfully received, and punctually attended to.

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PRINTING

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PROVINCIAL PARLIAMENT
OF
Upper Canada.

HOUSE OF ASSEMBLY.

Wednesday, March 4th.

CLERGY RESERVES—THIRD READING.

[CONCLUDED.]

Mr. MORRIS said that he had stated his objections to the Bill on Monday last, and should not again have troubled the House, had it not been for several remarks which had fallen from the hon. and learned Solicitor General. And he certainly had supposed when the learned Solicitor asked the indulgence of the House until this day, that he would have brought forward something different from that which they had been accustomed to hear for years past. He thought also, that the hon. Solicitor would have paid a little attention to His Majesty's recommendations and endeavored as muchas he could to conform to them. But, it appears that after a speech of two or three hours the hon. and learned gentleman thought it necessary to conclude by saying that if we made any disposal of these lands it must be because we thought it necessary to crush the Church of England. If he has any sound objections to the measure let him show what they are. Let him declare to us whether by the Constitutional Act of this Province we have not the right of making such provisions with regard to these Reserves as we may deem expedient. Will any hon. gentleman deny that we have full authority to alter or repeal every provision relating to them? I therefore did feel some surprise when the hon. and learned Solicitor General after a speech of such length concluded by saying that if we attempt to meddle at all with these reserves, it will be an attempt to crush the Church of England. Because we have permission to legislate upon the subject and can do so perfectly conscientiously;—therefore the learned Solicitor ought not to oppose this measure on the ground that we have no right to legislate upon it. Then the hon. and learned gentleman referred back to the statutes of Henry the Eighth and of Queen Elizabeth, to show that the Church of England was recognized as the Established Church throughout the Dependencies of England as well as England itself, and went on to show that not only by the acts passed in those reigns, but by the act of Union between England and Scotland, the Church of England should be looked upon as the Established church.—Now the act of Union I think took place in 1705, and at that time this Province was not a Colony of Great Britain. It was afterwards won by the united arms of Scotland, England and Ireland. It is as plain as any thing can be to my mind that the learned Solicitor General gives to the act which established the Church in this Colony a meaning which the Act itself could never justify. Therefore I think his arguments must fall to the ground. Then he takes another position and says that in England the Established Church and that only was entitled to tithes, and that in this Colony the Church of England received those lands in lieu of tithes: but it is plain as can be, that the Church of Scotland also received tithes, though under a different denomination, and not directly from the produce of the lands as was the case in England. The hon. and learned gentleman referred to the speeches which had been made at the passing of the Constitutional Act of this Province, and stated the opinion of Mr. Pitt, that the lands were set apart for the Church of England alone, but he unfortunately read a little further, and then (according to the phraseology of the turf) he bolted.

[Here Mr. Morris read from the *Parliamentary Register*, the speech of Mr. Fox, who stated that by the terms of the bill, the Clergy of the Church of Scotland residing in Canada, would have better livings in Canada than in Scotland.]

Now Sir, Mr. Pitt was present on that occasion, and heard these expressions, yet he never said a word in contradiction of them: so that you may suppose Mr. Pitt receded from the high ground he had taken. Then Sir, the hon. and learned Solicitor said he had found out when he was in England, that Lord Grenville was not the father of the Constitutional Act. Refer to the *Parliamentary Register* and you will see that Lord Sandon stated to the committee of the House of Commons, that he had conversed with Lord Grenville, who said that the Clergy Reserves were intended for the benefit of Protestants generally. Now here are opinions which show that they gave a more liberal construction to the Constitutional Act than the learned Solicitor General. If we look a little further, we shall find that the opinions of learned men and lawyers too, were had on the subject. In 1819, I think it was, His Majesty's Government submitted to the legal advisers of the Crown, to consider what was the legal construction of that act, and they gave it as their opinion, that these lands were not confined to that church, but that the Church of Scotland was also provided for; yet, that they did not extend to dissenting Ministers. It was unknown that such an opinion had been given; but it goes to show that we should not be guided by the Sol. General. We have the opinion of three high in the law. Under these circumstances, we ought not to contend here to day that the Clergy of the Church of England are entitled to the whole and sole disposal, benefit, &c. The hon. and learned Solicitor General says a reference to these acts will convince all persons. Now we have had the opinions of those persons learned in the law, and they considered that by the acts these lands did not belong exclusively to the Church of England. The hon. and learned Solicitor General stated that Clergymen of the Church of England could celebrate matrimony by virtue of powers they are tacitly invested with. There is no provincial act which gives the mthis power, and that it therefore showed that they were the established clergy. Now I would ask him if the 31st of the King does not specifically give them the power in the 39th clause, it is stated (he read) there is their power and there is their authority. What duties are they called on to perform? Why the ordinary duties belonging to the sacred office of Priest, and matrimony is one of those duties. The hon. and learned Solicitor General, in the course of his speech, referred to a statement which he affirmed I had made some years ago, that the Church of Scotland was *the* established church in this country. Sir, I do not distrust my memory so much as to believe I ever gave such an opinion. He stated for the purpose of showing that the church of England only was meant, that they only were entitled to tithes. We all know that the Church of Scotland was entitled to tithes though under another name, and rendered to them in a way that was more satisfactory to the people. The Lord of the Manor pays, but it is no doubt remembered in the charges upon each Tenant for rent. The land is just as much burthened with the support of the clergy as it is in England—but they who till the soil have nothing to do with the payment of it. In no part of the country do I believe the inhabitants desire to see the Church of England enjoy so large an endowment, which would place them in so high living. On this ground alone do I think it would be inexpedient to support the doctrine that the Church of England is entitled to the exclusive enjoyment of this highly valuable reservation. The hon. and learned Solicitor General concluded his speech by reference to the Archdeacon of York, and in a significant manner addressed himself to me as if I had at any time said any thing that was disrespectful towards Dr. Strachan. I defy him to show that I have ever said any thing to the prejudice of that Personage. I would think it beneath me to slander a person who is not here to defend himself.—As I stated the other day I think the Reserves should now, as the government has changed their policy, be applied to assist the different denominations in supporting their Ministers.

MR. RICHARDSON.—The question before the house is of that importance to the country generally, that I should think myself altogether unwarranted in passing it without making a few observations, explanatory of my views regarding it. In the first place let us look at the constitutional Act, under which the hon. and learned Solicitor General conceives we have no right to legislate upon the subject of these Reserves inasmuch as that act (31 Geo. 3d) makes them the exclusive property of the Church of England. He says it is not in the power of the Province to deprive that Church of them. Now I do not think he is borne out in this opinion by the true construction of that act. I contend that by the 42d clause, the Legislature, whenever they think it necessary to vary or repeal the provisions of the act which relate to the Reserves, have the power of doing so; although it is true the act could not take effect until it had lain thirty days on the table of the House of Commons in England. What has been the opinion of eminent men in England with regard to the construction of that act? My hon. friend from Lanark has shewn you what their opinions were. Some persons will contend that these Reserves belong to all Protestant sects in the Colony. Whether this be the case or not, we are invited by His Majesty to legislate on the subject. Is then, I would ask, the course proposed by the bill the one best calculated to meet the views and wishes of the inhabitants of this Province? This bill has for its object education; that is a subject to which our attention ought to be directed,—ample provision should be made for its general dissemination throughout the Province. By an expression of the sentiments of the people upon this subject, conveyed in that bill, His Majesty's Government will be apprised of the views that are entertained here on this subject; and if different from those entertained by His Majesty's Ministers, the final passage of the bill can be prevented. The Imperial Parliament have the power to make any other provision which circumstances might seem to require. This bill passed the House of Assembly before, and will pass again by a large majority. There have been cries from all parts of the Province with reference to it, and I would observe that although I am perhaps as strict an Episcopalian as the hon. and learned Solicitor General, or any other hon. member in the House, and as much interested in the support of the Church of England, I do not desire to go the lengths that that hon. and learned gentleman does. I would ask in what manner other denominations acquire support? Is it from their congregations? Possibly we shall be compelled to do so also, in a very short time. If so I am willing to bear my proportion. If however, it should be the opinion of this House that the proceeds of one seventh of the lands of the province ought to be appropriated to the purposes of religion generally, I shall not object to that appropriation. In my opinion we are not bound to adopt the strict interpretation given to the law by the hon. and learned Solicitor General. The hon. gentleman from Lanark was of opinion last year, that the Reserves should be disposed of for the purposes of general education, and I confess I was surprised at the vote he gave yesterday—it does not say much for his consistency. If the Reserves were to be disposed of I think myself it would be far more satisfactory to apply them to the purposes of education, than to follow the plan that hon. gentleman (Mr. Morris) now proposes. I know that the opinion I have given upon the question does not accord with the hon. and learned Solicitor General, and many others for whom I have the highest respect, no more than that of yesterday on another subject—the law of primogeniture. I have endeavored to prepare myself to meet this question, and I trust I shall never be found to alter my opinions on a matter of such importance, without the fullest conviction of the error of my judgment with respect to it.

The SOLICITOR GENERAL made a few remarks in reply to Mr. Morris, and moved that the bill be passed this day three months.

Mr. DURAND would oppose the resolution, and was surprised that the hon. and learned Solicitor General made such a resolution when he must be well aware there was a large majority in favor of the bill. It was not his intention to say much upon a question so well understood, but could not give a silent vote. Disposing of the Clergy Reserves for the purpose of education would meet the views of his constituents, and he was persuaded the views of the great majority of the people of Upper Canada. He believed that the people of this country were able and willing to support their own ministers by voluntary contributions, and that ministers who did their duty would always receive a competent support.

MR. THORBURN remarked, that the hon. and learned Sol. Genl. in the course of his long and laboured speech, had given a history of the church from the time of Henry the Eighth down to the present time He told the house that the Church was established in England, which nobody disputes, attempted to prove that it was the established religion in this province, and therefore he draws the conclusion that the Church of England had an exclusive right to the Reserves; a conclusion that did not necessarily follow, even admitting, for the sake of argument, that he had proved the existence of an establishment in this country During the long speech about the Church with which he entertained the house, he recited the several acts of Parliament upon which it is founded, and spoke of the great benefit it was to the state by supporting the civil government. But the hon. and learned Sol. General should recollect that the Church of Christ is founded upon a rock, and that it was not established in the world from political motives or to serve political purposes; but to teach man his duty to his maker, and to make him a good subject of the King of kings. In the 5th chapter of St. Matthew's gospel, in our Lord's admirable sermon on the Mount, the prayer we are taught is, "*Thy* kingdom come;" and in another place it is said, "render unto Ceasar the things that are Ceasar's, and unto God the things that are God's;" plainly teaching us that we owe a separate duty to each, and that Ceasar has no authority to interfere with the things that are God's. And I think said Mr. Thorburn, it will not be found that there is any sanction for a connexion of church and state under the New Testament dispensation, or that it can be supported by arguments drawn either from reason or revelation. The hon. and learned Solicitor General says he was the bearer of the petitions of 7,000 inhabitants of this province in favour of the Church of England. What was the language of that petition? Was it not that the whole and sole tie that bound them to His Majesty's Government was these Reserves? and that all who wished them applied to the support of education were the enemies of Great Britain? They pray "that this tie which binds us to your Majesty's Government, and which we value more than life, will not be rudely broken at the instigation of the enemies of their rights, and of the prosperity of the British Crown." But are we to be considered as the enemies of the rights and prosperity of the British Crown, because we do not wish the Church of England to be established in this country, or endowed with one seventh of the lands of the province? Yet this is the language sent home to the royal ear by the bishop and clergy of the diocese of Quebec. The hon. and learned Solicitor General has endeavoured to shew that the lands set apart for the maintenance of a protestant clergy, are the property of the Church of England exclusively. But we find by referring to the opinion of the legal adviser of the Colonial Department in England, given before a committee of the House of Commons in 1828, that the Law Officers of the Crown think differently. Mr. Stephen says, "To the Clergy of the Church of England, and to them alone, it (the Act of 1791) gives the capacity of receiving endowments as parochial ministers. To a 'Protestant Clergy,' whatever those words may mean, it gives the capacity of receiving any parts of those lands which the Royal bounty 'Protestant Clergy' is understood by the Law Officers of the Crown to mean any Protestant Clergy, recognized by the law of Great Britain, or in other words the Clergy, either of the Church of England or the Church of Scotland." So we see that the Church of Scotland is entitled to a share in the Reserves, by being recognized by law as one of the established churches of the Empire, and it should be recollected that this is a colony of *Great Britain* & not of England, for it was acquired since the union of England and Scotland took place. But whatever argument may be raised upon the wording of the Act, we are empowered by it to vary or repeal that part of it which makes a provision for the support of a Protestant clergy. The hon. and learned gentleman says we have power to vary the mode of appropriation but not to take it away. But if we have not that power, we are told in this Act that the provision should be subject to the varying or *repealing* of the Legislature! Here is our authority, an authority recognized by His Majesty's Government in the Despatch communicated to this House, inviting us to consider how it could be most advantageously brought into exercise for the good of religion and the benefits of His Majesty's faithful subjects. The whole matter then comes to this—is it wise to legislate for one church or more, or according to the wish of the people of the country? I think it is not wise to legislate so as to give the Reserves to any church. It would create contentions and divisions; many would desire to be preachers to get a support out of them, and therefore, if we wish to preserve the purity of the church we will hold out no such temptation, but rather throw a stumbling block in the way of such persons getting into the ministry. And before we give them to one church to the exclusion of others, we should remember the conduct of the ancient patriarchs. Look at the example of Joseph (the favoured son of Jacob, and consider the hatred of his brethren on account of the favour shewn to him more than the others. I therefore think that the only safe and proper way to dispose of them as provided for in this bill, as we are authorised by His Majesty to do; his Royal word, and the faith of the great Empire is pledged, that whenever his faithful subjects legislate on this matter he will give his assent to the Act they may pass. These lands have been one of the greatest hindrances to the settlement of the country, and one of these clergy blocks is to the settler what an iceberg is to a mariner, when he gets beyond it there is no getting in or out; and hence the necessity of settling this question. The learned Solicitor told us that the Church of England was very mild and tolerant in her disposition, but I think there is sufficient evidence on the journals of this House and in the report of the Canadian Committee to establish the reverse. [The hon. gentleman here read several extracts, showing the feeling and disposition of the Church of England towards other denominations in this Province.] The hon. and learned Solicitor said, that in the United States, which he seems to think suffers greatly for the want of an established church, blasphemy was not punished. But that is not the case, a blasphemer was convicted and punished in 1810 before Judge Spencer; and although there is no church establishment or another, christianity is acknowledged and protected by the laws of that country; and there is abundant evidence to show that religion will prosper in a country without being incorporated with the government. It has been said that the Methodists would take a part of the Reserves. That is not so.—they sent home a memorial two years ago in which the Methodist Conference officially declared that they did not wish any part of them for themselves.—Having made these observations, he would not detain the house any longer, but would support the bill.

MR. RYMAL observed, that the hon. and learned Solicitor General had made a long speech in trying to convince the house that the lands were vested in the hands of the Church of England, and an hon. member on the other side had endeavoured to show that the Church of Scotland had an equal claim; but he believed they were intended for the benefit of His Majesty's subjects generally. In the time of Henry the 8th, when those acts referred to were passed in favor of the Church of England, there were very few dissenters; but since that time various denominations had sprung up in his Majesty's dominions; and being willing to extend his paternal care to his faithful subjects of all creeds, he had been graciously pleased to authorise that house to legislate for the benefit of all, without distinction. It had been objected to the taking away the reserves, that religion could not prosper without being supported by endowments from the State. But in the early times of christianity, the time of our Saviour, the preachers of the gospel were poor men—they were fishermen; and he would ask, if religion ever prospered since supported by the civil government and its ministers made rich, as it did under the preaching of these poor men, who depended entirely upon the voluntary contributions of the people for support? There could be but one answer to that question, and he therefore thought that those lands could be applied to a better purpose; and to no better use than that provided for by the bill before the house, and he would accordingly give it his support.

MR. BOULTON said, he had not hitherto taken any part in the discussion of this subject, and did not rise now with a view of endeavouring to prevent its adoption, for he felt perfectly convinced that although it might receive the concurrence of a majority of the members of that hon. house, yet it would not be entertained in another branch of the Legislature. It has been said we are invited to legislate upon the question in the manner proposed by this bill. I say no, we are invited to reinvest the lands in His Majesty, so that he may make such other disposal of them as shall be thought best. These Reserves were intended by His Majesty for the best and most praiseworthy purposes, but they have tended to create dissension and discord and to keep up party feeling more than any other thing. But it is human nature never to be satisfied with any blessing, & I suppose there never will be satisfaction on this subject until the Legislature exercises that right which is given to them to reinvest them in His Majesty, that he might take necessary steps to appropriate them according to the intentions of his predecessor, and in a manner that would suit all parties. Our great objection against their remaining as they now are is, that they retard the improvements of the country.—This is a doctrine however, which I never assented to; I do not believe it. (Hear, hear.) They have not been a hindrance to improvement, because all the best Reserves have been sold, and at a far less rate than if they had been kept for a few years longer. But the greatest objection is, they are [illegible] maintain a dominant clergy in useless extravagance. I do not think there would be more than sufficient to maintain a clergyman in each township. And as for education, religious education is of as much and greater importance than any other. It is needless to refer to the debate in the British House of Commons so often alluded to; it must be apparent to any one who reads the speeches on that occasion however, that the intentions of his Majesty at that time were, that the Reserves should belong to the Church of England. Different constructions, I am aware, have been put upon the act, and some hold that a different appropriation may be made of them, and I will admit, if His Majesty thought proper to do so he might; but there is no more than sufficient for one church—hear, hear,)—they are the property of the Church which I have been brought up in, (hear, hear,) and which I hope will be nourished in all parts of His Majesty's domidions; and if we read the declaration of His Majesty in his Message on this subject. I think it will appear evident that we have good ground for the hope. (Hear.) It strikes me as very forcibly indeed. (Hear, hear.) [Mr. B. read the passage alluded to.]

The question is one which ought not to be disposed of as a mere matter of expediency. I am not afraid or ashamed to stand up and say that they belong to the Church of England; and until I am convinced my faith is wrong, I shall not change. But why do not hon. members accede to His Majesty's proposition, and repeal the 31st Geo. 3d, and reinvest the Reserves in His Majesty? Has His Majesty ever communicated to this house his willingness to consent to a bill to take them away from religious purposes? No; and I defy any hon. gentleman to show that the message we have received will admit that construction. (Hear, hear.) Now, as I stated in the first instance, I do feel the most perfect conviction that the measure will not go further than this house; and no bill regarding the Reserve question can have any force unless it receive the concurrence of both houses of the Legislature, and lie afterwards for thirty days upon the table of the House of Commons at home.—Now they are guarded by these means, so as not to be diverted from the purposes they were intended for, and very wisely guarded, in my mind.—Now this bill is calculated by its acrimony to throw discredit on the Church of England, and to traduce the clergymen of that venerable Church; that Church which is spoken of in a very contemptuous manner by some persons, who, when an ex-communicated priest was alluded to, entertained so much respect as to style him "*that venerable personage!*" I am not bigoted; but while I would render any reasonable assistance [illegible] as any for they are not less deserving, I would be sorry to see the Church of England despoiled of a constitutional right. I have never changed my opinion on this subject since I have had a seat in this house. My constituents have never found fault with me for those opinions; if they had, I would have told them as I did at the election that I came here to exercise my own free will, (hear,)—and I shall always exercise my own judgment on all questions which come before this house.

MR. MERRITT said, this was a subject which he had always considered of very great importance, but as it had often been so fully discussed he would not take up the time of the house only to make an observation upon a remark, that this bill if passed here would be rejected elsewhere. He hoped not, he trusted another branch of the Legislature would feel the importance of setting this long agitated question at rest. He had listened with attention to the eloquent speech of the hon. Sol. General, he thought it the best he had ever made on the subject, but must say at the same time that he had failed in some of his arguments, and seemed not to be in possession of correct information with regard to some things. He assumed that all who were of the Church of England were in favour of her exclusive claims to the Reserves; but he should know that many who belong to the Church of England do not wish this appropriation—indeed, as far as he (Mr. M.) knew, there was but one general feeling among them on the subject; and that was, that it is impolitic to allow the Reserves to remainn in the situation they are at present, being a source of contention and dissatisfaction from year to year. He (Mr. M.) was a member of that church, and was satisfied that he spoke the sentiments of the great body of her members on this subject. The hon. and learned Solicitor was in error in another part of his argument, for the assertions respecting the United States were not borne out by facts, but they were against his argument as far as he (Mr. M.) was acquainted, both in respect to the protection religion received and the support its ministers obtained. He did not think there were half a dozen members in the house in favor of the hon. and learned Solicitor's views

MR. PERRY was exceedingly pleased that the hon. and learned Solicitor General had made the motion he had, and would not have said a word but for it, having delivered his sentiments at the second reading, which was the proper time to do so. It was well known that His Majesty had invited the Legislature to consider in what way the Reserves could be best disposed of for the good of the people. Well, sir, we have heard a great deal of our Constitution, our glorious Constitution; it is spoken of upon all occasions, but we will see how it is acted upon in Upper Canada. The hon. and learned Solicitor General happens to be one of the advisers of the Government, yet we have heard him saying that he would oppose the Government on this very question, and that at the risk of losing his office; and we have seen him coming forward this day and moving to throw out this bill altogether—a bill brought in upon the express recommendation of His Majesty's Government—he offered no amendment, but at the third reading moves to throw it out altogether and not legislate upon the subject at all. We will ascertain how many will go with the hon. and learned Solicitor General, we will know that, and the people will also find out who are their friends and those who are their foes. It is right and proper that they should know that those who are the advisers of the Crown stand in the way of measures for the good of the country, even when recommended by His Majesty's Government. I am satisfied the people will rise in their might and hurl down and blast with their indignation any who will attempt to hold office under such circumstances. It is nonsense to go on in this way; do you think the people will remain attached to the Government if such a state of things continues, and all their dearest and most anxious wishes thwarted? Here we are told, "my voice will go further than the whole of you—it is out of your power to shake the Church—you may pass bills but they will go no further."—But I am satisfied that if this bill is not passed there will not be that confidence in the Government which now exists, there will be dissatisfaction and jealousy, and the people will be rendered unhappy. If it is wished to have peace and contentment in the country, the constitution must be administered here as it is in Gr Britain: but can any one shew me the least ark of it in the speech of the hon and learned Solicitor General?

THE SLICITOR GENERAL would ask, for what purpe did the hon. member rise? was it to suppo the bill, or to denounce his anathemas again him? It was said he was standing in opposition to His Majesty's Government, but when did they call upon the Legislature to take the Reserves from the Church and place them in the hands of the Legislature of Upper Canada for an entirely different purpose than that for which they were originally intended?—Never. And further, he did not believe they ever would, for it would be most destructive of one of the main pillars on which the Constitution was based. He says I stand here as the representative of the Government. It is not true He perhaps thought I would not reply to his accusations; but it is important that a gentleman occupying so large a share of the public confidence as he thinks he does, should be corrected when he makes statements concerning the Government or its officers which have no foundation whatever, and I will take care that he is. When did I say that I would endeavour to prevent the passing of this bill? Never—I said I was satisfied that it would not pass—that was all. The only recommendation of His Majesty's Government on this subject, was to place the Clergy Reserves in the hands of the Crown; they never did, and I do not believe they ever will recommend such a measure as this. If he had disputed any part of my remarks, and attempted to show wherein they were not correct, I would have listened to him with pleasure, but he did not do so. Instead of refuting my arguments, he has made use of this as of every other occasion to misrepresent and villify those who are in office under the Government. He has misrepresented what I said, and I will say more, that I never said one word on the bill for reinvesting these lands in the Crown. I made known my views in the proper place on that subject, but in this house I never opened my lips upon it That bill was passed, and if it had been entertained he would have been one of the first to oppose it, for I have often spoken with him and you, Mr. Speaker, on that subject. I mentioned, with more frankness than prudence, the opinions which I expressed upon that bill, in defending my character from one of his attacks, and they have been dishonorably taken hold of to my injury; but I trust there is honour in this House to discountenance such things. If I am driven to such discussions as this, I can't help it, for so long as he misrepresents me I will reply; and I am sure I will receive credit for my frankness in stating the opinions which I entertained, from every honorable mind, and from no class in his house more than from those who call themselves reformers. I never did oppose in this House any one act of His Majesty's Government; (hear, hear,) I have my own views as a man, and will state them if necessary, but have never been called upon to act upon that bill and as to stopping any measure elsewhere, I do not believe it will be credited. I have often recommended the passing of measures that I have felt it my duty to oppose in this house, out of respect to the wishes of the people, as expressed through their representatives; not that I mean to intimate that any thing I could say would have any effect upon the independence of another branch of the Government, for they are too honorable; but I [illegible] such attacks, and I will repel them whenever they are made upon me if they are utterly untrue.

M. MCLEAN.—The discussion of this question involves matters of so much interest to the public that I do not feel I should be discharging my duty as a representative, if I omitted to express the sentiments I entertain regarding them, however painful it may be to some hon members upon the floor of this house to hear me.—The impressions I entertain, however, are such as have weight with myself, whether they will have with other hon. members I cannot determine. In the first place I shall vote against the present measure, for it must be obvious to every hon. member, however anxious he may be for its adoption, that it can never pass the other branch of the Legislature. I would call to the recollection of hon. members the fate of similar bills on all former occasions. Mr Speaker, don't oppose the bill from any apprehension that it will be carried; I think it is idle in this house to waste its time even if I admitted they had the right to legislate at all but I have come to the conclusion that the Legislature of this Colony have no right to legislate upon it at all. The clause under which hon. gentlemen contend we have the right is the 41st. [Mr. McLean read he clause.] Now what is it that is subject to be varied or repealed? Is it the act under the authority of which the reservation was made? We have no right to legislate with respect to the reservation that has been made, but we may as to any after reservation in favor of Protestant clergy; to allot the Reserves to particular persuasions. We have the right to make laws respecting the present incumbents, but we have no right to interfere with the land which has been reserved under that act.—This is my opinion as a lawyer. Now if we have no authority, and it is desired to appropriate them to other purposes, what is the course we ought to pursue? Would we be most likely to effect our object by passing a bill of this kind or by addressing his Majesty? Is not the principle of passing this bill, while we are fully assured it will be rejected, one of the most outrageous character? I can never approve or sanction it. Were I a member of that church I should regard it as the grossest insult that could be offered me; and though I am not a member, I shall not be found to vote for an insulting and scandalous measure of this kind. Sir, whether the Church of Scotland was ever intended to be included, which I did formerly consider to be the case, nothing is more clear than that the Church of England was embraced in the act specifically, and I do say if the Government should assent to a bill of this kind, they will violate their faith to the Clergy of the Established church of this Province. This is my firm conviction. But they will never consent that it should be withdrawn from them; they must have the means of living, and if those means are established from resource which do not bear upon the people of the country, I do not think they have any right to complain. We are told it is much better to have each denomination to support its own ministers and religious teachers; I do not think so. When the attention of the clergyman is directed to obtaining the means of supporting himself and his family, it is not to be expected that he can fulfil his duty to his parishioners in that efficient manner which he ought; and if he drives his support directly from the community, does it not render him more subservient than is consistent with his duty as a minister of the gospel? Sir, the members of the Church of England are not the only persons who think a provison from the state for the maintenance of their clergy necessary I find that a member of the Wesleyan Methodist Church, the Rev. Mr. Alder, was examined before a committee of the House of Commons, and put in a claim for some provision in favor of that church. Sir, having seen that the Methodists have not been unwilling to receive assistance from the Government, is it to be wondered at that the church of England are not inclined to give up property to which they are undoubtedly fully entitled. But because they will not consent to surrender their rights, they must forsooth be branded as a sect of grasping individuals, and no term of reproach seems too bad to be applied to them. Now I would call the attention of the house to the prospect of this bill passing into a law, supposing every thing else to concur in its favor, while they are guarded by the whole ecclesiastical authority, and by extraordinary restrictions as respects the passage of any measures relating to them. No act on the subject shall be valid unless the two branches of the Legislature concur in addressing his Excellency in favor of the measure, and unless the bill shall afterwards await the consideration of the home Government by lying for thirty days on the table of the House of Commons, in order that his Majesty's Government should not be taken by surprise. But are we not morally certain that the object of this measure is different from any thing which is apparent upon the face of it? (*Mr. Perry*—No.) The hon'ble member says no, but if he were to declare it upon his honor, he would be declaring more than would be credited here. No. there is a different object in view; it will form the subject of a new grievance. I am anxious that the matter should be finally settled in a manner that would give satisfaction to the people of the Province generally. I am satisfied the proper course would be that they should be given back to his Majesty, that he may dispose of them as he thinks proper. Are hon. gentlemen afraid to trust his Majesty? or do they think we will still make provision for the church of England from them? If they think this, how can they suppose that he would assent to such a bill as this is? Hitherto I believe they have derived little or no benefit from these Reserves; and while we know that the Reformed House of Commons at home refused to interfere with the right of the church of England in respect of tithes, is it to be supposed that we would interfere in this Province, and place them in a worse situation than they were? Now although I am not in favor of this measure, I hope it will not be considered that I am hostile to education. I feel as anxious as any hon. gentleman that a proper system should be established, but I would provide also for religious instruction, this is a branch which ought not to be lost sight of, it is all-important [illegible] with the means which are intended, in all times to come, to relieve a portion of His Majesty's subjects in this respect. I for one, though not a member of that church, do not desire from envy or spleen to deprive them of the advantages they enjoy, and thinking as I do that we have no right to legislate upon them, I look upon this bill as not only useless but unwarrantable.

MR. RICHARDSON, would vote against the motion, and was surprised that it was made. If the hon. and learned Solicitor General could modify this bill so as to meet his views, he had a full opportunity of doing so when it was in committee. (Hear, hear.) The hon. and learned Solicitor General and the hon. and learned member for Cornwall, tell the house, that we have no right to legislate upon this subject, yet in the same breath they say that a bill like this has often passed this house and failed in the Legislative Council, and therefore there could be no hope that this would pass But he (Mr. R.) hoped that hon. Body was opened to conviction, and would not resist forever the wishes of that house and of the country on the subject. Instead of thinking with those hon. and learned gentlemen that they had no right to legislate upon the Clergy Reserves, it was his opinion that they were imperatively called upon to do so by the Royal Despatch on this subject. [The hon. and learned gentleman here read the Despatch, and the Bill introduced by the late Attorney General pursuant to it.] One clause of the bill which he had just read enacted, that the claims of a Protestant Clergy [not the Church of England] should be discharged, so that the claim of the Church of Scotland was recognized by the Attorney General in that Bill, and therefore the hon. and learned Solicitor General's construction of the Act was not the true one. As he said before, he trusted this bill would pass the Council, for the time was come when he hoped that both the hon. Legislative Council and the Executive Government would accede to the wishes of the country.

MR. ROBINSON was not opposed to making a more general appropriation of the Reserves for the benefit of all denominations in the Province, but would never consent to alienate them to any other purpose. He would be doing great injustice to his constituents if he would, for he believed that the members of the Church of England were more numerous than any other church in his county; and therefore he would never lend his voice to take away the provision made for their clergy. The hon. member opposite, [Mr. Richardson,] talked a good deal about his independence in that house, and he was willing to give him full credit for all the independence he claimed. On this occasion especially he had acted quite independent and regardless of the wishes of his constituents, who he believed, were mostly Episcopalians, in supporting this bill.

MR. RYKERT remarked, that this question had long been a source of dissatisfaction and jealousy among the different denominations in the country, and he believed that the country and that house were nearly unanimous in opinion concerning the best manner of settling it. So fully was he satisfied of the feelings of the country on the subject, that he was convinced if it was not settled by the Legislature the consequence would be most injurious both to the church and the government. He

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